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AGENDA

Agenda for the second session of the Bombay Legislative Council
commencing at the Council Hall, Poona, on Monday, the
7th July 1930, 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. ELECTION OF A REPRESENTATIVE OF THE BOMBAY LEGISLATIVE COUNCIL ON THE SENATE OF THE UNIVERSITY OF BOMBAY.
- V. ELECTION OF NON-OFFICIAL MEMBERS TO FILL UP THE VACANCIES IN THE PUBLIC ACCOUNTS COMMITTEE CAUSED BY THE RESIGNATIONS OF MESSRS. H. V. PATASKAR AND LALJI NARANJI AND RAO BAHADUR D. R. PATIL.
- VI. DEMANDS FOR SUPPLEMENTARY GRANTS.
- VII. GOVERNMENT BILLS.

(1) Bill No. VI of 1930 (A Bill further to amend the Coroner's Act, 1871, in its application to the Presidency Town of Bombay)—*Second Reading.*

Notices of amendments* have been received from—

- (1) Mr. G. F. S. Collins, I.C.S., M.L.C.
- (2) Rao Bahadur R. R. Kale, M.L.C.

(2) Bill No. IX of 1930 (A Bill to provide for and regulate the audit by Government auditors of local funds under the management or control of certain local bodies in the Bombay Presidency except the City of Bombay)—*Second Reading.*

Notices of amendments* have been received from—

- (1) Rao Bahadur S. T. Kambli, M.L.C.
- (2) Sardar S. B. Thorat, M.L.C.
- (3) Rao Bahadur R. R. Kale, M.L.C.

(3) Bill No. X of 1930 (A Bill further to amend the Bombay Prevention of Prostitution Act, 1923)—*Second Reading.*

†(4) Bill No. XIX of 1930 (A Bill further to amend the Opium Act, 1878, in its application to the Presidency of Bombay)—*First Reading.*

* Printed as Appendix to this Agenda.

† *Note.*—Intimation has been received that Government intend to take first, second and third readings of this Bill at this session.

(5) Bill No. XXI of 1930 (A Bill further to amend the Bombay University Act, 1928)—*First Reading*.

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

(6) Bill No. XXII† of 1930 (A Bill further to amend the Criminal Tribes Act, 1924, in its application to the Province of Sind)—*First Reading*.

(7) Bill No. XXIII of 1930 (A Bill further to amend the Aden Civil and Criminal Justice Act, 1864)—*First Reading*.

VIII. GOVERNMENT MOTION.

Motion by the Honourable Mr. G. B. Pradhan, B.A., LL.B., M.L.C.

“That the Report of the Committee on Public Accounts on the Appropriation Accounts of the Government of Bombay for the year 1928-29 and the Report of the Accountant General thereon be recorded.”

IX. NON-OFFICIAL BILLS.

(1) Bill No. XXVII of 1929 (A Bill further to amend the City of Bombay Municipal Act, 1888)—*Second Reading*—Mr. Hoosenally M. Rahimtoola, M.L.C.

Notices of amendments* have been received from Rao Bahadur S. K. Bole, M.L.C.

(2) Bill No. XXVIII of 1929 (A Bill further to amend the City of Bombay Municipal Act, 1888)—*Second Reading*—Mr. Hoosenally M. Rahimtoola, M.L.C.

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

(3) Bill No. XIX of 1928 (A Bill further to amend the Bombay City Municipalities Act, 1925)—*First Reading*—Khan Saheb Allahbakhsh Haji Mahomed Umar, M.L.C.

(4) Bill No. XXI of 1928 (A Bill further to amend the Bombay Land Revenue Code, 1879)—*First Reading*—Sardar G. N. Mujumdar, M.L.C.

(5) 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.

‡(6) 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.

§(7) Bill No. XXIX of 1929 (A Bill for the Prevention and Combating of Venereal Diseases)—*First Reading*—Mr. P. J. Marzban, M.L.C.

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

* Printed as Appendix to this Agenda.

† Note.—Intimation has been received that Government intend to take first, second and third readings of this Bill at this session.

‡ Mr. Syed Munawar intends to move three readings of this bill at this session.

§ Intimation has been received from Mr. Marzban that he does not wish to proceed with this bill.

X. NON-OFFICIAL MOTIONS.

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

This Council recommends to the Government of Bombay to urge upon His Majesty's Government the necessity and expediency of supplementing the Viceregal announcement of 31st October 1929 by another declaration to be made either through the Secretary of State for India or His Excellency the Viceroy, immediately after the publication of the Report of the Indian Statutory Commission, to the following effect:—

“His Majesty's Government will be pleased to submit to Parliament proposals for the establishment of full national responsible Government and Dominion Status, subject only to such reservations and qualifications as may be deemed essential to a transitional period,

Provided that certain conditions are fulfilled, *viz.*:—

(a) an agreed solution of the problem of the minorities is reached by the minority and the majority communities;

(b) the differences between the Muslim and non-Muslim communities as regards representation and other matters are adjusted; and

(c) an agreed national constitution is presented to His Majesty's Government at the Round Table Conference by the British Indian Delegation.”

Notices of amendments* have been received from—

(1) Rao Bahadur G. H. Desai, M.L.C.

(2) Rao Bahadur R. R. Kale, M.L.C.

Motion by the Thakor of Kerwada, M.L.C.

“This Council recommends to Government to move the authorities concerned to select four representatives from the landholders of this Presidency to represent their case at the Round Table Conference suggested by the Secretary of State for India.”

XI. DISCUSSION† OF MATTERS OF GENERAL PUBLIC INTEREST.

Resolution (by Mr. N. A. Bechar) adjourned at the last session.

“This Council recommends to Government to effect retrenchment in the Civil Estimates to the extent of two crores of rupees.”

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

1. “This Council recommends to Government to institute investigations by experts in meteorology, irrigation and agriculture into the recurrence of scarcity of rains due to the shifting of the rain zone in the province of Gujarat, and to suggest measures and means for combating the danger of the province of Gujarat being converted into a famine zone.”

* Printed as Appendix to this Agenda.

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

2. "This Council recommends to Government to institute enquiries into the complaints against the Broach City Electric Supply Company, and, if the working of the company is found defective, to cancel the licence of the said company."

3. "This Council recommends to Government to take immediate steps to improve agriculture in Gujarat by adopting such measures as Government may think proper in accordance with the advice of experts and the suggestions made by the Royal Commission on Agriculture."

4. "This Council recommends to Government to open an agricultural college in any of the zilla towns in the Northern Division."

5. "This Council recommends to His Excellency the Governor in Council to create an appointment of a Talukdari Settlement Officer in Gujarat."

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

1. "This Council recommends to Government to press on the Government of India the desirability and expediency of withdrawing forthwith the ordinance against picketing."

2. "This Council recommends to Government to appoint a committee partly consisting of elected members of the Legislative Council to investigate and report upon the following :—

(1) the measures and methods employed by the Government of Bombay in dealing with the movement of civil disobedience in various parts of the Presidency proper and Sind ;

(2) whether undue and unjustifiable force and severity were employed by the police or other executive officers in dealing with the Satyagrahis in various parts of the Presidency and Sind."

3. "This Council recommends to Government to appoint a committee partly consisting of elected members of the Legislative Council to investigate and report on the disturbances at Sholapur and on the events that led to the declaration of martial law in that city, and on the working of that law."

4. "This Council recommends to Government to associate with themselves an advisory committee of non-officials to advise them in dealing with the civil disobedience movement, and in adopting measures with a view to easing the present situation and restoring peaceful and normal relations between the Government and the people."

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

1. "This Council recommends to Government that all Government servants who are provided with uniforms by Government should in future be given only Khaddar uniforms."

2. "This Council recommends to Government to order all public servants to wear while on duty clothes made out of Indian-made cloth only."

3. "This Council recommends to Government to request the Governor General of India in Council to abolish the salt tax and the Salt Act immediately."

Resolutions by Dr. R. T. Nariman, M.L.C.

1. "This Council recommends to the Government of Bombay, in view of the great necessity for restoring peace in the country, and to avert a political deadlock and to create a favourable atmosphere for the Round Table Conference, to release Mahatma Gandhi without delay."
2. "This Council recommends to the Government of Bombay to urge upon the Government of India to open negotiations with Mahatma Gandhi as the accredited leader of India for the attainment of India's freedom."

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

1. "This Council recommends to Government to set Mahatma Gandhi at liberty immediately."
2. "This Council recommends to Government to release all political prisoners who have been sent to jails for practising civil disobedience not involving acts of violence."
3. "This Council recommends to Government to remove the ban which it has placed by its Notification No. 835-Poll. of 20th March 1930 to the exhibition of the three films referring to Mahatma Gandhi's march."
4. "This Council recommends to Government that the scale of pay of the karkuns and maistries employed for outdoor work by the Public Works Department in the Thana and Kolaba districts be revised and the privileges given to the permanent staff be extended to them."
5. "This Council recommends to Government that the annual grants given to the Parvati and Kala Ram temples of Poona and Nasik respectively be withheld till such time as the ban placed on the depressed classes as regards their entry is removed."

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

1. "This Council recommends to Government to open experimental farms at Malegaon and Nasik in the Nasik District on the plots already acquired by them for the said purpose."
2. "This Council recommends to Government to appoint a Land Development Officer in the North Central Division (Agricultural Department) for bunding and development of land."
3. "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."
4. "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 rate of interest."
5. "This Council recommends to Government to grant freely licenses for guns to cultivators in every village in the presidency for protection of crops against wild animals."
6. "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."

7. "This Council recommends to Government to appoint a special officer to investigate the question of using the waste lands in the Deccan and to make recommendations for giving facilities to agriculturists to take up the lands on favourable terms."

8. "This Council recommends to Government to appoint a committee of officials and non-official members of the Council with power to co-opt experts in agriculture, to suggest means by which agriculture can be developed and be brought in line with other advanced countries."

9. "This Council recommends to Government to re-introduce immediately the scheme of medical inspection of school-going students periodically by specially appointed qualified medical officers which existed in 1921 and was abolished in 1922 as a measure of retrenchment."

10. "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, 1928."

11. "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."

12. "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."

13. "This Council recommends to Government to urge upon the Railway Board the desirability of taking early steps to start the construction of a railway line from Manmad to Malegaon in Nasik District."

14. "This Council recommends to Government that no talati be kept in service at one place for more than three years."

15. "This Council recommends to Government to establish at least one combined Ayurvedic and Unani Medical College like the one in Madras for the Bombay Presidency at some suitable centre."

16. "This Council recommends to Government that steps be taken to have at least one fast train running on the Dhond-Manmad section of the G. I. P. Railway."

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

18. "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."

19. "This Council recommends to Government to introduce legislation immediately for monthly or six-monthly inspection of all the male teaching staff in all the Government, Government aided, municipal and private schools in all the important cities of the Presidency."

20. "This Council recommends to Government that all written questions asked by the 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."

21. "This Council recommends to Government to recommend to the Government of India to exempt all the members of the Bombay Legislative Council from the operation of the Arms Act."

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

23. "This Council recommends to Government to remove the present restrictions on admission in High Schools and to permit the admission of all applicants even though such admissions involve the opening of more classes."

24. "This Council recommends to Government to hand back the Gujarat College, at Ahmedabad, to the citizens of Ahmedabad."

25. "This Council recommends to Government that the fee for the several kinds of forest produce, including grazing fees, which have been recently increased, be brought to their original level."

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

27. "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."

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

29. "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."

30. "This Council recommends to Government to maintain a separate Department of Labour as before and that the said Department be separated from the Department of Information Bureau."

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

32. " 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."

33. " 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."

34. " This Council recommends to Government that the dates of revenue payments in the various talukas of the presidency be shifted forward by one month."

35. " This Council recommends to Government that the day of general elections be declared a public holiday for labourers working in all the factories regulated by the Factory Act."

36. " 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."

37. " 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."

38. " 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."

39. " 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."

40. " 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."

41. " 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."

42. " This Council recommends to Government that they should supply the report of every committee appointed in virtue of a resolution of the Legislative Council and the Government Resolutions thereon to all the Members of the Legislative Council."

43. " This Council recommends to Government 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."

44. " 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."

45. " 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."

46. " This Council recommends to Government that they be pleased to revise substantially the present scales of pay of the sub-registrars and registration clerks so as to bring them on 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."

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

48. " This Council recommends to Government to introduce a system of uniform weights and measures throughout the Bombay presidency."

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

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

51. " 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 offices and other establishments in the presidency which are under the Central Government."

52. " 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."

53. " 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."

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

55. " 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."

56. " This Council recommends to Government that a grant equal to two-thirds of the expenditure incurred on account of rent, establishment and other charges for the maintenance of hostels for boys of the backward and depressed classes receiving primary education whether started

by associations, institutions or individuals, be awarded as an incentive to start new institutions for the uplift of the masses."

57. "This Council recommends to Government that Assistant Secretaries in the various departments of the Secretariat and chitnis 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."

58. "This Council recommends to Government that a committee of officials and non-officials (with a majority of non-official members) be appointed to consider the difficulties experienced by local authorities in the working of the Primary Education Act of 1923 and the rules framed thereunder and to suggest remedies for their removal by amending the Act and the rules where necessary."

59. "This Council recommends to Government that 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 as recommended by the Local Self-Government Institute."

60. "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."

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

62. "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."

63. "This Council recommends to Government that they should declare the policy of State recognition and State encouragement to the Indian systems of medicine and appoint a committee to enquire and report what steps should be taken to put such a policy into practice."

64. "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."

65. "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."

66. "This Council recommends to Government to appoint not later than three weeks from the date of the adoption of this resolution by the Council a committee of seven elected members of this Council, with the Honourable the Minister of Agriculture as Chairman, in addition, to consider the recommendations of the Agricultural Commission with special reference to those which are provincial in their character, and to draw up within six months from the date of appointment a programme, to be carried out during the next ten years, for the improvement of agriculture and the promotion of the welfare and prosperity of the rural population, the programme on being approved of by Government to be submitted to this Council for sanction and adoption."

67. "This Council recommends to Government that immediate provision be made to carry out the resolution of the Council regarding the salaries of primary teachers, which was passed by the Honourable House on 5th August 1926 without a division."

68. "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."

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

70. "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."

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

72. "This Council recommends to Government that within two months of the close of every session they 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."

73. "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 Dharamada 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."

74. "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 about the possibilities of creating and developing industries from the forest produce of this presidency."

75. "This Council recommends to Government to appoint a committee of officials and non-officials with a non-official majority to inquire into the economic condition of the agriculturists of the Deccan and to suggest measures to release them from tyranny of money-lenders."

76. "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 Nasik in the Central Division 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 and small, to make cultivation of such crops possible and profitable."

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

78. "This Council recommends to Government that revenue officers should exercise no powers under laws relating to crimes."

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

80. "This Council recommends to Government to make a substantial increase in the remuneration paid to police patils."

81. "This Council recommends to Government to construct a bridge or at least a causeway over the Girna river on the Chalisgaon-Dhulia road."

82. "This Council recommends to Government that they should draft a short code of emergency instructions for the guidance of their subordinate officers of all departments in the districts and talukas and of the local boards authorising them to take immediate measures for saving life and property and for help to the distressed people at the time of unforeseen calamities, the rules under the code being made by a small committee, appointed by Government, in consultation with local officers, local boards and public bodies."

83. "This Council recommends to Government to allocate all sums of revenues realised in excess under major heads of Budget V, VI, VII, VIII, IX and IXA after 1921-22 for votable expenditure under the various heads relating to transferred subjects."

84. "This Council recommends to Government that the boundary marks put up should be of earthen mounds as has been the practice so long instead of stones as is being done now."

85. "This Council recommends to Government to take immediate steps to enforce total prohibition as an experimental measure in selected districts in the province of Bombay."

86. "This Council recommends to the Governor in Council to take early measures to improve the existing arrangements for the drainage of canal water in Deccan."

87. "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 sugar-cane in the whole Bombay Presidency."

88. "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."

89. "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'."

90. "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."

91. "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."

92. "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 first of March 1931."

93. "This Council recommends to Government that a Provident Fund system be introduced in place of the permanent pension system, for all Government servants in subordinate services including clerical and other inferior services."

94. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the causes that have led to cessation of work of the Excise Advisory Committees in Bombay City and to suggest measures for their immediate revival."

95. "This Council recommends to Government to separate the Labour Office from the Public Information Bureau."

96. "This Council recommends to Government to create a post of Commissioner of Labour and Protector of Untouchable classes in the Bombay Presidency providing him with a staff selected from amongst the educated untouchable young men."

97. "This Council recommends to Government that liquor shops in the mill areas and localities inhabited by working class population in Bombay City be kept open up to 6 p.m. daily on the pay day and two succeeding days every month."

98. "This Council recommends to Government that a committee presided over by a judicial officer not inferior in rank to that of a permanent district judge be appointed to re-investigate and review in terms of the Land Revenue Code, all the revision settlements of Land Revenue made in the different talukas of this Presidency during the last 15 years that every facility and access to Government records be given to the agriculturists and their representatives to present their case before such a committee and that the reports and decisions of these enquiries be placed on the table of the Council 2 months before any final orders of the Government are passed thereon."

99. "This Council recommends to Government that a committee of official and non-official members elected by the Council be appointed to draft a Land Revenue Bill repealing the existing Land Revenue Code and providing for a just and equitable land tax and just and fair land revenue administration consistent with the existing economic and social condition of the holders of land."

100. "This Council recommends to Government to open a secondary school for girls in the city of Nasik at an early date."

101. "This Council recommends to Government to establish at Malegaon a normal school for Muslim girls on the lines of that of Poona for the training of school mistresses."

102. "This Council recommends to Government to appoint an expert committee to enquire into irrigation possibilities in the Presidency from rivers and wells and to frame a programme of work in the subject providing particularly for the organisation of power lift irrigation from wells."

103. "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."

104. "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 as grant-in-aid their share in the expenditure."

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

1. "This Council recommends to Government to grant amnesty to all political prisoners."

2. "This Council recommends to Government to allow the use of 'gairans' or pasture lands, free of charge to all villages."

3. "This Council recommends to Government to comply immediately with the demands and recommendations of the people and popular representatives as mentioned in the Forest Inquiry Committee's Report."

4. "This Council recommends to Government to appoint a committee of non-official members to inquire into the grievances of the non-violent volunteers who picketed liquor shops and foreign cloth shops and raided salt depôts at Dharasna, Wadala and Bombay."

5. "This Council recommends to Government to appoint a committee consisting of non-official members to enquire into and report on the firing and arrests by the police as well as the outrages that took place at Sholapur since 8th May 1930."

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

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

8. "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."

9. "This Council recommends to the Governor in Council that village patils should be given an annual income from Government of at least Rs. 300 either in cash or in land or partly in cash and partly in land."

10. "This Council recommends to the Governor in Council that orders be passed to restore the kulkarni vatan system as it existed before the commutation of kulkarni vatan."

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

12. "This Council recommends to the Governor in Council that the photo-copying system introduced recently in the registration department of this presidency be abolished forthwith and the old system restored."

13. "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."

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

15. "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 interests."

16. "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."

17. "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."

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

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

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

21. "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."

22. "This Council recommends to Government that the scheme of primary teacher's pay as recommended by Sathe-Paranjpye 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."

23. "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."

24. "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 wings of the said institute and such parts of the reserve funds of the institute which are now with Government as may be necessary."

25. "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."

26. "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."

27. "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 result of such inquiry be published and placed on the table of this Council."

28. "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."

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

30. "This Council recommends to Government that no revision settlement should be allowed to be operative which is introduced before the whole question of the assessment of revenue is brought under the 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 Rao Bahadur R. S. Asavale, M.L.C.

1. "This Council recommends to Government that they be pleased to revise substantially the present scales of pay of Government peons and menials working in the Secretariat and all other Government offices in the city of Bombay."

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

3. "This Council recommends to Government that the Development Department chawls at Delisle Road and Naigam in the City of Bombay be let out to the textile and other factory workers of the City of Bombay at rents which they could fetch at present."

4. "This Council recommends to Government to move 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 Rao Bahadur S. K. Bole, M.L.C.

1. "This Council recommends to Government to appoint representatives of the backward and depressed classes on the boards of trustees of temples that have received land grants and are receiving money grants from Government."

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

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

4. "This Council recommends to Government to appoint a committee to enquire into the delays of law and the costliness of justice in the City of Bombay and to submit proposals for improving the conditions."

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

1. "This Council recommends to Government to appoint a committee of three members presided over by a High Court Judge, the remaining two members being non-officials, to make a thorough and independent inquiry into and to report on :—

(a) the origin and the causes of the recent happenings in the city of Sholapur since the 6th May 1930 ;

(b) the extent of loss of or injury to life and property caused thereby ;

(c) the steps taken by Government to deal with the situation ; and

(d) any other matter germane to the above and that pending such inquiry, to direct that no death sentences be executed."

2. "This Council recommends to His Excellency the Governor in Council to press on the attention of the Government of India and His Majesty's Government the opinion of this Council that in the future constitution of India, the Presidency of Bombay be divided into four separate, independent and autonomous administrative units, viz., Sind, Gujaraht, Maharashtra and Karnatak, each possessing all legislative, executive, judicial and administrative powers with a Chief Commissioner at its head."

3. "This Council recommends to Government that, in addition to the High Court and the Small Cause Court, a City Civil Court on the lines of the one at Madras or at Calcutta be established as early as possible for the Town and Island of Bombay for the trial of all suits and

proceedings of a civil nature not exceeding in amount or value, the sum of Rs. 10,000, except suits and proceedings which are cognizable:—

(a) by the High Court as a Court of Admiralty or of Vice-Admiralty or as a court having matrimonial or insolvency jurisdiction; and

(b) by the Presidency Court of Small Causes;

and that the conduct of all suits and proceedings in such City Civil Court and appeals from its decisions to the High Court be governed by the provisions of the Code of Civil Procedure.”

Resolutions by Syed Miran Muhammad Shah, M.L.C.

1. “This Council recommends to Government to re-introduce Persian in the course of the Teachers Training College, Hyderabad (Sind), in accordance with the resolution passed at the meeting of the Third Sind School Board’s Association held at Karachi on the 19th and 20th April 1930.”

2. “This Council recommends to Government to provide special facilities for the expansion of female education in Sind as suggested by the Third Sind School Board’s Association at its meeting held at Karachi on the 19th and 20th of April 1930.”

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

1. “This Council recommends to Government to give immediate effect to the unanimous recommendations of the majority report of the Forest Grievances Enquiry Committee of 1925.”

2. “This Council recommends to Government to concede the right to teak trees on *malki varkas* lands to the owners of such lands in the Thana District.”

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

1. “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.”

2. “This Council recommends to Government that the liquor shops in mill areas in Bombay city be not kept open after 6 p.m. on the mill-hands’ pay-day and the two following days every month.”

3. “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.”

4. “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.”

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

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

7. "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."

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 be let out to the textile 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 wide 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 be appointed at an early date to enquire into the administration of jails in the Bombay Presidency and to suggest ways and means for introducing jail reform on the lines pursued in the West and in America."

14. "This Council recommends to Government to make an enquiry 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 Unani and Ayurvedic 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."

XII. PAPERS* PRESENTED TO THE COUNCIL.

(1) Report of the Select Committee on Bill No. VI of 1930 (A Bill further to amend the Coroner's Act, 1871, in its application to the Presidency town of Bombay).

(2) Report of the Select Committee on Bill No. IX of 1930 (A Bill to provide for and regulate the audit by Government auditors of local funds under the management or control of certain local bodies in the Bombay Presidency except the City of Bombay).

(3) Report of the Select Committee on Bill No. X of 1930 (A Bill further to amend the Bombay Prevention of Prostitution Act, 1923).

(4) Reports of the Select Committee on Bills Nos. XXVII and XXVIII of 1929 (Bills further to amend the City of Bombay Municipal Act, 1888).

(5) Election rules of certain municipalities named below, placed on the Council Table as required by section 221 of the Bombay City Municipalities Act, 1925:—

(i) Revised Rule No. 2 of the Election Rules of the Bandra Municipality as sanctioned by Government Resolution No. S-91 (30), dated the 12th February 1930.

(ii) Revised election rule No. 18 (2) of the Lonavla Municipality.

(iii) Revised election rule No. 18 (2) of the Amalner Municipality.

(iv) Amended note at the end of Appendix "A" to the election rules of the Sholapur Municipality.

(v) Revised election rule No. 18 (2) of the Bhusaval Municipality.

(vi) Revised election rule No. 16 (2) of the Nasik Municipality.

* Kept in the Secretary's office.

(6) A copy of Government Notification in the Home Department No. 3917/2, dated the 31st March 1930, regarding the continuance of the additional police at Nagavi in the Gadag Taluka of the Dharwar District.

(7) Resolution of Government in the Revenue Department, No. L.C.-4190, dated the 3rd April 1930, regarding the appointment of a committee to report on the administration of Mussalman Wakfs in the City of Bombay.

(8) Revised statement of the total fees paid to both the Public Prosecutor and the Assistant Public Prosecutor in the criminal cases against Mr. Wahid Baksh Bhutto.

(9) Copies of Government Notifications in the Home Department Nos. 6842/2 dated the 17th March and 1st July 1930 regarding the employment of additional police at Sangamner in the Ahmednagar District.

(Placed on the Council Table as required by proviso to sub-section (2) of section 25 of the Bombay District Police Act, 1890).

J. R. DHURANDHAR,

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

Poona, 7th July 1930.

APPENDIX TO THE AGENDA.

AMENDMENTS TO BILLS.

Bill No. VI of 1930 (A Bill further to amend the Coroner's Act, 1871, in its application to the Presidency town of Bombay) as amended by the Select Committee.

Clause.	Amendment.	Mover.
Clause 2	In clause 2 of Bill No. VI of 1930, as amended by the Select Committee, the words and figures "subject to the provisions of section 14" occurring in sub-section (5) of section 9 shall be deleted.	Mr. G. F. S. Collins.
Clause 2	In clause 2 of Bill No. VI of 1930, as amended by the Select Committee— (a) Omit from section 19, clause 2, all the words beginning with "After duly warning" and ending with "1898".	Rao Bahadur R. R. Kale.
Clause 2	(b) Add at the end of clause 3, section 19, the following :— "Such statement shall, if incriminating, not be used as evidence against the person making it in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1908, unless it is recorded in the manner and with the safeguards laid down for recording a confession in the provisions of the Criminal Procedure Code of 1908."	Rao Bahadur R. R. Kale.
Clause 2	(c) Delete section 20, clauses 1, 2 and 3 and substitute therefor the following :— "The Coroner shall take down in writing the evidence of each witness in the manner provided for in section 356 of the Code of Criminal Procedure."	Rao Bahadur R. R. Kale.

AMENDMENTS TO BILLS.

Bill No. IX of 1930 (A Bill to provide for and regulate the audit by Government Auditors of the Local Funds under the management or control of certain Local Bodies in the Bombay Presidency, except the City of Bombay) as amended by the Select Committee.

Clause.	Amendment.	Mover.
Clause 4	In clause 4, line 1, between the words "Authority" and "Whose", insert the following words :— "Whether kept in English or Vernacular of the district."	Rao Bahadur R. R. Kale.
Clause 5	In clause 5, line 5, between the words "Fund" and "in the manner", insert the following words :— "Whether kept in English or the Vernacular of the district."	Rao Bahadur R. R. Kale.
Clause 6	In clause (6) (1) (a), add the words "the Chief Executive Officer of the local authority" after the word "require" in line 1 of that sub-clause of clause (6).	Sardar S. B. Thorat.
Clause 9	Delete sub-clause (b) of clause 9	Rao Bahadur S. T. Kambli.
Clause 9	Delete the words "gross negligence" in sub-clause (b) of clause 9.	Rao Bahadur S. T. Kambli.
Clause 9	Delete the words "or misconduct" in sub-clause (b) of clause 9.	Rao Bahadur S. T. Kambli.
Clause 9	Add the words "by or in not carrying out the legal and valid resolutions of the public body" after the word "negligence" in sub-clause (b) of clause 9.	Rao Bahadur S. T. Kambli.
Clause 11	Delete the figure 1930 occurring in the proviso to sub-clause 1 of clause 11 and substitute instead the following :— "next following the date of assent of His Excellency to this bill".	Rao Bahadur S. T. Kambli.

AMENDMENTS TO BILLS.

Bill No. XXI of 1930 (A Bill further to amend the Bombay University Act, 1928).

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

1. Delete the proposed clause 2 (a) and (b) and substitute the following therefor :—

In Part A under Heading II-Ordinary in sub-section 1 of section 13, clause 1, the words "Including at least one Principal of a college in each Group" shall be deleted and, at the end of entry (1) (a), the following proviso shall be inserted, *viz.*,

"Provided that each Group shall be represented by at least one Principal of a college in such Group as hereinafter defined."

2. Delete the words in section 48 "Any authority" and substitute therefor "The Senate" and add a proviso at the end of section 48 "Provided that the Elections to the Senate by the Electorate of Principals of Colleges mentioned in section 13, II-Ordinary-A, sub-section 1, and any other authority of the University may be held in such manner as may be determined by the Statutes to be framed under section 33 of the Act."

3. For sub-clause (c) of the Bill, the proviso 2 should be deleted and replaced as follows :—

"Provided that the Fellows representing the constituencies mentioned in clause IV (a) and clause VII shall hold office for the duration of the Body electing them and thereafter up to the date on which New Fellows are elected by the next Body."

4. Delete clause 4 of the Bill.

5. Delete clause 6 of the Bill and substitute therefor the following :—

"Four members elected by the members of the Academic Council, provided that one of them shall be a University Professor."

6. Delete section 45.

AMENDMENTS TO BILLS.

Bill No. XXVII of 1929 (A Bill further to amend the City of Bombay Municipal Act, 1888) as amended by the Select Committee.

Clause	Amendment	Mover
Clause 2	Add after the word "aforesaid" in clause (4) (c) "out of whom at least one member shall be from the Backward Class Councillors, one from the Depressed Class Councillors and one from the Muhammadan Councillors".	Rao Bahadur S. K. Bole.
Clause 2	Add the following sub-clauses to clause (4) (c) :— " (1) Any person who is directly or indirectly interested in any landed property in which any municipal school or office is situated shall not be eligible to be a member of the Schools Committee." " (2) Any person who is directly or indirectly interested in any institution or school which receives any donation or grant-in-aid from the Schools Committee or the Corporation shall not be eligible to be a member of the Schools Committee." " (3) 'Interest' in the foregoing clauses means financial gain in any form whatsoever."	Rao Bahadur S. K. Bole.
Clause 2	Add in clause 2, sub-clause 5 (g), after the word "meeting" at the end, "copy of such minutes shall be supplied to each member of the Corporation".	Rao Bahadur S. K. Bole.

AMENDMENTS TO BILLS.

Bill No. XXVIII of 1929 (A Bill further to amend the City of Bombay Municipal Act, 1888) as amended by the Select Committee.

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

1. In clause 3 of the Bill No. XXVIII of 1929 as amended by the Select Committee, add after the provisos to section 66A, a new proviso No. VI as follows :—

“(VI) Which cannot be answered without detriment to the interests of the Corporation or which asks for information that has been communicated to any authority of the Corporation in confidence.”

2. Omit sub-section 4 of the new section 66A in clause 3.

AMENDMENTS TO MOTIONS.

Amendments proposed to be moved to Mr. R. G. Pradhan's motion :—

By Rao Bahadur Govindbhai H. Desai, M.L.C.

1. Delete the words “immediately after the publication of the Report of the Statutory Commission”.

2. Delete the whole proviso beginning with the words “provided that certain conditions are fulfilled, viz.” and ending with the words “Round Table Conference by British Indian Delegation”.

3. And in place of the above substitute the words “with regard to (1) the Army, (2) Foreign relations and (3) the Indian States”.

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

1. Omit the words beginning with “Immediately after” and ending with “Commission”.

2. Omit the proviso.

Monday, the 7th July 1930.

The Council met at the Council Hall, Poona, on Monday, the 7th July 1930, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
 ABERCROMBIE, Mr. J. R.
 AHMAD, the Honourable MOULVI RAFIUDDIN
 AMBEDKAR, Dr. B. R.
 ASAVALE, Rao Bahadur R. S.
 BECKETT, Mr. R. H.
 BELL, Mr. R. D.
 BHATT, Mr. RAMCHANDRA M.
 BHUTTO, Sir SHAH NAWAZ
 BOLE, Rao Bahadur S. K.
 BRANDER, Mr. J. P.
 CHAHEWALA, Khan Bahadur H. P.
 COLLINS, Mr. G. F. S.
 CONTRACTOR, Khan Saheb M. F.
 DABHOLKAR, Sir VASANTRAO.
 DESAI, Rao Bahadur GOVINDBHAI H.
 DESAI, the Honourable Dewan Bahadur HARILAL D.
 EWBANK, Mr. R. B.
 FREKE, Mr. C. G.
 GARRETT, Mr. J. H.
 GHOSAL, the Honourable Mr. J.
 GHULAM HUSSAIN, the Honourable Sir
 GREEN, Mr. S. A. C.
 GUNJAL, Mr. N. R.
 HABBU, Mr. A. G.
 HAJI MIR MAHOMED BALOCH, Mr.
 HARRISON, Mr. C. S. C.
 HOTSON, the Honourable Sir ERNEST
 HUDSON, Sir LESLIE
 HUMPHREY, Mr. JOHN
 JADHAV, the Honourable Mr. B. V.
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. Y. M.
 KAMBLI, Rao Bahadur S. T.
 KARBHARI, Mr. M. M.
 KOLHATKAR, Mr. H. V.
 LANE, Mr. C. M.
 MACKIE, Mr. A. W. W.
 MANSURI, Khan Saheb A. M.
 MARZBAN, Mr. P. J.
 MODI, Sardar Davar T. K.

MORAES, Mr. A. X.
 MUJUMDAR, Sardar G. N.
 NANAVATI, Mr. D. D.
 NARIMAN, Dr. R. T.
 NAVLE, Mr. N, E.
 OLIVEIRA, Mr. F.
 OWEN, Mr. A. C.
 PATANKAR, Sardar B. N.
 PATHAN, Mr. A. F. I.
 PATIL, Mr. R. L.
 PAWAR, Mr. G. B.
 PRADHAN, the Honourable Mr. G. B.
 PRADHAN, Mr. R. G.
 RANJITBHAI KALABHAI, Rao Bahadur
 SAKARLAL BALABHAI, Mr.
 SALGAR, Mr. R. G.
 SHAH, Mr. MOHANLAL H.
 SHAH, Mr. P. G.
 SHAIKH ABDUL AZIZ, Mr.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MUNAWAR, Mr.
 TALEYARKHAN, Mr. P. J.
 THAKOR OF KERWADA, the
 THAKURSING LALSING, Mr.
 VAKIL, Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WALLACE, Mr. D. J. C.
 WASIF, Khan Saheb G. A. D.
 WILES, Mr. G.

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. J. GHOSAL, C.S.I., C.I.E., I.C.S.
 Mr. MANCHERSHA M. KARBHARI.
 Mr. J. R. ABERCROMBIE.
 Mr. R. G. SALGAR.
 Sardar BHIMRAO NAGOJIRAO PATANKAR.
 Mr. RAMDAS LAHANU PATIL.
 Mr. GOVIND BABAJI PAWAR.
 Mr. ANANT GANAP HABBU.
 Mr. YESHWANT MAHADEO KAMAT.
 Khan Saheb MANEKJI FARDUNJI CONTRACTOR.
 Mr. SAKARLAL BALABHAI.
 Mr. THAKURSING LALSING.

Mr. A. W. W. MACKIE, I.C.S.
 Mr. J. H. GARRETT, I.C.S.
 Mr. A. X. MORAES.
 Mr. D. D. NANAVATI, I.C.S.
 Mr. C. S. C. HARRISON, C.I.E.
 Mr. S. A. C. GREEN, I.C.S.
 Mr. R. H. BECKETT, C.I.E., I.E.S.
 Mr. D. J. C. WALLACE.
 Mr. P. J. TALEYARKHAN.
 Sardar DAVAR TEMURAS KAVASJI MODI.
 Rao Bahadur RANJITBHAI KALABHAI.
 Khan Bahadur HORMASJI PESTONJI CHAHEWALA.
 Mr. P. G. SHAH.
 Mr. M. H. SHAH.

The Honourable the PRESIDENT: Order, order. I have now to nominate a panel of four Chairmen, and I nominate the following honourable members:—

1. Sir Shah Nawaz Khan Bhutto,
2. Mr. J. B. Petit,
3. Mr. J. P. Thornber,
4. Rao Bahadur G. H. Desai.

I have now to announce the Governor-General's assent to Acts. The following Acts have received his assent:—

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

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

(3) An Act further to amend the City Municipalities Act, 1925.

(4) An Act further to amend the Bombay District Municipal Act, 1901; the Bombay Local Boards Act, 1923, and the Bombay City Municipalities Act, 1925.

(5) An Act further to amend the Bombay Port Trust Act, 1879.

(6) An Act further to amend the Provincial Small Cause Courts Act, 1887, in its application to the Presidency of Bombay.

(7) An Act further to amend the Bombay Civil Courts Act, 1869 and to amend the Sind Courts Act, 1926.

(8) An Act to provide for the exercise of jurisdiction under the Indian Divorce Act, 1869, by certain courts in Sind.

(9) An Act further to amend the Bombay City Municipalities Act, 1925.

(10) An Act further to amend the City of Bombay Municipal Act, 1888.

(11) An Act further to amend the Bombay Hereditary Offices Act, known as Watan Act, being the Bombay Act No. III of 1874.

Now, we shall take up Questions and Answers.

STATIONERY OFFICE : ASSISTANT SUPERINTENDENT.

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

(a) what are the duties of the Assistant Superintendent of Stationery ;

(b) whether the establishment of the Assistant Superintendent consists of 25 clerks and 20 menials ;

(c) what are the qualifications of the present incumbent of the post ;

(d) whether there are two head clerks, one store-keeper and other posts carrying duty allowance in his office ?

The Honourable Sir GHULAM HUSSAIN : (a) The post referred to by the Honourable Member is of the Assistant Superintendent of Government Printing and Stationery and not of the Assistant Superintendent of Stationery only. The duties of the officer are :—

(1) To open and go through the daily post and issue instructions regarding its disposal.

(2) To scrutinize demands of (a) Printing work, (b) Paper, (c) Stationery Articles, (d) Drawing Articles and (e) Clothing to peons and their liveries.

(3) To go through all draft replies and sign letters of routine nature.

(4) To keep close watch on receipts and issues.

(5) To keep close watch on receipts and payments of money.

(6) To check all details of contracts.

(7) To check private Press bills.

(8) To help the Superintendent, Government Printing and Stationery, in important matters.

(9) General supervision.

(b) The establishment referred to is of the Superintendent, Government Printing and Stationery, and not of the Assistant Superintendent. It consists of 25 clerks and 29 menials.

(c) The present incumbent possesses sound practical knowledge of printing paper and stationery. He received his training in the Printing and Stationery Department of this Government and by his expert knowledge and application has qualified for the post he is now holding.

(d) Yes.

Rao Bahadur S. K. BOLE : Will not the two head clerks be able to do this work ?

The Honourable Sir GHULAM HUSSAIN : No.

Rao Bahadur S. K. BOLE : Will the Honourable Member try to see whether the head clerks will be able to do this work ?

The Honourable Sir GHULAM HUSSAIN : If the honourable member reads my reply to (c), he will see that the head clerks cannot do that work.

Rao Bahadur R. S. ASAVALE : If the reply to (a) (2) includes the scrutinizing of the demands of printing work, paper, stationery articles,

drawing articles and clothing to peons and their liveries and the reply to (a) (3) includes going through all draft replies and signing of letters of a routine nature, what remains for the head clerks to do?

The Honourable Sir GHULAM HUSSAIN: If the honourable member cannot distinguish between work of a routine nature and work of an important nature, I am sorry.

Mr. SYED MUNAWAR: If all the duties enumerated in the answer to part (a) of the question are performed by the Assistant Superintendent, what remains for the Superintendent, Government Printing and Stationery?

The Honourable Sir GHULAM HUSSAIN: The rest of the work is done by him.

Mr. SYED MUNAWAR: What is the rest of the work?

The Honourable Sir GHULAM HUSSAIN: I will show the honourable member what the rest of the work is if he accompanies me some day to the Government Printing Press.

Mr. SYED MUNAWAR: Many thanks for the answer, Sir; I shall abide by the Honourable the General Member's suggestion.

Rao Saheb R. V. VANDEKAR: Is there any training school attached to the Government Central Press where such officers are being trained?

The Honourable Sir GHULAM HUSSAIN: No, but apprentices are trained there.

Rao Bahadur R. S. ASAVALE: In No. (8) it is stated "To help the Superintendent, Government Printing and Stationery, in important matters". What are the important matters other than those mentioned in Nos. (1) to (7)?

The Honourable Sir GHULAM HUSSAIN: If the honourable member gives me notice, I will give him detailed information.

GRANT MEDICAL COLLEGE: PROFESSOR OF APPLIED PHYSICS.

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

(a) whether there is a post of Professor of Applied Physics in the Grant Medical College;

(b) how many lectures the Professor generally gives in a year;

(c) what salary is paid to him per month;

(d) what are the qualifications of the present occupant of the post?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Yes.

(b) 48 on an average.

(c) Rs. 500 per mensem in the scale of Rs. 300—50—500.

(d) B.A., L.M. & S. (Bom.).

Mr. A. N. SURVE: Has the Honourable Minister taken a note that a professor with the qualifications of B.A., L.M. & S. is receiving Rs. 125 per lecture?

The Honourable MOULVI RAFIUDDIN AHMAD: Yes, a note is duly taken.

Rao Bahadur R. S. ASVALE: Will the Honourable Minister please say as to what is Applied Physics?

The Honourable the PRESIDENT: The question is too broad.

Rao Bahadur R. S. ASVALE: It is not. Will the Honourable Minister state whether Applied Physics has been taught in any medical college anywhere in the whole world?

The Honourable MOULVI RAFIUDDIN AHMAD: I am not aware of the whole world.

Rao Bahadur S. K. BOLE: Will not the Government be able to secure the services of an honorary medical man for this post?

The Honourable MOULVI RAFIUDDIN AHMAD: I will refer the matter to the Surgeon General.

WATER SUPPLY: KAIRA DISTRICT.

Rao Bahadur G. H. DESAI (Kaira District): Will Government be pleased to state—

(a) what steps they have taken in the past to alleviate the scarcity of potable water in the rural areas of the Kaira District;

(b) how much has been spent in the district during the last five years for affording water supply;

(c) what they propose to do next year in regard to this?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) New wells have been constructed; boring experiments with three boring machines have been made by the Taluka and District Local Boards; Kundis have been constructed and Kathwas have been sunk.

(b) The amounts spent are as shown below:—

Year	Rs.
1924-25	53,819
1925-26	89,016
1926-27	87,286
1927-28	60,160
1928-29	35,627

(c) Government propose to give a grant during the year 1930-31 as in past years to the District Local Board, Kaira, to enable it to carry on its programme of measures for the improvement of Village Water Supply. The District Local Board have asked for Rs. 38,338.

Rao Bahadur G. H. DESAI: What is meant by a responsible officer?

The Honourable Dewan Bahadur HARILAL D. DESAI: Any officer in charge of the Engineering Department of the board.

Rao Bahadur G. H. DESAI : That is the chief engineer of the board ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes. Really speaking, it should be the engineer.

Rao Bahadur G. H. DESAI : May I know if the defect could not have been cured if the Collector or the Commissioner had asked the president to have the estimate properly checked ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The defect could have been cured if the board had been so asked.

Rao Bahadur G. H. DESAI : Why was it not done ?

The Honourable Dewan Bahadur HARILAL D. DESAI : That is more than I can answer. Of course, the letter from the board went to the Collector, and the Collector sent it on to the Commissioner with his remarks. No further action seems to have been taken.

DISTRICT LOCAL BOARD, KAIRA : ROAD REPAIRS.

Rao Bahadur G. H. DESAI (Kaira District) : Will Government be pleased to state—

(a) whether they have helped the Kaira District Local Board by any grant for the repair of such roads as were seriously damaged during the floods of 1927 ;

(b) if so, to what extent ;

(c) if not, the reasons therefor ;

(d) the extent of the damage done to the roads ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) and (b) No.

(c) As the estimates of the damage submitted by the Board were not checked by a responsible officer of the Board, the Collector and the Commissioner could not recommend the Board for a special grant. Again, when the Board applied for a special grant in August 1928 that year's grant for local public works had already been distributed and the Board was given a grant of Rs. 70,000. Owing to the reduced provision of Rs. 16,00,000 made in the budget for 1929-30, it was not possible to allot any special grant to the Board during that year.

(d) The Board estimated the total damage to roads and cart tracks at Rs. 51,294 and Rs. 87,835 respectively but these estimates were submitted without any check by a responsible Officer.

TECHNICAL SCHOOLS : GRANTS.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI : Will Government be pleased to state—

(a) the authority which fixes the scale of grants to technical schools ;

(b) the basis and scale on which these grants are distributed ;

(c) the number of technical schools in the Presidency conducted by Government and other bodies respectively ;

(d) the number of technical schools in the presidency conducted by Anglo-Indians, Missionaries and Indians, respectively ;

(e) the average amount of expenditure incurred by Government on each of the classes mentioned in (d) above;

(f) whether it is a fact that technical schools conducted by Missionaries and Anglo-Indians get a grant of about Rs. 135 per head while those conducted by Indians get hardly one-third of this amount per head? If not, what is the amount of grant paid per head to each class of school;

(g) the reason for this differentiation?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) The scale of grants to Technical schools is laid down by Government in Rule 40 of the Grant-in-Aid Code;

(b) Grants to Technical Schools are distributed on the recommendations of the Committee of Direction for Technical Education. The maximum amount of grant payable to any school under the Committee of Direction is one-half of the admitted total salaries of qualified teachers distributed as under:—

One-third of admissible grant for efficiency.

One-third of admissible grant for attendance.

One-third of admissible grant for examination results.

(c) The total number of technical schools in the Presidency is twenty-eight, out of which one is conducted by Government and the remaining twenty-seven by other bodies;

(d) There is no school conducted by Anglo-Indians. Thirteen schools are conducted by Missionaries while fourteen are under non-Missionary Indian Management.

(e) The average expenditure incurred by Government is as under:—

	Rs.
Anglo-Indian schools	Nil
Missionary schools	19,430
Non-Missionary schools	32,354

(f) No. The average Government grant per pupil, both for Missionary and non-Missionary schools, is Rs. 31.

(g) There is no difference.

GOVERNMENT SERVANTS: REVISION OF PAY.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI: Will Government be pleased to state—

(a) whether they are aware that revisions of pay have been sanctioned since 1921 to the Ministerial employees in Bombay under the Government of India;

(b) whether no such revision has been sanctioned since 1921 by the Bombay Government to their subordinate employees in Bombay;

(c) the reasons for not sanctioning any revision?

The Honourable Mr. G. B. PRADHAN: (a) Government are aware that revisions of pay have been sanctioned since 1921 in the case of

certain establishments serving under the Government of India in Bombay ;

(b) No general revision of the pay of subordinate establishments serving under the local Government in Bombay has been sanctioned since 1921 ;

(c) Since the high cost of living then obtaining was taken into consideration when revision was sanctioned in 1920, and it has since declined, Government have not considered further revisions to be justified.

AYURVEDIC MEDICINE: ACTION ON RESOLUTION OF
LEGISLATIVE COUNCIL.

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state what steps Government have taken on my resolution in the matter of encouraging study and research in the Ayurvedic medicine which was accepted by Government in an amended form on the 10th October 1921 and on the promise made thereafter to take action after the publication of the report of the Committee appointed by the Madras Government in this behalf ?

The Honourable MOULVI RAFIUDDIN AHMAD: The attached note explains the position.

NOTE.

The Resolution recommended the appointment of an Indian Officer of the Indian Medical Service to report on the question of (1) Recognition and encouragement of the Indigenous Systems of Medicine and of (2) (a) establishing and encouraging institutions where the systems can be studied systematically and scientifically and (b) where research work in the Indian Materia Medica can be scientifically undertaken. Provision for the proposed officer was made in the Budget Estimates for 1923-24 but before action was taken Government received the Report of a Committee appointed by the Madras Government on Indigenous Systems of Medicine and it was decided that their report rendered the proposed enquiry unnecessary.

Pending further developments in Madras, arrangements were made at the Haffkine Institute to have the properties of indigenous drugs scientifically investigated by two experts.

2. In 1925 the Madras Government established a School of Indian Medicine consisting of three sections and with a course of instruction extending over three years. The Government of Bombay decided to defer taking any action to establish a similar institution in Bombay until experience showed how far the Madras experiment was a success and until properly trained teachers from the Madras school became available.

Financial stringency has handicapped subsequent progress.

Proposals to send about 20 scholars at their cost to the Ayurvedic College of the Benares Hindu University had to be dropped as the University authorities informed Government that the amount of the scholarship should not be less than Rs. 50 per mensem.

Government have recently decided to explore again the possibility of introducing a system of training and certification on which they can place reliance, and are in consultation with the Governments of United Provinces and Madras on the subject but have not yet taken any action. They have, however, allowed municipalities to take their expenditure on Ayurvedic and Unani dispensaries into account for the purpose of determining the ratio of their medical expenditure to total expenditure.

The whole matter is engaging the attention of Government.

Rao Bahadur R. R. KALE: In the second paragraph it is stated :

"Proposals to send about 20 scholars at their cost to the Ayurvedic College of the Benares Hindu University had to be dropped, as the University authorities informed Government that the amount of the scholarship should not be less than Rs. 50 per mensem."

May I know what was the amount of scholarship which Government had decided to give ?

The Honourable MOULVI RAFIUDDIN AHMAD : Nothing had been decided, but after hearing from the Benares Hindu University Government dropped the proposal.

Rao Bahadur R. R. KALE : My point is that they dropped the proposal because the amount of scholarship was too high. If that was the reason why the proposal was dropped, may I know what amount Government intended to spend on these scholarships ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not know exactly, but after receiving this reply, Government thought that the amount was too high, and did not think it necessary to pay a scholarship of such a large amount.

Rao Bahadur R. R. KALE : Did they intend to pay less ?

The Honourable MOULVI RAFIUDDIN AHMAD : Possibly.

Rao Bahadur R. R. KALE : It is stated there that they intended to send some students ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes.

Rao Bahadur R. R. KALE : Supposing Rs. 50 per month per student was too high, could not the total amount which Government intended to spend be utilised for sending a lesser number of students ?

The Honourable MOULVI RAFIUDDIN AHMAD : The matter is still receiving the consideration of Government.

Rao Bahadur R. R. KALE : It is stated in the last but one paragraph that the Government has been in consultation with the United Province and Madras Governments, but they have not yet taken any action. May I know when the action is likely to be taken ?

The Honourable MOULVI RAFIUDDIN AHMAD : Correspondence is still going on, and as soon as it is complete, the honourable member will be informed about it.

DISTRICT LOCAL BOARD, SATARA : AYURVEDIC DISPENSARIES.

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

(a) the number of Ayurvedic dispensaries maintained by the District Local Board in Satara District ;

(b) the names of the doctors in charge of them with their qualifications ;

(c) whether the board has appointed an inspector to inspect these dispensaries ;

(d) if not, the reasons therefor ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Six.

Name of Vaidya.	Qualifications.
(1) Mr. Shankar Moreshwar Phatak, Vaidya, Waduj, taluka Khatav.	Holds a certificate from Arya-Angla Vaidyak School, Satara.
(2) Mr. Neminath Padmanna Sasture, Vaidya, Khanapur, taluka Khanapur.	Ayurvedic Visharada of the Arya-Angla Vaidyak School, Satara.
(3) Mr. Waman Rangnatha Udawadkar, Vaidya, Khandala, taluka Wai.	Ayurvedic Chikitsak of the Arya-Angla Vaidyak School, Satara.
(4) Mr. Ramchandra Vithal Patil, Vaidya, Koregaon, taluka Koregaon.	Do.
(5) Mr. Vinayak Ramchandra Joshi, Vaidya, Savalaj, taluka Tasgaon.	Do.
(6) Mr. Digambar Baburao Umrani, Vaidya, Dhebewadi, taluka Patan.	Do.

(c) and (d) A special inspector is appointed from time to time.

Mr. N. E. NAVLE : In answer to (c) and (d) it is stated that a special inspector is appointed from time to time. May I know whether the special inspector is appointed with reference to the Satara District alone or for other districts also ?

The Honourable MOULVI RAFIUDDIN AHMAD : He is appointed by the Satara District Local Board.

Mr. N. E. NAVLE : Not by Government ?

The Honourable MOULVI RAFIUDDIN AHMAD : No.

HIREKERI TANK, HIREKERUR.

Rao Bahadur S. T. KAMBLI (Dharwar District) : (a) Will Government be pleased to state whether the Hirekeri tank in the Hirekerur Taluka is an irrigation tank ?

(b) What is the average total irrigation cess derived annually on account of the cess owing to this tank ?

(c) How many acres, if any, were irrigated this year (1929-30) from the waters of the said tank ?

(d) Has the tank failed to give its full supply of its irrigation water to the whole of the area usually served by it ?

(e) What is the proportion of the area irrigated this year by the waters of the said tank ?

(f) Have Government waived or proposed to waive whole or part of the irrigation cess on the lands which are within its range ?

(g) If so, to what extent ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) The average irrigation cess derived annually is Rs. 3,241-14-0.

(c) The area irrigated by the tank during the year 1929-30 was 304 acres approximately.

(d) No. The rainfall this year was comparatively good and there was in consequence sufficient water in the tank.

(e) The average area irrigated during the past three years was 515 acres against which an area of 304 acres was irrigated in the year 1929-30, i.e., 59.03 per cent. of the average. The decrease as compared with the average was not due to want of sufficiency of water in the tank but to the tendency on the part of the agriculturists to give up rice crops requiring much labour and to their utilising as much area as possible for the cultivation of sugarcane.

(f) and (g) A remission of Rs. 1,310-6-0 has been recommended by the local Revenue officers. The amount of remission was based on the average money-value of the matured crops.

DISTRICT LOCAL BOARD, PANCH MAHALS: ELECTION OF CHAIRMAN,
SCHOOL BOARD.

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

(a) whether it is a fact that the President of the District Local Board, Panch Mahals, destroyed the ballot papers for the election of the Chairman of the School Board held on the 21st June 1928, in spite of the protests of the defeated party;

(b) whether the defeated party challenged the return of the scrutineers;

(c) whether it is a fact that although the successful candidate got a lesser number of votes than his opponent, he was declared elected;

(d) whether it has come to their knowledge that a civil suit was filed against the President and the scrutineers characterising their action as dishonest, and praying for the setting aside of the said election of the Chairman;

(e) whether it is a fact that in the subsequent election the gentleman who was at first declared successful was out-voted by his rival;

(f) if the replies to clauses (a) to (e) above are in the affirmative, whether Government propose to take any steps in the matter?

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

(c) It was so alleged to be a fact.

(d) Yes.

(e) Yes.

(f) Government think no useful purpose would be served by pursuing the matter any further.

RIOTS IN SURAT, 1928: MURDER CASES.

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

(a) How many Muslims and how many Hindus were murdered in the communal riots in September 1928 in Surat;

- (b) How many murder cases were registered by the police ;
- (c) In how many of these cases Mahomedans were the accused ;
- (d) In how many of them Hindus were the accused ;
- (e) What were the results of the murder cases in which Hindus were the accused ;
- (f) What were the results of the murder cases in which Mahomedans were the accused ;
- (g) Whether the murder cases in which the Muslims were the accused were tried immediately ;
- (h) Whether it is a fact that the murder cases in which the Hindus were the accused (except the Katargam murder case) were taken up after 8 months ;
- (i) What was the reason for the long delay ?

The Honourable Sir ERNEST HOTSON : (a) 3 Hindus and 3 Muham-madans.

(b) 6

(c) 3

(d) 3

(e) In one of the cases the accused was acquitted by the Court of Sessions. In another the accused was discharged by the Special Magistrate and the revision application of the brother of the deceased was rejected by the Sessions Judge. The third case is pending in the Court of Sessions.

(f) In one of the cases two accused were convicted. In another two accused were convicted and one acquitted. In the third case, the accused was acquitted.

(g) No.

(h) Yes.

(i) Prolonged investigations were necessary.

RIOTS IN SURAT, 1928 : CROSS COMPLAINTS.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) :

(a) Will Government be pleased to state in how many cases arising out of the communal riots in Surat in 1928 there were cross complaints ;

(b) Is it a fact that in all the cross cases the cases in which the Mahomedans were the accused were taken up first and those in which the Hindus were the accused were taken up afterwards ? ●

The Honourable Sir ERNEST HOTSON : (a) 8.

(b) No. A statement giving full information about the cross complaints is placed on the Council table.

Serial No.	Accused whether Hindus or Mahomedans			
	Crime Register No.	First complaint against	Crime Register No.	Cross complaint against
1-B	90/28	Mahomedans	104/28	Hindus
2-B	92/28	Do.	105/28	Do.
3-B	96/28	Do.	106/28	Do.
4-B	97/28	Do.	98/28	Do.
5-B	100/28	Do.	101/28	Do.
6-A	81/28	Do.	82/28	Do.
7-A	83/28	{ 8 Mahomedans 1 Hindu	94/28	Do.
8-A	88/28	Hindus	29/28	Mahomedans

Serial No.	Date of offence and first information.			
	First Complaint.		Cross complaint.	
	Date of offence 1st complaint.	Date of first information.	Date of offence of cross complaint.	Date of first information.
1-B	29th Sept. 1928, 12 noon.	2nd Oct. 1928	29th Sept. 1928, 2 p.m.	4th Oct. 1928
2-B	28th Sept. 1928, 7 p.m.	2nd Oct. 1928	28th Sept. 1928, 6-30 p.m.	6th Oct. 1928
3-B	29th Sept. 1928, 12 noon.	2nd Oct. 1928	29th Sept. 1928, 10-30 a.m.	6th Oct. 1928
4-B	28th Sept. 1928, 8 p.m.	2nd Oct. 1928	28th Sept. 1928, 8 p.m.	2nd Oct. 1928
5-B	28th Sept. 1928, 3-45 p.m.	2nd Oct. 1928	28th Sept. 1928, 3-45 p.m.	2nd Oct. 1928
6-A	29th Sept. 1928, 8 p.m.	2nd Oct. 1928	29th Sept. 1928, 2 p.m.	2nd Oct. 1928
7-A	29th Sept. 1928, 3-30 p.m.	2nd Oct. 1928	29th Sept. 1928, 3-30 p.m.	29th Oct. 1928
8-A	29th Sept. 1928, 3 p.m.	13th Oct. 1928	29th Sept. 1928, 3 p.m.	19th Oct. 1928

Serial No.	Date of commencement and final result of			
	First complaint.		Cross complaint.	
	Date of commencement.	Final result.	Date of commencement.	Final result.
1-B	1st June 1929	7 Con., 18 Acq.	13th June 1929	8 Acq.
2-B	12th Aug. 1929	Sessions	30th Aug. 1929	13 Acq.
3-B	16th May 1929	Do.	14th June 1929	6 Acq.
4-B	23rd Feb. 1929	6 Con., 15 Acq.	19th Feb. 1929	7 Con., 4 Acq.
5-B	9th July 1929	7 Con., 11 Acq.	23rd July 1929	8 Acq.
6-A	4th January 1929	11 Acq.	3rd January 1929	6 Con., 1 Acq.
7-A	7th Feb. 1929	4 Con.	5th Feb. 1929	5 Con., 2 Acq.
8-A	10th May 1929	4 Acq.	6th Feb. 1929	5 Con., 2 Acq.

RIOT CASES, SURAT 1928: REVISION PETITIONS.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities):
 (a) Will Government be pleased to state in how many of the riot cases arising out of the riots in Surat in 1928 Government filed revision petitions against the orders discharging Hindu accused;

(b) In how many of the riot cases did Government file revision petitions against the orders discharging Mahomedan accused;

(c) Do Government intend to file appeals against the acquittal in any of the cases in which Hindus were the accused;

(d) If the answer to (c) be in the affirmative in which cases do they intend to appeal;

(e) If the answer to (c) be in the negative what are the reasons therefor;

(f) Is it a fact that police filed a revision petition in the Desh Bandhu Arson case?

The Honourable Sir ERNEST HOTSON: (a) In none.

(b) In one, namely the Desh Bandhu Arson and riot Case.

(c) No.

(d) Does not arise.

(e) Government were advised by their legal advisers that there was no reasonable prospect of the orders of acquittal being set aside.

(f) Yes.

Khan Saheb A. M. MANSURI: May I know the grounds upon which their legal advisers advised Government not to take further steps in this case?

The Honourable the PRESIDENT: That is a legal question. The reply says that the legal advisers of Government gave legal opinion on the technical side of the case.

Khan Saheb A. M. MANSURI: According to the sweet will of the Public Prosecutor?

The Honourable Sir ERNEST HOTSON: I repudiate that insinuation altogether.

RIOT CASES, 1928, SURAT: ORDER OF TRIAL.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities):

(a) Will Government be pleased to state who were the officers concerned in arranging the order in which cases were to be taken up by the courts of the special magistrates, Surat, in the riot cases of 1928;

(b) Are Government aware that the Sattar-Kotdi case in which Hindus were the accused fixed for 13th May 1929 was postponed on the request of the Advocate for the defence, although the prosecution witnesses and the accused were present, and the cross case against the 27 Muslim accused was taken up prior to that case;

(c) Are Government aware that the Kotsafil murder case and the Budelwad case were both cross cases;

(d) Are Government aware that the Kotsafil murder case was the first in point of time as well as investigation and yet it was kept back and the Budelwad case was taken up earlier;

(e) What was the result of Budelwad case;

(f) What was the result of the Kotsafil murder case?

The Honourable Sir ERNEST HOTSON: (a) The order was decided by the trying Courts.

(b) The case against the Hindu accused (Imperator *versus* Narbheram Kirparam and five others), which was fixed for 13th May 1929, was postponed *sine die* on that day and was subsequently fixed for 14th June. The case against the Muhammadan accused was also fixed for 13th May but as the accused were not present on that day and an adjournment was requested by one of the accused on the 15th May, the hearing of the case commenced on 16th May 1929.

(c) No. They were separate and distinct cases.

(d) The Kotsafil murder was committed at 9 p.m. on 28th September 1928. The Budelwad assault took place at about 9 a.m. on 29th September 1928. The Budelwad case was sent up for trial earlier because the investigation in the Kotsafil case took longer to complete.

(e) The accused were acquitted.

(f) The accused were discharged and the revision application preferred by the brother of the deceased was rejected.

RIOT CASES, 1928, SURAT: TRIALS.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities):

Will Government be pleased to state whether it is a fact that the riot cases arising out of the Surat riots of 1928 in which the Muhammadans were the accused were made sessions cases whereas those in which the Hindus were the accused were tried by the court of the special magistrate?

The Honourable Sir ERNEST HOTSON: No. Out of 16 cases in which Hindus were accused, 13 were tried by the Special Magistrate and 3 were committed to the Sessions. Out of 20 cases in which Muhammadans were accused, 9 were tried by the Special Magistrate and 11 were committed to the Sessions.

LLOYD BARRAGE: INTENSITY OF IRRIGATION.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state with reference to paragraph 21, pages 10 and 11 of the Visvesvaraya report—

(a) what action Government propose to take to alter the intensity of irrigation already assumed in the project and considered too high by the experts;

(b) what action they are taking to obviate the risk of water-logging and salt efflorescence;

(c) whether Government propose to carry out a complete scheme of drainage in Sind, as already provided in the Barrage scheme;

(d) what will be the difference in net returns of the project if the intensity was decreased from 54 lakhs acres to 44½ lakhs as recommended in the report ?

The Honourable Sir GHULAM HUSSAIN: (a) No action is called for as it is not proposed to alter the intensity of cultivation. The intensity provided for is 27 per cent. in the kharif season and 54 per cent. in the rabi season. The maximum intensity at any one time—except for the very short periods of overlapping between the kharif and rabi seasons—will be accordingly 54 per cent., an intensity already greatly exceeded during the kharif season over a large area in Sind.

(b) Investigation of sub-soil conditions and proper drainage.

(c) Yes.

(d) As Government have no intention of altering the intensity, the labour involved in working out a financial forecast on the basis of 44½ lakhs acres ultimate irrigation is not commensurate with the value to be derived from the information so obtained.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): May I know since when the investigation has been going on ?

The Honourable Sir GHULAM HUSSAIN: I cannot give the exact date.

Mr. HAJI MIR MAHOMED BALOCH: The honourable member knows Hindustani and he can reply in that language.

The Honourable Sir GHULAM HUSSAIN: The investigation is proceeding and I will let the honourable member know the results as soon as the investigation is complete.

LLOYD BARRAGE: NEW FEEDER CANALS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state, with reference to paragraph 22, pages 11 and 12 of the Visvesvaraya Report, what action Government propose to take about the recommendation in the report that a new feeder to Fuleli and Pinyari Canals be constructed from Jamrao heads to secure lower Sind against the vagaries of the Indus or apprehended shortage of water at Kotri after the construction of the Barrage scheme ?

The Honourable Sir GHULAM HUSSAIN: The proposal is not considered practicable. The great objection is that any channel taking off from the Eastern Nara and running in a south-westerly direction to feed the Fuleli or any other left bank canal in Lower Sind would have to cross the natural drainage line running somewhere about the irrigation boundary now fixed between the Rohri Canal and the Eastern Nara systems. Such obstruction of natural drainage channels, especially in the low lying part of the country, which was recently subjected to serious flooding, would be most dangerous and objectionable. In any case it is now too late to consider the matter in conjunction with the present Lloyd Barrage and Canals scheme in view of the advanced stage of the construction work on canals in this area.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : Government themselves spent a good deal of amount on getting expert advice and now they say that it is not practicable ?

The Honourable Sir GHULAM HUSSAIN : Our experts have advised us that it is not practicable for the reasons stated in the reply.

Mr. HAJI MIR MAHOMED BALOCH : Are they Government experts or the experts whom the Government appointed to advise them ?

The Honourable Sir GHULAM HUSSAIN : Our experts. The Chief Engineer.

Mr. HAJI MIR MAHOMED BALOCH : Are Government prepared to follow the scheme suggested by the experts appointed by Government in case there is a shortage of water in the Karachi district ?

The Honourable the PRESIDENT : That is a hypothetical question.

LLOYD BARRAGE : ROHRI AND SOUTHERN CANALS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state, with reference to paragraph 23, pages 12 and 13 of the Visvesvaraya Report, what action Government propose to take against Messrs. Musto and Harrison regarding the unfavourable features of the Rohri and the Southern Canals pointed out in the report ?

The Honourable Sir GHULAM HUSSAIN : Government do not propose to take any such action as is suggested. They consider that the designs of the canals referred to are the best possible in the circumstances of the case and the features referred to as unfavourable have been unavoidable.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : On account of the unfavourable features the expenditure has increased.

The Honourable Sir GHULAM HUSSAIN : That question does not arise.

Mr. HAJI MIR MAHOMED BALOCH : Government themselves spend a large amount in appointing the expert committee and still they do not seem to be prepared to follow the advice of those experts.

The Honourable Sir GHULAM HUSSAIN : The reply says :

“ Government do not propose to take any such action as is suggested. They consider that the designs of the canals referred to are the best possible in the circumstances of the case, and the features referred to as unfavourable have been unavoidable.”

Mr. HAJI MIR MAHOMED BALOCH : It has been stated in the Visvesvaraya Report that the result of the features of the Rohri and Southern canals will be that the Sukkur district will suffer shortage of water.

(No reply).

The Honourable the PRESIDENT : Next question.

LLOYD BARRAGE : FLOOD PROTECTIVE BUNDS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state, with reference to paragraph 24, page 14

of the Visvesvaraya Report, what action Government have taken to stop all wasteful expenditure on flood protective bunds for the West Nara Valley which is considered unwise and uneconomical by the experts ?

The Honourable Sir GHULAM HUSSAIN : No action is called for as the bund will protect an area of about 525,000 acres and all possible precautions will be taken to make the bund stand against floods.

LLOYD BARRAGE : SCRAPPING OF OLD CANALS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state, with reference to paragraph 23 on page 13 of the Visvesvaraya Report—

(a) the names of the officers who were responsible for the scrapping up of the old canals as condemned in this paragraph ;

(b) whether Government agree with the expert opinion that the southern canal is unnecessary ;

(c) if so, what action they propose to take to stop further unnecessary work ?

The Honourable Sir GHULAM HUSSAIN : (a) The question does not arise as there was no indiscriminate scrapping of canals. The existing canal systems have been made use of to the greatest possible extent where feasible and economically sound.

(b) No.

(c) Does not arise.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : Government have appointed a committee of outside experts.....

The Honourable the PRESIDENT : I intervene at this stage and wish to explain the object underlying the replies given to the questions of the honourable member. All that we can understand from the series of questions and the replies thereto is that Government had appointed an expert committee whose advice they have considered. What Government have now done is what utmost they could do in accepting some of the suggestions of the committee. They were not bound to follow every suggestion made.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : Should not Government act upon the advice of the experts appointed by them ?

The Honourable Sir GHULAM HUSSAIN (In Urdu) : If the honourable member will read the replies, he will find that Government have accepted many of the opinions of the experts. The pity is that the honourable member does not know English and cannot read the replies himself.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : I have had the replies translated to me by an honourable member who knows English.

The Honourable the PRESIDENT (In Urdu) : Some of the opinions have been accepted by Government ; others have been rejected on Government's own responsibility.

LLOYD BARRAGE : SCOURING SLUICES AND SILLS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state with reference to paragraph 30, page 17, of the Visvesvaraya report—

- (a) the names of the officers who were responsible for the construction of scouring sluice and sills of head regulator as described in this paragraph;
- (b) whether it has been deemed possible to remedy this defect, and, if so, at what cost;
- (c) whether Government have taken any steps against those who proposed and constructed these structures?

The Honourable Sir GHULAM HUSSAIN: (a) The regulator designs were made by Mr. A. A. Musto (Superintending Engineer, Lloyd Barrage Circle) and approved by Mr. C. S. C. Harrison (Chief Engineer, Lloyd Barrage and Canals Construction) and Mr. R. T. Harrison (Chief Engineer for Irrigation).

(b) The experts object to the lower sills as they consider that silt will enter the canals. The Engineers of Government do not agree with this view. The crux of the problem is the exclusion of silt from the approach channels and the regulation of velocity in them. Sill levels can be adjusted as required in the design.

(c) Does not arise.

LLOYD BARRAGE : CEMENT BLOCKS AND MORTAR.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state with reference to paragraph 32, page 18 of the Visvesvaraya report—

- (a) whether Government agree with the opinion stated there that—
 - (i) the mixture for the cement blocks should have been richer for greater strength and safety;
 - (ii) the mortar prepared did not seem to be of the high quality required for safety and (of?) this work;
- (b) what steps Government propose to take to strengthen the structure?

The Honourable Sir GHULAM HUSSAIN: (a) No.

(b) No action is called for as the materials used were not of an inferior quality.

LLOYD BARRAGE : REVISED RATES.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state with reference to paragraph 32, page 18 of the Visvesvaraya Report—

- (a) whether the explanation given for the excess of Rs. 255 lakhs on Barrage proper estimates submitted to the experts has been considered unsatisfactory by them, and if so whether there is any further explanation available;
- (b) what action they have taken to reduce cost of stone and mortar?

The Honourable Sir GHULAM HUSSAIN: (a) No.

(b) No action is called for as all work is done with the greatest possible economy.

LLOYD BARRAGE: COVER OVER SATURATION LINE.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state with reference to paragraph 33, pages 19-20 of the Visvesvaraya report—

(a) whether they have taken any steps to provide cover of an extra foot of earth over the saturation line at the outer toe of banks as considered necessary by the experts;

(b) if so, what the extra cost will be;

(c) who was the officer who considered lesser cover sufficient?

The Honourable Sir GHULAM HUSSAIN: (a) No steps are called for as in the soil available in Sind a cover of 2 feet over the saturation line in the case of main canals and 1 foot in that of smaller channels is considered ample.

(b) Does not arise.

(c) No specific individual officer. The cover allowed is according to common practice and has proved ample in the past.

LLOYD BARRAGE: CROSS REGULATORS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state, with reference to paragraph 33, pages 19-20 of the Visvesvaraya Report whether Government have reduced the number of cross regulators proposed to be built?

The Honourable Sir GHULAM HUSSAIN: No, as not one single cross regulator more than is absolutely necessary to ensure complete control of water level is being constructed.

LLOYD BARRAGE: DUTIES.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state, with reference to paragraph 35, page 20 of the Visvesvaraya Report—

(a) whether they consider it necessary to reduce the figures of duty per cusec, and if so, what the revised duty will be;

(b) the reduction in annual irrigation and annual revenues of the Barrage project as a whole by so lowering the duties?

The Honourable SIR GHULAM HUSSAIN: (a) No, as the duties provided for are considered even by the experts as reasonable and not impossible of realization.

(b) Does not arise.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Government have stated that 81 per cent. is the intensity.

The Honourable Sir GHULAM HUSSAIN: Where is it stated?

Sir SHAH NAWAZ BHUTTO : We would like to know what is the result of practical experience so far ?

The Honourable Sir GHULAM HUSSAIN : About what ?

Sir SHAH NAWAZ BHUTTO : About the duty.

The Honourable Sir GHULAM HUSSAIN : It has been stated that the duties provided for are considered by experts as reasonable and not impossible of realization.

Sir SHAH NAWAZ BHUTTO : That is only opinion, but we would like to know what the practical experience has been so far.

The Honourable Sir GHULAM HUSSAIN : In the Punjab and in some parts of Sind like Thar Parkar, the duties laid down have been realized.

Sir SHAH NAWAZ BHUTTO : The Punjab cannot be compared with Sind. Is the Honourable Member aware that at a conference held at Sukkur none of the engineers who had practical experience supported the Chief Engineer ?

The Honourable Sir GHULAM HUSSAIN : I am not aware of that. If the honourable member gives me notice, I will find out.

Sir SHAH NAWAZ BHUTTO : Is the Honourable Member aware of the duties achieved so far by the agricultural experts who have the best facilities and command over water ?

The Honourable Sir GHULAM HUSSAIN : We have not received any final reports from the agricultural experts.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu) : Have no reports been received from the Sakrand farm ?

The Honourable Sir GHULAM HUSSAIN : So far as I know, they have not arrived at any conclusion. However, that is a matter for the Honourable the Minister for Agriculture.

Sir SHAH NAWAZ BHUTTO : Is it fair that Government should fix the duties before their experts are certain about it ?

The Honourable Sir GHULAM HUSSAIN : As far as the irrigation experts are concerned, they say that we will realise the duties. I do not know what other experts the honourable member refers to.

Sir SHAH NAWAZ BHUTTO : When they are not able to prove it by practical demonstration, they insist on fixing those duties.

The Honourable Sir GHULAM HUSSAIN : They have experience of some parts of Sind, and on that experience they say that those duties will be realised.

Sir SHAH NAWAZ BHUTTO : Thar Parkar is not typical of Sind ; the climate of Thar Parkar is moist and mild when compared to the area commanded by Lloyd Barrage system. It is a pity that irrigation experts should deceive Government, public and themselves when the facts are quite contrary.

The Honourable the PRESIDENT : Next question.

LLOYD BARRAGE AND CANALS CONSTRUCTION : STEEL BRIDGES
AND MASONRY BRIDGES.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state, with reference to paragraph 36 page 21 of the Visvesvaraya Report whether they have stopped further construction of steel bridges?

The Honourable Sir GHULAM HUSSAIN: No, as it is more economical to construct steel rather than masonry bridges.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): What is the percentage of economy achieved by the use of steel for bridges?

The Honourable Sir GHULAM HUSSAIN: Thirty per cent.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): Government gave a promise that in the construction of the Barrage they would use Indian labour and material in preference to foreign labour and material. Here they are using British labour and British material.

The Honourable Sir GHULAM HUSSAIN: I do not see how that arises out of this question.

LLOYD BARRAGE : COMPLETION PROGRAMME.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state with reference to paragraph 72, page 39 of the Visvesvaraya Report—

(a) what was the original time for completion of works and commencing first irrigation from the Barrage;

(b) what is the revised programme for the same?

The Honourable Sir GHULAM HUSSAIN:

(a) Completion of works 12 years.

Commencing first irrigation 7 years.

(b) The commencement of irrigation will be delayed by two years but it is anticipated that the projected period of 12 years to complete the scheme will not be exceeded.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): What will be the loss to Government consequent on the delay in the commencement of irrigation?

The Honourable Sir GHULAM HUSSAIN: I do not see how that arises out of this question.

The Honourable the PRESIDENT: How does that arise?

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): What will be the loss of revenue to Government by the delay of 2 years?

The Honourable Sir GHULAM HUSSAIN: The financial forecast is being prepared, and it will be placed on the Council table when it is ready.

The Honourable the PRESIDENT: Next question.

EDUCATIONAL INSPECTOR'S PERSONAL ASSISTANT; SIND.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

- (a) the date on which the post of the Personal Assistant to the Educational Inspector in Sind was created;
- (b) the reasons for its creation;
- (c) the number of Personal Assistants appointed since then;
- (d) how many of such officers have been—
 - (i) Muslims,
 - (ii) Non-Muslims;
- (e) whether Government had in the past appointed Muslim Personal Assistants when the Educational Inspector was a non-Muslim;
- (f) if the answer to (e) is in the affirmative, whether Government intend to continue such a policy in future;
- (g) when the present incumbent of the post was appointed?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) 19th September 1914.

(b) Owing to their growing inspection work and increased responsibilities for administration, the Divisional Inspectors in larger Divisions including the Educational Inspector in Sind were given the help of Personal Assistants to assist them in the disposal of correspondence and other routine work.

(c) Six in Sind.

(d) (i) One.

(ii) Five including one Parsi.

(e) One Muhammadan Personal Assistant has been appointed. All the Educational Inspectors in Sind have been non-Muhammadans.

(f) The policy of Government is to give equal chances to the candidates of both the communities in Sind serving in all high posts provided their respective candidates possess necessary qualifications for them. As has been pointed out there has already been one Muhammadan Personal Assistant to the Educational Inspector in Sind and when the post under reference falls vacant the claims of a Muhammadan candidate would be duly considered.

(g) 2nd July 1928. He, however, also held the post for the period from the 12th July 1923 to the 28th February 1927.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): For how many years has the Personal Assistant to the Educational Inspector been in his present post?

The Honourable MOULVI RAFIUDDIN AHMAD (In Urdu): For five years.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): When do Government propose to transfer him to other districts?

The Honourable MOULVI RAFIUDDIN AHMAD (in Urdu): When Government find it convenient to do so.

The Honourable the PRESIDENT: Next question.

EDUCATIONAL INSPECTOR'S OFFICE, SIND : CLERKS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) the sanctioned number of clerks in the office of the Educational Inspector in Sind ;

(b) how many of these are (i) Muslims, (ii) non-Muslims ;

(c) the number of Muslim clerks in the office of the Educational Inspector in Sind five years ago ;

(d) the number of vacancies that occurred during the last five years ;

(e) the number of applications received from (i) Muslims, (ii) non-Muslims ;

(f) the number of appointments made of (i) Muslims, (ii) non-Muslims ;

(g) if the number of appointments of Muslims is nil, the reasons therefor ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) 13.

(b) Muslims Nil.

Non-Muslims .. 13

(c) 1.

(d) 11.

(e) Muslims Nil.

Non-Muslims .. 4

(f) Muslims .. 4

Non-Muslims .. 7

(g) The Educational Inspector in Sind reports that no applications from Muhammadans were received for vacancies in his office. He has been, however, instructed to communicate with the Secretary, Sind Muhammadans Association, whenever there is a vacancy in his office with a view to obtain the names of Muhammadan candidates suitable for employment.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): When the vacancies occurred, were they advertised in any papers, and if so, in what papers ?

The Honourable MOULVI RAFIUDDIN AHMAD : They were not advertised.

Mr. HAJI MIR MAHOMED BALOCH : Out of the 11 vacancies that occurred, why was not a single vacancy offered to a Muslim ?

The Honourable MOULVI RAFIUDDIN AHMAD : Because no Muslim applied. In future the Muslim Association of Sind will be informed of the vacancies.

The THAKOR of KERWADA : Will the Honourable Minister state the reasons for not taking up a single Muhammadan in the clerical establishment of the Educational Inspector's office in Sind ?

The Honourable MOULVI RAFIUDDIN AHMAD : There were no Muhammadan candidates who had applied but it is possible that many of them did not know that there were vacancies. It is therefore

now proposed to ask the Muslim Association in Sind to supply the names of candidates whenever there are vacancies and probably the vacancies will be advertised in the papers also.

LLOYD BARRAGE: CHANGE OF RIVER COURSE.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state with reference to paragraph 78, page 42 of the Visvesvaraya Report—

(a) whether the risk of the river Indus changing its course above the gorge is real;

(b) if the reply to (a) is in the affirmative, what steps they consider necessary to prevent such change and what will be the cost thereof;

(c) if the reply to (a) is in the negative, what are their reasons for not accepting the considered opinion of the experts of their own choice?

The Honourable Sir GHULAM HUSSAIN: (a) No. It is not accepted as real.

(b) Does not arise.

(c) The experts themselves say that the Barrage floor is at a sufficiently low level and a wide enough waterway is provided to ensure that existing conditions are interfered with as little as possible. They express the fear that there may be risk of avulsion if the Barrage gates are not opened often. But the Barrage gates will never be completely closed during the abkalan season.

Mr. HAJI MIR MAHOMED BALOCH: Supposing the risk of the river Indus changing its course turns out to be real?

The Honourable the PRESIDENT: That is a hypothetical question. Next question.

LLOYD BARRAGE: INTENSITY OF CULTIVATION.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state with reference to paragraph 81, page 44 of the Visvesvaraya Report—

(a) whether the intensity of cultivation should be only 60 per cent. and not 82 per cent.;

(b) the figures of annual cultivation and figures of revenue based on 82 per cent. and 60 per cent. intensity respectively?

The Honourable Sir GHULAM HUSSAIN: (a) The intensity of cultivation provided for is 27 per cent. in the kharif season and 54 per cent. in the rabi season.

(b) Does not arise.

Sir SHAH NAWAZ BHUTTO: Does the Honourable Member mean the percentage of Kharif cultivation, particularly that of rice, will be less under the Barrage system than now?

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

LLOYD BARRAGE : COST OF KHERPUR (KHIRTAR ?) BRANCH.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state with reference to paragraph 86, pages 45 to 47 of the Visvesvaraya Report—

(a) whether they will lay on the Council table the correspondence with the Government of India regarding the payment for the Baluchistan share of the work ;

(b) if the answer to (a) is in the negative, what reply the Government of India have given to the demand for such payment ?

The Honourable Sir GHULAM HUSSAIN : (a) No.

(b) The matter is receiving their attention.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu) : Can the Government not place the correspondence on the Council table ?

The Honourable Sir GHULAM HUSSAIN : Not for the present.

Mr. HAJI MIR MAHOMED BALOCH : For how many years is this correspondence to last ?

The Honourable Sir GHULAM HUSSAIN : I cannot say.

LLOYD BARRAGE : WORKING ESTIMATES.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state with reference to paragraph 92 (ii), page 52 of the Visvesvaraya Report—

(1) whether they have prepared the working estimates and sanctioned them already by now as recommended by the experts ;

(2) if the reply to (1) is in the negative, the total amount of working estimates sanctioned till now as against the total estimated expenditure of Rs. 20.04 crores ?

The Honourable Sir GHULAM HUSSAIN : (1) No.

(2) The total amount of working estimates sanctioned to date is Rs. 1,634 lakhs against the estimate of Rs. 1,761 lakhs for "works". The remaining amount represents Establishment, Tools and Plant and Indirect charges.

ALIENATION OFFICE : SUPPLY OF COPIES OF PAPERS.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state—

(a) whether Rao Bahadur B. L. Patil, a pleader of Dharwar and Mr. Krishnarao Ramrao Huligolkar, Jahagirdar, Gadag, applied to the Commissioner, C. D., in the Alienation Office, to supply them with copies of "Kulwar Jamabandi Chitthas" of the Fasli years 1229 and 1230 of the village of Kalsapur, taluka Gadag, district Dharwar, on the 10th of May 1925 and 22nd May 1925 respectively ;

(b) whether copies of the said Chitthas were accordingly supplied to them on the 27th June 1925 and 25th June 1925 respectively ;

(c) whether copies of the same Chitthas have been applied for by Mr. Soman Gouda Hanamantagouda Mudi Somangouda of Kalsapur, taluka Gadag, district Dharwar, on the 27th July 1928 ;

(d) whether the said applicant has been informed by the Commissioner in reply Nos. A.D.M.D. 587 and 588, dated 11th October 1928, that the Chitthas are not traceable in the records of the said Office ;

(e) if so, whether those chitthas have been destroyed or removed from that office after their copies had been given in 1925 ;

(f) if so, what is the reason for doing so and whether it has been done under Government Orders ?

The Honourable Mr. J. GHOSAL : (a) Yes.

(b) Yes.

(c) Yes.

(d) Yes. The chitthas were not traced in the case of the application referred to in clause (c) owing to changes in the staff in 1927 combined with the constant difficulty of tracing a single paper in a mass of 27,000 rumals each containing a large number of papers, specially when full particulars are not given in the application. There are no indexes or lists showing the contents of each rumal.

(e) They have neither been destroyed nor removed. They are still in the Alienation Office.

(f) Does not arise.

Sardar G. N. MUJUMDAR : Are not the Daftars divided under several headings such as districts, mahals, prants, talukas, etc.?

The Honourable Mr. J. GHOSAL : The honourable member is one of the workers in the Alienation Office and he can perhaps answer this question better than I can. He knows how the records are kept in the Alienation Office. There are no systematic divisions. As regards this particular case, village of Kalsapur was in the Dumbal Taluka and all records of that taluka were searched. This particular paper was, however, in the miscellaneous section. If the applicant who applied for a copy had really wanted the copy, he could have furnished necessary particulars and he would have got it. As no particulars were given, the copy could not be traced and supplied to him.

Sardar G. N. MUJUMDAR : May I know what changes took place in the staff in 1927 ?

The Honourable Mr. J. GHOSAL : I cannot give all the details without enquiry. I think there were two changes—one of the staff retired and one went on leave.

Rao Bahadur R. R. KALE : In view of the explanation given by the Honourable the Revenue Member, may I know whether Government contemplate improvements in order to avoid having to refuse such requests in future ?

The Honourable Mr. J. GHOSAL : To make an index would cost lakhs of rupees and we cannot do that. If any one wants a copy he should give full details or refer to the case where a copy of the same document was given previously. Then it would be easier to supply copies.

Rao Bahadur R. R. KALE (Satara District) : Were any efforts made to make the copies asked for available when they were not destroyed ?

The Honourable Mr. J. GHOSAL : As far as possible, every effort was made but the paper could not be traced, for reasons given in my answer. There are 27,000 rumals among which there are a number of sections and it is very difficult to trace the papers. ✓

SUB-JUDGES, GUJARAT : INDIAN CHRISTIANS.

Mr. F. OLIVEIRA : Will Government be pleased to state the number of Indian Christians holding posts of Sub-judges in Gujarat ?

The Honourable Sir ERNEST HOTSON : There is no Subordinate Judge serving in Gujarat who belongs to the Indian Christian Community.

Mr. F. OLIVEIRA : May I know if any applications were received for such posts from Indian Christians ?

The Honourable Sir ERNEST HOTSON : I am afraid I do not remember if any applications were received. The honourable member will have to give notice of this question.

SCHOOL BOARD, NASIK DISTRICT : CONTRIBUTIONS FOR SCHOOL BUILDINGS.

Mr. R. G. PRADHAN (Nasik District) : (a) Will Government be pleased to state whether the District School Board, Nasik, have obtained contributions of money from villagers of Sansari, Alavanda, Nandurvaidya, Dugao, Vadalibhoi and Taharabad villages, for the purpose of erecting school buildings ?

(b) If so, have the buildings been erected by the District School Board and, if not, why not ?

(c) Are the contributions of the villagers still lying with the Board undisposed of ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) No, because the contributions received from the local people form only a fraction of the total cost of constructing the buildings and the district school board is at present unable to find funds to meet the balance of the cost. Plans and estimates for the work at Taharabad have been called for.

(c) Yes.

Rao Saheb R. V. VANDEKAR : Are Government aware that the contributions have never been received by the District School Board ?

The Honourable MOULVI RAFIUDDIN AHMAD : The reply given is, as far as we know, quite correct.

Rao Saheb R. V. VANDEKAR (Nasik District) : I may tell this House that these contributions were received by Government and not by the District Board. All these contributions were collected before the District School Board came into existence.

The Honourable MOULVI RAFIUDDIN AHMAD : I will have to ascertain again on this question and after doing so, I shall let the honourable member know.

NEW COUNCIL HALL, BOMBAY: COOLING PLANT.

Khan Bahadur ABDUL LATIF HAJI HAJRAT KHAN for Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(a) the total cost of the cooling and ventilating system of the New Council Hall, Bombay, giving separate figures for (i) Building and (ii) machinery (if any);

(b) the total annual recurring cost, giving separate figures for (i) working, (ii) repairs, (iii) interest, (iv) sinking fund, (v) depreciation, etc ?

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

(i) Building—	Rs.
(a) Ducts in the New Council Hall	13,534
(b) Building to house the machinery for the cooling and ventilating system	11,056
	<hr/>
Total ..	24,590
(ii) Machinery—	
(a) Plant	40,000
(b) Wiring	624
(c) Foundations	534
	<hr/>
Total ..	41,158
	<hr/>
Grand total ..	65,748
(b) (i) Working charges	1,778
(ii) Repairs for the first ten years	Nil.
(iii) Interest at 6 per cent. on Rs. 41,158 (machinery and plant)	2,470
(iv) Sinking Fund	2,027
(v) Depreciation at 5 per cent. on Rs. 60,624 (which is the market value of the machinery)	3,031
	<hr/>
Total ..	9,306
Maintenance of the machinery house at 1½ per cent. on Rs. 11,056	166
	<hr/>
Grand total ..	9,472

ASSISTANT DEPUTY EDUCATIONAL INSPECTORS: TOUR PROGRAMMES.

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

(a) whether the Senior Assistant Deputies of the district submit their tour programme every month to their respective Educational Inspectors;

(b) if so, whether copies of these programmes go to the Chairmen of the District School Boards and the Municipal School Boards of the respective districts?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) In the Bombay Division, Central Division, and Sind, the Senior Assistant Deputy Educational Inspectors submit their tour programmes to the Educational Inspectors concerned every month while in the Southern Division and Northern Division, they submit their programmes annually.

(b) No.

Rao Saheb R. V. VANDEKAR: Is there any special objection for sending these programmes to the District School Boards?

The Honourable MOULVI RAFIUDDIN AHMAD: If there is any objection, we will be surprised.

Rao Saheb R. V. VANDEKAR: Why are not these documents supplied to them then?

The Honourable MOULVI RAFIUDDIN AHMAD: (Inaudible.)

BANDHARAS: SHORTAGE OF WATER, KALVAN.

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

(a) whether they are aware that the irrigators of Kalvan and other villages in Kalvan Taluka of the Nasik District have represented to the authorities concerned about the shortage of water from the bandharas;

(b) if so, what steps Government intend taking in the matter?

The Honourable Mr. J. GHOSAL: (a) The cultivators of the villages of Kalvan Khurd and Shirasmani in the Kalvan Taluka had made representations to the Prant Officer about the shortage of water in the bandharas.

(b) On enquiry it has been found that the bandhara in Kalvan has sufficient water and that no remission is justified. The bandhara in Shirasmani has insufficient water, and a sum of Rs. 625 on account of water rate has therefore been ordered to be remitted for the year 1929-1930.

Rao Saheb R. V. VANDEKAR: Is Government aware that a deputation of Kalvan Taluka had waited on the Honourable Minister of

Agriculture and the villagers of Kalvan Taluka complained to him that there was a shortage of water? The Honourable the Minister of Agriculture asked them to apply to the Irrigation Department.

The Honourable Mr. J. GHOSAL: I do not know whether any deputation had called on the Minister of Agriculture.

**GOVERNMENT SERVICE : APPOINTMENT OF MUSLIMS IN
THE CENTRAL DIVISION.**

Khan Saheb G. A. D. WASIF (Central Division): Will Government be pleased to state—

(a) the number of Muslim applicants from 1925 to 1928 for posts of clerks in the Collectors' offices, the Engineering Department, the Educational Department and the Public Works Department, Central Division, and how many of them were given appointments;

(b) whether Government propose to adopt any scheme to increase the number of Muslims in Government departments in the Central Division, and if so, the nature of the scheme?

The Honourable Mr. G. B. PRADHAN: (a) A statement giving the required information is placed on the Council Table.

(b) Orders have been issued prescribing the minimum percentages of recruitment from backward communities and directing that this minimum representation should include a fair proportion of Muhammadans. Orders have also been issued that there should be no restriction on the recruitment of members of the backward classes and Muhammadans beyond the prescribed minimum percentages, should suitable candidates from among them be forthcoming. Government consider these orders adequate for the purpose.

Mr. SYED MUNAWAR: May I know how many posts were vacant and out of them how many have been given to Muslim applicants?

The Honourable Mr. G. B. PRADHAN: The information has been given so far as the questions were asked.

Mr. SYED MUNAWAR: It is stated here that out of nine applicants three posts were given to Muslims, and so on. But it is not stated how many posts were vacant and out of these vacant posts, how many were given to Muslims.

The Honourable Mr. G. B. PRADHAN: I cannot tell how many posts were vacant. I require notice of this question.

Mr. N. E. NAVLE (Ahmednagar District): Is it a fact that the Officers take exception to the orders issued? I understand that local officers do not increase the number more than fifty of the backward class members?

The Honourable Mr. G. B. PRADHAN: That is not so.

Statement referred to in clause (a) of the reply.

Name of Office.	Number of Muslim applicants for the post of clerks during the years 1925-1928.	Number of persons who were given appointments.	Remarks.
<i>Revenue Department.</i>			
Collector of Ahmednagar ..	0	3	This information relates to the years 1927 and 1928 only. The information for the years 1925 and 1926 is not available. But one Muslim applicant was given an appointment on 1st March 1925 and has been working since then.
Collector of East Khandesh ..	17	2	Of the 17 applicants, only five were enlisted as candidates out of whom two resigned.
Collector of East Khandesh ..	72	2	
Collector of Nasik ..	4	....	This information relates to the year 1928 only. The information for the years 1925 to 1927 is not available.
Collector of Poona ..	14	5*	Of the four applicants one was enlisted but he failed to join. *Of these five, two resigned their appointments, one did not join when appointed and one did not reply.
Collector of Satara ..	10†	2	†This represents the number of Muslim applicants who were enlisted for clerks' posts.
Collector of Sholapur ..	21	....	Of the 21 applicants, two have been taken up as candidates for clerks' posts.
<i>Public Works Department.</i>			
Superintending Engineer, C. C.	12	....	There was no vacancy during the time in question.
Executive Engineer, Poona Division.	....	....	No application was received.
Executive Engineer, Headquarters Division.	....	....	Do.
Executive Engineer, Satara Division.	12	4	Two have been given permanent appointments and two were employed during the period of leave vacancies.
Executive Engineer, Sholapur Division.	6‡	1§	‡This figure relates to the years 1927 and 1928 only. The information for the years 1925 and 1926 is not available. §There was only one vacancy and this has been given to a Muslim. Six short leave vacancies were also given to Muslims.
Executive Engineer, Ahmednagar Division.	9	....	None of the applicants was qualified up to the standard required.
Executive Engineer, Nasik Division.	9||	5	||This figure relates to the years 1927 and 1928 only. The information for the years 1925 and 1926 is not available.
Executive Engineer, East Khandesh Division.	8	....	There was no vacancy during the time in question.
Executive Engineer, West Khandesh Division.	3¶	1**	¶The figure relates to the years 1927 and 1928 only. The information for the years 1925-26 is not available. **Employed during leave vacancy.
<i>Educational Department.</i>			
Director of Public Instruction	26	5	
Educational Inspector, Central Division.	11	1†	
Inspector of European Schools	....	....
Inspector of Science Teaching	....	....
Inspectress of Urdu Girls' Schools, Central Division, and Bombay Division.	....	....
Principal, Deccan College ..	....	....
Principal, College of Engineering.	....	....

ELECTION OF A MEMBER TO THE UNIVERSITY SENATE.

The Honourable the PRESIDENT: Order, order. I have to refer the honourable House to two elections that must take place during this session of the Council. One is for the University of Bombay and the other for the Public Accounts Committee. Regarding the University of Bombay, a letter has been received from the Registrar by the Secretary of the Council, which runs thus :

" I have the honour to inform you that Dr. M. D. D. Gilder, one of the representatives of the Bombay Legislative Council on the Senate of the University will vacate his office of Fellow on the 4th August 1930 under Section 45 (1) of the Bombay University Act, IV of 1928. I have therefore to request you to make arrangements for holding an election for the purpose of filling up the vacancy within five weeks from the receipt of this letter or at its next sitting whichever is later and communicate to me the name, degrees, if any, and the address of the person so elected."

I, therefore, fix the 9th as the date for nominations. The election will be by system of single transferable vote. Before the Council meets on that date the nominations must be placed in the hands of the Secretary. Similarly, for the Public Accounts Committee, this House has to nominate three members because of the resignations by honourable members who were then on the Committee. They were Mr. Lalji Naranji, Rao Bahadur D. R. Patil and Mr. H. V. Pataskar. For this election also the same day would suit for nomination, that is to say, the 9th.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): May I know what will be the life of the members nominated on these Committees ?

The Honourable Mr. G. B. PRADHAN: I may tell the honourable members that the Public Accounts Committee is not dissolved although the Council is dissolved.

The Honourable the PRESIDENT: We might on that date decide to fix election on the next day, that is, on the 10th.

**BILL No. VI OF 1930 (A BILL FURTHER TO AMEND THE
CORONER'S ACT, 1871, IN ITS APPLICATION TO THE
PRESIDENCY TOWN OF BOMBAY).**

The Honourable Sir ERNEST HOTSON: Sir, I present the Report of the Select Committee on Bill No. VI of 1930 (A Bill further to amend the Coroner's Act, 1871, in its application to the Presidency Town of Bombay.)*

The Honourable the PRESIDENT: The Report of the Select Committee on Bill No. VI of 1930 is presented.

The Honourable Sir ERNEST HOTSON: I now move that Bill
Second reading. No. VI of 1930 be read a second time.

I do not think that many words will be necessary to recommend this Bill to the honourable members of this House. It was carefully considered by the Select Committee, which was in general agreement on the most important points, except two points on which they felt some doubt.

* Appendix I.

[Sir Ernest Hotson]

They were referred to the High Court and the High Court has given us its opinion on them. My honourable friend, the Legal Remembrancer, will, therefore, shortly move two amendments in accordance with the opinion given us by the High Court which, I hope, will satisfy the honourable members sitting on the opposite side. Except these two amendments, there is nothing to call for particular notice. We have done our best to put this Bill into the best possible form and after these two amendments are made, this Bill will be, I hope, acceptable to the honourable members.

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 (*Substitution of new sections for sections 8 to 20 of Act IV of 1871*).

For sections 8 to 20 of the Coroner's Act, 1871, hereinafter called the said Act, the following shall be substituted, namely:—

8. (1) *Jurisdiction to inquire into death*.—When the Coroner is informed that the dead body of a person is lying within his jurisdiction and there is reasonable cause to suspect that such person has died under any of the circumstances mentioned in section 9 or has died a sudden death of which the cause is unknown, the Coroner may proceed to hold a preliminary inquiry on the body without a jury.

(2) For the purpose of an inquiry under sub-section (1) the Coroner shall, as soon as practicable, after receipt of the information proceed to view and examine the body. Such view and examination shall be held in the presence of the Police Officer to whose section the case belongs and, if possible, in the presence of the relations or friends, if any, of the deceased and the Coroner may reduce to writing such observations as the appearance of the body requires. When the inquiry is concluded if the Coroner is satisfied as to the cause of death and if a post-mortem examination is in his opinion not necessary, the Coroner may authorise the body to be disposed of.

9. (1) *Inquest by jury*.—If it appears to the Coroner, either before or in the course of an inquiry under section 8, that there is reason to suspect:—

(a) that the deceased came by his death by homicide, suicide or infanticide; or

(b) that the death was caused by an accident, or poison or machinery; or

(c) that the death was caused by an occurrence arising out of the use of a vehicle in a street, public road or in a private place; or

(d) that the death occurred in a prison in which the deceased was a prisoner or that it occurred whilst the deceased was in the custody of the Police; or

(e) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public;

and in any other case, if it appears to the Coroner either before or in the course of the preliminary inquiry that there is reason for holding an inquest by jury, he shall proceed to hold such inquest, whether or not the cause of death arose within his jurisdiction.

(2) Such inquest shall ordinarily be held in the Coroner's Court-house.

(3) The Coroner may hold one inquest on the bodies of several persons provided that they all are believed to have come by their deaths, in or in consequence of one and the same incident.

(4) Every such inquest shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code and for the purpose of any such inquest the Coroner shall have and may exercise all the powers of a Criminal Court under section 476 and section 480 of the Code of Criminal Procedure, 1898.

(5) Subject to the provisions of section 14 the Coroner may hold an inquest by jury simultaneously with the preliminary inquiry.

10. (1) *Report to Coroner when prisoner or person in police custody dies.*—When a person dies in a prison situate within the local limits of the Coroner's jurisdiction or whilst he is in the custody of the police the Superintendent of the prison or the police officer in charge of the section concerned, as the case may be, shall report the death to the Coroner and await his orders before the body is disposed of.

(2) Any Superintendent of Prison or any such police officer who fails to comply with the requirement in sub-section (1) shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

11. (1) *Penalty for disposal of body to prevent an inquest.*—Any person who, with the intention of preventing the holding of an inquest on a dead body which the Coroner is bound to hold under section 9, buries, cremates or otherwise disposes of it, and any person who with such intention abets such burial, cremation or disposal of a dead body shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

(2) Such punishment shall be in addition to the punishment to which such person may be liable for any offence of which he may be found guilty in respect of the death of the deceased.

12. *Power to order body to be disinterred.*—A Coroner may order a body to be disinterred within a reasonable time after the death of the deceased person, either for the purpose of taking an original inquisition where none has been taken, or a further inquisition where further inquisition is, in the opinion of the Coroner, necessary or desirable in the interests of justice.

13. *Summoning jury.*—In order to the impanelling of a jury for an inquest under section 9 the Coroner shall summon not less than five nor more than eleven respectable persons to appear before him at a time and place to be specified in the summons for the purpose of inquiring where when and by what means the deceased came by his death.

14. (1) *Opening Court.—Jurors to be sworn.*—On the day and at the hour fixed for the inquest the Coroner shall proceed to open his court by proclamation and shall call over the names of the jurors on whom summonses under section 13 have been duly served. If not less than five jurors are in attendance the Coroner shall administer an oath to each juror to give a true verdict according to the evidence.

(2) If the number of jurors in attendance is less than five, or, if in the course of an inquest at any time before the return of the verdict a juror is absent and it is not practicable to enforce his immediate attendance, the Coroner may appoint such number of persons as may be necessary to serve as jurors in the inquest.

14A. *Inquest may be on Sunday or public holiday.*—An inquest under this Act or its adjourned hearing under section 21 may be held on a Sunday or a public holiday.

15. *View of body.*—At or before the first sitting of an inquest on a body the Coroner shall view the body and if before the body has been disposed of, a majority of the jurors so desire, it shall be viewed by the jurors also;

Provided that when a preliminary inquiry on the body has been held under section 8, or if from the medical evidence or from a medical certificate, the Coroner is satisfied that no advantage will result from such viewing, the Coroner may dispense with a view of the body at the inquest.

16. *Proclamation for witnesses.*—The Coroner shall then make proclamation for the attendance of witnesses, or where the inquiry is conducted in secret, shall call in separately such as know anything concerning the death.

17. (1) *Summoning witnesses.*—It shall be the duty of all persons acquainted with the circumstances attending the death to appear before the inquest as witnesses. The Coroner shall inquire of such circumstances and the cause of death, and if before or during the inquiry he is informed that any person, whether within or without the local limits of his jurisdiction, can give evidence or produce any document material thereto, may issue a summons requiring him to attend and give evidence or produce such document on the inquest.

(2) When any person so summoned fails to appear and the summons has been proved to be duly served on him in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure, the Coroner may, after recording his reasons in writing, issue a warrant for his arrest. Such warrant shall be executed as if it were issued under section 90 of the Code of Criminal Procedure, 1898.

(3) Any person disobeying a summons issued under sub-section (1) shall be deemed to have committed an offence under section 174, section 175 or section 176 of the Indian Penal Code, as the case may be.

(4) For the purpose of causing prisoners to be brought up to give evidence the Coroner shall be deemed a criminal court within the meaning of Part IX of the Prisoners Act, 1900.

18. *Post mortem examinations. Fees to medical witnesses. Report of Chemical Examiner.*—(1) If before proceeding to view a body under section 8 or at the view or at any stage of an inquest by jury, it appears to the Coroner that a *post-mortem* examination of the body is necessary to ascertain the cause of death, he may direct such examination to be held by his Surgeon or by a duly qualified Registered Medical Practitioner invited to attend as a witness. The Coroner may also direct an analysis of any of the organs or parts of the body or of their contents. Every Medical witness other than the Chemical Examiner to Government and the Coroner's Surgeon shall be entitled to such reasonable remuneration as the Coroner thinks fit. For the purpose of such *post-mortem* examination the Coroner may order the removal of the body to any place within his jurisdiction which may be provided for that purpose.

V of 1898. (2) Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Act, may be used as evidence in any inquest under this Act and in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898.

V of 1898. 19. *Evidence to be on oath. Evidence on behalf of accused. Interpreter.*—(1) All evidence given under this Act shall, except in the case provided in sub-section (2), be on oath and the Coroner shall be bound to receive the evidence on behalf of the person who is alleged to have caused or to be concerned in causing the death of the deceased person.

(2) If such person himself wishes to make a statement it shall be the duty of the Coroner to warn him that he is not bound to make any statement; but if such person persists, the Coroner shall, without administering him any oath, record his statement after duly warning him that any incriminating statement which he may make may be used in evidence in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898.

V of 1898. I of 1872. (3) For the purpose of section 26 of the Indian Evidence Act, 1872, a Coroner shall be deemed to be a Magistrate.

(4) Witnesses unacquainted with the English language shall be examined through the medium of an interpreter, who shall be sworn to interpret truly as well the oath as the question put to, and the answer given by each witness.

(5) After each witness has been examined, the Coroner shall enquire whether the jury wish any further questions to be put to the witness, and if the jury wish that any such questions shall be put the Coroner shall put them accordingly.

20. *Coroner to take down evidence in writing. Witnesses to sign depositions. Coroner to subscribe depositions.*—(1) The Coroner shall commit to writing the material parts of the evidence given to the jury, and shall read or cause to be read over such parts to the witness and then procure his signature thereto.

(2) Any witness refusing so to sign shall be deemed to have committed an offence under section 180 of the Indian Penal Code.

(3) Every such deposition shall be subscribed by the Coroner."

Mr. G. F. S. COLLINS: Sir, I beg to move the formal amendment which stands in my name:—

In clause 2 of Bill No. VI of 1930, as amended by the Select Committee, the words and figures "subject to the provisions of section 14" occurring in sub-section (5) of section 9 shall be deleted.

This point was considered in the select committee and it was thought that the words were redundant. The point was therefore referred to the honourable member the Legal Remembrancer, who was of opinion that the words were redundant. It is obvious that where an inquest is held; it must be held under the provisions of the Act.

Question put and carried.

The Honourable the PRESIDENT: There is an amendment in my hand to that proposed by the honourable member Mr. Taleyarkhan. He may move it.

Mr. P. J. TALEYARKHAN (Surat District): Mr. President, the amendment which I propose, relates to sub-clause (2) of clause 11 and runs as follows:—

Add the words "or under section 201 of the Indian Penal Code" at the end of sub-clause (2) of clause 11.

The sub-clause (1) provides penalty for the disposal of a dead body to prevent an inquest, and that penalty is a fine extending to five hundred rupees. The second sub-clause runs as follows:—

Such punishment shall be in addition to the punishment to which such person may be liable for any offence of which he may be found guilty in respect of the death of the deceased.

It is common knowledge that a dead body is sometimes disposed of to destroy evidence of the offence, and the section of the Penal Code which I want to be specifically mentioned here relates to offences in connection with destroying evidence of offence. Can you, by any stretch of language, bring this section 201 of the Indian Penal Code under the words "in respect of any offences of which he may be found guilty in respect of the death of the deceased"? If there is any ambiguity, then I submit that that ambiguity should be done away with, because it will always be argued in law-courts that the man having been once punished, he cannot be punished again for the same offence. If he is punished under the first clause, which reads "Any person who, with the intention of preventing the holding of an inquest on a dead body", then if he is put up for trial for an offence under section 201 of the Indian Penal Code, it should not be open to a pleader to argue that this man has been punished once and so he cannot be punished again for the same offence. That is why I am anxious to have this made clear by the addition of the words "or under section 201 of the Indian Penal Code" at the end of the second clause. Personally, I would be very reluctant to include in the words "in respect of the death of the deceased" an offence of destroying evidence of that offence. You may argue that way, but you cannot deny that it will be open to a pleader to argue that the man having been punished under the first clause he cannot be tried for the same or similar offence under section 201. I need hardly point out that the offence is not so much the disposing of the dead body but it is the disposing with a particular intention. The intention in the first sub-clause is the intention of preventing the holding of an inquest, which is very different from the intention laid down in section 201 of the Penal Code which is the intention of screening the offender by destroying the evidence of offence.

Question proposed.

Mr. D. D. NANAVATI: Mr. President, the amendment moved by the honourable member from Surat is in my view of the matter entirely unnecessary. He has himself with his legal acumen given us the reason why such an amendment is not necessary. He has pointed out that the intention required under clause 11, sub-clause (1), is entirely different from the intention which is one of the ingredients of the offence under section 201 of the Indian Penal Code. In the former case, the intention is that of preventing the holding of an inquest, whereas for

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the offence under section 201 it is the intention to screen some one from punishment for a certain offence. Now, it is quite clear that no court is going to hold the two offences to be one and the same and to admit the argument that a conviction under the former bars a trial under the latter section. No one can prevent a pleader from arguing in any way he likes, but it is for the court to accept or reject the argument advanced. If we were to legislate for the purpose of preventing any untenable arguments from being advanced, there will be no end of the matter, but I submit, Sir, that for the very reason which the honourable mover himself has pointed out, it is not necessary to provide for the contingency of such an untenable argument being advanced. I therefore oppose the amendment.

Mr. P. J. TALEYARKHAN (Surat District) : Sir, my reply is that, in that case, sub-clause (2) is absolutely unnecessary; the whole of that sub-clause ought to go in that case. If you retain sub-clause (2), then you must add the words I have proposed in my amendment.

The Honourable Sir ERNEST HOTSON : I think, Sir, that it is quite probable that the amendment is unnecessary as my honourable friend the Legal Remembrancer says. On the other hand, if we accept it, it cannot possibly do any harm, and so in view of the fact that sub-clause (2) of clause 11 does exist, I am willing to accept the amendment.

Question put and carried.

Rao Bahadur R. R. KALE (Satara District) : Sir, the amendment which I wish to move is in relation to section 19 sub-clause (2) of the Bill, and the reason for the amendment which I propose is this that here we are introducing a new element, *viz.*, that the statement of a person against whom there is a suspicion of having committed an offence and who might thereafter be brought up for trial before a court is to be recorded. If it is to be recorded then, in order that it may be capable of being used against him a subsequent trial when he will be an accused person, my submission is that such a statement should bear all the safeguards that are provided in the case of statements of accused persons recorded during the preliminary investigation. The clause as it stands says that it is not obligatory upon a person to make a statement, but if such persons persists, the coroner shall, without administering him any oath, record his statement after duly warning him that any incriminating statement which he may make may be used in evidence in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898. The only safeguard that is provided in sub-clause (2) is that the coroner, who is to be regarded as a magistrate under sub-clause (3) is to warn the person that such statements may be used against him as evidence in any enquiry. Whereas, in the case of persons who make confessional statement and which are required by law to be reduced to writing under the provisions of sections 164 and 364 of the Criminal Procedure Code, I find that there are additional safeguards, that is to say, first of all, the statement must be in full, every question and answer must be recorded, and further the magistrate

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has got to satisfy himself that the statement is made voluntarily, and so on, and the magistrate is to attach a certificate at the foot of the statement that he has so satisfied himself after ascertaining from the accused in various ways that the statement which he is going to make he is making of his own free will and without any external influence or coercion, etc. These safeguards are laid down because the statement may be used hereafter against him as an accused person in a criminal court. My submission therefore is that if a statement made by a person before the coroner is thereafter to be used against that person in a trial before a court, it must be made under the same safeguards. I find that the honourable member the Remembrancer of Legal Affairs has tabled an amendment to add the words "in full" after the words "his statement" in section 19 (2). That is good so far as it goes, but section 364 of the Criminal Procedure Code says that not only is the statement to be recorded in full but the whole of the examination including every question put to him and every answer given by him shall be recorded in full in the language in which he is examined. It is not only necessary to record his statement in full, but it is also necessary to record every question and the answer given to it, because hereafter that statement may be used against him, and therefore it ought to be decisive. The court must be in a position to know exactly what the question and the answer were. Also, section 164 of the Criminal Procedure Code lays down the procedure for recording the confession of an accused person before trial, that is to say, before the regular trial begins, that is, while the police investigation is going on. Certain persons who are suspected or accused of having committed an offence are sent to a magistrate and there statement is recorded. I submit that the coroner's enquiry is in the same form; it is a sort of preliminary investigation or enquiry. Therefore, if a person suspected of having committed an offence makes an incriminating statement before a coroner, then I do think that all the safeguards that are laid down in section 164 of the Criminal Procedure Code should be provided in section 19 of this bill also. Therefore my amendment is :

In clause 2 of Bill No. VI of 1930, as amended by the select committee—

(a) Omit from section 19, clause 2, all the words beginning with "After duly warning" and ending with "1898".

(b) Add at the end of clause 3, section 19, the following :—

"Such statement shall, if incriminating, not be used as evidence against the person making it in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1908, unless it is recorded in the manner and with the safeguards laid down for recording a confession in the provisions of the Criminal Procedure Code of 1908."

The Honourable the PRESIDENT: I thought the honourable member was taking up his first amendment which is "Omit from section 19, clause 2, all the words beginning with 'after duly warning' and ending with '1898'."

Rao Bahadur R. R. KALE: Yes.

The Honourable the PRESIDENT: If that is carried then the position of the second amendment becomes a little different.

Rao Bahadur R. R. KALE (Satara District): Then, I shall confine myself to the amendment to clause 2 which runs as follows :

"In clause 2 omit from section 19 all the words beginning with 'after duly warning' and ending with '1898'."

That is to say that the effect of such statement is merely a statement which however cannot be used against him in any trial or proceedings. Of course it will not be obligatory that the accused person should make a statement. If, however, he wishes to make a statement he may make it, but that statement should not be used hereafter against him in any criminal proceedings. The reason for my amendment is that there are no sufficient safeguards. The possibility is that he may be induced to make a statement. The consequence of that statement, if it is incriminating, afterwards he may be liable to be bound down by that statement made before a coroner. As a matter of fact the coroner's enquiry is a sort of summary inquiry. If the accused person is to be bound down by the statement he may make before a coroner and if he is to be bound down by that, it is rather giving an undue advantage to the prosecution to rely upon his previous statement. This provision which was in the old Act has now been sought to be introduced in this Bill, that is to say, if that statement is found to be incriminating then it is to be used against the person making the statement. You will find that clause 3 makes the coroner a magistrate.

Section 26 of the Indian Evidence Act relates to confessions. It says :

"A confession unless it is recorded in the presence of or by a magistrate, it will not be admissible in evidence against the accused person."

That is what section 26 says. Therefore, this statement by the accused is being given the force of a confession so as to be admissible under section 26 of the Evidence Act, for it says that the coroner is a magistrate. My submission is that, if there are no qualifications and safeguards, which are laid down for confessions and statements in the Criminal Procedure Code, such statements or confessions should not be used against the accused person. Lay down all the safeguards that are laid down in the Criminal Procedure Code for confession and statements, then use them. But so long as you are not adopting all the safeguards relating to the recording of confessions, so long I submit it is rather dangerous to give the force of a confession under the Criminal Procedure Code to a statement or confession made before a coroner. Such a confession made before the coroner should not be admissible under section 26 of the Evidence Act. This amendment is co-related to the second amendment. If all the safeguards that are laid down for a voluntary confession are provided in this Bill, then I have no objection to using it in the later proceedings. So long as it is not so—the section that follows does not make that provision—I submit it is desirable to omit the portion which I have indicated in my amendment. This clause, I submit, should be omitted. Or, if it is intended to retain it, then section 19 should be amended further by an addition which I have suggested.

Question proposed.

Mr. P. J. TALEYARKHAN (Surat District) : Sir, I oppose the amendment. The honourable member assumes that an incriminating statement which has not complied with provisions of the Criminal Procedure Code—sections 164 and 364—would be admitted in a court of law. He assumes that. But it would not be admitted, if it is an incriminating statement, in any court of law, unless the safeguards have been satisfied. Unless the magistrate or the trial judge is satisfied that all the requirements of sections 164 and 364 have been complied with he would not admit in evidence such a confession. The substitution of the words the honourable member wants to make will not carry the matter any further. The clause as it stands says.....

The Honourable the PRESIDENT : Will the honourable member argue on the first part of the amendment ? The other will be taken up later.

Mr. P. J. TALEYARKHAN : With great respect I submit it cannot be. He wants to substitute something.....

The Honourable the PRESIDENT : Order, order. Will the honourable member resume his seat ? I thought that if the honourable mover did not succeed in getting these words deleted, he would move his second one. I think that is the honourable member's idea. Therefore, these are two different amendments.

Rao Bahadur R. R. KALE : It is not exactly so.

The Honourable the PRESIDENT : I do not know how they can go together. Anyhow, I will allow the honourable member to argue.

Mr. P. J. TALEYARKHAN : As the clause stands, an incriminating statement may be used in evidence. But that does not mean that if the provisions of the Criminal Procedure Code are not complied with, it would be admitted as evidence. So, the substitution of the words proposed by the honourable member is unnecessary. It should be for the trial court to see whether an incriminating statement sought to be put in has complied with the provisions of the Criminal Procedure Code. The Honourable Member may say "I propose the substitution by way of additional caution". To that my answer is that there is a serious objection to this substitution. Just consider what a magistrate does when an accused person is brought before him for recording a confession. The magistrate knows that the man has come to make a confession. Knowing that, he has to satisfy himself that the confession is voluntary ; he has to ask certain questions to him at the very threshold. He has to ask him : "How long have you been in police custody ? Have you been threatened by anybody ? Have you been given any inducement or promise ?" After satisfying himself he begins to record the confession. Now, take the case of a Coroner. His case is quite different. He does not know that the man has come to make a confession. That man has very probably come to give an explanation. If he makes any incriminating statement he is making that unwittingly, and it will be too late for the Coroner to satisfy the conditions of the Criminal Procedure Code. The Coroner will make an ineffectual attempt to satisfy those provisions, and the result will be that a doubtful confession will come before the court. My chief point is this : make up your mind whether you think it proper that such an incriminating statement should at all go before a court later

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on. If you think it is not proper, then I say you must leave the clause as it is, because in that case the Coroner will not comply with the conditions of the Criminal Procedure Code and the statement will not be admitted in evidence. There are three things that such a statement would go to prove. The first is that the statement might be made use of as a corroborative document; as a statement made by an accused person at the earliest stage, it would go to corroborate him if he makes the same statement before the trial court. Secondly, if he makes a statement later on which is inconsistent with the statement made before the Coroner, then you can make use of the statement made before the Coroner to contradict him. The third use would be as a confession. It can be made use of as a confession only if the Coroner has satisfied the conditions of the Criminal Procedure Code as regards recording of confessions. But, as I say, if you leave the clause as it is, the Coroner will never be able to satisfy those conditions. But if you adopt this amendment, the substitution.....

Rao Bahadur R. R. KALE : Elimination and substitution as a proviso.

Mr. P. J. TALEYARKHAN : The honourable member wants to eliminate the first part of the existing clause and substitute his own words. I say if you substitute that, then the Coroner will think that he is required to satisfy the conditions of the Criminal Procedure Code, and then he will at a late stage make an ineffectual attempt to satisfy those conditions. I say "ineffectual attempt" because the Coroner does not know that the man has come there to make an incriminating statement; he thinks that he has come there to make an explanation; the incriminating statement would incidentally creep in and then the Coroner will think that he must satisfy the provisions of the Criminal Procedure Code. It will be an ineffectual attempt; it will never be a satisfactory statement. It is better to leave the clause as it is, in which case the statement will be used either by an accused person as corroborating him, as showing that he had given this explanation at an early stage of the proceeding, or in other circumstances to contradict him if he makes a different statement later on. But as a confession, I say "No; do not attempt that."

Mr. R. G. PRADHAN (Nasik District) : Sir, I shall try to elucidate this provision as I understand it. I will confine myself to the particular amendment now before the House. The mover of the amendment asks the House to delete all the words beginning with "after" and ending with "1898." If this amendment is carried, it appears to me that the situation would become worse so far as the person making the statement is concerned. I shall try to explain what I mean. In sub-clause (3) it has been stated that for the purpose of section 26 of the Indian Evidence Act, 1872, a Coroner shall be deemed to be a Magistrate. The amendment does not require that that sub-clause should be deleted; that sub-clause will remain as it is. Now, the acceptance of this amendment will amount to this. The man makes a statement; that statement happens to be an incriminating statement; the statement being an incriminating statement and the Coroner being deemed to be a

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Magistrate, he can take action against him for making an incriminating statement. If this amendment is carried, he will be in a position to take such action even though no warning has been given to the person that he is not bound to make any such statement. In other words, under the clause as it stands, whilst a person is making a statement, a warning is given to him that if he makes an incriminating statement that statement may be employed against him. When such a warning is given, it is exceedingly improbable that that man will make such a statement at all. "In that case," he may say, "I do not want to make a statement at all." Well, if this particular amendment is carried, this warning will not be given and yet action will be taken against the person. If this amendment is accepted, the position, it appears to me, will become worse so far as the person making the statement is concerned. Therefore, my idea is that my honourable friend from Satara (Rao Bahadur Kale) has not drafted his amendment properly. He ought to have moved his two amendments as one. It appears to me that if this amendment is accepted and those words are deleted, it will become absolutely necessary for the House to accept the second amendment which he would move. Therefore, the question before the House is that we have got two alternatives, and we should choose whichever we think best. The first alternative is to provide for the addition suggested by my honourable friend from Satara (Rao Bahadur Kale) without omitting the words "after duly warning" etc., in clause 2. The second alternative is to reject the amendment as a whole.

The Honourable the PRESIDENT: Before the honourable member from Ahmedabad (Mr. Chahewala) speaks, I should like to ask the honourable mover of the amendment whether he wants me to take it as one amendment, i.e., the deletion of the words "after duly warning", etc., and the addition of the words "Such statements. Criminal Procedure Code of 1908." Is that the idea?

Rao Bahadur R. R. KALE: Yes, Sir. Really speaking, they form part of the same section 19. Section 20 is different. I think the honourable member the Legal Remembrancer seems to think that this is the amendment to section 20 which really speaking comes later on.

Mr. D. D. NANAVATI: What I was trying to bring to the honourable member's notice was that there is a mistake in the amendment. The honourable member wants to add the words at the end of clause 3 of section 19. I think it should be 2.

The Honourable the PRESIDENT: Yes, it should be 2.

Khan Bahadur H. P. CHAHEWALA (Ahmedabad District): Sir, I rise to oppose the amendment. In the first place, the suspect is not bound to make a statement before the Coroner; as soon as he starts, the Coroner's first duty would be to ask him to stop and tell him that he is not bound to make a statement. If the suspect persists, then a warning is to be given by the Coroner that the statement may be used against him. So, a sufficient safeguard exists in the clause. It is only when a man persists that the Coroner permits him to make the statement

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after duly warning him. Therefore, I think that it provides an adequate safeguard in the clause itself.

Another point is that the statement would be made by the suspect at the earliest possible moment and therefore it has got additional value when such a statement, whether it is incriminatory or exculpatory, goes to the trial. It will have an additional significance and it will be a useful statement. I think that the clause should stand as it is.

Mr. A. N. SURVE (Bombay City, North): Sir, I beg to oppose the amendment. To me it appears that the honourable mover of the amendment has not appreciated properly the wording of the different clauses. It ordinarily happens that an inquest is held immediately after the death. At that stage the person who is concerned may or may not be in police custody. If he is in police custody, then the clauses of the Indian Evidence Act and also the clauses of the Criminal Procedure Code are applicable. This bill presupposes that the man is not in police custody. If at such a stage the person voluntarily comes forward, then I see no reason why that statement should not be recorded. In this instance the man is not in police custody. Therefore the statement which he makes is voluntarily. If he makes the statement voluntarily, then that statement has the greatest probative value because it is a spontaneous and voluntary statement. I submit, therefore, that the statement should be recorded if made. The wording used in the bill is that the Coroner has to give him a warning. Again the next word used is "persists." If in spite of the warning the person concerned persists, then there must be some very strong reason for his persistence. Perhaps he wants to give an explanatory statement which he thinks would draw him out of the clutches of the police. If he succeeds in that, then the proposed safeguards would prove nugatory and will only delay his release. I think the clause as it stands is all right and we are fortified in our proposal contained in the bill by the opinion of the High Court. This was the very point which we discussed in the Select Committee and at our request it was referred to the High Court for opinion. I think the High Court has upheld what we then suggested. Therefore, I submit that the clause as it stands is all right and does not require any amendment.

Mr. D. D. NANAVATI: Sir, I beg to oppose the amendment. The honourable members who preceded me have pointed out the various considerations that make this amendment unnecessary. I do not wish to repeat what they have said. I will only point out that the matter was referred to the High Court, as has been mentioned by my honourable friend who preceded me (Mr. Surve) and they have approved of the clause as it stands with the addition of a small amendment which I have tabled, that is to say, the High Court has agreed that if the statement is taken down in full, the clause as it is drafted should stand. The honourable mover wants to import all the formalities of sections 164 and 364 of the Criminal Procedure Code into the recording of this statement, but as the learned member from Surat pointed out, the man who

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is making the statement is not in the position of an accused but goes there to make a voluntary statement, and it will be impossible—at any rate very difficult—for the Coroner to comply with these requirements which apply to the case of an accused brought *for the purpose of* recording his confession. The honourable member from Surat was not perhaps quite correct when he stated that in any case a statement which was in its nature incriminating would not be admissible unless all those formalities had been complied with. The Bombay High Court in a recent case reported in No. L. of 1926, Indian Law Reports (Bombay Series) has ruled otherwise. The case which I referred to is “King Emperor *vs.* Ramnath Mahabir” given on page 113. The facts were as follows:—

“At an inquest held before the Coroner of Bombay, the suspect who was then in the custody of the police, insisted on making a statement on oath with reference to his connection with the circumstances attending the death of the deceased. The statement was duly recorded, the suspect was subsequently committed to the Criminal Sessions for trial on a charge of murder. On the above statement being tendered in evidence by the Crown,

Held that the statement which was without the slightest doubt entirely voluntary was admissible either as a confession under section 26 of the Evidence Act, or as a statement made by a party to a proceeding under sections 18 and 21 of that Act.”

That, Sir, is the law as it stands at present and it would be defeating the ends of justice to shut out a statement made by a person who is not in custody and which is made by him voluntarily, which is made in the city of Bombay, and which is also a statement made in the open Court. To shut such a statement out on the grounds that the formalities described under section 164 of the Criminal Procedure Code and which are meant for safeguarding procedure in the mofussil are not complied with will be defeating the ends of justice. Therefore, I submit, Sir, that the clause as drafted which has the approval of the High Court and which has been supported by so many learned legal gentlemen should be allowed to stand as it is drafted.

Mr. F. OLIVEIRA : Sir, there seems to me to be some confusion both as to law and facts in the debate that has been going on. We must remember that this Act is for the City of Bombay. References made to the formalities laid down in the Criminal Procedure Code are out of place as the police in Bombay are governed by the Bombay City Police Act and not by the provisions of the Criminal Procedure Code. Further it is not correct to say that the man placed before a Coroner is an accused. More often than not he is in police custody, but he is treated as a suspect and not as an accused. The statement made by such a person before the Coroner though of an incriminating nature has been admitted by Mr. Justice Fawcett, though the safeguards referred to by a previous speaker had not been put into operation.

In certain cases, as for instance when death is caused by alleged rash or negligent driving, the suspect may often be the only person who could throw light at the inquest. His statement might be of great help to the Coroner and the jury. Therefore, he ought to be permitted to make his statement. If he insists on making an incriminating statement in spite of the warning given to him by the Coroner, then he must take

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the consequences and nobody could help him. I oppose the amendment for these reasons.

Rao Bahadur R. R. KALE (Satara District) : Sir, I find that there is some confusion created by the two amendments. I have proposed an addition and substitution of the same clause and therefore it has created some confusion in the whole question. But the substance of these two amendments is this. An incriminating statement made by any person should not be admitted in any subsequent proceedings and if it is to be used, then it should comply with the formalities of the Criminal Procedure Code. My second amendment is to the effect that section 20, which states that "the Coroner shall take down in writing the evidence of each witness, etc." should also be amended. I will now show that the same principle should govern section 19 just as in the case of witnesses whose statements are recorded. My only object is that if a statement is to be recorded, it should be recorded in the manner required under the Criminal Procedure Code. I would also say that a statement taken from a person who is a witness, or a person on suspect should also be under the form provided in the Criminal Procedure Code. This only applies in the case where such a statement is to be used as evidence. If, however, in section 19, clause 2, the word "full" is introduced, there will be some improvement. There is no doubt that by such introduction, it will alleviate the grievances to some extent but I say that grievances will be completely alienated if the words "in full in the manner laid down under the Criminal Procedure Code" are introduced.

As to the points raised by my Honourable friend from Surat, he refers to the words "may be used" and "shall be used". But I am not able to follow him at all. If my Honourable friend from Surat will refer to Section 164, he will be able to see there is no distinction between the wordings. Under the Act whether a particular statement may be used or may not be used, it is left to the discretion of the Court. The Court has been given a discretionary power whether a statement may be used or may not be used. For the very fear of my honourable friend from Surat, I have suggested that the statements should be recorded under the form laid down in the Criminal Procedure Code. That will clear the whole matter. Any incriminating statements should not be used against the person making it, and to avoid such a difficulty, I have suggested the addition mentioned in my amendment. It is also stated here that if a statement is incriminating, it will be shut out from being produced in the other cases. I do not say so. I simply say that incriminating statements may be used, but they should be recorded in the manner laid down in the Criminal Procedure Code in the first instance and then they can be safely used. If the Coroner finds that any statement is incriminating, it is open to any party whoever may be representing this side or that side to ask the Coroner, if he wants to hereafter use that statement, to do it in a formal manner after finding it out from the suspected person. He will then be in a position to see whether it is really an incriminating statement. As soon as he finds that it is an

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incriminating statement, then he will proceed with the formalities laid down for the purpose. So I think the House will consider whether the safeguard necessary in the case of an accused person is not necessary here. The man before the coroner is not an accused, but as soon as he begins to make an incriminating statement, I think you may take it that the coroner will warn him and observe the necessary formality. Before any such incriminating statement is made capable of being used against him, we ought to make sufficient provision for safeguarding his interest and that is all that I seek to make by deleting this portion and adding the new clause to the effect that if it is an incriminating statement, it should be in the form laid down in the Criminal Procedure Code.

The Honourable Sir ERNEST HOTSON: Mr. President, I should just like to explain for one moment how we arrived at this provision in the bill before the House. The question of the admissibility of such statements had been discussed for some considerable time. It was set at rest by the decision of the Bombay High Court, which has already been quoted. At the same time, there was some doubt whether that opinion would be upheld if the same question was again discussed by another court and it was thought very much better to have it cleared up. We looked into the law existing elsewhere and we found what the law and practice in England had been, and in the original draft we followed that fairly closely. It was put before a special sub-committee appointed by Government and they amended slightly what had originally been proposed. It was sent before the High Court and the High Court agreed to it in the form in which it appears in the bill before the House. It came before the select committee. In the select committee it was rather warmly discussed and we again consulted the High Court and the High Court have given their approval to the provisions which stand in the bill with the addition of two words which the honourable member the Legal Remembrancer will shortly propose. We have very carefully gone into the question whether there is any danger that a suspect would be entrapped into making statements which he would not have made if he had time to think over them, and we have come to the conclusion (and I hope that this House will agree with that conclusion) that the warning which the bill orders to be given and the fact that the statement is not to be on oath will be sufficient protection, that is to say, if he was originally put on oath and it was then discovered that he was going to make an incriminating statement, then anything he may have said of an incriminating nature while on oath will not be considered against him. He will be given his warning—the oath will be cancelled as it were—and he will be asked to make a statement not on oath. All these precautions, it was hoped, would prevent injustice to the suspected person and it was not thought necessary to go in for the elaborate safeguards which, for the reasons given by my honourable friend the Legal Remembrancer, would be very much out of place in the coroner's court. I think the first part of the amendment proposed by my honourable friend Rao Bahadur Kale ought not to be accepted by this House, whatever view they may take of the other part.

The Honourable the PRESIDENT: Before I put the amendment to the House (the two parts going together now), I must point out that, after hearing the reply of the honourable mover of the amendment, in which he actually said that he accepted the view given by the honourable member the Legal Remembrancer, namely, that if this amendment were not accepted by the House, ordinarily as the law stands, the trying court would be entitled to accept that statement as legal or acceptable and admissible under the Evidence Act. That is to say, if this amendment is accepted by the House, the honourable member's attempt, I presume (I am not quite clear) would mean that he is attempting by the insertion of these words to exclude this clause from the operation of certain sections of the Evidence Act. If these words are not inserted, the Evidence Act would operate and he fears the statement made by the accused or the supposed accused would be admissible. Then, does it not mean that this is an attempt (it may appear indirect but it is a direct attempt) to affect the provisions of some sections of the Evidence Act? If that is so, the sanction of the Government of India would be necessary. If the sanction of the Government of India is necessary, we have rulings here which I have myself followed that the House can go on with the bill, but for the third reading it must wait until the sanction is received. The House should understand the position before I put the amendment to vote.

Question put and lost.

Mr. D. D. NANAVATI: Mr. President, I beg to move the first amendment which stands in my name. It is as follows:

In clause 2 of Bill No. VI of 1930 (A Bill further to amend the Coroner's Act, 1871, in its application to the Presidency town of Bombay) as amended by the Select Committee—

(1) in proposed section 19 (2), after the words 'his statement' the words 'in full' shall be inserted.

The object of this amendment is to carry out the advice given by the High Court, namely, that the statement which we have here discussed just now should be recorded in full and not summarily or merely in material portions.

Question put and carried.

Rao Bahadur R. R. KALE (Satara District): The other amendment which I wish to move is to section 20 of clause 2. Section reads as follows:

"(1) The Coroner shall commit to writing the material parts of the evidence given to the jury, and shall read or cause to be read over such parts to the witness and then procure his signature thereto."

The whole of the evidence is not to be committed to writing, but only the material parts of it, and at the same time the witness is to be made liable by sub-section (2) of section 20 for the consequences of making a statement on oath. So, in order to provide proper safeguards I propose that the following amendment should be made:

Delete section 20, clauses (1), (2) and (3) and substitute therefor the following:—

"The Coroner shall take down in writing the evidence of each witness in the manner provided for in section 356 of the Code of Criminal Procedure."

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Of course, if the wording of the amendment of which notice is given by the honourable member the Legal Remembrancer is introduced then I do not wish to move my amendment. I have no objection to his moving his amendment first, and if it is carried then I shall not move my amendment at all.

Mr. D. D. NANAVATI: Sir, I beg to move the second amendment that stands in my name, which is as follows:

For proposed section 20 the following shall be substituted, namely:—

“20 (1) The evidence given to the jury shall be recorded in the manner Mode of recording evidence prescribed in section 356 of the Code of Criminal Procedure, 1898.

(2) For the purpose of this section the Coroner shall be deemed to be a magistrate.”

The object of this amendment is to provide that the evidence shall not be incomplete or recorded only as far as its material parts are concerned, but that it shall be recorded in full as provided in the Criminal Procedure Code with respect to the more important classes of cases, viz., warrant cases. According to that provision, the evidence of a witness is to be recorded either by the magistrate, or if he does not himself record it in full, under his superintendence and at the same time he makes a memorandum of the evidence in his own hand if he does not himself record it in full. As the section in the Criminal Procedure Code refers to a magistrate or judge, whereas here we are dealing with a coroner, sub-section (2) which I propose is necessary in order to make the interpretation of the section possible. That is to say, we now provide that the coroner shall be deemed a magistrate, so that all the provisions in section 356 referring to a magistrate will apply to the Coroner in taking down this evidence. As I said before, this amendment is put forward to comply with the advice of the High Court and it meets with the object aimed at by the honourable member Rao Bahadur Kale who tabled an amendment on the same lines first. I therefore need not say anything more in support of this amendment, and I beg to move it.

Question put and carried.

Rao Bahadur R. R. KALE: If necessary, I shall formally withdraw my amendment.

The Honourable the PRESIDENT: I have not put it to the House.

Clause 2, as amended, ordered to stand part of the bill.

Clause 3 (*Inquest to be adjourned if criminal proceedings have been instituted before a Magistrate*) ordered to stand part of the bill.

Clause 4 (*Substitution of new section 31 for section 31 of Act IV of 1871*) ordered to stand part of the bill.

Clause 5 (*Substitution of a new schedule for the Second Schedule to Act IV of 1871*) ordered to stand part of the bill.

The preamble ordered to stand part of the bill.

(After recess.)

BILL No. IX OF 1930 (A BILL TO PROVIDE FOR AND REGULATE THE AUDIT BY GOVERNMENT AUDITORS OF THE LOCAL FUNDS UNDER THE MANAGEMENT OR CONTROL OF CERTAIN LOCAL BOARDS IN THE BOMBAY PRESIDENCY, EXCEPT THE CITY OF BOMBAY).

(As amended by the Select Committee.)

The Honourable Dewan Bahadur HARILAL D. DESAI: Mr. President, I present the report of the select committee on Bill No. IX of 1930 (A Bill to provide for and regulate the audit by Government auditors of the local funds under the management or control of certain local boards in the Bombay Presidency, except the City of Bombay).*

The Honourable the PRESIDENT: The report of the select committee on Bill No. IX of 1930 is presented.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir,
 Second reading. I move that Bill No. IX of 1930 as reported by the select committee be read a second time. In support of that motion I beg to submit to the honourable House that at the last session this House had appointed a very large and representative committee consisting of about 21 or 22 members to go through the Bill. They have very carefully considered all the provisions and have overhauled in several particulars the various details almost unanimously. They have removed almost all the objections for which amendments were tabled at the first reading and the other points that were raised in the select committee.

I am repeating for the information of the honourable members that there were two matters which were considered as a matter of principle at the first reading of the Bill. The first was the exclusion of the City of Bombay and the other was the power of charge and surcharge and its basis. Without touching these two points of principle, the details have been overhauled and the Bill has been very carefully redrafted. The Accountant General was a member of that select committee and I may say that his presence in the select committee was very helpful, because he very satisfactorily tried to meet all objections in matters of detail. Honourable members will see from the report what has been done.

I would only refer to some salient points in which clauses have been overhauled. Clause 6 related to the production of documents and materials for audit. This clause has been amended so as to remove all the sentimental objections as regards the dignity of the presidents or chairmen or members or officers and other similar objections.

Clause 8 relates to the penalty for disobeying the requirements of the auditor.....

The Honourable the PRESIDENT: Clause 7.

* Appendix 2.

The Honourable Dewan Bahadur HARILAL D. DESAI : Clause 7, Sir, has also been suitably amended.

Then, clause 10, as regards the procedure to be followed after audit has been entirely redrafted indicating clearly the procedure to be followed by the auditor and other cognate matters.

As to clauses 9 and 11 an important amendment has been made in the select committee. The word "gross" has been introduced before the word "neglect". This word has been introduced on the lines of the provisions of the District Municipal Act, the Municipal Boroughs Act, and the Local Boards Act.

Clause 15 refers to rule making powers. That clause has been suitably amended. Some honourable members of the select committee have since resigned, but if the new honourable members would look at the various amendments tabled at the first reading and the wide-reaching changes made in the select committee, they will find that the bill as emerged from the select committee is in a satisfactory form. Under these circumstances I move 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 (Extent) ordered to stand part of the Bill.

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

Clause 4 (Liability of local authorities to submit their accounts for audit.)

The accounts of any local authority whose accounts are declared by the Government, by a notification in the Bombay "Government Gazette", to be subject to audit under this Act shall, notwithstanding anything contained in any enactment by which such local authority is constituted or in any rules made thereunder, be subject to audit in all respects in the manner provided by or under this Act.

Rao Bahadur R. R. KALE (Satara District) : Sir, the amendment which I have tabled to this clause runs as follows :

"In clause 4, line 1, between the words 'authority' and 'whose' insert the following words :

'Whether kept in English or the vernacular of the district.'

The object with which I have moved my amendment is to make it clear that, when the members of the local authority are being made liable for charges and surcharges, they should be able to understand their liability. A majority of the members of the local boards are people who do not know English. The accounts really speaking should be kept in the vernacular of the district and as a matter of fact in some of the districts the accounts are kept in the vernacular of the district concerned. But by a rule made under section 83 of the Local Boards Act, which says that the accounts shall be kept in such form as may be prescribed by rules, Government have laid down that the accounts shall be kept in English. That section authorises Government to frame rules laying down the form in which the accounts shall be kept ; it does not give any power to Government to frame rules laying down the language in

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which the accounts shall be kept. I had asked a question some time ago in this Council whether Government were aware that certain district local boards had objected to the compulsory keeping of their accounts in the English language, and the reply given by Government was that they were aware and that the matter was being considered. I do not know whether any modification of that rule has been made, but I have taken this opportunity to make it clear that the rule which makes it compulsory that district local boards shall keep their accounts in English is a great handicap on the local bodies and the members constituting those local bodies. When this bill tries to throw a responsibility on members as regards payments made by negligence to provide against this and that, the members must be at least in a position to know exactly what the accounts are. If the accounts are in a foreign language which they do not understand, it will be a great hardship on them. Therefore, the object of this amendment is to make it optional on the local bodies to keep their accounts either in their local vernacular or in English. The acceptance of this amendment will be an indication of the mind of this Council as to the need of keeping accounts in a language preferred by the people concerned. If this amendment is accepted by this House, there is another amendment tabled to the next clause which I shall move. I will deal with it later on. But the principle underlying this amendment is very simple. In the past the district boards were almost under the management of the Collector; the Collector was the president, and the office of the district board was in the Collector's office; and naturally the practice crept in of keeping the accounts in English. There was nothing under the law about it, and I know that in the case of taluka boards and municipalities the accounts were kept in the vernacular of the district. So far as the district local boards are concerned, this practice has continued. But the time has come now when the old practice of keeping accounts in the English language should not be enforced. The local boards have become autonomous bodies with freedom to elect their own presidents, and there is no reason why the old practice should be continued. For this reason, I submit that the amendment proposed should meet with the approval of the House.

Question proposed.

Mr. N. E. NAVLE (Ahmednagar District): Sir, I rise to support the amendment moved by my honourable friend Rao Bahadur Kale. The present rule regarding the keeping of accounts by the district local boards is that it is compulsory on them to keep the accounts in English. As my honourable friend has stated, it is time that the local bodies are given the option to keep their accounts either in English or in the vernacular of the district concerned. Under the present District Local Boards Act the district boards are responsible bodies, fully autonomous in matters allowed to them under the law. If they are autonomous and if they are bodies dealing with really important matters, it is but right that they should understand what their accounts are. As my honourable friend stated, most of the members returned to the district local boards are ignorant agriculturists who do not know the English language. They

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know only their vernacular. It will, therefore, be a hardship on them if their accounts are to be kept in English. Many of those members are elected to responsible positions under the board; some of them are elected as chairmen of committees, for example the sanitary committee and the public health committee. There is also the school board functioning under the district local board—a responsible board—and to it also some of these members are elected. If these members are to be held responsible for the accounts of their departments, then there should be a provision in the Act allowing the local bodies to keep their accounts in the local vernacular. Therefore, the amendment which my honourable friend has moved is a proper one and should be accepted by Government. The only change which I propose is that the amendment should come after the word “Act” and not between “authority” and “whose”. However, it is for the honourable member the Legal Remembrancer to propose.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I think it would be better for me at this stage to clear the position. My honourable friend from Satara wants to accomplish in a rather indirect way an object which he knows ought to be attained by an amendment of the principal Act. I submit that even if there were an amendment of this Act, still it would not empower the local bodies to keep their accounts in vernacular, unless the principal Acts, namely, the District Municipal Act, the Municipal Boroughs Act, and the Local Boards Act, are amended. I submit, Sir, that it is quite unnecessary. Government have passed a resolution with reference to the local boards by which the Commissioners have been instructed that in proper cases they should allow certain local bodies to keep their accounts in vernacular and that they should use that discretion rather liberally. The Local Self-Government Institute made a reference to Government in regard to this question. The whole position was again examined and.....

Rao Bahadur R. R. KALE : What was the resolution passed by the Local Self-Government Institute ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The resolution was that local bodies should be allowed to keep their accounts in vernaculars. With reference to that the whole position was examined again and as a result Government empowered the Commissioners to allow certain local bodies to keep their accounts in vernaculars. There was no necessity of making any change in the rules under the Local Boards Act, but a further suggestion was made to the Local Self-Government Institute that if in any case the Commissioner refused such permission, such instances should be brought to the notice of Government. Up to the present no such instances have been brought to the notice of Government and therefore the arrangement which exists at present ought to be allowed to stand. The amendment moved by the honourable member Rao Bahadur Kale is an indirect way of attaining the object which could not be attained without an amendment of the principal Act.

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Further, there is one point, namely, that the auditors have to pass an examination in vernacular. We have got in the Presidency Sind, Gujarat, Central Division, Southern Division, etc. In the Southern Division two languages are spoken—in some places Marathi and in some others Kanarese. In these circumstances, for the purposes of audit to give such a blank card would be an increase of expenditure to Government and it would not be possible for a man to pass in five languages before he is taken up in the department of audit. I submit, therefore, that this amendment is quite unnecessary and ought not to be allowed. If at any stage the Government or the Minister in charge of Local Self-Government hereafter finds that there are real complaints and difficulties in keeping the accounts in English, Government would consider the matter further. This is not the right way of attaining the object which my honourable friend wishes to attain.

Rao Bahadur S. T. KAMBLI : Are the auditors required to pass any examination ?

Mr. P. G. SHAH : Yes. They are expected to pass an examination in the vernacular of the district in which they are to work.

The Honourable Dewan Bahadur HARILAL D. DESAI : It would be very difficult for the auditor to pass examinations in various vernaculars. In these circumstances, such a rule which is indirectly sought to be thrust here would not be in its proper place. I therefore submit that it is redundant, unnecessary and unwarranted.

Rao Bahadur R. R. KALE : There is a Bill (No. XI of 1930) for the amendment of the Local Boards Act, 1923, for first reading.

The Honourable Dewan Bahadur HARILAL D. DESAI : I am not going to move it.

Rao Bahadur R. R. KALE : It does not matter. My point is that in that Bill, section 92 of the Local Boards Act is sought to be amended. I am only pointing this out because there will be an opportunity of making similar amendment in the Local Boards Act. That is, however, beside the point.

My submission is that this amendment is not out of order. It is not contended that it is out of order. The Honourable Minister wanted to say something about my trying to attain indirectly an object. Very well. It may be indirect. Then he goes on further to say that the Local Boards Act as it stands is not against it. Section 83 of the Local Boards Act lays down that the accounts of the receipts and expenditure of every local board shall be kept in such form as the Government from time to time by rule made in this behalf under clause (f) of section 133 prescribe, so that the Act does not say that the accounts should be kept in English. It merely empowers the Government to frame rules. My submission is that the rule is about the form. It does not say that the accounts should be in a particular language. If you say that by form you also introduce language, you are rather indirectly introducing an element which is not allowed by the language of the section. I submit therefore that in the

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Act there is nothing inconsistent with my amendment. If there is a rule made by Government and if that rule has gone outside the scope of the Act then the rule can reasonably be changed. The reason now given by the Honourable Minister for not accepting the amendment is that he has seen the necessity of having some latitude in this respect. He says that the Commissioners have been authorised to allow district boards, if they apply, to keep their accounts in the vernaculars. I know the instance of my own district. I do not know about other districts. But still I can say that repeated requests were made and as I said in my opening remarks an interpellation was tabled on that point that we have not been able to obtain the permission of the Commissioner in this respect. My point is not about the permission at all. My point is that it should be left to the option of the local authorities and the rule can be changed very easily so as to make it consistent with the wish of the Honourable Minister. I think the Honourable Minister presided or at least he was present at the Local Bodies Conference where a resolution was passed. What more opinion is necessary I do not understand. There is already enough public opinion in favour of this view. If that is so, there should be no hesitation on the part of the Honourable Minister to give effect to the wishes of these local boards and it should be left to their option. The intention of the Act as evidenced by the wording of section 83 is that. It does not say anything about language. If in this section we make it optional for the local bodies to keep accounts either in vernaculars or in English, the decision merely supplements this section and prevents Government from overriding the section, and introducing an element, namely, that the account should be kept in English. That rule, I submit, may be changed very easily. On the whole, I do hope that honourable members will see the need of this amendment and accept it.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, the rules which have been made were made under section 133, clause (f) of the Local Boards Act and it was on account of the question which my honourable friend had raised, and in connection with which I went into the whole question, that orders were issued to the Commissioners that, wherever application was made by a local body that it should be permitted to keep its accounts in vernacular, such permission should be liberally given, so that as a result of my honourable friend's query in this House, the resolution was passed. I regard that resolution as satisfactory and since the passing of that resolution not a single instance has come to the notice of Government of the Commissioner refusing permission. I assume in the absence of any such complaint that there has been no grievance. It is true that the local bodies had held a conference under the auspices of the Local Self-Government Institute. At that conference there were some members who stated that there should be a distinct provision for authorising the local bodies to keep their accounts in vernacular. That resolution was communicated to Government. But I submit, Sir, that we had further examination of the question and we have asked the institute to place before us any instances of

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hardships caused by the present system. On receiving such information, the Government would consider the matter further. I further submit, Sir, that if the local bodies kept their accounts in English, there would be no difficulty in audit. But if the accounts were kept in vernacular, there will be a difficulty of auditing these accounts. In such a case we shall have to engage several auditors knowing different languages.....

Rao Bahadur R. R. KALE : We should have an auditor knowing the language of the district to which he is attached.

The Honourable Dewan Bahadur HARILAL D. DESAI : We cannot have so many auditors. We will have to send an auditor to Sind at one time, at another time he will be sent to Karnatak and different places. We cannot have a Gujarati knowing man solely for Gujerat. I submit, Sir, that it is in the interest of the local bodies that it is much better to apply to the Commissioner and, if they fail, they should come to Government who will consider the matter. Therefore, it is at present ineffectual to amend this clause. I, therefore, request my honourable friend to withdraw his amendment.

Question put and lost.

Clause 4 (*Liability of local authorities to submit their accounts for audit*) ordered to stand part of the Bill.

Clause 5 (*Accounts to be submitted for audit at such period or periods as may be required*) ordered to stand part of the bill.

Clause 6 (*Power of auditor to require production of documents and attendance of persons concerned, etc.*) ordered to stand part of the Bill.

Clause 7 (*Penalty for disobeying requisition under section 6*) ordered to stand part of the Bill.

Clause 8 (*Audit report to be sent to certain officers and bodies as Government may direct*) ordered to stand part of the Bill.

Clause 9 (*Audit Report what to contain*).

The Examiner shall include in his report a statement of—

- (a) every payment which appears to him to be contrary to law,
- (b) the amount of any deficiency or loss which appears to have been caused by the gross negligence or misconduct of any person,
- (c) the amount of any sum received which ought to have been but is not brought into account by any person, and
- (d) any material impropriety or irregularity which he may observe in the accounts other than those mentioned in clauses (a), (b) and (c) above.

Rao Bahadur S. T. KAMBLI (Dharwar District) : I move :

“Delete sub-clause 2 (b) of clause 9.”

My reasons for moving this amendment are these. In the first place neither the words “gross negligence” nor the word “misconduct” are defined either in this Bill or in the various Acts governing the local bodies in this Presidency, namely, the District Municipal Act, the City Municipalities Act or the Local Boards Act. To insert these words

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without any definition of them is neither fair nor desirable, especially as members are to be held liable pecuniarily under certain circumstances. I therefore submit that these words should not be allowed to be retained in the provisions of the bill. Perhaps it may be argued that the words "gross negligence" are to be found in the City Municipalities Act of 1925 and also in the Bombay District Municipal Act of 1901, although these words are not defined in those Acts. But in the particular cases in which these words play a part, or occur in those Acts, no serious difficulty arises. In the abovementioned two Acts gross negligence or misconduct come to be considered only when there is a misapplication of funds. But in the particular cases under this bill there may not be a question of misapplication of funds at all and yet a person may be held responsible. Even if there is any gross negligence or misconduct without there being misapplication of funds the person concerned will be compelled to make good the loss if any loss has thereby accrued. In the second place, I beg to submit to this honourable House that by the insertion of these words in this clause, it is likely to give extraordinary powers to a class of persons who are now entrusted with the work of auditing the accounts of local bodies who ought not to be entrusted with such powers as they are quite incompetent and ignorant, and as they are quite likely to misuse these powers. What is the status of these auditors who are sent to examine the accounts of municipalities and other local bodies and who are to be invested with these unlimited or extraordinary powers? These auditors are ordinary persons of a low status in the service and in the department. I make bold to say that to invest these auditors of such a status with this weapon is to invest them with the Damocles' sword and to keep this sword hanging over the heads of the members of self-governing institutions in this Presidency, and I can emphatically assert that if this clause is allowed to stand in the bill as it is, then very few self-less honorary workers will be found to come readily to accept various responsible offices in municipalities and local boards. The class of persons who are sought to be invested with the power of determining gross negligence or misconduct are none but these auditors. These auditors.....

The Honourable Dewan Bahadur HARILAL D. DESAI : You forget the Commissioners.

Rao Bahadur S. T. KAMBLI : I have not forgotten them. I have to refer to them now and hereafter. I may quote a very recent instance showing how these Commissioners who look upon these auditors as experts—as unimpeachable guides—deal with their reports. I will show how they blindly adopt the recommendations of the auditors as based upon unimpeachable truth and ask municipalities to rectify matters. These auditors not only go into the accounts of local bodies but go further and make suggestions many times undesirable and unnecessary. It is not uncommon to find auditors remarking that they made suggestions to a municipality to levy certain taxes but they have not yet done so. Now under the provisions of this bill they are likely to proceed a step

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further and say that they are guilty of gross negligence by not levying the tax and that for this gross negligence the members of the municipality should pay a surcharge. I can quote a particular instance which occurred in the Southern Division. The Commissioner of that Division is here to-day and I will show how the said Commissioner accepted an untenable recommendation of the auditor as regards a local body and acted upon it to my surprise. The Commissioner strangely accepted the auditor's verdict as Gospel truth and took to task a municipality in his division. This may be equally true also of other Commissioners of Divisions. The Honourable the Minister in charge of Local Self-Government knows that in 1927 the Government issued a resolution prohibiting municipalities from raising taxation on motor vehicles and that they only lifted the ban recently in February 1930. Between the year 1927 and the year 1930, the municipalities were thus prevented from raising the tax on motor vehicles. When recently the auditor was inspecting the accounts of a certain municipality for the year 1928-29 he wrote a big note that the municipality has not cared to increase the tax on motor vehicles thereby providing facilities for the rich and increasing the burdens of taxation on the poorer people. The Commissioner accepted this remark and wrote a letter to the Collector of Dharwar supporting the auditor's remarks and making unfavourable remarks on the municipality concerned which, according to him, was trying to shift the burden on to the poorer people. My friend the Honourable the Minister for Local Self-Government said that the Commissioners are there to check and control. The Commissioner of the Southern Division is present here to-day. I challenge the Commissioner of the Southern Division to contradict what I say. Is it not a fact that in 1927 there was that prohibition referred to above and that yet in the year 1928 the auditor had the audacity based upon his ignorance to make the above unfavourable remarks which the Commissioner adopted and sent down to the municipality concerned? Under these circumstances, how can you safely give the power of reporting or recommending the recovery of surcharges to auditors? What can the Commissioners and the Collectors do, situated as they are, overburdened with more serious duties? I know their position, I know that they are overwhelmed with other affairs, and that other affairs take their time too much, and that they have practically no time to attend to these things carefully, but that on account of their being engrossed in other important matters are obliged to take extracts from these reports and send them to the municipalities for being acted upon. The poor presidents and other office-bearers are to ransack the whole of the previous records and write out their explanations. You must remember that the poor presidents have got only a certain amount of limited energy and that energy, instead of being spent in the direction of promoting the amenities of the city or the area, has to be spent in giving explanations. This is the state of affairs. I cite this instance in order to show how the Commissioners and district officers who are overwhelmed with other affairs deal with such matters, notwithstanding what the Honourable Minister for Local Self-Government may say about them.

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We know as a matter of fact that these auditors whose reports are too readily adopted by the Examiners and Commissioners are not legal men and cannot be expected to know law. To give them such vast power of determining what is gross negligence or misconduct seems to me to be rather astounding and strange. How can an auditor be safely trusted to make a report recommending a surcharge on the members of municipalities? If you do that, you will find it very difficult to get enough self-respecting people to come forward to work on municipalities and local boards. I know of an auditor—a senior auditor—Mr. Pais by name—who does not seem to know even the rudiments of simple arithmetic. To quote an instance:—In the case of a terminal tax, the cart has to pay every time that it passes, but in the case of a toll it is paid but once in the day, no matter how many times the cart passes, and yet this auditor (Mr. Pais) makes a remark that if the municipality had only taken toll which is double or treble or quadruple of the terminal tax, it would have quadrupled the revenue. Can he be said to know the rudiments of arithmetic? Can he be said to be a competent auditor? Yet he is a senior auditor—such is the competency of the staff. Again we find the Commissioner telling the municipality to overhaul the whole schedule of terminal tax relying on the report of the auditors and to submit a progress report. If this is to be the fate of municipalities, then I do not know how you will find self-respecting and honest people to come forward to serve on these self-governing institutions. I am a member of a municipality and I am glad that I have this opportunity of placing before this honourable House an account of what the ignorant and incompetent auditors in the mofussil are doing.

The Honourable the Minister for Local Self-Government says that everything must be strict. How could that happen? Instead of strictly looking after the beneficent activities of the municipality, one shall have to spend two months or some time replying to all these remarks made by these incompetent or ignorant set of auditors. Instead of devoting one's time to the promoting of the amenities of the city, one shall have to devote his time and energy in answering various queries made by the auditors. To invest such persons with the very wide power of deciding what is gross negligence and misconduct, makes the prospect very gloomy indeed. I beg to submit, therefore, that these powers ought not to be given to the auditors. I do not know if the Auditor General or the Accountant General or the Examiner even has enough time to go into the reports of his subordinates in such matters and to rectify these matters if they are wrong. In the ordinary course these auditors' reports may not reach him for a long time and he may find time only to put his initials or signature to the report which comes through the Collector or the Commissioner. The Commissioner will pass his orders fully relying on these reports and send them on to the Collector and the Collector will pass them on to the municipality or the district local board concerned, and in these circumstances the Honourable the

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Minister for Local Self-Government can see whether it is advisable or necessary to invest auditors with such vast powers. It is virtually asking them to hold the Damocles' sword over the heads of the members of municipalities and local boards.

In the next place, my contention is that the responsibilities of members of municipalities are defined in the special Acts governing local bodies. For example, take the District Municipal Act of 1901, Act III of 1901. It will be seen that section 42 defines the liabilities of members. Section 43 defines the liabilities of municipal servants. And there is the section 44 also defining other liabilities. I submit whether it is advisable to throw monetary liability on members without first communicating to them that they are liable for it. I challenge the Honourable the Minister for Local Self-Government to show me a single section in any Act which says that that a municipal councillor was to be responsible monetarily for gross negligence or misconduct except in the case of misapplication of funds. Even in this bill it is only by implication he makes municipal councillors responsible for gross negligence or misconduct. Is it wise or sound, I ask, to make members responsible monetarily by implication? The present bill authorises the auditors to make a report about various things and about the loss of money due to gross negligence or misconduct and the municipal councillors are to be held responsible for such loss without having it laid down in any Act that they will be held responsible for such gross negligence or misconduct irrespective of misapplication of funds. Is it right to make such a law without bringing it to the knowledge of those who are to be held responsible? So, I beg to submit that, in the absence of any definite provision making members or other servants responsible for gross negligence or loss caused by misconduct, apart from misapplication of moneys for which they are responsible in certain circumstances as defined in certain sections of the different Acts dealing with local self-governing bodies, it would be inadvisable to enact a law by which members or servants are by implication made responsible for it. The Honourable Minister for Local Self-Government said that this clause was considered to be necessary owing to a certain case that happened. What is that case and what is that instance? He said that some municipality had passed a resolution that certain moneys should be invested in a certain way, and for six years that had not been done, and therefore such a law was considered necessary to hold the defaulters responsible. In order to deal with that single instance, why make such a sweeping law, which will bring in other acts perhaps innocent acts within its purview? I beg to submit that this bill will tend to stifle the energy and enthusiasm of the municipalities and local bodies. If this bill is passed into law, whoever reads these sections and understands the responsibility attaching to members.....

The Honourable the PRESIDENT: Order, order. May I understand clearly from the honourable member if he is not generally disputing the utility of this bill while proposing his amendment, and not really

[The President]

objecting to the words "gross negligence or misconduct"? He is objecting to the interference that is being brought about by the introduction of this bill. If that is so, this is the wrong moment for it. He ought to have fought against that in the first reading. The honourable member is taking up the question of principle now, and, if that is so, I shall have to consider whether I can allow the amendment.

Rao Bahadur S. T. KAMBLI: Sir, it is difficult in such a case, to say what ought to be considered the principles and what not. This bill includes so many points in its scope.

The Honourable the PRESIDENT: There are only two or three things—the question of interference by Government, which did not exist before, and the question of surcharge and charge. This is the principle of the bill, and the honourable member has been arguing, if I have understood him right, against the very principle of it, that is, the interference by Government and the submission of the local bodies to any interference like that and the question of surcharge and charge. The omission of the whole sub-clause (b) on the ground that the words "gross negligence or misconduct" appear there evidently gives that impression. The honourable member should make his position clear.

Rao Bahadur S. T. KAMBLI: This clause contains three principal sub-clauses regarding charges and surcharges. I am not fighting against the principle of the bill at all now. I am fighting with regard to the method by which the surcharge is to be made, I am fighting against the method, the means proposed in the bill. I am not opposed to the principle of surcharging or charging members, but I am opposed to the means and methods, to the words employed in the bill indicating how the surcharge or charge is to be made.

The Honourable Dewan Bahadur HARILAL D. DESAI: If I make myself clear, the honourable member may be able to answer. The whole principle of the bill is in clause 11, and my honourable friend, if he wanted to raise any question of principle, should have moved an amendment to clause 11. Clause 11 says:

"The Commissioner may, after considering the recommendation of the Examiner or of any head of a department under the proviso to sub-section (3) of section 10, as the case may be, and after taking the explanation of the person concerned, or making such further inquiry as he may consider necessary, disallow any item which appears to him to be contrary to law and surcharge the same on the person making, or authorizing the making of, the illegal payment; and may charge against any person responsible therefor the amount of any deficiency or loss caused by the gross negligence or misconduct of that person, or, any sum received which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person."

So that, the whole principle of the bill is in clause 11, and clause 9 only says that when the auditor, after he conducts an audit, submits a report, then he has to do so many things, in order that the matter may be clear before the higher authorities, who are empowered to charge or surcharge. Under these circumstances, Sir, my submission is that the honourable member seems to make the whole position absurd. He has not touched any part of clause 11, but he only wants indirectly to have sub-clause

[Dewan Bahadur Harilal D. Desai]

(b) of clause 9 omitted. What would be the effect of that? The effect would be.....

The Honourable the PRESIDENT: Is the Honourable Minister arguing on the amendment?

The Honourable Dewan Bahadur HARILAL D. DESAI: No, Sir.

The Honourable the PRESIDENT: I suppose the position would be better cleared by the mover himself.

Rao Bahadur S. T. KAMBLI: Sir, the Honourable Minister's sole objection, if I understood and followed him correctly, was that my amendment ought to have been moved with regard to clause 11 and not to clause 9. Here I beg to differ from him and on good grounds. Clause 9 contains what is to be reported upon by the Examiner in his report, and the question is with regard to the desirability of removing certain words. If the words which I have proposed to be omitted are allowed to be retained, then certainly I cannot move any amendment to clause 11, for the deletion of those words. It would be preposterous in that case if I were to move such an amendment under clause 11. Moreover the amendments in clause 11 would be merely consequential if this amendment is passed. So, for the reasons stated by me, I beg to submit to this House that it will take seriously into consideration the implication and the responsibilities involved in allowing sub-clause (b) to stand in clause 9. With these words, I beg to commend my amendment to the acceptance of the House.

Rao Bahadur R. R. KALE: May I know whether the Chair has ruled the amendment in order or out of order, because the point was raised that this was an amendment of principle?

The Honourable the PRESIDENT: I raised it; none else has raised it. I wanted the point to be clear before I ruled one way or the other, but now I understand the amendment to delete the whole of sub-clause (b) of clause 9 really reduces itself to his other amendment of which notice has been given, and that is to omit the words "gross negligence or misconduct". The honourable mover has, in his concluding remarks, come down to that. I am not yet clear as to whether I should rule the amendment he is moving out of order or not.

Mr. W. W. SMART: Sir, I do not wish to address the House except upon one point which was mentioned by the honourable member who spoke last, in which he tried to give the House to understand that the auditor who audited the accounts of the municipality, of which the honourable member is president, is unfair. I should like the House to see that Audit Report. It is several pages long, and what the Commissioner remarked was that it appeared from the Audit Report that there was mismanagement in most departments. But the honourable member got angry in my opinion over one particular remark, and that remark was that though Government had forbidden the municipalities to raise their taxation on motor cars in 1927, yet the auditor had remarked that the tax on motor cars was extremely low. I think the honourable member

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said that the report was made in 1928. I only got that report the other day, and I find it is dated January 1930, and the honourable member admits that Government removed the embargo in 1927.

Rao Bahadur S. T. KAMBLI: February 1927.

Mr. W. W. SMART: I am not aware of that. At any rate let me give the facts. I am told that years ago a tax of Rs. 3 was levied on motor cars by the Hubli municipality and that it has not been revised so far. On the other hand the tax levied on a tonga per year is Rs. 4. I point this out in order to show the anomaly that exists in the taxation levied by the municipality. It is absolute nonsense for any honourable member to say that this is an embargo on taxation by the municipality. If the municipality had brought to the notice of Government the disparity that exists in taxation between a motor car and an ordinary tonga, I am perfectly certain that Government would have removed this embargo on the Hubli municipality to levy the tax. This is a glaring instance of that kind. But there are other instances of mismanagement as regards the collection and supervision of octroi duties.

Rao Bahadur S. T. KAMBLI: Will the honourable member justify his statement?

Mr. W. W. SMART: It has not been revised for years. There is such anomaly in taxation as I have just pointed out. It appears from the report that the Commissioner has referred to such mismanagement. I do not think that the annual report of a municipality falls within the scope of this bill. If honourable members see the report, they will agree with me.

The Honourable the PRESIDENT: I shall put the amendment to the House.

"Delete sub-clause (b) of clause 9."

Rao Bahadur GOVINDBHAI H. DESAI (Kaira District): I submit, Sir, that the amendment proposed by the honourable member Rao Bahadur Kampli goes against the very principle on which the Bill is based. The Bill is intended to provide for the audit of local funds under the management of local authorities and for charging or surcharging for loss as a result of gross negligence or misconduct. That principle has been accepted by the House. At this stage it is not open to the honourable member to bring an amendment of this nature. I think it is quite out of order. After the ruling of the Chair on this point, I will further discuss the amendment.

Mr. R. G. PRADHAN (Nasik District): Sir, apart from the question whether this amendment is out of order or not, I think it is an amendment which is open to various objections and therefore it should not be accepted by the House. The House will notice that this clause or rather section 9 says that the examiner shall include in his report several things and clause (b) says:

"(b) the amount of any deficiency or loss which appears to have been caused by the gross negligence or misconduct of any person."

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When we compare this clause with clause (d) which says :

“ any material impropriety or irregularity which he may observe in the account other than those mentioned in clauses (a), (b) and (c) above.”

we find that this clause (d) gives indefinite power and discretion to the examiner. My honourable friend does not raise the least objection to clause (d). I would ask honourable members to read the following clause which says that in case the impropriety or misconduct is brought to the notice of the local body concerned action should be taken thereon by the body and then the Minister may take action. The question of charge or surcharge may also be taken up; and all things pertinent to it may be done. All that is consequential to clause (d). My honourable friend the Deputy President has no objection to that clause. If there is any logic or reason in the position he has taken up, he should have submitted the amendment of this clause.

Then, I have to examine why any objection should be taken to the auditor including in his report any particular item. The clause requires that when the examiner examines the accounts of any local body should include in the report the amount of deficiency or loss which has been caused by gross negligence. The various arguments which my honourable friend the Deputy President has advanced are far from convincing. His first argument was that the words ‘ gross negligence ’ have not been defined anywhere. We all know what a negligence is. Our ordinary commonsense will be able to tell us what gross negligence or misconduct is. I do not think, therefore, that there is any substance whatever in the first argument he advanced that these words have not been defined.

Then, his next argument was that if this provision was inserted, very few people would come forward to seek election to the local bodies. I really appreciate the compliment he has paid to the present personnel of the existing local bodies. I am very glad to be assured that the personnel of the present local bodies is good and that the present members of local bodies are bent upon promoting civic consciousness. But I do not think that there will be any deterioration in the personnel of the local bodies for the existence of this clause. In spite of the retention of this clause, I am sure many will seek election. So, it appears to me that this objection also has no substance.

Then another argument was advanced that the responsibility of the members have been already defined under the existing Acts. But it appears to me that it is absolutely necessary that some such control as has been provided for by this clause and the clause which follows should be exercised in the interests of the efficient administration of the local bodies. I do not want to elaborate the argument, but we are not to be influenced in our decision as to the merits of the particular clause by the vagaries of a particular Commissioner. He may have been guilty of a particular vagary; it may be that mistakes are committed by high officials; but such mistakes ought not to influence our decision. We have to go by what is strictly necessary in the interests of efficient administration. A high standard of efficiency should be reached in the

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administration, and it is absolutely necessary to have a high standard in the interests of the general welfare of the people.

Mr. THAKURSING LALSING (Karachi City) : Sir, I rise to oppose the amendment moved by the honourable member the Deputy President. Although the words "gross negligence" and "misconduct" have not been defined, yet it is the Commissioner who has to decide whether to grant the surcharge or not when the report from the Auditor or Examiner goes to him. Therefore, I say that the final authority is the Commissioner, and the Commissioner will be in a position to know whether there has been any misconduct or gross negligence. This clause is very material and therefore should not be removed.

Mr. P. G. SHAH : Sir, in rising to oppose the amendment, I have not much to say. In the first place, I have to refer to a personal matter. The honourable mover has accused the Audit Department not only of mere lack of judgment but of want of knowledge of arithmetic.

Rao Bahadur S. T. KAMBLI : Not the whole department of audit.

Mr. P. G. SHAH : I take it, Sir, that the remark which the honourable mover has just passed modifies the intensity of his previous remark. His grievance is not against all the auditors but only against some of the auditors who temporarily committed a lapse in some calculation or other, although I might say that the example he quoted referred to a knowledge of law rather than of arithmetic. And even if it is so, I might inform the honourable House that the recruitment to the audit staff is a very strict affair. We do not permit a man who has not passed a sufficient number of searching examinations either on entrance or on promotions to the grade of a senior auditor, and the chances of his misbehaving are very remote.

Rao Bahadur S. T. KAMBLI : Has Mr. Pais passed any examinations ?

Mr. P. G. SHAH : I do not know. But ordinarily an auditor who has been allowed to work as an independent senior auditor is expected to pass a strict examination in which some papers are set all over India by the Auditor General. It is impossible to expect a further examination and a further scrutiny of the knowledge of the auditor in the matter of his familiarity with the rules and of his capacity to do efficient work. I mention these facts with the idea of assuring the House that the class of people which the honourable mover has derided is not of such a low calibre as he tries to make out.

Secondly, he objects to the preparation of the statement by the Examiner. The whole objection raised by him falls through, because the select committee has re-placed the word "Auditor" in the first sentence of clause by the word "Examiner," and now what will happen is that the statement objected to is to be prepared not by the Auditor but by the Examiner. And this statement is to be in four parts (a), (b), (c), and (d). As the honourable member for Nasik has pointed out, if objection is to be taken to any part of the clause it should be to part (d) rather than to part (b). Part (b) makes it incumbent on the Examiner to prepare for the information of the Commissioner and of

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the surcharging authority a statement which will clearly show what are the items or amounts of deficiency or loss which appear to have been caused by gross negligence or misconduct. From the changes already made in part (b) by the select committee, I have got sufficient internal evidence to indicate that the committee has gone very carefully into every word of that clause and has allowed it to stand after due deliberation. I do not understand how a member of the select committee can rise up in the House and object to the report which he himself has signed.....

Rao Bahadur S. T. KAMBLI: Signed but subject to a minute of dissent. I had taken these very objections in my minute of dissent.

Mr. P. G. SHAH: I am sorry I did not notice it.

Rao Bahadur S. T. KAMBLI: That is probably due to carelessness.

Mr. P. G. SHAH: Apart from that, the fact remains that the select committee has by a majority overruled any objections that were raised in the matter of this clause. What remains for the House now is to confirm the opinion of the select committee with such reservations as are placed before the House now.

I might say that cases of gross negligence and misconduct can be very easily understood; it does not require any elaborate definition. As a matter of fact, the honourable mover has himself suggested that there are sufficient provisions in the existing Acts which provide for the liability of members who are guilty of misconduct or negligence. With that existing provision in the Act itself, I do not see how this particular bill could at all be objected to.....

Rao Bahadur S. T. KAMBLI: I said "with regard to misapplication" and not "with regard to loss".

Mr. P. G. SHAH: What is misapplication and what is loss can always be explained in the Examiner's report. I wish to convince the House by quoting a couple of instances which have come to my notice during my work in the past as Examiner of Local Fund Accounts. My experience was spread over five years—not only in this presidency, but more than one presidency—and I can assure the House that the necessity for such a provision is very great. The principle has already been accepted by the House, and I do not propose to discuss that. But cases of negligence or misconduct of persons are not rare. I might take two instances which occurred in this province some years ago, which should convince the House of the necessity of this clause. The first was a case in which a municipality sued a contractor with regard to certain overpayments made to him. The case was decided by the Sub-Judge in favour of the municipality, but in the course of his judgment the Sub-Judge passed strictures on the president of the municipality who was responsible for giving contract with insufficient safeguards, and suggested that the negligence of the president was such that he could be made personally liable.

Mr. N. E. NAVLE: May I intervene for a minute and ask to which Presidency it relates?

Mr. P. G. SHAH: To this Presidency.

Rao Bahadur S. T. KAMBLI: Was the decision appealed against?

Mr. P. G. SHAH: I do not know. I am not concerned with that.

Rao Bahadur S. T. KAMBLI: What can the poor president....

Mr. P. G. SHAH: Will the honourable member kindly let me proceed?

It was pointed out to the municipality that a judge in a judicial decision had mentioned the liability of the president for a particular item of negligence. This item was discussed by the municipality which passed a vote of censure against the president and moved for his disqualification. But, as it often happens in such cases, after the resolution was passed, within a month a fresh resolution was moved in the municipality cancelling the first one. So neither the Commissioner nor the Collector had any means of bringing into effect the recommendation of the body which was once passed by a majority and which was based upon a judgment delivered by the court. The result was that the case was quashed and nothing happened although the judge had mentioned the responsibility of the president of the municipality.

Another case relates to a municipality in the Southern Division where one of the members of the managing committee arranged for the deposit of municipal rubbish on his land. After a time the municipal chief officer requested the member to pay up the price of the rubbish which was usually charged to the public whenever it was supplied to private persons. The member refused to pay. The point was mentioned in audit notes and it was requested that the decision of the general board may be obtained. The general board decided that a sum of Rs. 200 should be recovered from the member. The member refused to pay for nearly three or four years. I do not know what happened afterwards as I was transferred to another province. But, the honourable House will see that one of the members of the managing committee, though legally liable for a certain debt to the municipality, escaped it because there was no provision in any of the Acts by which he could be made to pay up the money quickly.

These are two typical instances which I have mentioned from memory. If you refer to the annual reports of the Local Audit Department, you will find many more instances where the necessity of surcharge is clearly established. I might say that such cases happen not only in this Presidency; my experience of Bengal and my slight knowledge of Bihar and Orissa have convinced me that a moral force like that of a surcharge Act will go a long way in straightening the finances of local bodies and also in protecting honest people who are straightforward and who are working honestly and selflessly. I assure the House that the auditors have many more things to do than to haul up without sufficient reasons a member of a local body who is doing his important and responsible duties free of charge. It is recognised that the audit department has been a great help to the local bodies. The value of audit lies more in the

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direction of giving instructions and in the educative character of its work rather than mere fault-finding and mere surcharging for misconduct as it has been feared. I may say that experience of similar Acts in other provinces has been that once it is put on the statute book the opportunities for using it are not numerous. I have got some notes in respect of other provinces like Madras, where the Act has been in force since 1920 and the surcharges were enforced only in nine cases in the course of the last four years.

Rao Bahadur S. T. KAMBLI : Is there any Act or are there simply rules ?

Mr. P. G. SHAH : There are Acts. In Bihar and Orissa and Madras the surcharge system is very simple. The Examiner has got power of imposing surcharge as legally due. They have got what they call a certificate system in Bihar and Orissa. It is very much simpler than what is proposed in the Bill here. I may mention that the Bill as it stands instead of expediting matters has given a large amount of concession to the office-bearers. I have got a small note to show that it will take at least about 8 months before a surcharge order can be made effective. The first two months will be required for the preparation of the audit note by the Examiner. Three months are given to the municipality to reply to the audit note. The Examiner then makes a report to the Commissioner, and the Commissioner will take about a month to come to a decision in putting the surcharge into effect. Then there is one more month given by the Commissioner to the local authority to reply to the surcharge order. Even then it is possible for the member of a local body to contest that surcharge in a court of law and thus to postpone indefinitely the putting into effect of the surcharge order even though it may be very clearly necessitated by the facts of the case.

I mention these facts to convince the House that the sword of Damocles, which the honourable mover of the amendment said, hangs upon members of local bodies is supported by a string which is very stout—nay it is made of steel wire—and is not likely to fall easily even though the Act might convey that meaning to some members. With these words, I hope the House will see its way to reject the amendment which will have the effect of practically nullifying the provisions of the Act.

The Honourable the PRESIDENT : Before I allow further discussion, I must point out that the discussion is really drifting into the examination of the principles of this Bill and I think that the honourable mover of the amendment is responsible for it. Surely when a report is to be made it must necessarily contain the amount of any deficiency or loss caused. That cannot be omitted. Therefore, really speaking, his objection is to "gross negligence and misconduct". May I ask if he would allow me to take his amendment in that form ?

Rao Bahadur S. T. KAMBLI : Yes, Sir.

The Honourable the PRESIDENT : Well, then the amendment would be,—putting the two amendments together,—

That the words "gross negligence" and "or misconduct" be deleted from clause (b).

[The President]

Now, in the second reading, discussion must be limited to the amendments only; otherwise much more time would be lost in getting through the bill than it should take.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): Sir, I rise to support Rao Bahadur Kambli's amendment. To my mind the whole question is thought in thoroughly organised manner. The whole question before the House is whether it would be advisable to arm the examiner with the power which is quite arbitrary. There is no safeguard kept. A man who is working in the local board is supposed to be honest. Therefore the member working on the local board is supposed to take interest in its affairs. If at any time he commits any misdeed, he can surely be taken to task by the local board itself and under the provisions of the Local Boards Act by Government. If these words are inserted, they are certainly, in my opinion, very objectionable, because they give power to the examiners, who will make use thereof at their own discretion. They may take to task any member who does not meet with their approval. I, therefore, suggest that this part of the clause should be deleted.

Rao Bahadur R. R. KALE (Satara District): Sir, I want to know if the discussion should be confined towards the omission of the words "gross negligence and misconduct" or not. If that is so, how will the clause read?

The Honourable the PRESIDENT: Order, order. It will read:

"The examiner shall include in his report a statement of the amount of any deficiency or loss which appears to have been caused by any person."

Rao Bahadur R. R. KALE: In that case, Sir, my submission to the honourable the mover is that the clause instead of being improved will be worsened. I may submit, Sir, that the object of the mover cannot be fulfilled by this amendment, as there is clause (d) which says:

"Any material impropriety or irregularity which he may observe in the accounts other than those mentioned in clauses (a), (b) and (c) above."

Now, if clause (b) is omitted, there is certainly ample provision in clause (d). The examiner can include in his report any irregularities as empowered by clause (d). I may also tell this honourable House that in the Select Committee we have particularly inserted the word "gross" in order to bring this clause in line with the section 42 of the Local Boards Act where the words "gross negligence" occur. You all know that loss is caused by misapplication. Every misapplication will result in loss or deficiency. Therefore my submission is that the liability is there under the Local Boards Act. Here we have given the powers to examiner to include in this report certain matters. I, therefore, submit that by removing the clause (b), it will not at all serve the object of the mover.

Mr. Y. M. KAMAT (Kolaba District): Sir, I rise to oppose the amendment. Whether it is an act of gross negligence or not will depend on the facts and circumstances of each case. Whether the facts constitute gross negligence or not is to be decided by a person who is authorised to

[Mr. Y. M. Kamat]

decide. That person, I believe, is a Commissioner who is a responsible officer. He, the auditor, is likely to commit a mistake in deciding whether the facts constitute gross negligence or not. But he is bound to submit a report. But after the auditor has made a report, the Commissioner, after going through the whole report and record will have to come to the conclusion whether the facts constitute gross negligence or not. Because the words are not defined, it is not necessary to bring forward the amendment. These words, *i.e.*, gross negligence and misconduct, are incapable of definition. It is urged that the self-respect and the dignity of the member is likely to be wounded by the insertion of these words. I think it would not. Because all depends on the members of the local board themselves and nobody else. I, therefore, oppose the amendment.

Khan Bahadur H. P. CHAHEWALA (Ahmedabad District): Sir, Scandalous things have occurred in our experience on several occasions in very many local boards and municipalities to warrant the insertion of the clause in the Bill. The mover of the amendment says that the examiner should not be armed with the powers mentioned in the clause. He says that it will be a Damocles' sword hanging on the members of the local board or municipality. I do not think so. And I think that any honourable member of this House will never subscribe to that view. The examiner has merely to report about the facts. In the first instance, he has to report to the President of the municipality or local board and the President of the municipality or local board will then make enquiries into the matter. The President will, therefore, be a sort of a supervisory authority. He will inform the examiner as to what action he intends to take and after taking the action he will tell the examiner whether he is correct or incorrect in the views expressed by him in the report. After going through all this procedure, if the examiner thinks that he is still correct in his view, he will refer the matter to the Commissioner who will be the final deciding authority. And unless the Commissioner finds that there is strength in the objection raised by the examiner and that it is not frivolous, and that he has pointed out some serious irregularity, the Commissioner is not bound to interfere. So there are certain safeguards and the examiner is not the deciding authority at all.

Another point to which attention may be drawn is this that the local boards and the municipalities are, I am sorry to say, absolutely unable to put their own houses in order. Times without number such instances are winked at or passed over and when they have been brought to the notice of local bodies and municipalities, they have not been given due attention. I do not want to make things unpleasant, but we cannot shut our eyes to facts which occur almost daily, and if there is a clause which is aimed at preventing gross negligence or misconduct, then we should welcome it and not be afraid of it.

The honourable member from Thana has stated that the members of local bodies and municipalities are supposed to be honest. I agree they

[Khan Bahadur H. P. Chahewala]

are supposed to be honest, but instances have occurred here and there where responsible office-bearers of municipalities and local bodies have erred and erred grossly. We cannot close our eyes to these facts.

What is the objection raised? It is that you have not defined gross negligence and that you have not defined misconduct. Is it at all necessary to define these words? I will concede at once that more loss of public funds has been caused by actual misconduct than by gross negligence. Therefore, in the interests of public life, for the purity of public life and in the interest of more freedom from Government, there must be the salient provision in this bill which we see provided in it. If we are going to enjoy these rights, we must insist on the purity of administration and not shirk this clause which aims at purity of public life.

Mr. N. E. NAVLE (Ahmednagar District): Sir, I rise to support the amendment moved by my honourable friend the Deputy President and my grounds are these. The honourable members who followed the Honourable the Deputy President do not appear to have followed properly the important point which was made by him in his speech in support of his amendment. That point is this that there is not a single provision in any of the Acts dealing with local self-government and charging members of local bodies with gross negligence or misconduct. If there is no specific provision to that effect, how can you indirectly, taking the Honourable the Minister's argument, try to seek to introduce this provision in an audit bill instead of doing it directly by way of an amending bill to those various Acts dealing with local self-government? My honourable friend Rao Bahadur Kale has pointed out that section 42 of the Municipal Act deals with misconduct or with gross negligence, but when I read that section 42, I found that that section deals with misapplication of funds and not with misconduct. That does not supply the deficiency in the Act and if there is no specific section in the Act as it exists now, how can you indirectly introduce a section in the audit bill charging members with misconduct or gross negligence?

The second point which is worth our notice is that you have not defined gross negligence or misconduct but it is left to the sweet will and choice of the auditor to decide what is misconduct and what is gross negligence. It is said that it is very easy to know what is gross negligence and what is misconduct. I say that that is the very argument in favour of not using these words in the clause because anybody can easily decide what is gross negligence or misconduct. It is commonsense, but commonsense of one man may say one thing and the commonsense of another man may say another thing. One man may say that one thing amounts to gross negligence or misconduct and another man may say quite another thing. Nowhere is it defined and so it is left to the sweet will and choice of the auditor. Therefore, this is a vast power which you are putting into the hands of the auditor who may use it, even maliciously, against local bodies. If these words are taken out, the principles of the bill will not be affected. The principle of the

[Mr. N. E. Navle]

bill is the provision of a surcharge. That is not affected at all. How that surcharge is to be levied and how it is to be removed is a matter of detail and, even if the details are touched, you do not affect thereby the main principle of the bill. Therefore, my submission is that, instead of allowing these undefined words to go into the clause and thus introducing indirectly this bad principle into an audit bill, instead of directly bringing in an amending bill to the main enactments dealing with municipal or local bodies dealing with local affairs, you should not introduce the dangerous principle involved in this bill. For these reasons I support the amendment.

Mr. D. D. NANAVATI: Mr. President, I had not intended to say anything at this stage, but when I heard the honourable member who has just sat down supporting this amendment, I rather opened my eyes in astonishment because I found that the honourable member has signed the report of the select committee and has agreed to the clause as drafted. I do not find that he has submitted any minute of dissent. It may of course be that the eloquent speech of the learned mover of the amendment may have won him to the cause upheld by him, but in that case it can hardly be said that his views are the result of mature reflection.

The point that concerns me in the bill and with which I wish to deal is a very simple one. The point made by the honourable member was that in the principal Acts with which we are concerned, namely, the District Municipal Act, the Municipal Boroughs Act and the Local Boards Act, the responsibility is not directly fixed, and he pointed out that the word "misconduct" did not occur in these Acts. But he admitted that misapplication of funds is specifically provided for in these sections. I wish to ask him whether he seriously contends that misapplication of funds is not misconduct. I do not think any member of this House will seriously contend that misapplication of funds is not misconduct. Therefore, I wish to point out that the attempt made by him was merely to trail a red herring across the path of this discussion. It may be that in certain respects the liability imposed by the present bill is wider than the liability imposed by the principal Acts, but that is the whole purpose and object of this legislation. If there was nothing to be achieved by bringing forward this bill, then where was the necessity of spending public time over the discussion of this bill? It is exactly because the provisions which existed were found to be insufficient that it was thought necessary to have more power that this bill was framed. And in doing so we have followed the precedents which have obtained in other provinces and which have been found suitable and workable. Therefore, it is not correct to say that the provisions which are incorporated in section 9 are in any way inconsistent with the efficiency or self-respect of members of these local bodies.

Another point which has been touched upon during the discussion but which I should like to emphasise is the fact that the power of making this report is given to the Examiner, and not, as in the original draft of

[Mr. D. D. Nanavati]

the bill, to the auditor. The honourable the Deputy President made a great grievance against the class of auditors, who have been sufficiently vindicated by the honourable member the Accountant General. But, even apart from that vindication, I wish to ask the honourable the Deputy President what objection he can have to this power which is given to the Examiner who is a much higher officer than the auditors and who is in charge of the Local Audit Department. And finally, the point which has been touched upon by other honourable members needs still further to be emphasised, viz., that the Examiner merely makes out a case for action to the Commissioner, who is the deciding authority. No one will contend that the Commissioner is not a sufficiently high placed officer, no one will contend that the Commissioner is not a sufficiently experienced officer, or that it is derogatory to anybody's self-respect to submit to the decision of the Commissioner in matters of this sort. When you have a criminal case, it is the police jamadar or sub-inspector who makes out a case, but it is the judge who decides. Here the auditor goes into the accounts, and if he finds anything wrong he puts forward his views, gets the explanation of the person whose conduct is commented on and finally submits it for decision by the Commissioner. What is there, I ask this House, in these provisions which is not consistent with the self-respect of a selfless worker? It is only people who are dishonest that have to be afraid of any of these provisions, and not honest, selfless workers, about whose condition the honourable the Deputy President gives such a picture. Therefore, Sir, I strongly oppose the amendment for the reasons which I have mentioned, as well as for the reasons which other honourable members have put forward, but which I do not wish to repeat.

Rao Bahadur S. T. KAMBLI (Dharwar District): Sir, some of the honourable members who opposed my amendment put forward certain grounds in support of their opposition. The honourable member Rao Bahadur Kale said that the liability is there, laid down in the Municipal Acts. Sir, I am astonished to see that a lawyer of such great eminence as my honourable friend has not paid sufficient attention to the wording in the Municipal Acts. I will read for the benefit of the House the section referred to by him, and I would ask honourable members to consider whether by a simple perusal of the section they can say that the provisions contained in that section are in any way even remotely similar to the ones which we are considering to-day. Section 53 of the City Municipalities Act says:

"Every councillor shall be personally liable for the misapplication of any fund to which he shall have been a party, or which shall have happened through, or been facilitated by gross neglect of his duty as a councillor and may be sued for recovery of the moneys so misapplied as if such moneys had been the property of Government."

I desire to lay emphasis on the word "misapplication". Well, Sir, my honourable friend is carried away by the presence of the words "gross negligence or misconduct" in clause 9, but he does not pay sufficient attention to the operative word of the section in the Municipal Act, which is "misapplication". If there is no misapplication, there is no responsibility. It does not then throw any pecuniary responsibility

[Rao Bahadur S. T. Kampli]

on the members. Even if there is serious misconduct, but if there is no misapplication of funds, it is not an offence, and nobody is monetarily responsible for it. That is the plain meaning of section 53 of the City Municipalities Act.

An Honourable MEMBER: It is not so.

Rao Bahadur S. T. KAMBLI: I again emphatically repeat that neither gross negligence nor misconduct without there being misapplication of funds, makes a member pecuniarily responsible; and neither of these words cannot have any other meaning than that which is accepted in ordinary parlance. The term "misapplication of funds" means and implies that the fund is utilised for a purpose for which it ought not to have been spent or for on object which is not mentioned in the Act. Unless there is misapplication, section 53 of the City Municipalities Act does not come into operation at all. The words in sub-clause (b) of clause 9 of the bill have to do with a different state of things. Obviously any or every loss which is caused by gross negligence or misconduct cannot necessarily be the result of misapplication in all cases. So the sections which my honourable friend says already contain the liability, do not contain that liability at all.

- Then certain honourable members said that it is very difficult to define those words. I beg to submit to this House that it is not right to take up the attitude that because they are difficult of definition therefore they should not be defined. Unless you define the very exact meaning of those words, unless you fix the responsibility of the members in respect of certain acts which these words denote, it is not wise to include them in this clause. I wish to remind the House that when this House was legislating for the Cotton Markets Act, this House found some difficulty in regard to defining certain words. But on account of that, did they shirk their responsibility? No, they did not. Similarly, in the present instance, they shall have to define those words as it is intended to throw a pecuniary liability upon honorary members. They are not stipendiary officers of Government or of any other body at all. Therefore, it is necessary to give the plain meaning of those words, and make it clear for what acts or omissions the members are to be held responsible."

Certain honourable members who opposed the amendment said that commonsense will decide what the meaning of these words is. As has been put forward by my honourable friend Mr. Navle, commonsense differs in different cases. We know that what is commonsense in one case is not commonsense in another case. If commonsense did not differ, there was no necessity for a whole gradation of courts in this Presidency. On the same set of facts, so many judges come to different conclusions. Even in the High Court in a Bench consisting of two Judges, one differs from the other as to his conclusions on the same set of facts. Yet what one Judge says is commonsense and what the other Judge says is also commonsense. It cannot be said that because one Judge differs from the other, therefore what he says is not commonsense. Therefore, I say, do not leave the interpretation to commonsense.

[Rao Bahadur S. T. Kambli]

Commonsense is nothing but arbitrariness or whim in certain cases, and arbitrariness or whim should be excluded and should not be given any room in a legislative enactment. A legislative enactment should be free from doubts and ambiguities, and should not be capable of being interpreted in different ways. There are so many acts which may come under gross negligence and misconduct. The expression gross negligence is so comprehensive that it is likely to be interpreted to include acts and things which from the point of view of a different and equally sound commonsense man may not be included in it. One man may say that in this case this must be gross negligence, while another man would say that commonsense would dictate to him not to class this as an act of gross negligence. Such is the position. If we leave the interpretation of these words first to the sweet will of the auditor who draws up the report and sends it to the Examiner, it is probable that the Local Fund Examiner who has to supervise the audit of the accounts of not only municipalities but several other bodies and institutions as well—I am told (I am speaking subject to correction) that his auditors examine the accounts of various classes of local bodies, and local institutions in this Presidency—who has enormous work to do, naturally would trust his own subordinates and would implicitly and without question adopt the report of his own subordinates. He will always say, "What my subordinates say must be correct; the member charged against must be presumed to be dishonest, because there is the report of auditors". Then he will send the report as adopted by him on to the Commissioner. Well, Sir, such being the state of things, when it is a question of a pecuniary liability which in some cases may come to a few thousands and in others may extend to even lakhs of rupees (which is not a joke), I think certain honourable members have not taken a serious enough view of the situation with regard to the proper interpretation of these words.

One of my honourable friends suggested that it is only dishonest people who need be afraid of those words. But I ask, has gross negligence anything to do with dishonesty? I challenge my honourable friend the Remembrancer of Legal Affairs to state whether he can with any show of reason urge that gross negligence is a phase of dishonesty. Dishonesty—I assert—is absolutely absent in the classes of cases where gross negligence comes into play. It has nothing to do with dishonesty. It is by such arguments that it is attempted to carry the House along with the mover of the bill. We know as a matter of fact that no person will be found on any municipality or local board who is going to devote all the 24 hours of the day and night for the purpose of the work of the municipality. To hold a member responsible for gross negligence irrespective of cases of misapplication of funds is equivalent to ask him to be a full time worker. These rigorous provisions should be meant for persons who can devote their whole time for the work of these bodies. Under these circumstances, the addition of the adjective "gross" has not in any way mitigated the rigor of law. The word "neglect" as it stood in the original Bill was found to be too strong by the Honourable

[Rao Bahadur S. T. Kambli]

Minister, who thought it necessary to qualify the same by prefixing the adjective "gross". The Honourable the Minister by this addition of the adjective shows that he has yielded. But he has not understood the full significance of my amendment. The Honourable Minister gave certain instances of defalcations. These instances are not peculiar to this Province or to this country alone. Such instances are to be found all the world over. So, I beg to submit to this honourable House that they should take a more serious view of the question and make up their minds whether they are to vote for my amendment or not. I appeal to the House and the Honourable Minister for Local Self Government to consider the position of the honorary office bearers of municipalities and local boards. The Honourable Minister still seems adamant, because he is unaffected by the rigor of these provisions of this bill. I still appeal to him to reconsider the position of the honorary workers who are not whole time workers. Even the absence of members for certain meetings may be construed as gross negligence. If he does not attend a meeting where a particular motion is passed, he may be considered to have committed an act of gross neglect. There is no end of cases for which members will be made responsible.....

The Honourable the PRESIDENT: Will the honourable member take more time?

Rao Bahadur S. T. KAMBLI: I may take 15 minutes more.

The Honourable the PRESIDENT: The Honourable the Leader of the House wishes to make a statement.

The Honourable Sir ERNEST HOTSON: The business for to-morrow will be the continuation of Government Bills. As regards the business for the session generally, it is not possible to give accurate dates. We do not know how long the different Bills will take. The present intention is to go on with the greater part of Government business and then allow four days for private business and at the end finish up the remaining Government business. We shall fix the dates as soon as possible. The demands for supplementary grants will come towards the end of Government business, because the Finance Committee has not yet met. We ought to allow reasonable time for the Finance Committee for the consideration of the supplementary demands. We will thus continue Government business for a good many days. Before the end we will give four days for private business and then finish up Government business.

The Honourable the PRESIDENT: The House is now adjourned to 2 p.m., to-morrow, Tuesday, the 8th July 1930.

Tuesday, the 8th July 1930.

The Council re-assembled at the Council Hall, Poona, on Tuesday, the 8th July 1930, at 2 p.m.; the Honourable the President, Mr. A. M. K. DEHIAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
 ABERCROMBIE, Mr. J. R.
 AHMAD, the Honourable MOULVI RAFIUDDIN
 AMBEDKAR, Dr. B. R.
 ASAVALE, Rao Bahadur R. S.
 BECKETT, Mr. R. H.
 BELL, Mr. R. D.
 BHATT, Mr. RAMCHANDRA M.
 BHUTTO, Sir SHAH NAWAZ
 BOLE, Rao Bahadur S. K.
 BRANDER, Mr. J. P.
 BULLOCKE, Mr. A. GREVILLE
 CHAHEWALA, Khan Bahadur H. P.
 CHIKODI, Mr. P. R.
 COLLINS, Mr. G. F. S.
 CONTRACTOR, Khan Saheb M. F.
 DABHOLKAR, Sir VASANTRAO
 DESAI, Rao Bahadur GOVINDBHAI H.
 DESAI, the Honourable Dewan Bahadur HARILAL D.
 EWBANK, Mr. R. B.
 FREKE, Mr. C. G.
 GARRETT, Mr. J. H.
 GHOSAL, the Honourable Mr. J.
 GHULAM HAIDAR SHAH, Mr.
 GHULAM HUSSAIN, the Honourable Sir
 GREEN, Mr. S. A. C.
 GUNJAL, Mr. N. R.
 HABBU, Mr. A. G.
 HAJI MIR MAHOMED BALOCH, Mr.
 HARRISON, Mr. C. S. C.
 HOTSON, the Honourable Sir Ernest
 JADHAV, the Honourable Mr. B. V.
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. Y. M.
 KAMBLI, Rao Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUHRÖ, Khan Bahadur M. S.
 KOLHATKAR, Mr. H. V.
 LALLJEE, Mr. HOOSEINBHOY A.
 LANE, Mr. C. M.

LIGADE, Mr. S. P.
 MACKIE, Mr. A. W. W.
 MANSURI, Khan Saheb A. M.
 MARZBAN, Mr. P. J.
 MODI, Sardar Davar T. K.
 MORAES, Mr. A. X.
 MUJUMDAR, Sardar G. N.
 NANAVATI, Mr. D. D.
 NARIMAN, Dr. R. T.
 NAVLE, Mr. N. E.
 NOOR MAHOMED, Mr.
 OLIVEIRA, Mr. F.
 OWEN, Mr. A. C.
 PATANKAR, Sardar B. N.
 PATHAN, Mr. A. F. I.
 PATIL, Mr. R. L.
 PAWAR, Mr. G. B.
 PEHIT, Mr. J. B.
 PRADHAN, the Honourable Mr. G. B.
 PRADHAN, Mr. R. G.
 RANJITBHAI KALABHAI, Rao Bahadur
 SALGAR, Mr. R. G.
 SARDESAI, Sardar S. A.
 SHAH, Mr. MOHANLAL H.
 SHAH, Mr. P. G.
 SHAIKH ABDUL AZIZ, Mr.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MUNAWAR, Mr.
 TALEYARKHAN, Mr. P. J.
 THAKOR OF KERWADA, the
 THAKURSING LALSING, Mr.
 VAKIL, Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WALLACE, Mr. D. J. C.
 WASIF, Khan Saheb G. A. D.
 WILES, Mr. G.

The Honourable the PRESIDENT : Order, order. Questions.

MEDICAL AID, KAIRA DISTRICT LOCAL BOARD AREA

Rao Bahadur GOVINDBHAI H. DESAI (Kaira District): Will Government be pleased to state—

(a) whether they are aware that the Kaira District Local Board has discontinued its grants to Municipal dispensaries in that district and that in consequence people living in the Local Board areas round about Municipal towns have no medical aid from Municipal dispensaries ;

(b) if so, what steps they intend to take in regard to medical aid for such people ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes. But the consequence has been not that people living outside Municipal limits are refused medical aid at Municipal dispensaries, but that some municipalities have decided to charge fees from non-residents.

(b) As the District Local Board, Kaira, is spending nearly 25 per cent. of its local fund revenue on medical relief, it cannot be forced to continue the grants referred to. The question of amending the rules governing the levy of fees in State-aided dispensaries, so as to permit Municipalities to recoup the loss by charging fees, is under consideration.

! Rao Bahadur GOVINDBHAI H. DESAI : Is it not a hardship on these people to charge them fees now when formerly they got medical relief without having to pay fees ?

The Honourable MOULVI RAFIUDDIN AHMAD : Now, that is not denied.

GHAT ROAD, RATNAGIRI DISTRICT

Dr. P. G. SOLANKI for Mr. S. C. JOSHI : Will Government be pleased to state—

(a) the number and names of the prominent ghats in the Ratnagiri district ;

(b) the maximum and minimum breadths of the roads on those ghats ;

(c) the maximum and minimum breadths of the roads on those ghats at their turnings ;

(d) the safeguards provided by Government to avoid accidents at those turnings ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a), (b), (c) and (d) A statement showing the requisite information is placed on the Council Table.

Statement showing information regarding the names, location, length and breadth, etc., of

Serial No.	Name of Ghat Road	Location of the Ghat portion and its length.		
		From mile No.	To mile No.	Length
1	2	3	4	5
	<i>Ratnagiri-Amba Road</i>			M. Fg.
1	Hatkhamba Ghat	8/1	9/5	1 5
2	Dabhol	24/1	26/8	3 0
3	Amba	33/0	41/3	8 3
	<i>Deogad-Nipani Road</i>			
4	Phonda Ghat	40/1	46/5	6 5
5	Asalda	57/6	58/3½	0 5½
6	Shirgaon	62/3	63/3	1 0
7	Dhoktewadi	66/2	66/5	0 3
	<i>Hatkhamba-Poladpur Road</i>			
8	Nivali Ghat	3/3	6/4	3 2
9	Aravli	31/1	32/5	1 5
10	Asurda	35/3	36/3	1 1
11	Agve	36/8	38/8	2 1
12	Kondi Nalla	43/1	46/3	3 3
13	Parshram Ghat	53/1	56/5	3 5
14	Bosti	67/2	69/5	2 4
15	Kashedi	83/1	94/4	11 3
	<i>Pali-Phonda Road</i>			
16	Anjanari Ghat	3/1	5/7	2 7
17	Varel	7/2	7/6	0 5
18	Waked	16/5	17/7	1 3
19	Vatul	19/4	20/2	0 6
20	Vatul	20/5	21/7	1 2
21	Nevrukha	25/0	26/1	1 1
22	Kharevali	27/2	27/6	0 4
23	Kondhavli	29/1	30/1	1 0
24	Rajapur	31/2½	32/3½	1 1
25	Unhala	33/0	35/3	2 3
26	Kondya	38/2	39/1	0 7
27	Panhala	40/6	41/2	0 4
28	Kharepatan Ghat	43/4	44/1½	0 5½
29	Nandi	44/4	44/7½	0 3½
30	Avera	45/2	45/5½	0 3½
31	Nadgive	46/6	47/6½	1 ½
32	Jain Mara	48/0	48/3	0 3
33	Wargaon	49/1	49/3½	0 2½
34	Salista	51/3	51/6	0 3
35	Tale	52/4	52/6½	0 2½
	<i>Malwan-Phonda Road</i>			
36	Dewoolwada Ghat	2/2	2/6	0 4
37	Anandwal	3/7	4/7	1 0
38	Kuperi	9/6	10/2	0 5

Ghat portions in each of the Provincial Roads in the Ratnagiri Collectorate

Maximum and minimum breadth of Ghat portion 6	Maximum and minimum breadth at the turnings 7	Nature of safeguards provided at turnings 8	Remarks, if any 9
Varying from 15 feet to 20 feet.	* Varying from 20 feet to 30 feet.	† Caution Boards have been put up for the guidance of the travelling public.	* The details given in columns 6 and 7 of the statement are approximate. The information supplied, however, will give a general idea of what is required. † Caution Boards have been provided at dangerous curves. With regard to the other safeguards, however, there are parapet walls on the precipice side only in the case of the Amba and Amboli Ghat Roads (Serial Nos. 3 and 52 of the statement) but not at other places.
Varying from 18 feet to 24 feet.	Varying from 15 feet to 32 feet.		

Serial No.	Name of Ghat Road	Location of the Ghat portion and its length		
		From mile No.	To mile No.	Length
1	2	3	4	5
	<i>Malwan-Phonda Road—contd.</i>			M. Fg.
39	Umerth Ghat	33/4	34/2	0 6 }
	<i>Harnai-Khed Road</i>			
40	Asud Ghat	4/6	6/1	1 4
41	Kuve "	17/7	18/8	1 2
	<i>Chiplun-Guhagar Road</i>			
42	Guhagar Ghat	0/4	1/3	1 0
43	Ibrahimpur Ghat	16/7	18/6	2 0
44	Ganeshkhind Ghat	20/2	23/4	3 3 }
	<i>Sakharpa-Sangameshwar Road</i>			
45	Vanjole Ghat	0/1	7/7	7 6
46	Kosum "	13/4	15/4	2 0
	<i>Waghotan-Kasarda Road</i>			
47	Ozar Ghat	7/0	8/0	1 0
48	Pawainyacha Ghat	8/4	8/7	0 3
49	Redetaki "	16/4	17/1	0 5
50	Irawache "	17/5	18/7	1 2 }
	<i>Belgaum-Vengurla Road</i>			
51	Akeri Ghat	63/6	64/2½	0 4½ }
		65/5	66/2	0 5
52	Amboli Ghat	43/3	53/2	10 0
53	Nangartas Ghat	36/0	38/6	2 6 }

Maximum and minimum breadth of Ghat portion 6	Maximum and minimum breadth at the turnings 7	Nature of safeguards provided at turnings 8	Remarks 9
Varying from 15 feet to 20 feet.	Varying from 20 feet to 30 feet.	Caution Boards have been put up for the guidance of the travelling public.	
Varying from 20 feet to 24 feet.	Varying from 18 feet to 35 feet.		

MAMLATDAR OF PEN : ALLEGATIONS IN *Colaba Samachar*

Dr. P. G. SOLANKI for Mr. S. C. JOSHI : (a) Will Government be pleased to state whether their attention has been drawn to the complaint against the Mamlatdar of Pen, published by one Mr. Damodar Keroba Bandivadekar, under his own signature in the issue of the *Colaba Samachar* of Pen dated 6th July 1929 ;

(b) if so, what action has been taken by them upon it ;

(c) if the facts alleged in the said complaint are not true why was no explanation offered either privately or publicly in the press or any action taken against Mr. Bandivadekar or the *Colaba Samachar* for false and defamatory allegations ;

(d) is it a fact that Mr. Bandivadekar had applied and paid fees for a certified copy of the statement on oath alleged to have been forcibly taken from him by the Mamlatdar and that a copy was subsequently refused to him ;

(e) if the reply to (d) be in the affirmative, what are the reasons and grounds for such refusal ?

The Honourable Mr. J. GHOSAL ; (a) Yes.

(b) The Collector made enquiries and accepted the Mamlatdar's version of the facts which showed that the allegations made against him were false.

(c) The Collector did not think it worth while taking any action.

(d) and (e) It is a fact that an application was made to the Mamlatdar and fees were paid for a copy of the statement ; but as the papers were with the Collector, the money was refunded and the applicant was referred to the Collector. The Mamlatdar did not refuse to give the applicant a copy of the statement.

SCHOOL OF ARTS : ABOLITION OF CLASSES

Dr. P. G. SOLANKI for Mr. S. C. JOSHI : Will Government be pleased to state—

(a) whether it is a fact that the Jewellery Class in the Sir J. J. School of Art has recently been discontinued ;

(b) if the reply to (a) be in the affirmative, the reasons therefor ;

(c) whether it is a fact that the discontinuance of the Jewellery Class affects the interests of the public in general and of the particular community concerned in particular ;

(d) whether the Director of the School of Arts was consulted before the class was discontinued ;

(e) whether it is a fact that there is at present no class for imparting instructions in the Litho-Printing process in the Sir J. J. School of Arts ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) Want of sufficient number of students, the existence of facilities in private workshops in Bombay and elsewhere for training in the craft,

and increased accommodation required for the teaching of other crafts for which facilities do not exist elsewhere.

- (c) No.
- (d) Yes.
- (e) Yes.

PUBLIC WORKS DEPARTMENT : DRAUGHTSMEN.

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

(a) whether it is a fact that by their Memorandum, Public Works Department, No. S. 92/21747-E, dated 1st November 1926, Government had refused the request of the Public Works Department Draughtsmen either to be taken in the new Engineering Service called the Subordinate Service of Engineers or for revision of their scales of pay ;

(b) if so, whether the answer given to the question in this behalf by Mr. R. G. Pradhan, M.L.C., and published on pages 1239 of Volume XX of the Bombay Council Debates is correct ;

(c) whether Government are aware that, because of this refusal and subsequent refusals to subsequent representations and owing to the differentiation introduced at the first and second revisions of 1921 and 1926 between the lower subordinates now called Overseers (Subordinate Service of Engineers) and the Draughtsmen, widespread discontent prevails among the Draughtsmen in the Bombay Public Works Department ;

(d) the reasons for the more favourable treatment accorded to the Overseers as against the Draughtsmen ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) Yes.

(c) Government have no definite information on the point but financial stringency has made it impossible to consider any further revisions.

(d) Difference in educational qualifications and practical work. Please see also replies given to clauses (l) and (m) of Mr. B. G. Pahalajani's question printed on pages 983-984 of Volume XXIII of Bombay Legislative Council Debates, July-August, 1928.

GRAZING FEES : CHARGES IN EACH TALUKA.

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

(a) whether it is a fact that the annual grazing fee charged for each head of cattle for grazing in any part of the district was 4 annas and that since 1926 such fee is being charged separately for each taluka, as for instance in the villages of Kumbhargaoon and Taruk which are adjacent villages in Patan and Karad talukas and where the forest area is a hill common to both ;

(b) if so, the reasons for levying this extra charge ;

(c) whether Government are aware that this has caused great hardship to the people, especially where the forest is a continuous area extending over different talukas ;

(d) whether it is a fact that the people have complained against the practice without any redress ;

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

The Honourable Mr. B. V. JADHAV : (a) and (b) Under the old grazing rules which were in force up to the year 1926-27 the taluka was the grazing unit and a grazing fee was charged ordinarily at the rate of Re. 0-4-0 per head for village cattle. Since the year 1927-28 the district has been the grazing unit and the village cattle are allowed to graze at any of the authorized cattle camps in the district on payment of grazing fee once in a year. The rates of fees now in force are :—

	Village cattle.		Non-village cattle.	
	Forest village.	Non-forest village.		
	Per head.	Per head.	Per head.	
	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Horned cattle	0 4 0	0 8 0	1 0 0	
Sheep and goats	0 2 0	0 4 0	0 4 0	

Fresh grazing fees were recovered for certain cattle of the Kumbhargan village in the Patan Taluka for grazing in the Taruk Forest of the Karad Taluka as their owners failed to produce the passes in support of their having paid fees for the same cattle in the Patan Taluka. The owners have, however, been called upon to prove that the cattle for which they have paid fees in each taluka are the same and if it is found to be so, the extra fees recovered will be refunded.

(c) Does not arise as the district has now been made the grazing unit.

(d) No complaints have so far been received.

(e) If it is found that additional fees have been recovered they will be refunded.

CHICKERUR TANK, HIREKERUR (HIREKERI TANK, CHIKKERUR ?).

Rao Bahadur S. T. KAMBLI (Dharwar District): (a) Will Government be pleased to state whether the Chickerur tank (Hirekeri tank at Chikkerur ?) in the taluka of Hirekerur (Kod ?) in the Dharwar District is an irrigation tank ?

(b) Did it supply this year (1929-30) any water to any of the fields which are taxed to irrigation cess on account of the supposed supply of water from the said tank ?

(c) If so, how many acres of land were irrigated at all this year (1929) by the water of the said tank ?

(d) Have Government exempted or proposed to exempt from the payment of the irrigation cess such lands as have not received water from the said tank ?

(e) If so, to what extent ?

(f) What is the average total irrigation cess levied annually on account of the said irrigation tank ?

The Honourable Sir GHULAM HUSSAIN: (a) The Hirekeri Tank in Survey No. 192 of Chikkerur is a second class irrigation work.

(b) Yes.

(c) 219 acres.

(d) and (e) Remission of Tari water rate amounting to Rs. 388-5-0 has been granted for 76 Survey Numbers measuring 219 acres. No remission of Bagayat rate has been granted.

(f) Rs. 1,591-14-0.

THE KALGHATGI-HUBLI ROAD: REPAIRS.

Rao Bahadur S. T. KAMBLI (Dharwar District): (a) Will Government be pleased to state whether they are aware that the provincial road between Kalghatgi and Hubli is deteriorating?

(b) Do Government intend to repair the road?

(c) What is the income from tolls on that road for each of the years 1928-29 and 1929-30?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) and (b) The Kalghatgi-Hubli Road—17½ miles in length (miles 85 to 102)—shows little or no signs of deterioration. On the other hand considerable improvements have been and are being carried out to this Section. The expenditure on current repairs incurred during the years 1927-28 to 1929-30 is as follows:—

	Rs.
1927-28	6,525
1928-29	9,678
1929-30	9,678

Besides, special repairs were carried out to some of the miles of this Section during and prior to 1927-28. Out of the total length of 17½ miles, 14½ miles have been resurfaced during the last three years and the remaining miles will be resurfaced during the monsoon of 1930. Thus the road is far from being in a state of deterioration.

(c) In the Section between Kalghatgi and Hubli, there is only one toll-bar in mile No. 96/3 at Budanhal. The income from this toll-bar during the two years 1928-29 and 1929-30 was as follows:—

	Rs.
1928-29	9,600
1929-30	8,650

AMALNER MUNICIPALITY: APPOINTMENT OF CHIEF OFFICER.

Mr. H. V. KOLHATKAR (East Khandesh District): (1) Will Government be pleased to state whether they are aware that the post of the Chief Officer of the Amalner Municipality has been vacant since January 1927?

(2) Are Government aware that the Municipality was not able to secure the services of a Chief Officer qualified under section 33 of the City Municipalities Act, 1925?

(3) Is it a fact that the Municipality appointed as its permanent Chief Officer its Head Clerk who had been working as such since 1917 and who had worked as Chief Officer off and on ?

(4) Are Government aware that in so doing they took into consideration Government Resolution, General Department, No. 371, dated 31st October 1927 ?

(5) Is it a fact that because of the financial position of the Amalner Municipality and the liabilities it has undertaken relating to the maintenance of the primary schools as Local Authority and the drainage and water-supply schemes necessitated by the application of the Town Planning Scheme to that area, the municipality is not financially in a position to secure the services of an efficient and qualified Chief Officer ?

(6) If the answer to clause (5) is in the affirmative, do Government propose to grant special sanction to the appointment of the Head Clerk as the permanent Chief Officer ?

(7) Is it a fact that the Collector of East Khandesh and the Commissioner, Central Division, declined to forward to Government the proposals and the resolutions adopted by the municipality in this matter ?

(8) Have Government approved of their action in doing so ?

(9) Has the Head Clerk worked to the satisfaction of the municipality and have the Collector, East Khandesh, and Commissioner, Central Division, anything to say against his work ?

(10) Will Government be pleased to lay on the Council table copies of (i) Government Resolution, General Department, No. 371 of 31st October 1927 ; (ii) letter No. 2375, dated 23rd July 1927, of the Remembrancer of Legal Affairs printed in the preamble of Government Resolution, General Department, No. 4892, dated 1st August 1927, and (iii) Government Resolution, General Department, No. 4892, dated 1st August 1927 ?

(11) Have Government decided not to object to the appointment of Engineers with lower qualifications than those prescribed in the Act but not of Chief Officers with lower qualifications ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (1), (3) and (4) Yes.

(2) The Municipality have stated so.

(5) The Municipality have advanced this argument but Government do not agree that they are unable to afford a qualified Chief Officer.

(6) In view of section 33 of the Bombay City Municipalities Act, 1925, Government have no power to grant special exemption.

(7) and (8) Yes.

(9) Presumably neither the Commissioner nor the Collector has made any remarks with regard to the work of the Head Clerk.

(10) Copies of Government Resolution No. 371, dated the 31st October 1927, Opinion No. 2375, dated the 23rd July 1927, of the

Remembrancer of Legal Affairs and Government Resolution No. 4892, dated the 1st August 1927, are laid on the Council table.

(11) No. The qualifications of an Engineer have not been prescribed in the Act. If any municipality for special reasons wishes to depart from the rule laid down by Government in paragraph 1 of Government Resolution No. 371, dated the 31st October 1927, it may apply to Government for special sanction giving full reasons and Government will consider the case.

Bombay City Municipalities Act, 1925—

Qualifications necessary for a qualified Engineer for the purpose of section 33 of the —

GOVERNMENT OF BOMBAY.

GENERAL DEPARTMENT.

Resolution No. 371.

Bombay Castle, 31st October 1927.

RESOLUTION OF GOVERNMENT.

Section 33 of the Bombay City Municipalities Act, 1925, lays down that a candidate for the post of Chief Officer in a Municipal borough shall be a graduate of a recognised University or a qualified Engineer. It has been represented to Government that it would be desirable in the interests of Municipalities that the qualifications necessary for a qualified Engineer should be prescribed for the purposes of section 33 of the Act. Government are accordingly pleased to direct that a qualified Engineer is one who is eligible for the Associate Membership of the Institution of Civil, Mechanical or Electrical Engineers of the Institution of Engineers (India), that is, who has passed the examination admitting him to such Associate Membership or another examination considered as exempting him from that examination, *e.g.*, the B.E. of the Bombay University.

2. If any Municipality, for special reasons, wishes to depart from the abovementioned rule as regards qualifications, it should apply to Government for special sanction giving full reasons in each case.

3. The Collectors concerned should be requested to communicate this resolution to the Municipal boroughs within their jurisdictions.

By order of the Government of Bombay
(Transferred Departments).

A. H. DRACUP,

Under Secretary to Government.

To

The Commissioner in Sind,
The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
The Commissioner, Bombay Suburban Division,
The Collectors of Ahmedabad, Kaira, Broach, Surat, Thana, Bombay Suburban District, Ahmednagar, East Khandesh, West Khandesh, Nasik, Poona, Satara, Sholapur, Belgaum, Bijapur, Dharwar, Ratnagiri, Hyderabad, Sukkur and Larkana,
The Director of Public Instruction,
The Public Works Department,
The Educational Department.

Nasik Municipality.

Chief Officer.

Appointment of Acting —

GOVERNMENT OF BOMBAY.

GENERAL DEPARTMENT.

Resolution No. 4892.

Bombay Castle, 1st August 1927.

Letter from the Collector of Nasik, No. E. S.T. 369, dated the 1st July 1927 :—

“ I have the honour to submit the following point for orders.

“ 2. Mr. T. G. Vaidya, Chief Officer of the Nasik Municipality, who was appointed as Chief Officer of the District Local Board, Nasik (*vide* this office No. E.S.T. 152, dated 26th May 1927), was asked to be relieved on 1st June 1927. The President, Nasik Municipality, relieved him to take up his new appointment and posted in his place its Head Clerk to look to the Chief Officer's work pending the appointment of a permanent Chief Officer for which place applications have been called for (*vide* this office No. E.S.T. 301, dated 15th April 1927). This Head Clerk is a subordinate in the Revenue Department on Rs. 70, whose services have been lent to the Municipality; he is neither a graduate nor a qualified Engineer and is not therefore eligible for being appointed as Chief Officer within the meaning of section 33 (amended) of the Municipalities Act.

“ 3. The President has now requested me to move Government to sanction his appointment as acting Chief Officer as a special case.

“ 4. I have, however, informed him that it is not necessary in my opinion to submit such temporary appointments for the sanction of Government; otherwise a reference would have to be made every time a Chief Officer went on leave even for a month or so.

“ 5. I would therefore enquire whether my view in the circumstances is correct.”

Memorandum from the Commissioner, C. D., No. Nasik 3-1, dated the 13th July 1927 :—

“ The Collector's view in paragraph 4 of his letter is correct.”

Endorsement from the Commissioner, C. D., No. Nasik 3-1, dated the 13th July 1927 :—

“ Copy, with a copy of letter No. E.S.T. 369, dated 1st July 1927, from the Collector of Nasik submitted to Government in the General Department for information.”

Opinion of the Remembrancer of Legal Affairs, No. 2375, dated the 23rd July 1927 :—

“ The provisions of section 33 of the Bombay City Municipalities Act, 1925, are peremptory and must be complied with both as regards acting as well as permanent appointments.”

RESOLUTION.—A copy of the foregoing opinion of the Remembrancer of Legal Affairs, in which Government concur, should be communicated to the Commissioner, C. D., for information.

By order of the Government of Bombay
(Transferred Departments),

A. H. DRACUP,

Under Secretary to Government.

To

The Commissioner, C. D.,

The Commissioner in Sind,

The Commissioner, N. D.,

The Commissioner, S. D.,

The Commissioner, Bombay Suburban Division,

The Collector of Nasik,

The Collectors of Ahmedabad, Kaira, Broach, Surat and Thana,

The Collector, Bombay Suburban District,

The Collectors of Ahmednagar, East Khandesh, West Khandesh, Pona, Satara and Sholapur,

The Collectors of Belgaum, Bijapur, Dharwar and Ratnagiri,

The Collectors of Hyderabad, Sukkur and Larkana,

The Remembrancer of Legal Affairs.

RIOT CASES, 1928, SURAT : TRIALS BY MR. D. M. MEHTA.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) :

(a) Will Government be pleased to state how many cases arising out of communal riots at Surat in 1928 were tried by the special magistrate, Mr. D. M. Mehta ?

(b) In how many of them were Hindus the accused ?

(c) In how many of them were Muslims the accused ?

(d) What were the results of all those cases ?

(e) Are Government aware that in the Bhaga Talao mosque case judgment, Mr. D. M. Mehta had disbelieved all the Muslim witnesses, has called them names and has made remarks against local Muslim leaders and pleaders and their religion and has believed every Hindu witness for the defence ?

(f) Are Government aware that Munshi Mahomed Hussain Kamruddin, prosecution witness in the Zampa Bazar riot case No. 5 of 1929, has made an affidavit in the Court of the City Magistrate of Surat to the effect that he was threatened by Mr. D. M. Mehta when he went to give evidence in his court on the 11th September 1929 ?

(g) Are Government aware that a transfer application was made in the Zampa Bazar riot case ?

(h) Are Government aware that Mr. G. M. Munshi who appeared in the Court of Mr. D. M. Mehta to watch in the Kotsafil murder case on behalf of the prosecution had to leave his court protesting against Mr. N. M. Zaveri who appeared for the defence asking questions to the prosecution witness Pirbhai suggesting that Mr. Munshi was tutoring the witnesses ?

(i) Are Government aware that Mr. D. M. Mehta was sub-judge in Surat when the riots of 1928 occurred ?

(j) Are Government aware that in the Sattar Kotdi case in which the Hindus were the accused Mr. D. M. Mehta in his order of discharge drew the attention of the authorities to the fact that the case was a false one ?

The Honourable Sir ERNEST HOTSON : (a) 10.

(b) 5.

(c) 5.

(d) Of the 5 cases in which Hindus were the accused, the accused were discharged in 2 cases and acquitted in 3 cases.

Of the 5 cases in which Muhammadans were the accused, one was committed to the Sessions Court ; in one case some accused were convicted and some acquitted and in the remaining 3 cases some accused were discharged and some were committed to the Sessions Court.

(e) A copy* of the judgment of the Special Magistrate is placed on the Council table. Two applications were made by the Muhammadans to the High Court praying that the remarks made by the Special Magistrate might be expunged. These applications were both rejected. A copy* of the judgment recorded by the High Court is placed on the Council table.

(f) Yes.

(g) Yes.

* Kept in the Secretary's office.

(h) Mr. Munshi requested the Special Magistrate to make a note that he had ceased to watch the proceedings but he assigned no reasons for the request. A note was made accordingly by the Magistrate.

(i) Yes.

(j) Yes.

LLOYD BARRAGE : REPORT BY EXPERTS IN 1929.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state with reference to the last sentence of paragraph 5 on page 2 of the Visvesvaraya Report—

(a) the reasons for not requiring the experts to report on the financial aspects of the project;

(b) in a tabular form, the revised financial forecasts after the consideration of the report?

The Honourable Sir GHULAM HUSSAIN: (a) The appointment of the two engineers was made in view of the Government promise to the Legislative Council that expert advice would be obtained on methods of construction only—*vide* page 621 of Volume XIX, Part XIV, of the Legislative Council Debates.

(b) Government have instructed the Chief Engineer, Lloyd Barrage and Canals Construction, to re-examine, in consultation with the Revenue Officer, Lloyd Barrage and Canals Scheme, and the Deputy Financial Adviser, Lloyd Barrage and Canals Construction, the financial aspects of the scheme. The financial forecast when ready will be placed before this Honourable House.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Is it a fact that the experts requested Government for permission to go into the financial aspect of the scheme?

The Honourable Sir GHULAM HUSSAIN (In Urdu): Government acted according to the promise given to the Council.

An Honourable MEMBER: Why not give the reply in English?

The Honourable Sir GHULAM HUSSAIN: If I speak in English the honourable member does not understand.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Did they request Government for permission to go into the financial aspect of the scheme?

The Honourable Sir GHULAM HUSSAIN (In Urdu): That does not arise. The question is "Will Government be pleased to state (a) the reasons for not requiring the experts to report on the financial aspects of the project?" The reply is there that we appointed these two experts for the purpose of advising us on methods of construction only, as we had promised the Legislative Council.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Did the experts request for permission to go into the financial aspects of the scheme?

(No reply.)

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): Will Government be prepared to associate a member of the public in preparing the revised estimates?

The Honourable Sir GHULAM HUSSAIN (in Urdu): The revised estimates will be placed before the public.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): Will Government be prepared to associate men from outside in the preparation of the financial forecast?

The Honourable Sir GHULAM HUSSAIN (in Urdu): Government have got their own men; why should they take men from outside?

Mr. N. R. GUNJAL (in Hindi): Are there not among the public men as capable as those in Government service?

The Honourable Sir GHULAM HUSSAIN (in Urdu): That is not denied.

DISTRICT LOCAL BOARD, SATARA: RECORDS.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state—

(a) whether they are aware that in the civil suit filed by Sardar R. R. Panditrao and Mr. B. Y. Lomte, members, District Local Board, Satara, against (1) the District Local Board, Satara, (2) Mr. P. N. Adhav, and (3) Khan Bahadur Cooper, both the trying Court and the Appellate Court found that the official record of the Board, involved in the suit, was tampered with for the purpose of supporting the defence of the suit;

(b) if so, whether any enquiries have been instituted by the said Board in this respect?

(c) if so, what the results of the enquiries have been;

(d) if no enquiries have been made, whether Government have enquired as to the intention of the authorities of the said Board to institute necessary enquiries in order to bring the offenders to book?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) Yes. The Courts commented on the point.

(b) No.

(c) Does not arise.

(d) Yes. An enquiry into the matter will be instituted after the original records in Court are received back.

The THAKOR OF KERWADA: When will the enquiry be instituted?

The Honourable Dewan Bahadur HARILAL D. DESAI: When the original records are received back.

The THAKOR OF KERWADA: When will they be received back?

The Honourable Dewan Bahadur HARILAL D. DESAI: That is more than I can say. If there be an appeal to the High Court, it may take any amount of time.

ALIENATION OFFICE : SUPPLY OF COPIES OF PAPERS.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars):
Will Government be pleased to state—

(a) whether one Mr. Ningappa Bin Mukanna Naik of Shimikeri, taluka Bagalkot, district Bijapur, applied to the Commissioner, Central Division, in the Alienation Office on the 12th December 1889 for a copy of the statement of Mrs. Tangawa Kom Janrao Desai of Bagalkot, given before the Inam Commission in 1849-50 ;

(b) whether the copy asked for was supplied to the applicant on the 4th January 1890 ;

(c) whether a copy of the same paper had been asked for by Mr. Rayappa Bin Rudrappa Naikar of Shimikeri on the 26th September 1929 ;

(d) whether the applicant has been informed by the Commissioner in his reply No. A.D. M.D. 963 of the 14th October 1929 that the said statement is not traceable in the records of the Alienation Office ;

(e) if so, whether the said statement has been destroyed or removed from that Office after the giving of a copy of it in 1890 ;

(f) if so, the reason therefor and whether it was done under Government orders ?

The Honourable Mr. J. GHOSAL : (a), (b), (c) and (d) Yes.

(e) No. The document has not been destroyed or removed. It is in the Alienation Office, but owing to insufficient and faulty description of the paper in the application referred to in clause (c) of the question it could not be traced. The difficulty of tracing a single paper in a mass of 27,000 rumals each containing a large number of papers is considerable and unless a required document is described in sufficient detail it is not possible to trace it in all cases, as there are no indexes or lists showing the contents of each rumal.

(f) Does not arise.

✓ ALIENATION OFFICE : SUPPLY OF COPIES OF PAPERS.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars):
Will Government be pleased to state—

(a) whether copies of papers or relevant extracts from papers are refused and not supplied to applicants by the Commissioner, Central Division, in the Alienation Office, in cases where such papers happen to concern any lapsed Inam village or land or cash allowance ;

(b) whether the policy underlying such refusal has been laid down by Government ;

(c) if the reply to (a) or (b) be in the affirmative, the reason for so doing ;

(d) the names, with their full addresses, of the applicants who have been refused copies of such papers or extracts from the Alienation Office, during each of the last ten years, together with the reasons therefor, mentioning also the papers of which copies were applied for ?

The Honourable Mr. J. GHOSAL: (a) (b) and (c) The records in the Alienation Office are "State" and not "Public" records and, as such, copies of them cannot be claimed as of right by the public. Government do not consider it desirable to disturb the long-standing practice of refusing copies of documents relative to lapsed watahs and inams as such action is only likely to encourage fruitless litigation.

(d) The time and labour involved in the collection of the information required would be incommensurate with its possible utility from the point of view of the public. Government therefore regret they are not prepared to compile it. ✓

SCHOOL BOARD, NASIK DISTRICT: MEETINGS.

Mr. R. G. PRADHAN (Nasik District): (a) Will Government be pleased to state how many meetings of the District School Board, Nasik, were adjourned for want of quorum during the year 1929, and how many members of the board have remained absent continuously for three or more meetings during the same year;

(b) Is it a fact that some meetings of the board have been postponed four or five times for one reason or another?

The Honourable MOULVI RAFI UDDIN AHMAD: (a) Five meetings of the Nasik District School Board were adjourned for want of a quorum during 1929. Eleven members remained absent continuously for three or more meetings during the same year.

(b) Government understand that one meeting of the District School Board was postponed four times.

SCHOOL BOARD, NASIK DISTRICT: CLERKS.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state whether it is a fact—

(a) that the District School Board, Nasik, has recently made appointments of two office clerks;

(b) that one of them is unqualified for the post and the other, an invalid pensioner;

(c) that they have been appointed even though there were several applications from qualified and competent persons?

The Honourable MOULVI RAFI UDDIN AHMAD: (a) and (b) Yes,

(c) Yes. The Chairman, District School Board, Nasik, has explained that as the appointments were purely temporary and for short periods the Board thought it desirable to give preference to experienced men rather than appoint raw though qualified assistants.

REVENUE PAYMENT, SATANA TALUKA.

Mr. R. G. PRADHAN (Nasik District): (a) Will Government be pleased to state whether the time for paying land revenue assessments in the Satana taluka, Nasik District, has been changed from March and April to January and February;

(b) If so, why has the change been made;

(c) Is it a fact that the agriculturists in the taluka have complained to the revenue authorities against the change and urged that the old time for paying assessments should be restored ;

(d) If so, has their request been granted ;

(e) If not, why not ?

The Honourable Mr. J. GHOSAL : (a) and (b) The change has been made only in the case of 53 rabi villages converted into Kharif villages because the kharif area was considerably larger in 1929-30 than the rabi area.

(c) Yes.

(d) No.

(e) Because the change of the dates of the instalments was justified in view of the acreage of the kharif crop in these villages.

NON-AGRICULTURAL ASSESSMENT : BASSEIN TALUKA.

Mr. A. N. SURVE (Bombay City, North) : (a) Will Government be pleased to state the rule or statutory provision which empowers the Revenue authorities to levy assessment on non-agricultural plots of Gaothan land bearing pardi numbers in Bassein Taluka of Thana District ;

(b) Is it a fact that the land occupied by houses within the municipal area of Bassein town in the Thana District was originally non-taxable Gaothan land ;

(c) Was this land given pardi numbers at the time of the revised survey some 32 years ago ;

(d) What was the object of giving pardi numbers to this non-taxable gaothan lands ;

(e) Is it a fact that Government are considering the question of levying assessment on this land as agricultural land ;

(f) Has the attention of Government been drawn to the issues of the *Kesari* and *Maratha* of Poona of 12th and 6th October 1929 respectively which criticise the imposition of non-agricultural cess in Bassein Taluka ;

(g) Is it a fact that Government have passed orders to take coercive measures for the recovery of the non-agricultural cess in Bassein Taluka, Thana District ?

The Honourable Mr. J. GHOSAL : (a) Sections 45 and 48 of the Bombay Land Revenue Code.

(b) No. The lands occupied by houses in the Bassein municipal area were not originally exempted from land revenue assessment as gaothan land.

(c) and (d) Pardi lands in the gaothan which is not always free from assessment have been in existence since 1853, and not from the date of the revision survey. These lands have from the beginning been considered to be agricultural land liable to assessment, and have been exempted from assessment if the area does not exceed a prescribed limit.

(e) No.

(f) Yes. Government have seen the articles referred to.

(g) No.

PRIMARY EDUCATION: ESTABLISHMENT OF NEW SCHOOLS.

Mr. V. A. SURVE (Ratnagiri District): (a) Will Government be pleased to place on the Council table a list showing the number of villages in each district where people had constructed buildings before applying for new schools and where new schools were not established before the transfer of control of primary schools;

(b) Will Government be pleased to place on the Council table a list showing the number of villages in each district where the people had before applying for new schools contributed one half or one third of the cost of the proposed buildings of the new schools and the maximum period for which such amounts were lying idle with the Educational Department?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) There are 8 such cases in Ratnagiri district and none elsewhere.

(b) There are no such cases.

Mr. V. A. SURVE (in Marathi): May I know whether the schools have started now?

The Honourable MOULVI RAFIUDDIN AHMAD: I do not know, I want notice.

Mr. V. A. SURVE (in Marathi): My supplementary question is part of my main question. So why should the Honourable Minister ask for notice to reply?

The Honourable MOULVI RAFIUDDIN AHMAD: I do not know. I am not in possession of the facts.

Mr. V. A. SURVE (in Marathi): It is an essential part of my question. How can the Honourable Minister say that he does not know?

(No reply.)

LOCAL FUND ACCOUNTANTS' EXAMINATION.

Mr. HAJI MIR MAHOMED BALOCH for SYED MIRAN MUHAMMAD SHAH (Hyderabad District): Will Government be pleased to state—

(a) the number of candidates who appeared for the examination for the post of Local Fund Accountant held on the 27th May 1929 at the various centres of the Presidency;

(b) the number and percentage of successful and unsuccessful candidates respectively at the said examination from all the centres;

(c) the number of candidates who failed in paper No. 1, viz., book-keeping;

(d) the name of the examiner in that paper and his qualifications in that line;

(e) whether the examiner in the paper assessed the paper himself or got it assessed by his assistant;

(f) whether it is a fact that some candidates have applied for the re-assessment of their papers in book-keeping on payment of re-assessment fees;

(g) if so, how many of them have so applied and how many of such requests have been granted?

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

	Number.	Percentage.
(b) Successful	.. None.	Nil.
Unsuccessful	.. Nine.	100 per cent.

(c) Nine.

(d) Mr. C. M. Correa, B.A., Examiner, Local Fund Accounts, Bombay.

(e) He assessed them himself.

(f) Yes.

(g) Two. On their representations the Permanent Committee for Departmental Examinations revised the papers of all the candidates and three out of 9 have since been declared successful.

RAILWAY PROJECT : MATIARI-HALA-HYDERABAD LINE.

Mr. HAJI MIR MAHOMED BALOCH for SYED MIRAN MUHAMMAD SHAH (Hyderabad District): (a) Will Government be pleased to state whether the residents of the town of Matiari, taluka Hala (in Sind) petitioned to the Commissioner in Sind and to the Government to construct a feeder railway connecting them with Hala on one side and Hyderabad on the other side, just as Government intend doing for Uderolal-Hala-Sakrand and other places ;

(b) Is it a fact that Matiari is an important town in the Hala taluka with a cotton press and considerable sundry trade ;

(c) Is it a fact that it comes within barrage zone and is likely to increase in importance with the development of barrage lands ;

(d) Is it a fact that a katcha trunk road connects it with Hyderabad on one side and Hala on the other and that motor traffic has been on the increase on this road during the last 5 years ;

(e) Whether it is a fact that there are many important villages along this road besides Matiari ;

(f) Whether Government intend doing anything in the matter mentioned in clause (a) above ?

The Honourable Mr. J. GHOSAL : (a) Yes.

(b) Matiari is not an important town. It possesses only one ginning factory and has a small trade in cloth.

(c) It does come just within the barrage area but is not likely to increase in importance after the barrage area has been developed.

(d) Yes.

(e) No.

(f) Government do not propose to do anything in the matter.

LLOYD BARRAGE CLERKS : GRANT OF LEAVE.

Mr. HAJI MIR MAHOMED BALOCH for SYED MIRAN MUHAMMAD SHAH (Hyderabad District): Will Government be pleased to state—

(a) how many Hindoo and Mahomedan clerks in the service of Lloyd Barrage No. V Division of the Rohri Canal went on leave whether on medical certificate or ordinary during the 5 years from 1925-26 to 1929-30 ;

(b) whether it is a fact that those who produced medical certificates received their leave allowance according to the rules ;

(c) whether it is a fact that a Mahomedan clerk named Hussain Bux serving in the above Division went on leave from 23rd December 1925 to 3rd January 1926 and from 18th January 1926 to 25th January 1926 and produced medical certificates in support of his leave applications ;

(d) whether it is a fact that he was refused his leave allowance and if so on what grounds ;

(e) whether it is a fact that the first portion of his leave from 23rd December 1925 to 3rd January 1926 was X'mas leave and if so why it was treated as leave without allowance ;

(f) whether it is a fact that the above leave was treated by the then Executive Engineer as leave on average salary, but was subsequently converted by him into leave without allowance ;

(g) if the reply to (f) is in the affirmative the reasons therefor ?

The Honourable Sir GHULAM HUSSAIN: (a) 11 Hindoos and 7 Mahomedans.

(b) Yes.

(c) The clerk did not go on leave, but absented himself without permission. He did not produce medical certificates in support of his absence.

(d) Yes, because he absented himself without permission.

(e) X'mas leave is observed from 24th December to 2nd January but the clerk was absent from his Head Quarters from 23rd December 1925 to 3rd January 1926 both days inclusive. The absence was treated as leave without allowances as he went away without permission.

(f) Yes.

(g) Through a misunderstanding a letter was issued from the office of the Executive Engineer, No. V Division, Rohri Canal, on 12th April 1926 and signed by the then Accountant in that office, saying that the absence was being treated as leave (on average pay). Subsequently when it was found that the clerk had absented himself without permission, the order was cancelled on 20th April 1926 and the absence was treated as leave without pay by the then Executive Engineer.

MARATHI ENCYCLOPÆDIA.

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

(a) whether it is a fact that the Marathi Encyclopædia by Dr. S. V. Ketkar has been approved by the Director of Public Instruction, Bombay Presidency, as a text book in secondary and teachers' training schools ;

(b) whether they are aware that the author had given a definite undertaking to the Anjuman-e-Zia-ul-Islam, on the 29th November 1926, that he would delete the four unpleasant pages 299-303, relating to Holy Prophet Muhammad, from the copies unsold as also from the copies sold to persons whose addresses are with him ;

(c) if so, whether the objectionable portions in the Encyclopædia against which a number of protests and representations have been made by the Mussalmans to Government have been deleted, as promised by the author ;

(d) whether they had duly communicated to the Departments concerned, especially to the Director of Public Instruction, the question relating to this Encyclopædia put by Mr. H. M. Rahimtoola in the concluding session of the last Legislative Council;

(e) if so, whether the Director of Public Instruction was duly forewarned not to accord his approval to the Encyclopædia as a text book before satisfying himself that the pages therein which engendered feelings of resentment and indignation among the Moslems had been deleted;

(f) the date on which the Cyclopædia has been declared as a text book and the probable number of copies so far sold;

(g) whether the attention of Government has been drawn to the editorial column on page 2 of the Daily Urdu Khilafat of Bombay, dated 14th September, under the heading "Yadash Bakhair Marathi Encyclopædia?"

The Honourable MOULVI RAFIUDDIN AHMAD: (a) No. It has been sanctioned only for libraries of Secondary schools and training institutions.

(b) Yes.

(c) Yes, and in the few cases where the books were purchased before the controversy arose and where the deletions have not yet been carried out steps are now being taken to delete the portion objected to.

(d) No.

(e) Does not arise.

(f) The first part of the question does not arise. Government have no information regarding its second part.

(g) Yes.

BANDHARAS : DAM AT OTUR.

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

(a) whether it is a fact that they intend constructing a dam on the Punad river near Otur, a village in Kalvan taluka, to increase the water supply of the bandharas;

(b) if so, when the work is to be commenced?

The Honourable Sir GHULAM HUSSAIN: (a) and (b). The local officers have been asked to carry out preliminary investigation for constructing an irrigation tank at Otur on the Markandi river. On receipt of their report the question of undertaking detailed investigation and preparation of the scheme will be considered.

EDUCATION COMMITTEES' REPORTS.

Rao Saheb R. V. VANDEKAR (Nasik District): (a) Will Government be pleased to state when the reports of the "Primary and Secondary Education Committee" appointed under Government Resolution No. 4242, dated 7th October 1927, and the "Physical Training Committee" appointed under Government Resolution No. 550, dated 7th October 1927, will be published;

(b) what was the time allowed to the committees to submit their reports;

(c) how many extensions were given for the submission of such reports;

(d) what are the reasons for the delay in publishing the reports;

(e) do Government propose to take any and if so what action on the recommendations of the Committees during the life of this Council?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) The Report of the Primary and Secondary Education Committee was submitted to Government in November 1929 and was published on 26th March 1930. The Physical Training Committee's Report was submitted to Government in April 1929 and was published on 13th August 1929.

(b) The Primary and Secondary Education Committee was asked to submit its Report by 18th June 1928 and the Physical Training Committee by 10th June 1928.

(c) Both the Committees were given 3 extensions.

(d) No undue delay has occurred. The Reports were received in Manuscript and had to be printed and finally approved before Government were in a position to order their publication.

(e) The Director of Public Instruction has been asked to submit proposals for taking action on the recommendations of the two Committees. In view of the somewhat comprehensive nature of the recommendations, they will require careful consideration. In their present financial position Government cannot promise that any action will be taken during the lifetime of the present Council.

CONSIDERATION OF LOCAL FUND AUDIT BILL RESUMED

Rao Bahadur S. T. KAMBLI (Dharwar District) : Sir, some honourable members on the Government benches who spoke yesterday were very strong and vehement in their condemnation of actions of dishonest persons. One member on the non-official side was equally vehement in this respect. I say that they were perfectly justified in making these denunciations and in their desire to put down such dishonest acts. But under the guise of advocating a righteous cause of putting down dishonest acts of dishonest persons, an attempt is made in this Bill to catch innocent persons and penalise innocent persons under certain circumstances. This is to be seen by the words in sub-clause (b) of clause 9. "Gross negligence" cannot in any way be interpreted or construed as or attributed to dishonesty. Gross negligence consists in most cases of omissions to do certain things, for which the Acts at present in force provide. Take for example section 28 of the City Municipalities Act. There are similar provisions in the other two Acts, viz., the District Municipal Act of 1901 and the Local Boards Act of 1923. There it is positively laid down in clause (d) of section 28 (1) as follows :—

"Not being a president or vice-president or a salaried servant of the Government, absents himself during four successive months from the meetings of the municipality except with the leave of the municipality, * * * * he shall be disabled from continuing to be a councillor and his office shall become vacant.

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Thus in one breath you lay down that a member can afford to be absent for four successive months and can only escape penal consequences by attending one meeting in these four months. In another breath you lay down that he will be responsible for gross negligence. If he does not attend some meetings and something then happens, I urge that the auditors will not be slow in bringing the attitude of such innocent persons under the category of "gross negligence". The Honourable Minister of Self-Government now laughs. But what justification is there I ask for bringing cases of gross negligence under clause 9 under the guise and pretence of putting down dishonest acts?

The instances mentioned by some honourable members on the Government benches related to acts of fraud, misappropriation and the like. Such instances do not justify the enactment of any law for punishing "gross negligence."

An argument was advanced by the honourable Legal Remembrancer that if sub-clause (b) of clause 9 is taken out, then the whole utility of the Bill would be frustrated. I submit that it is wrong to say so and take such a view. The Bill provides for many things. It provides for the compulsory production of the accounts of a municipality or a local board before the auditor on pain of prosecution if one fails to do so. It provides for the examination of accounts and bringing to the notice of the authorities so many things,—including material irregularities or improprieties which the auditors may have observed in the accounts and also any payments which appear to them to have been made contrary to law. The various provisions of the Bill will show that the deletion of this sub-clause will not render the Bill infructuous or make it of less utility than it is desirable. Only the harassing provisions will be removed and the Damocles' sword will be taken away.

Now, to come to another aspect of the case. Supposing that the auditors make a report on very unsubstantial and untenable grounds and eventually the Commissioner who decides the question of charges or surcharges holds them to be unsubstantial or untenable, then what safeguards are there to prevent the auditors from making such reports? The members are put under harassment on the one hand and there are no safeguards against such auditors (whose reports subsequently become the reports of examiners because the examiners always implicitly believe in the truth and accuracy of inferences and conclusions of their own staff) making unsubstantial, incorrect or untenable reports to their superiors. In the absence of such safeguards, I beg to submit to the House that in any case it is not wise and it is not safe to agree that "gross negligence" or "misconduct" should be retained in clause 9 of the Bill. As I pointed to the House yesterday the auditors in the department are not well versed in law. They are not legal men and their reports in many cases are absolutely incorrect even as regards facts and figures. I told yesterday how on the auditors' incorrect and inaccurate reports the city municipalities, local bodies, were directed and are directed to do such and such a thing to the great annoyance of those local bodies. This will

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clearly convince the House that the superior officers always trust the correctness of the reports of the auditors. We have seen how the Accountant General tried to support his incompetent auditors in his speech yesterday. He thereby encouraged the auditors in their career and work of ignorant and careless inspection and examination of accounts. It is, therefore, not fair to invest these auditors or examiners with any power without providing any safeguards against their making any incorrect or false or unsubstantial reports which tend to result in serious consequences. What I understood yesterday from the speech of the Accountant General was that he wanted to defend his own staff irrespective of their lapses. Although certain mistakes committed by his staff were brought to the notice of the Accountant General, he was very enthusiastic in defending his own incompetent staff. Such being the case, I submit, Sir, that the auditors whose knowledge and for the matter of that whose common sense is very limited should not be armed with these very serious powers. Yesterday almost an assurance was given that though there was a Damocles' sword hanging on the honorary members of the municipality on local boards, yet that sword was held and secured by a strong iron chain and that there was no fear at all in case this clause is continued. But the iron chain though strong is itself not controlled by a strong hook. This being the case I would urge that the honourable members of this House must even then feel the insecurity of the position of the honorary members in the local boards. I have already shown in my speech yesterday and to-day that the superior officers are always very enthusiastic in supporting their own staff and that their lapses are condoned or ignored, while the slightest so called negligence of members is likely to be exaggerated as gross negligence. On that account I say that there is a great risk and possibility of the powers being misused.

It was also suggested by some members of this honourable House that the words in question are difficult to define and therefore they should be allowed to stand, without attempting any definition of them. But I refuse to believe that the Government legal advisers and legal experts are so much bankrupt in their knowledge and learning of law as to be incapable of framing a correct and accurate definition of these words. Difficulty of definition is not the same thing as impossibility of definition. Where there is a will there is a way. If the author of the bill wills that they should be defined, I am sure correct definitions will be forthcoming.

My next point is that there is no provision made in any municipal Act or even in this Bill for making responsible the councillors or members of the local bodies for their gross negligence (apart from its facilitating misapplication of funds) as is sought to be provided by implication in this Bill. Reading the three Acts, Act No. XXVIII of 1925, Act No. III of 1901 and the Local Boards Act, one fails to discover any provision in any of these Acts made in this respect. There is not a single section or part of a section whereby members are made expressly responsible for gross negligence or misconduct (apart from its facilitating misapplication

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of funds). To make members responsible by implication is bad legislation. There must be an express provision making the members responsible for certain acts. In the absence of such explicit provisions, I beg to submit, Sir, that it is not wise to subject members responsible indirectly and by implication.

Finally, I appeal to the Honourable the Minister for Local Self-Government to note that the younger generation and posterity is sure to accuse him that the author of this Bill, an elected member of this House, put veritable and serious impediments and obstacles in the way of healthy progress of self-governing institutions in this Presidency and virtually blocked and damped the ardour and enthusiasm of honest and honorary workers therein. They may with sorrow observe too that Damocles sword is left hanging on the heads of honorary members of the local boards. I therefore appeal to him to reconsider his position and to save himself from such a charge at the hands of the younger generation and of future generations yet unborn. With these words, Sir, I commend my amendment to the acceptance of the honourable House.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, my honourable friend seems to think that this House only owes its duty to the honorary workers, that is to say, members and councillors in the various Local Bodies and that it owes no duty to the rate-payers whose funds they are there to administer and protect. That is one of the vital drawbacks in the whole of his contention. I would draw the attention of this honourable House to the object with which this Bill was introduced in this honourable House. The object was to adequately protect the interests of the rate-payers by making the machinery of audit sufficiently effective and to ensure the purity of the administration of the Local Bodies, as the provisions under section 42 of the District Municipal Act and other cognate sections of several other Acts were found to be very dilatory. It was found that the local bodies did not and do not take proper action on the audit notes, and Government are rather averse to take drastic measures by way of prosecutions. The remedy of a prosecution or the remedy of a civil suit provided by section 42 and similar other sections is open, but up to now local bodies have hardly taken any action against any members or officers to that end and in only solitary cases Government were forced to take such an action under section 42 of the District Municipal Act or cognate sections of other Acts. In order, therefore, to provide for a swifter remedy, this Bill was brought forward. It has been brought forward in the interests of the rate-payers on the lines of the Bills in Madras and Bihar and Orissa. If my honourable friend thinks that this Bill is purely to widen the responsibility of members, I may tell him that it is the intention of Government to widen the responsibility. I would now tell you how this Bill came to be drafted. The question, in the first instance, was to amend the various local Acts on the lines provided in this Bill. But it was found in drafting that it would be very convenient to have a separate bill applying to all local bodies which are covered by this bill so that it

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may contain all the necessary provisions with reference to the procedure for audit and also with reference to a remedy by surcharge and charge for certain actions of members or the office-bearers or officers.

I may draw his attention to one point, namely, the word "misapplication" in section 42 and in similar sections has a far wider meaning and application than what he seems to put on that word. I would refer to a case which has been decided by the Bombay High Court in August 1915. It was a case which came from the Kaira district and referred to the Kaira municipality. I know this particular case because as Government Pleader I was in charge of that suit on behalf of Government. What had happened was this. The secretary of the municipality while writing his account books and making his totals, made the totals on the credit side shorter than what they really ought to have been and the totals on the debit side were made far larger than they really ought to have been. In that way he used to embezzle money and the chairman of the managing committee, who was a personal friend of mine and a very good gentleman, was imposed upon by the secretary. The secretary's way of working was this. When, after the meeting was over, he was about to go, the secretary would go to him and say "Will you sign this" and the chairman in confidence signed the accounts. This happened in 1903-04. The fraud was found out by the auditors in about 1908 or so. In 1910, after consulting the legal advisers of Government, the Secretary of State for India in Council filed a suit against some members of the municipality. In the meantime the secretary was prosecuted and sentenced to 18 months. Thereafter suits were undertaken against about 7 or 10 members of the municipality. In that case the judgment of the High Court on page 175 is very pertinent and was delivered by Justice Bachelor. It reads :—

"So long as any misapplication has been made by whosoever it has been made, the section comes into play. When ascertaining the precise scope of the word 'misapplication' as here used, it seem material to refer to the provisions of section 50, sub-section (2), and section 51 of the Act which make it clear that the position of the councillors in regard to municipal funds in law is that of trustees and the liability therefore must be determined upon this footing. As trustees, there can be no doubt that they would be bound to exercise over the trust property the same degree of caution and care as a man of ordinary prudence would exercise in the case of his own property and though the Trust Act would not strictly apply, yet there is no reason to doubt that the principle embodied in section 15 of the Trust Act would cover the position of the present appellants as trustees. Therefore, it seems to me that they would be liable for any loss of trust funds which was facilitated by the gross neglect of their duty as trustees and upon this footing their liability would be the same, whether the loss was caused by an act free from moral turpitude or by bribery."

And Justice Sir Maurice Hayward at page 184 also said :—

"Now it seems to me that if a man entrusted with moneys for a particular purpose applies or converts moneys to his own use either by depositing them in his own cash box or by spending them on himself, he could correctly be said in ordinary language either to have misappropriated or misapplied those moneys. The result of his misappropriation was a misapplication of those funds. Any divergence of moneys caused from their proper purpose would be covered by the wide term "misapplication" and it is in that wide sense that the term in my opinion has been introduced into section 42 of the Act. It has purposely not been restricted to misapplication to which a councillor shall have been a party but has been applied expressly to misapplication which shall have happened through or been facilitated by the gross neglect of duty by the councillor."

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So, the word "misapplication" in section 42 of the District Municipal Act has a far wider application than what the honourable member the Deputy President understands; and I may further state that even if it were not so this House has the power to increase and widen the responsibility of members, officers and office-bearers in the interests of the rate-payers, and that is what they are requested to do.

The point is that the Government wants to provide a swifter remedy than the one which could be achieved by a regular suit. The Kaira suit was finally decided in August 1915. The misappropriation happened in 1904. It came to light in 1908, the suit was filed in 1910 and the High Court finally decided the suit in August 1915. A period of eleven years elapsed and even after the filing of the suit it took five years. In order to avoid such delays and in order to provide a remedy because the local bodies are averse to taking any action themselves, this bill was drafted and has been placed before this honourable House. I submit therefore that what this bill provides is simply a swifter remedy, but at the same time it does not leave the final decision to the auditor or to the examiner or to the Commissioner against whom my honourable friend has railed. The final decision rests with the district court, and the one who is charged with a surcharge is entitled to go to the district court if he likes. He has two alternative remedies under clause 13. He can either go to the district court against the surcharge order given by the Commissioner or he can go to Government. This department is in charge of a Minister. If the one aggrieved has any confidence in the Minister, he will go to Government and if he has greater confidence in the judiciary, then he will go to the district court, so that the final decision rests with the district court. The Commissioner gets the report of the examiner, and has to enquire into the matter and to get explanations, and thereafter he has to pass his orders giving reasons for those orders because his order is subject to revision or consideration by the district court. Under these circumstances, Sir, what my honourable friend said to the honourable House is not right that the Commissioner has the final power, but the final power is with a judicial court and therefore there is sufficient protection for any honorary worker who finds himself in the wrong box.

There is one point which I wish to urge before the honourable House and which makes the amendment absurd on the face of it. Just take clause 11. Clause 11 provides:—

"The Commissioner may, after considering the recommendation of the examiner or of any head of a department under the proviso to sub-section 3 of section 10 as the case may be" etc., etc.

So that the Commissioner has in the first instance to get a report from the examiner containing matters which are mentioned in clause 11 further up. When he receives that report, he has to consider the matter, he has to take evidence and to make further enquiry, but what my honourable friend wants to do is that, whereas he has not tabled any amendment nor any other member has tabled any amendment to clause 11, he wants to make the whole position absurd by saying that the statement required

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to be included in his (the examiner's) report should not contain a particular matter. Kindly go through the rest of the portion of clause 11 which reads as under :—

“and after taking the explanation of the person concerned, or making such further inquiry, as he may consider necessary, disallow any item which appears to him to be contrary to law and surcharge the same.....”

That provision is in clause (a) of clause 9.

The clause goes on to say :

“and surcharge the same on the person making, or authorizing the making of, the illegal payment; and may charge against any person responsible therefor.....”

And then :

“the amount of any deficiency or loss caused by the gross negligence or misconduct of that person.....”

These words occur in sub-clause (b) of clause 9. Then the clause goes on to say :

“or any sum received which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person :”

That is the wording occurring in sub-clause (c) of clause 9. So that, the Commissioner who is required to pass the order of surcharge or charge has to pass those orders on the basis of the report and the report ought to contain materials for considering the points which are mentioned in the latter part of clause 11. Unfortunately, clause 11 in the natural sequence comes after clause 9, but really speaking clause 9 includes all the points which clause 11 wants, and therefore my submission is that if this sub-clause (b) is deleted, it would reduce the honourable House and the whole Bill to an absurdity. It would mean that you want the Commissioner to go by the examiner's report, and on that report he has to determine this way or that way, but that that report should not contain the necessary materials. The other point is that it becomes absurd for another reason, *viz.*, the one advanced yesterday by my honourable friend Rao Bahadur Kale, that if you omit the words “gross negligence or misconduct” the clause would read “the amount of any deficiency or loss which appears to have been caused by any person.” My honourable friend has been railing at the auditors, the examiner and even the Commissioner, but by the omission of these words he widens the scope of the powers of the auditor and the examiner, so that they can report on any loss or deficiency. We had rather restricted him to report on points which the Commissioner has to consider as provided for in clause 11. Under these circumstances, Sir, I submit that not only is the proposal to omit these words a case of reducing the position to an absurdity, but, I respectfully submit, it is a point of order, for this reason. The honourable member has not tabled any amendment to clause 11, and he cannot change the provisions thereof, and therefore what he cannot do directly by attacking clause 11 he wants to do indirectly by attacking clause 9 (b). I do not think it would be proper to allow any

[Dewan Bahadur Harilal D. Desai]

person to do anything indirectly what he cannot do directly, because in this particular case it would reduce the provisions of this Bill to an absurdity. If you ask the Commissioner to pass an order on particular matters on the report of the examiner, and yet come in the way of the examiner furnishing the statement required for the purposes of clause 11, the position would be absurd. Therefore, I submit, Sir, that on the merits also the amendment of my honourable friend is reduced to an absurdity.

Then, yesterday my honourable friend very rightly admitted that when clauses 9 and 11 were under consideration my attention was drawn to the fact that section 42 of the District Municipal Act and other cognate sections in other Acts contained the word "gross" before the word "neglect", while here the word was "negligence" only. I readily consented to add that word here also, so as to bring it into harmony with the provisions of section 42. That was done in the select committee, and at that time I do not remember that there was any other point very seriously taken up and clause 9 was passed unanimously with the addition of the word "gross" before the word "negligence." My honourable friend today said that this bill would place a surcharge or charge against a member who is absent and who is not attending. I cannot believe that my honourable friend very seriously advanced this argument. If a man has taken no part in any proceedings, how would you render him responsible for anything that has happened? He may at the next election be declared not fit to be returned, because he has not attended to the cause of the rate-payers, but no legal liability would arise against a man who has not attended meetings. All these provisions as to the procedure of how to take audit, what to do after taking audit and how to report are points which are subsidiary to the main provisions of clause 11. Therefore, I submit that my honourable friend having in the select committee once agreed to the retention of sub-clause (b). . . .

Rao Bahadur S. T. KAMBLI : Is it open to the Honourable Minister to refer to the proceedings of the select committee in the open House ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It may not be done ordinarily, but when the honourable member takes up this attitude today and another honourable member who has not even written a dissenting minute also comes forward here and have a somersault, I am entitled in passing to say what the position was in the select committee.

Lastly, I submit that there is no ground whatever for advancing the plea of harassment of members. There is going to be no harassment of members.

Rao Bahadur S. T. KAMBLI : On a point of order. Is the word "somersault" parliamentary ?

The Honourable the PRESIDENT : I do not think it was proper.

Rao Bahadur S. T. KAMBLI : Then the Honourable Minister should withdraw it.

The Honourable Dewan Bahadur HARILAL D. DESAI : If the word "somersault" is not a proper word, then, I am willing to withdraw it, and I will say he has changed his attitude.

As regards the harassment of members, of which much was tried to be made out, I submit that we are concerned with the protection of the interests of the rate-payers. The interests of members are of secondary importance, and I submit that my honourable friend the Deputy President has forgotten that all along when he sits on a municipality whether as a member or as president, he is a trustee of the rate-payers and is responsible to them, and if he does not want to suffer the harassment which applies to the duties of a trustee, then he had better clear off.

Question put. House divided. Ayes, 21; Noes, 48. Motion lost.
Division No. 1.

Ayes

AMBEDKAR, Dr. B. R.
ASAVALI, Rao Bahadur R. S.
BHUTTO, Sir SHAH NAWAZ
BOLE, Rao Bahadur S. K.
GUNJAL, Mr. N. R.
HABBU, Mr. A. G.
HAJI MIR MAHOMED BALOCH, Mr.
KAMBLI, Rao Bahadur S. T.
KARBHARI, Mr. M. M.
KHURO, Khan Bahadur M. S.
KOLHATKAR, Mr. H. V.

NAVLE, Mr. N. E.
NOOR MAHOMED, Mr.
PATIL, Mr. R. L.
PAWAR, Mr. G. B.
SALGAR, Mr. R. G.
SARDESAI, Sardar S. A.
SOLANKI, Dr. P. G.
SURVE, Mr. V. A.
VANDEKAR, Rao Sahab R. V.
WASIF, Khan Sahab G. A. D.

Tellers for the Ayes : Rao Sahab R. V. VANDEKAR and Mr. N. E. NAVLE.

Noes

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
ABERCROMBIE, Mr. J. R.
AHMAD, the Honourable MOULVI RAFI UDDIN
BECKETT, Mr. R. H.
BELL, Mr. R. D.
BHATT, Mr. RAMCHANDRA M.
BRANDER, Mr. J. P.
BULLOCKE, Mr. A. GREVILLE
CHAHWALA, Khan Bahadur H. P.
CHIKODI, Mr. P. R.
COLLINS, Mr. G. F. S.
CONTRACTOR, Khan Sahab M. F.
DESAI, Rao Bahadur GOVINDBHAI H.
DESAI, the Honourable Dewan Bahadur HARILAL D.
EWBANK, Mr. R. B.
FREE, Mr. C. G.
GARRETT, Mr. J. H.
GHOSAL, the Honourable Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GREEN, Mr. S. A. C.
HARRISON, Mr. C. S. C.
HOTSON, the Honourable Sir ERNEST
JADHAV, the Honourable Mr. B. V.

KALE, Rao Bahadur R. R.
KAMAT, Mr. Y. M.
LANE, Mr. C. M.
MACKIE, Mr. A. W. W.
MANSURI, Khan Sahab A. M.
MARZBAN, Mr. P. J.
MODI, Sardar DAVAR T. K.
MORAES, Mr. A. X.
MUJUMDAR, Sardar G. N.
NANAVATI, Mr. D. D.
NARIMAN, Dr. R. T.
OWEN, Mr. A. C.
PATANKAR, Sardar B. N.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RANJITBHAI KALABHAI, Rao Bahadur
SHAH, Mr. P. G.
SHAIKH ABDUL AZIZ, Mr.
SMART, Mr. W. W.
TALEYARKHAN, Mr. P. J.
THAKURSING LALSING, Mr.
VAKIL, Sardar Sir RUSTOM JEHANGIR
WALLACE, Mr. D. J. C.
WILES, Mr. G.

Tellers for the Noes : Rao Bahadur S. K. BOLE and Dr. P. G. SOLANKI.

Rao Bahadur S. T. KAMBLI (Dharwar District): Sir, I beg to move—

Add the words "by or in not carrying out the legal and valid resolutions of the public body" after the word "negligence" in sub-clause (b) of clause 9.

It was pointed out by the official members that one of the reasons why these words "gross negligence" were inserted in the bill was that in one case in spite of the resolution of a municipality that the public funds of that municipality should be invested in a bank so as to produce interest, the president of the municipality failed to invest them for a long period and so caused a great loss to the municipality by his negligence. To provide against a contingency of this sort, the words "gross negligence" were, it is said, inserted. If that was so, I beg to submit that my modest amendment which carries out the intentions of the authors of the bill should be accepted. I do not know whether my words are falling on deaf ears. The Honourable Minister of Local Self-Government is not listening to my speech at all. (*Interruption*). It seems to me that he is setting a good example of efficient discharge of his duties as a Minister, by not listening to the debates in this House. I hope that the modest amendment which I have placed before the House will be accepted by Government, because it just carries out their intentions. It provides a remedy for certain cases which have come to their notice, namely, the cases of the presidents of municipalities or local boards not acting up to the resolutions of the local body concerned. So, with these words I commend my amendment to the acceptance of the House.

Question proposed.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I submit that this amendment should be regarded as out of order. I rise to a point of order. These words do not find a place in clause 11, which is the substantive clause, and my honourable friend ought not to be allowed to undo the provisions of that clause by amending this sub-clause so as to read "the amount of deficiency or loss which appears to have been caused by the gross negligence by or in not carrying out the legal and valid resolutions of the public body" Irrespective of the resolutions of the public body, loss or deficiency may be caused by gross negligence or misconduct. There is no such qualification in clause 11 which is the substantive clause. Therefore, I rise to a point of order.

The Honourable the PRESIDENT: I am afraid I cannot entirely agree with the Honourable Minister in calling it a point of order, because I do not see much of a point of order there. Clause 11 will be dealt with on its own merits when we reach it. It is not a point of order to say that any alterations to the present clause would interfere with a clause which is to be reached hereafter.

The Honourable Dewan Bahadur HARILAL D. DESAI: Then, I oppose it.

Question put and lost.

Clause 9 ordered to stand part of the bill.

[Dewan Bahadur Harilal D. Desai]

Clause 10 (*Local authority to remedy defects : procedure to be followed after report of the Examiner under section 8*).

(1) On receipt of a report under section 8 the president or chairman, as the case may be, shall either remedy any defects or irregularities which may have been pointed out in the report and send to the Examiner, within three months of the receipt of the report, intimation of his having done so, or, shall, within the said period, supply to the Examiner any further explanation in regard to such defects or irregularities as the president or chairman may wish to give.

(2) On receipt of such intimation or explanation the Examiner may, in respect of all or any of the matters discussed in his report,

(a) accept the intimation or explanation given by the president or chairman and withdraw the objection, or,

(b) direct that the matter be re-investigated at the next audit or at any earlier date, or,

(c) hold that the defects or irregularities pointed out in the report or any of them have not been removed or remedied.

(3) The Examiner shall send a report of his decision to the Commissioner within one month of the date of the receipt by him of the intimation or explanation of the president or chairman referred to in sub-section (1) and shall forward a copy of such report to the president or chairman, as the case may be, of the local authority. If the Examiner holds that any defects or irregularities have not been removed or remedied he shall state in the report whether, in his opinion, the defects or irregularities can be regularised; and if so, by what method; and if they do not admit of being regularised, whether they can be condoned and, if so, by what authority. He shall also state whether the amounts to which the defects or irregularities relate should, in his opinion, be surcharged or charged:

Provided that in the case of reports on the accounts of school boards and of such local authorities as are specially notified by Government in this behalf the report referred to in this sub-section shall be submitted by the Examiner to such officer, being the head of a department, as Government may direct. Such officer shall take such action as may be necessary regarding any defects or irregularities falling under clause (c) of sub-section (2) which may have been brought to notice in the report. If he is of the opinion that the amounts to which any such defects or irregularities relate should be surcharged or charged, he shall forward the report to the Commissioner together with his recommendation in that behalf.

(4) The local authority concerned shall publish in its next administration report, which shall be open to inspection by the public, such portions of the report under section 8 as deal with defects and irregularities falling under clause (c) of sub-section (2), together with the explanation thereof, if any, given under sub-section (1) and the final report of the Examiner thereon under sub-section (3). Such report of defects and irregularities, explanation and final report shall also be published in the vernacular of the district in any newspaper circulating in the district selected by the local authority within one month of the receipt by it of the copy of the report sent to the Commissioner under sub-section (2).

(5) If the president or chairman of a local authority fails to give the intimation or explanation referred to in sub-section (1) within the period therein mentioned the Commissioner may, at the instance of the Examiner, publish in the vernacular of the district the whole of the Examiner's report under section 8, together with any observations which the Commissioner may make thereon, in any newspaper circulating in the district which the Commissioner may select and the cost of such publication shall be paid by Government.

(6) Nothing in this section or in section 9 shall preclude the Examiner at any time from bringing to the notice of the Commissioner, for such action as the Commissioner may consider necessary, any information which appears to the Examiner to support a presumption of criminal misappropriation or fraud.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I beg to move—

The following be inserted after the figure and brackets “(1)” in clause 10 (3)—

“or in the event of the president or chairman failing to give such intimation or explanation, on the expiry of the period of three months mentioned in the said sub-section.”

[Dewan Bahadur Harilal D. Desai]

This is to supply an omission. If the president or chairman reports, it is all right; but if he does not, what is the Examiner to do? We have taken care to provide against such a contingency, and these words are absolutely necessary to supply the omission, and I submit that the amendment should be accepted by the House.

Question put and carried.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I beg to move—

In clause 10 (4)—

(1) the words "which shall be open to inspection by the public" shall be deleted.

(2) After the words "final report" where they occur for the second time, the following words shall be inserted, namely—

"shall be open to the inspection of the public at the office of the local authority for a period of one month from the date of their receipt and;" and

(3) for the figure and brackets "(2)" where they occur for the second time "(3)" shall be substituted.

The words "which shall be open to inspection by the public" are misplaced. They are to be deleted from their present place but inserted later on after the words "final report" where they occur for the second time.

Question put and carried.

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11 (*Commissioner to surcharge or charge illegal payment or loss caused by gross negligence or misconduct*).

(1) The Commissioner may, after considering the recommendation of the Examiner or of any head of a department under the proviso to sub-section (3) of section 10, as the case may be, and after taking the explanation of the person concerned, or making such further inquiry, as he may consider necessary, disallow any item which appears to him to be contrary to law and surcharge the same on the person making, or authorizing the making of, the illegal payment; and may charge against any person responsible therefor the amount of any deficiency or loss caused by the gross negligence or misconduct of that person, or, any sum received which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person:

Provided that no order of surcharge or charge shall be made under this Act in respect of any item included, or, which ought to have been included in, but was omitted from, any accounts for any period prior to the 1st April 1930.

(2) The Commissioner shall state in writing the reasons for his decision in respect of every surcharge or charge and shall send by registered post a copy thereof to the person against whom it is made.

(3) If a person to whom a copy of the Commissioner's decision is sent under sub-section (2) refuses to take delivery thereof he shall be deemed to have duly received it on the day on which it was refused by him.

Mr. G. B. PAWAR (West Khandesh District): Sir, I beg to move:—

"That the words 'surcharge the same' in line 10 be deleted and in their place the following words be inserted:

'make a reference to the district court for the surcharge of the same'."

[Mr. G. B. Pawar]

My intention in moving the amendment is to curtail the powers of the Revenue Department. The final decision should be left to the judicial department. The amendment has been proposed by the Dhulia Municipality with the consent of the general body. Necessity has arisen in certain cases which are likely to go into the civil court. In certain cases the general body had passed a resolution in respect of a certain matter. The Commissioner and the Collector, however, held that it was illegal. I know from a reliable source that these officers were influenced in some respects and the result was that the decision was not given properly. Therefore, I think that the final decision should be left to the district court. The Revenue Commissioner of a Division is generally heavily worked and is not likely to look into the details of cases. Besides, though the local authority concerned is given an opportunity to put such cases before the Commissioner, the proceedings as a whole are of a summary nature and the deficiency which prevents the local authority to bring out the full case by deducing evidence can only be set right by safeguards. It is therefore necessary, in the interests of justice and fairplay, that the power of surcharge should be delegated to a competent court instead of to the Revenue Commissioner. The safeguard suggested is that of the District Judge because it would be in conformity with the dignity and independence and autonomous position of local bodies. I therefore appeal to honourable members kindly to accept my amendment.

The Honourable the PRESIDENT: The amendment proposed is:—

“The words ‘surcharge the same’ in line 10 be deleted and in their place the following words be inserted:

‘make a reference to the district court for the surcharge of the same’.”

The clause would then read:

“Disallow any item which appears to him to be contrary to law and make a reference to the district court for the surcharge of the same on the person making, or authorising the making of, the illegal payment”, etc.

Question put and lost.

Rao Bahadur S. T. KAMBLI (Dharwar District): Sir, I beg to move:

“Delete the figure ‘1930’ occurring in the proviso to sub-clause 1 of clause 11 and substitute instead the following:—

‘next following the date of assent of His Excellency to this Bill’.”

The clause, if the amendment is accepted, would read as follows:—

“Provided that no order of surcharge or charge shall be made under this Act in respect of any item included, or, which ought to have been included in, but was omitted from, any accounts for any period prior to the 1st April next following the date of assent of His Excellency to this Bill.”

My reason for placing this amendment before the House is that this Act creates a certain pecuniary liability and as such ought not to be given retrospective effect. Any law which creates a pecuniary liability or a criminal liability for the first time should not be given retrospective effect unless perhaps there is a great emergency calling for it. In this particular case I do not see that any case is made out for giving

[Rao Bahadur S. T. Kambli]

it a retrospective effect. Take for example an Ordinance. What would be the case if an ordinance is issued by the Viceroy to take effect from a date prior to the date of its being promulgated? The result would be that an act which was innocent when it was committed, certainly would become an offence by a subsequent ordinance, a result which no civilised society would tolerate. The same would be the result in the case of this bill. It would produce disastrous consequences not foreseen by members. An act or omission which was legally not monetarily punishable when it was committed will become so punishable if this Act comes into operation with its retrospective provisions. I submit that such retrospective effect is opposed to all canons of law. It will affect the position of so many members who have been sitting or have ceased to sit on municipalities or local boards who acted under the belief that they were not responsible for the consequences of certain acts or omissions in respect of which the law as it stands does not punish them in any way or does not hold them responsible in any way. If this bill were to come into operation, say, on the 1st September 1930, to make a person responsible for an act or omission committed or made, prior to 1st September 1930 for which he is not responsible pecuniarily under the existing laws, would be an absurdity. A person is governed in his actions by the law which exists at the time when he acts or omits to do an act. Any subsequent enactment of any law by a legislature cannot retrospectively make him liable for any previous act which was innocent under the then existing law.

I do not think any further dilation or explanation is necessary for commending my amendment to the House. I want it to come into operation from the date on which it receives the assent of His Excellency the Governor General; in other words, it should not be retrospectively operative.

On these grounds, I commend the amendment to the House.

Question proposed.

Rao Bahadur G. H. DESAI (Kaira District): Sir, I rise to oppose the amendment proposed by my honourable friend, Rao Bahadur Kambli. The clauses of the bill lay down only a procedure for the speedy recovery of the liabilities due to the misconduct or gross negligence of the staff of members of local bodies. This House knows that the liabilities are already there in the Local Boards and Municipal Acts and now new liability is sought to be imposed by this Bill. It is only for the sake of convenience that the year "1930" is inserted in the Bill. Members of the Select Committee thought that past things should not be reopened and they have therefore suggested this year. I therefore suggest that the amendment proposed by Rao Bahadur Kambli should not be accepted by this House.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I oppose the amendment. This Bill was published in February last and at the first reading it was the desire of several honourable members that it should be sent to the Select Committee. Otherwise this would have been passed

[Dewan Bahadur Harilal D. Desai]

long before the 1st of April last. The honourable members of this House know that the financial year begins from 1st of April each year. And my honourable friend's amendment is very vague. He says "next following the date of assent of His Excellency to this bill." But he must know that two assents are necessary to this Bill. One is from His Excellency the Governor and the other from His Excellency the Governor-General. So, as it is, the amendment is not properly worded. After the three readings are passed in this month, it will take some time before the assent is obtained. Now we are in the middle of the year, and I may state that the audit for 1930-31 accounts will not take place until after the 1st of April in 1932 if the amendment were passed. But as the Bill now stands the accounts for 1930-1931 will come to be audited in 1932, and if this amendment is passed there will be an actual delay of two years. As the Acting Accountant General pointed out, according to the usual procedure it will take at least eight months for getting the assent. If it was an ordinary matter, I would not have pressed for the amendment being opposed. But as it is, we had full discussion in the Select Committee and after what happened there, I do not think that we should go back upon what we have already arrived at.

Rao Bahadur S. T. KAMBLI (Dharwar District): Sir, I was astonished to hear from one of the elected members that the liabilities are not new but are already there under section 42 of the Municipal Act. I must submit that all the liabilities referred to in sub-clause (b) of clause 9 are not there in that section. That section provides for certain liabilities but not all. The simple reading of the Section 42 will convince the honourable members that all the liabilities are not provided there which section 9 provides for. Therefore, I beg to submit that no retrospective effect should be given to this Bill but it should come into operation only after the date of the assent of His Excellency the Viceroy when it becomes law.

The Honourable the Minister stated that my amendment is very vague. I admit that there is a verbal omission and that verbal omission is one which can be rectified. The omission is not fatal to the amendment. I think it is not difficult to amend it. If we add the words "Governor-General" after the words "His Excellency" it will suffice our purpose, and the vagueness or defect would be entirely cured. I may tell the Honourable House that this House should not be a party to pass laws making liabilities retrospective. If they do so, they would be creating or setting a very serious—a very bad and unfair—precedent no doubt. Government is sure to quote such a measure as a precedent in future when they choose to forward any such measures. Therefore, at least to avoid creating bad precedents my amendment deserves the support of this House.

Question put and lost.

Clause 11 (*Commissioner to surcharge or charge illegal payment or loss caused by gross negligence or misconduct*) ordered to stand part of the Bill.

Clause 12 (*Recovery of surcharges and charges how made*) ordered to stand part of the Bill.

Clause 13 (*Application against order or surcharge or charge*) ordered to stand part of the Bill.

Clause 14 (*Expenses in respect of requisitions of auditors to be payable out of local fund*) ordered to stand part of the Bill.

Clause 15 (*Rules*) ordered to stand part of the Bill.

Clause 16 (*Amendments in Bom. III of 1901, Bom. VI of 1923 and Bom. XVIII of 1925*) ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I request that I may be allowed to move the third reading of the Bill now.

The Honourable the PRESIDENT: The Honourable Minister may move it.

The Honourable Dewan Bahadur HARILAL D. DESAI: I move
Third reading. that the Bill be now read a third time.

Bill read a third time. Question put and carried.

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

**BILL No. VI OF 1930 (A BILL FURTHER TO AMEND THE
CORONER'S ACT, 1871, IN ITS APPLICATION TO THE
PRESIDENCY TOWN OF BOMBAY).**

The Honourable Sir ERNEST HOTSON: Mr. President, I move that
Third reading. Bill No. VI of 1930 (A Bill further to amend the
Coroner's Act, 1871, in its application to the
Presidency town of Bombay) as amended, be read a third time and
passed.

Bill read a third time. Question put and carried.

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

**BILL No. X OF 1930 (A BILL FURTHER TO AMEND THE BOMBAY
PREVENTION OF PROSTITUTION ACT, 1923).**

(As amended by the Select Committee)

The Honourable Sir ERNEST HOTSON: Mr. President, I now present the report of the select committee on Bill No. X of 1930 (A Bill further to amend the Bombay Prevention of Prostitution Act, 1923).*

The Honourable the PRESIDENT: The report of the select committee on Bill No. X of 1930 (A Bill further to amend the Bombay Prevention of Prostitution Act, 1923) is presented.

The Honourable Sir ERNEST HOTSON : Mr. President, I now move that Bill No. X of 1930 (A Bill further to amend the Bombay Prevention of Prostitution Act, 1923) be read a second time.

The bill received very favourable reception when it was brought up for the first reading and the select committee which went carefully into it has made only a few changes in two clauses, namely, the new proposed sections 8B and 8D. It has made alterations intended to bring out more clearly the original intention, and in the same two proposed sections it has altered the punishment which the courts were to be empowered to make, from an alternative between imprisonment and fine ; it now proposes that the court should be enabled to inflict both punishments in cases where it thinks proper to do so. This provision has evoked the only amendment of which I have notice, but the honourable member who moved that amendment has ceased to be a member of this House and has gone to another place.

My honourable friend Mr. Greville Bullocke has entered a minute of dissent. If I may say so, I do not think that his views have been very widely accepted in this House, but if he returns to the charge this afternoon, we will be prepared to meet his attack. Some of his remarks, however, led me to go into the provision which is already being made in Bombay for dealing with rescue work. The following institutions are now at work :—

The League of Mercy,
 The Bombay Vigilance Association,
 St. Catherine Home,
 The Salvation Army, and
 The Bombay Presidency Women's Council.

In addition to these five, the Children's Aid Society takes up, merely as part of its work, the care of girls who are under 16 years of age. The five institutions dealt with well over 1,800 cases during the last five years and spent well over Rs. 50,000 per annum on the work. The Children's Aid Society has not kept any separate figures of expenditure for its rescue work, but in the three years during which it has existed, it has dealt with 88 cases. The results generally have been, I think we may say, very good. In the four largest institutions, only six per cent. of the cases are known to have returned to a life of vice, while not far short of half the total number have been settled in circumstances in which it is hoped that they will in future be able to lead honourable lives.

The Children's Aid Society where the cases are of a serious type because the victims have been corrupted while very young and have been perhaps more deeply brought under the influence of those that have led them astray, dealt with 26 cases, *i.e.*, one-third of the total, which are known to have been successes and 14 cases, *i.e.*, less than one-sixth of the total, which are known to have been failures. Now, I think from this we can say that there are societies doing the work and that they are

[Sir Ernest Hotson]

doing the work with a great deal of success. So it may be hoped that, when the amending Act comes into force and women are removed from the brothels where they are now living, at all events the greater proportion of them will not merely go to another part of the city to resume a life of vice there, but will actually be reformed and become useful members of society again. I mentioned, in speaking on the first reading, that this result could only be achieved if the public were prepared to give these societies financial support on a generous scale. I hope that they will do so and that the result will be to assist a great many women to leave the evil life into which they have been dragged generally through no fault of their own.

Another point that was raised at the first reading was whether these amendments should be brought into force in the other cities in the presidency in which the Act in its present form is in force, and I am very glad to be able to inform the House that from every place in which it is now in force we have received a request that the amendments should be brought into force immediately they become law. I am afraid our friends from Surat, who were particularly keen on this point, are no longer with us. Perhaps, if they read the newspapers, they may think fit to take notice of what we have done here. I think an honourable member from Sholapur also made enquiries on this matter. I think we can undertake on behalf of Government that, if the House passes this amending bill, we shall bring it into force in all those places where the Act itself is now in force. I hope with these few words this honourable House will be satisfied and will give the bill a favourable reception.

Bill read a second Question put and carried.
time.

(Bill read clause by clause.)

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

Clause 2 (*Amendment of section 2 of Bom. XI of 1923*).

In section 2 of the Bombay Prevention of Prostitution Act, 1923, hereinafter called the said Act, for the definition of "brothel" the following shall be substituted, namely:—

"'Brothel' means any house, room or place, or any part thereof, occupied or let or intended to be occupied or let as a single tenement, which is habitually used by more than one person for the purposes of prostitution."

Mr. P. J. MARZBAN (Bombay City, South): Sir, I wish to place one small difficulty before the Honourable the Home Member as regards clause 2. It says:

"'Brothel' means any house, room or place, or any part thereof, occupied or let or intended to be occupied or let as a single tenement, which is habitually used by more than one person for the purposes of prostitution."

If the owner of a house numbers the rooms in it separately as 1, 2, 3, 4, and so on, and each tenement is occupied by one woman, still under this section that tenement can be called a brothel, because it is *used* by more than one person for the purposes of prostitution. But what I want to know is, suppose there is a single room in such a house in which a man keeps his concubine, does not that come under the clause?

[Mr. P. J. Marzban]

I hope the Honourable the Home Member will forgive me, but I was not here last time when this matter was discussed generally. I find that the word "prostitution" is not exactly defined in the whole Act. What I want to ask is whether concubinage comes under "prostitution". If it comes under prostitution, then evidently, under this amending bill no man can keep a concubine. Of course, I quite agree that he should not, but the point is not clear and I should, thank the Honourable the Home Member to explain.

The Honourable Sir ERNEST HOTSON: I think the explanation is that the word "prostitution" has not the same meaning as the words "sexual intercourse". More than one person means more than one person of the same class—two women, three women or more, all of them plying their trade in one room. It does not apply to a room with one woman only and her visitors, whether regular or casual. I do not think it would be held to mean that by any court.

Mr. P. J. MARZBAN: If that is the intention, I think "more than one woman" instead of "more than one person" would be a fitter expression to put in.

The Honourable Sir ERNEST HOTSON: The answer to that unfortunately is that there are also male persons who are addicted to this evil habit—male prostitutes.

Clause 2 ordered to stand part of the Bill.

Clause 3 (*Amendment of section 5 of Bom. XI of 1923*) ordered to stand part of the bill.

Clause 4 (*Amendment of section 5 of Bom. XI of 1923*) ordered to stand part of the bill.

Clause 5 (*New sections A to 8D in Bom. XI of 1923*) ordered to stand part of the bill.

Clause 6 (*Repeal of section 11*) ordered to stand part of the bill.

The preamble ordered to stand part of the bill.

Third reading.

The Honourable Sir ERNEST HOTSON: Sir, I move that Bill No. X of 1930 (A Bill further to amend the Bombay Prevention of Prostitution Act, 1923) be read a third time.

Bill read a third time. Question put and carried.

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

BILL No. XIX OF 1930.

(A Bill further to amend the Opium Act, 1878, in its application to the Presidency of Bombay.)

The Honourable Mr. B. V. JADHAV: Sir, I introduce Bill No. XIX of 1930 (A Bill further to amend the Opium Act, 1878, in its application to the Presidency of Bombay).*

The Honourable the PRESIDENT : The Bill is introduced.

The Honourable Mr. B. V. JADHAV : Sir, I beg to move that
 First reading. Bill No. XIX of 1930 be read a first time. I am
 not going to make any speech. The statement of
 objects and reasons gives the details pointing out the necessity for this
 amending Bill and how it will convenience the department as well as
 the public.

Bill read a first time. Question put and carried.

The Honourable Mr. B. V. JADHAV : Sir, I move that the Bill be
 Second reading. read a second time and also request you to suspend
 the Standing Orders.

The Honourable the PRESIDENT : I suspend the Standing
 Orders.

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 20 of Act I of 1878*) ordered to stand
 part of the Bill.

Preamble ordered to stand part of the Bill.

The Honourable Mr. B. V. JADHAV : Sir, I move that Bill No. XIX
 Third reading. of 1930 be read a third time.

Question proposed.

Mr. D. D. NANAVATI : Sir, I move a verbal amendment which
 runs thus :

That a cipher be added at the end of the figures " 193 " in clause 1.

Question put and carried.

The Honourable the PRESIDENT : The motion is that Bill No. XIX
 of 1930 be read a third time and passed into law.

Bill read a third time. Question put and carried.

BILL No. XXI OF 1930.

(A Bill further to amend the Bombay University Act, 1928.)

The Honourable MOULVI RAFIUDDIN AHMAD : Sir, I beg
 to introduce Bill No. XXI of 1930 (A Bill further to amend the
 Bombay University Act, 1928).*

The Honourable the PRESIDENT : The Bill is introduced.

The Honourable MOULVI RAFI UDDIN AHMAD : Sir, I move that the Bill be read a first time. The object of the Bill
 First reading. has been very carefully explained in the statement of objects and reasons. It says :

Difficulties have been experienced or are expected in holding elections under the provisions of sections 13 (1) (A) (i), 20 (1) (d) read with 20 (3) and of 25 (1) (iii) of the Bombay University Act, and in co-ordinating these provisions with the terms of section 48. The University have been consulted on the subject, and the amendment embodied in clauses 2 (a) and (b), 4 and 6 of the Bill have been drafted on the lines recommended by them with a view to removing the difficulties and defining precisely the procedure which it is intended to adopt in future.

The second important purpose of the Bill is to provide that the Fellows representing the Legislative Council on the Senate shall hold office only for the duration of the Council electing them and thereafter up to the date when new elections in their places are held by the Legislative Council, and that Fellows shall hold office only, so long as they occupy the office or come under the designation which entitled them to be so elected.

This principle has been accepted by the University authorities and ensures that the objects of such special representation are fully secured. As a consequence of this change, it has been deemed proper to exempt the representatives of the Legislative Council from the operation of section 45 of the Act."

There are some provisions of the Bill which require a detailed explanation. As there is an amendment in connection with them I shall amplify my speech when the honourable mover moves his amendment.

Question proposed.

Rao Bahadur R. R. KALE (Satara District) : Sir, the provisions of this Bill are concerned with certain matters which are of very great importance. In the first sentence of the statement of objects and reasons it is stated :

"The University have been consulted on the subject, and the amendments embodied in clause 2 (a) and (b), 4 and 6 of the Bill have been drafted on the lines recommended by them with a view to removing the difficulties...."

As a matter of fact I must bring it to the notice of the House, in the absence of the member from the University in this House, as I happen to be a member of the Senate, that this Bill had never been considered by the Senate. Therefore, that statement in the statement of objects and reasons is incorrect. So far as I am aware what happened was that, before this Bill was published, a draft copy of this Bill was sent to certain members of the Senate by the Registrar of the University without any covering letter or anything. I was one of those who got the draft copy of the Bill. Then I wrote back to the Registrar stating that I did not understand why a draft copy of the Bill was sent to me. Then, I received a reply from the Registrar that the Bill had been sent to me, because it was a draft, and members of the Senate who wished to express an opinion should do so. Thereupon I wrote back to the Registrar that the proper course for him or the syndicate would be to place that draft for the consideration of the Senate at the next meeting of that body. That next meeting was to be held on the 14th of June last. The reply from the Registrar was that if I wanted to express an opinion I should do so and that I should also table any resolution if I liked which he would place before the Senate for their consideration. Thereupon I wrote back expressing my own views in the matter, pointing out that the Bill

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was trying to introduce a principle which ran counter to the object of the original Act. In the original Act, there was only one electorate of principals; the 28 or 30 principals of colleges in the presidency were to elect 13 from among themselves. There was of course a proviso that out of these thirteen there should be at least one principal from each of the four groups into which the whole of the presidency was divided. But all the same the principle was there that all the principals should form a one electorate. Now, the present bill seeks to split up this one entire constituency of members into separate groups.

Clause 2 says :

(a) Principals of arts colleges as follows :—

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|---|
| (1) one principal elected by separate elections to represent the principals of arts colleges in each group as hereinafter defined | 5 |
| (2) three principals elected by the principals of arts colleges in all the groups as hereinafter defined | 3 |

There is nothing to be said against the second part. But the first part lays down that the principals in each group are to elect one from their group. The principle of having one common electorate of principals is given the go-by and the principle is introduced that each group is to elect a principal. There may be more than one or two colleges in each group. But supposing there is only one college, the principal will elect himself. Even if there are two, there will be only two candidates and two voters. I do not know exactly how the voting will go; perhaps the principal of each college will vote for himself. For instance, in the Karnatak—I do not know exactly—there are only two colleges.

Now, the amending bill is really one which ought not to be accepted. Even the principle of constituting a separate constituency for principals was a questionable one. They separated the principals and teachers and professors. However, the Act is there and we have to abide by it. Now an attempt is made to split up even this constituency of principals into five separate ones. That is the outcome of the amending bill.

Mr. P. J. TALEYARKHAN: Can you tell us how the groups are constituted?

Rao Bahadur R. R. KALE: The groups are constituted in the University Act on a more or less linguistic basis.

Mr. P. J. TALEYARKHAN: How many colleges are included in each group?

Rao Bahadur R. R. KALE: I shall read out the section of the Act (section 13) which gives the grouping—

- | | | | |
|-------------------|----|----|-------------------------------------------------------------------------------------------|
| 1. Gujarat group | .. | .. | Ahmedabad, Surat, Panch Mahals, Kaira and Broach districts. |
| 2. Konkan group | .. | .. | The City of Bombay and the Nasik, Thana, Bombay Suburban, Ratnagiri and Kolaba districts. |
| 3. Deccan group | .. | .. | Poona, Satara, Sholapur, Ahmednagar, West Khandesh and East Khandesh districts. |
| 4. Karnatak group | .. | .. | Belgaum, Dharwar, Bijapur and Kanara districts. |
| 5. Sind | .. | .. | Province of Sind. |

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These are the groups. The number of colleges situated in each of the groups is given. There may be more colleges in one group than in another, for instance in Gujarat and Deccan there are numerous colleges.

Mr. P. J. TALEYARKHAN: There are only two in Gujarat.

Rao Bahadur R. R. KALE: In the Karnatak group there are only two. (An honourable member: Sangli?) That is in the Deccan. However, I wish to point out the great disparity arising from this splitting up of one entire constituency of principals into five. Therefore, if this amendment is adopted, it will certainly go counter to the original object of having one general electorate for all the principals. Here they are splitting up one electorate into five separate electorates. They are going to have provincial electorates. Each group has the right to elect the principal of a college situated within that group. My submission is that this is an anomaly which would arise on account of this amendment. I expected a fuller statement from the Honourable Minister of Education when he rose not only to introduce the Bill but to make a motion that the Bill be read a first time, because it is a bill which is tabulated in order to bring about a very drastic change of principle into the whole body of the Act. It is therefore my duty to explain to the House that the matter is important. Further, the matter was not considered by the Senate at all. The Syndicate submitted certain proposals but I do not know whether those proposals were accepted by Government in full or whether they have themselves introduced some further innovation on the proposal that has been submitted to them. I have been consulting some members of the Senate. As I happened to be in Poona, I wanted to consult one of the members of the Syndicate and in my discussion with him I was able to find out that the present bill has gone rather further or perhaps not in accordance with the recommendations of the Syndicate. How far this is so will be judged if we have, in the first instance, a report of the Syndicate before us. Unfortunately, we have not been supplied with any such report. Nor do I know it, although I am a member of the Senate. For in accordance with the instructions given by the Registrar, not only myself but many other members who had sent in amendments considered that this draft bill was sent to individual members of the Senate for an expression of their opinion. The opinion of the Syndicate was not communicated to any members of the Senate nor was it included in the agenda that was to come before the Senate for discussion at its meeting in June. Individual members had, however, tabled resolutions saying that the principle underlying this Bill was objectionable. At the meeting of the Senate the time was taken up in discussing the budget and some other items. When this Bill and the resolutions and amendments sent in by individual members came up for discussion it was 8 o'clock and the Vice-Chancellor said that the proceedings were adjourned. I brought it to his notice that it was an urgent matter because it might come before the Legislative Council and the Council would like to know the opinion of the Senate on this Bill. He took the sense of the meeting. There

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was however no unanimity among the members who complained that there was no notice that the Senate meeting would be carried on from day to day and that many members had to go away and could not afford to stay till Monday. In these circumstances the matter was postponed to a date in August immediately preceding or succeeding the Convocation day in order to save the expense of bringing so many members from a distance to attend the meeting.

The object of my explanation is to show that the Senate has had no opportunity of expressing its opinion on this draft. Therefore the statement which is calculated to carry the impression that the bill has been considered by the University and that it is drafted on the recommendations made by the University is, I submit, not correct. Therefore my only alternative at this stage would be to move that the consideration of this bill be adjourned.

An Honourable MEMBER : If this Council is dissolved ?

Rao Bahadur R. R. KALE : No doubt the life of this Council is going to expire very soon and we shall perhaps not be able to meet. But whether we are there or some outsiders are there, still the Council itself will be there and the Bill can be considered at the next meeting. I do not know when it will be held. Still we are faced with a grave situation. At the same time I do realise the need of co-ordinating the provisions of sections 13 (1) (A) (i), 20 (1) (d) read with 20 (3) and of 25 (1) (iii) of the Bombay University with the terms of section 48. According to the Statement of Objects and Reasons difficulties have been experienced or are expected in holding elections.....

The Honourable MOULVI RAFIUDDIN AHMAD : Are you aware of the difficulties ?

Rao Bahadur R. R. KALE : Yes ; I am aware of the difficulties. I was just going to mention that the difficulties have arisen owing to a certain interpretation that was put by the Vice-Chancellor. In this connection I think some members jointly made a representation that the interpretation placed by the Vice-Chancellor with regard to the issue of directions was not correct, that is, the Act as it stands can be so interpreted as not to give rise to difficulties. This was the representation that was submitted by certain members of the Senate. The difficulties might have been created by virtue of the interpretation which the Vice-Chancellor placed upon the provisions. If the interpretation of the Vice-Chancellor is the only interpretation possible, then the difficulty will be there. The next step will be to consider what is the root cause of this difficulty of interpretation. My answer is that the root cause of the difficulty is the impossibility of co-ordination, as has been stated in the Statement of Objects and Reasons of certain provisions with the terms of section 48. What does section 48 of the Act say ? It says :—

“ Every election to any authority of the University under this Act shall be made according to the system of proportional representation by means of the single transferable vote in such manner as may be prescribed by statutes.”

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That is the manner of election. Once the election to the parent body of the Senate has been made by this method of proportional representation by means of the single transferable vote, then the elections to the other bodies like the Syndicate or the Academic Council are also to be made by the same method, namely, the method of proportional representation. The difficulty is aggravated by the fact that an attempt is made in certain direction to provide for an adequate representation by reservation. Now, we find that the reservation of seats is inconsistent with the number of proportionate representation. That is to say, under sections 13 and 20 what is the representation? It is stated that out of eight Principals of arts colleges, there should be at least one from each group. There are to be elected in all eight principals of arts colleges and it is necessary that one principal should be from each group. That is the act of reservation. So far so good. But there comes a proviso. What is that proviso? It puts us in the same way. I know that the object of proportionate representation may not be fulfilled, but if it is meant to do so, it is not difficult. We have taken the opinion of legal advisers on the subject and it is stated that it is not impossible to so arrange the proportionate representation. I have got the copy of the ruling of the Chancellor and it says that to have proportionate representation is inconsistent with the statute. I do not understand how it is inconsistent. But if it is, so, it can be amended. The statute is made by the Senate and it can be amended. The statute is there and it only gives the directions to the Vice-Chancellor and nothing further. I have got in my hands a Notification issued by the University Registrar dated 29th January 1929 in which the directions are given as regards the election. As it is an important matter, with your permission, Sir, I read a portion from this paper. It says:—

“Forms of nomination paper have been printed by the University and copies thereof will be supplied to any elector on application to the Registrar. In the case of electorates like Principals of Colleges and Head Masters of Schools where a restriction as regards groups is laid down in section 13 of the Act, the particular group of the electorate for which the candidate is nominated should be specified clearly in the nomination paper. In the case of the Principals of Arts Colleges, it should also be stated whether the candidate is nominated for a seat reserved for a particular territorial group, or for one of the three seats without any restriction as regards such group, or for both, and in the latter alternative, the candidate should be nominated by means of separate nomination papers for the two seats.”

That is the procedure.

Mr. R. G. PRADHAN: Sir, I rise to a point of order. I want to know whether it is a motion or an amendment. Under Standing Order 4, clause 4, the honourable member cannot go into details at this stage.

The Honourable the PRESIDENT: I do not think that the motion has been put seriously. I find that the honourable mover is also finding the same difficulty.

Rao Bahadur R. R. KALE: That is also my difficulty and therefore I am putting before the House the whole question and ask them to postpone the consideration of the Bill. I am told that this is a very urgent matter. If that is the case I may suggest a very simple way by

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which the difficulty will be solved. But before coming to that point I may explain to you further what the Registrar's intimation said :

" In the case of the principals of arts colleges, it should also be stated whether the candidate is nominated for a seat reserved for a particular territorial group, or for one of the three seats without any restriction as regards such group, or for both, and in the latter alternative, the candidate should be nominated by means of *separate* nomination papers for the two seats."

So that the candidates were required to state whether they were standing for a reserved seat or for a general seat. In accordance with that, the elections of the principals were held and they have been now operating and under the validating powers of the Chancellor they have never been made valid.

My point is that the present bill in fact goes rather further than this because, so far as three principals are concerned, they are to be elected by the principals of arts colleges all over the Presidency, and as regards five principals, " one principal will be elected by separate elections to represent the principals of arts colleges in each group as hereinafter defined."

That means the principals of the arts colleges in each group are to elect one, and then comes the following:—

" Three principals elected by the principals of arts colleges in all the groups as herein-after defined."

So, Sir, I was pointing out that the amending bill is really such as to make a departure from the principle of joint and one whole electorate of principals. In a total of eight, the joint nature of election is retained so far as only three principals are concerned, while with regard to five principals, the electorate is split up into five different elections.

As regards the five different elections, the object of the proposal will be defeated because the first preference will go to them five times, whereas in a joint electorate we know that each voter has one first preference and he can exercise that only once. But now, according to the method adopted by the syndicate issuing instructions, there came in this error of enabling voters to exercise their rights of first preference more than once. That was the anomalous position which we, some of the members of the senate, pointed out to the Vice-Chancellor and asked him not to resort to that method when the next elections to the Academic Council came. That brings us to section 20.

Section 20 is also in a similar situation. It relates to the elections to the syndicate and there are various members who constitute the syndicate. Among them there is a group of 7 persons elected by the members of the Academic Council from among themselves as follows:—

One to represent each Faculty by separate elections, and
the remaining, if any, to represent the Academic Council generally.

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So there is a total of 7 members. The whole body of the Academic Council consists of 32 members. Thirty-two members are to elect seven persons on the Syndicate and they are to be elected from amongst themselves subject to the condition that each Faculty is represented. There also the elections are to be split up on the same lines as in the case of the principals and there also the same anomaly arises when instructions are issued to hold different elections. That is to say, five elections should take place first four one for each Faculty and three persons are to be elected to represent the Academic Council generally. Here also there is this anomaly that the members of the Academic Council exercise the right of first preference more than once. This is the anomaly which is constituted by this method of holding four separate elections instead of one.

My whole point is that this is against the principle of proportional representation which in consequence becomes rather a farce, but still it is legal and there is nothing illegal, although it may not fulfil the object underlying the principle of the proposal. I must say that the Act can be worked as it is. Unfortunately, the late Legal Remembrancer Mr. Balak Ram who was with us when the Act was amended is no longer with us.

I do regard this amendment as an amendment of principle and if I fail to move it at this stage of the discussion, I submit I may be running the risk of never having an opportunity of doing so, and therefore I would ask the Chair to consider whether it is an amendment of principle or, if the other side consents that an amendment of this kind can be allowed to be discussed hereafter, I have also no objection. I am aware of the urgency of the measure owing to various interpretations. According to one interpretation, it is said that there are difficulties and the Act cannot be worked, whereas according to another interpretation which I hold, it can be worked. Although it may not be carrying out its object, it is capable of being worked. Therefore, there are two courses open to this Council. It was said that this is an urgent measure, and that the Act needs amendment at this session. If the Government are in a position to take that view, then the other alternative would be for them to refer this bill to a select committee. The Honourable the Leader of the House has informed us that there will be Government business taken up after private business, so that there will be the intermediate time during which the select committee can meet, and there this question can be threshed out more properly than in this large House. So I would submit that if this is regarded as an emergent measure, and if it is regarded that there is a possibility of double interpretation and therefore an amendment of the Act is necessary, then the question will be as to what amendment is suitable, and that brings me to my amendment. My simple amendment would be the amendment of section 48. No doubt, that is not the section here, but it is one of the sections referred to, and therefore it will be within the competence of the House to amend even that section.

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As I say, the whole trouble has arisen by laying down a hard and fast rule, a rigid rule in the Act itself as to the method of election to every body or authority. We have got the method of election laid down in the enactment itself, and that creates the difficulty. For instance, in the Government of India Act, with regard to elections to the Legislative Council, the number of members and constituencies are given in the Act, but the mode of election is left to rules. My submission is that, in a case of this kind, instead of laying down rigidly in section 48 that all elections to any authority whatsoever of the University, *viz.*, the Senate, the Syndicate, the Academic Council, and then perhaps the other bodies that may be created by the University under the powers given to it by the Act, shall be by the method of proportional representation, there should be power left to the University to determine the method of election for particular bodies. Now there is no power left in the Senate to resort to any other method of election. I would therefore simply try to amend that section 48 in the manner indicated in my amendment, and that amendment is that you may perhaps lay down in the Act that proportional representation shall be resorted to generally with regard to the elections to the Senate, the parent body except in the case of a constituency like the principals of colleges, the Academic Council, etc., which are smaller bodies created by election by the Senate itself. So that, you may leave the elections to the principals' constituency as well as elections to the Syndicate or to the Academic Council to the statutes to be framed by the Senate. Once you give this power to the Senate to determine which method will be suitable for a particular election, the Senate is the body which will deal with it, and then the present difficulties which are found in sections 13 and 20 will disappear. Instead of restricting that power, it would be better if you confine that power only to the general election of the parent body, which is the Senate, and leave these subsidiary elections to be determined by the Senate, because there are reserved seats therein. The Syndicate consists of a particular number of members, out of which 7 members are to be elected by the Academic Council, and there you require that at least one member shall be so elected that he will represent one Faculty. They are special reservations. Then, in the case of the Academic Council you may have a general election with a reservation—7 members to be elected by the Academic Council to the Syndicate, but in such a manner that at least 4 of them will each represent a Faculty, and it will be quite competent to the Senate to frame a statute in that behalf laying down the mode of election to the Syndicate by the Academic Council in such a manner as to make a reservation and the general election in the ordinary way without any proportional representation. You secure thereby what you want by the ordinary method of election *plus* a reservation. I beg to submit that in that case you will be leaving an opportunity to the Senate to consider this question. As I said at the outset, the Senate has had no opportunity of considering this piece of legislation. If that is so, it will be really absurd to pass this legislation now in the form in which it is placed before the Council. In every legislation relating to a corporate

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body—say the Bombay Corporation or the University—it has been the invariable practice and the convention has been established that the opinion of that major body ought to be obtained. In this case that opinion has not been obtained, it may be for want of time or for any other reason. One member of the Senate told me that this bill was not published when the meeting of the Senate was held on the 14th of June last, and he said that as it was not published it would not come on for discussion in this session. Why is Government in a hurry to carry this bill in this session? I myself had no knowledge of it, except that I received a copy of the draft bill from the Registrar for discussion in the Senate. But publication of the bill in the Government Gazette has taken place afterwards, when there was no meeting of the Senate. No doubt, calling another meeting of the Senate would have involved more time and trouble. Therefore, the result is that this draft has never been before the Senate. If the House accepts my amendment, then the difficulty will be solved, that is to say, the matter will be left to the Senate. The Senate would determine it. Why should we now at once give our sanction to a measure which is destroying the whole framework of the Act. Of course, I had a mind to read something from the report of the select committee on the University Act Amendment Bill, which would show how we constituted this joint electorate of principals. But I do not intend to do it now. However, at present I am not moving the amendment, but I do want to move it, because in that case I shall have a right of reply, but I just suggested to the Chair to see whether this is an amendment of principle which Government regard as necessary to be moved by me at this stage. That is the suggestion which I have made, and of course I would certainly like to have a reply to that. The whole House is possessed of this bill now. A suggestion was made by some honourable members that the discussion should be adjourned, but I did not accept it, because I am conscious of the urgency of this measure. But if the Council accepts the interpretation which I put upon it and some other members of the Senate put upon it, the Act can be worked as it is without any difficulty. If, on the other hand, it is a question of the prestige of the Vice-Chancellor's ruling, and perhaps Government have the opinion of their own legal advisers to back it up, and the opposite benches think "No, it cannot be worked as it is", then in that case the other alternative will be to send this bill to a select committee and find out a way in which it can be so amended that there will be no harm in it and the original object and intention of the Act can be carried out. It is stated in the Statement of Objects and Reasons that the amendments proposed by the bill are intended to give effect to the original intentions of the framers of the University Act. I submit, Sir, that is far from being the case. Therefore, I am going to refer to the report of the select committee on this matter. It is stated in the report :

"We consider it undesirable that the principals of all colleges which are permitted to send up candidates for degree examinations should be *ex-officio* Fellows."

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In the original Act all the principals were *ex-officio* Fellows. That was amended.

"In our opinion only a certain number of the principals elected by themselves should be on the Senate. We have, therefore removed them from the class of *ex-officio* Fellows and transferred them to 11-A under the class of ordinary Fellows. We have provided 13 seats for them and, in order to ensure that the various territorial divisions of the presidency and also the various kinds of colleges should be adequately represented, we have provided that out of the eight seats allotted by us to principals of arts colleges, at least one should be held by a principal of a college in each group in the presidency and that colleges teaching pure science, medicine, agriculture, engineering and law should each have one seat for each type of college."

The intention was that all principals should not be elected. The arts college principals should elect eight of their number of whom one at least should be principal of a college in each group in the presidency. There was no intention to split up territorially. This principle should not be departed from at this stage. If my amendment is accepted, in that case it will be easy for the Senate to so arrange the two electorates as not to feel any difficulty in the electorate of principals and that of academic council, with the proviso that each group shall be represented by at least one principal of a college in each group. This is secured by getting election in the ordinary way. Therefore, the amendment which I have tabled, I am inclined to move formally so that the other side may be in possession of it. There should be no trouble afterwards.

The Honourable the PRESIDENT: The honourable member, from Satara has explained his point at length. It is now clear that if the amendment which he wishes to move is an amendment of principle, then it must be moved at the first reading. Our practice has been that, if an honourable member rises to speak at the first reading of a Bill and has also tabled an amendment, he is not given another chance but he should move that amendment in that speech. To me, the amendment of the honourable member which affects section 48 has all the appearance of an amendment of principle. However, I shall keep my mind open and hear the views of the Honourable Minister. If it is taken to be an amendment of principle, then I shall have to ask the honourable member to finish his speech by moving the amendment. If the amendment is one of principle and if the Bill goes on to second reading this cannot be moved at the second reading. It was suggested that all the amendments might be considered in the select committee. The select committee will have to be held during the session. Otherwise, it will be tantamount to throwing out the Bill. Therefore, I would ask the honourable member, the Secretary or the Honourable Minister to answer the points raised and explain the situation, reserving to the honourable member the right to move his amendment, if the Honourable Minister wishes him to do so at this stage.

Mr. R. B. EWBANK: Sir, the honourable member who has just sat down criticised the Bill on two main grounds: The first is on the ground of procedure. I think I may answer that part of his speech before I go on to the amendment. The honourable member criticised

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Government for not giving an adequate opportunity to the University to consider the bill and express its opinion on it. I hope the House will bear with me if I briefly narrate

Rao Bahadur R. R. KALE : I said that the Senate had not considered it.

Mr. R. B. EW BANK : I have noted down his sentence. He said that the Senate had no opportunity of considering it.

Last December, a difficulty in connection with section 20 arose. Under that section, of the seven men elected four shall represent each of the four faculties. The Vice-Chancellor ruled that there should be four separate elections for the four faculties, and the remaining three should be elected by all the faculties. That ruling was challenged and the matter was taken to His Excellency the Chancellor. His Excellency the Chancellor consulted the Advocate General. He advised that under this clause which lays down that elections under this section must be in accordance with statutes framed by the University no valid election could be held, because the statutes framed by the University and then in existence were not consistent with those provisions. The statutes provided for proportionate election by single transferable vote.

Rao Bahadur R. R. KALE : The Act.

Mr. R. B. EW BANK : Excuse me. The statutes made in accordance with section 48 of the Act. But they did not provide for the case where four men must belong to four separate faculties. If no man in any particular faculty obtained a single vote the Advocate General advised that it would be impossible to hold the election under the Statutes. For that reason His Excellency the Chancellor moved the Government to take action under section 44 (5) of the Act, which says :

“ If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the commencement of this Act, or otherwise in first giving effect to the provisions of this Act, Government, as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty.”

Government therefore confirmed the action which the Vice-Chancellor had taken and which had been subsequently challenged. But I draw the attention of the honourable House to the fact that Government can only do this once—“ if any difficulty arises as to the first constitution ”—but that that resource is not open to us again. Now, at the time of the January elections to the Syndicate we realised that further elections were coming on and that elections to the Syndicate must again take place next year. We therefore addressed the University in February and in addressing them we were very careful to ask for the opinion of the University. We said: “ In the first instance the question was one for the consideration of the University. I am to request that their considered opinion on this point also may be communicated to Government as soon as possible.” That refers to the proposed amending bill. The University replied to us at the end of March. It was not for us to dictate to the authorities of the University what particular procedure they should follow internally—whether the bill should be referred to any particular

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body, the Academic Council, the Syndicate or the Senate. Surely that was a matter for the University to decide for itself. Government asked for the opinion of the University, and on March 31st we received their opinion, which turned out to be the opinion of the Syndicate. The bill was prepared accordingly. But the Honourable Minister felt some doubt as to whether it would not be well if the Senate of the University had an opportunity of knowing what was going on, and, therefore, on 20th April 150 printed copies of this bill were sent by Government to the Registrar and he was asked to send one copy at once to every member of the University for information. Now, the Senate met in the middle of June, and the members had six weeks to consider that bill before that Senate meeting. They had six weeks to give notice of any motions or to take any steps if they wished to obtain the opinion of the Senate as distinct from the Syndicate. However, when the Senate met, I believe it adjourned after half an hour—it met on a Saturday.....

Rao Bahadur R. R. KALE: It did not adjourn.

Mr. R. B. EW BANK: At any rate the Senate sat for that day only and then adjourned till some date in August without considering the question of this bill at all. The bill was before them for six weeks; they did not consider it; they made no suggestions. Government considered that the University had every opportunity of expressing their opinion.

Now, the honourable member Rao Bahadur Kale suggested that the bill which is before the House is not the bill which was recommended to us by the Syndicate. I should now ask the members to refer to clause 2 (b) of the bill, while I read out the exact words of the amendment sent to us by the Syndicate:—

Clause 2 (b)—

Substitute the following—

- (1) one principal of an arts college elected by separate elections to represent the principals of arts colleges in each group as hereinafter defined .. 5
- (2) three principals of arts colleges elected by the principals of arts colleges of all groups.

These are the exact words, and we have adopted them with very slight amendments which are purely formal. The honourable member will see that the bill adopts practically everything that the Syndicate suggested.

Now, Sir, the honourable member raised the question whether some other procedure in making these elections would not be possible. The procedure adopted in the case of the Syndicate, as I understand it, was that each member was elected by a separate faculty by the members of each faculty voting separately and that the remaining three members should be elected jointly by the whole body of voters. Now that was the decision of the Vice-Chancellor. When we referred it to the Advocate-General we put to him the exact suggestion that the honourable member has made now. It was suggested to him that we might have a joint election with single transferable votes, and out of the results of that

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election the man who stood highest in each faculty would be declared elected, and then we should take the three highest of the remainder and declare them elected. But the opinion of the Advocate-General was :

"In my opinion the only manner in which the requirements of proportional representation and the requirements of section 20 (d) can be complied with would be not by one election but by separate elections as directed by the Vice-Chancellor. I am unable to see how, if you have one election as required by the petitioners, proportional representation can be secured because if there is one election and at least one member must represent each faculty, a candidate who has not got on the voting paper the figure 1, indicating the first preference, and who has not received a quota of votes would be elected — a situation not contemplated by section 48 of the Act."

The suggestion of the honourable member has, therefore, been carefully considered, and it has been ruled out on the advice of the Advocate-General. The actual procedure adopted by Government and embodied in this bill is based on previous practice in this sense, that when the elections under section 13 of the principals took place, the Vice-Chancellor, at that time Sir Chimanlal Setalvad, ordered that the election should take place in the method now adopted in this bill. Secondly, the Vice-Chancellor, the late Mr. Mirza, adopted the same procedure in elections to the Syndicate. Lastly, the Syndicate itself advocated this procedure. It is a fact that it is vital to the principle of the bill that the election should be held by the method which the bill lays down. This method is not in supersession of the principle embodied in section 48 but is an application of it in the circumstances of the case. It is the method by which it is proposed to apply the principles laid down in section 48 to this particular case. Now, the principle laid down in section 48 of proportional representation is one the modification of which is now under the consideration of the University at the instance, I believe, of the honourable member Rao Bahadur Kale himself.

Rao Bahadur R. R. KALE: Also of other members.

Mr. R. B. EW BANK: And also of other members. A number of members have raised this question, and it will be considered by the University. But, so far as we are concerned, we are acting strictly on the advice and with the concurrence of the University and we are refraining from anticipating their conclusions on the main principle. The reason why it is necessary to proceed at once with this bill is that the elections for the University Senate under section 13 are to take place in August and the elections for the Syndicate will take place in December. His Excellency the Chancellor has already ruled that no valid elections can take place under the Act as it stands. On the last occasion he was able to invoke the aid of section 44 (5); that resource is open no longer. It is, therefore, essential if we are to avoid a deadlock that some legislation of this sort should be undertaken at once.

The honourable member suggested that a reference should be made to the Select Committee—I understood him to make that suggestion—but the difficulty, so far as I understand it, is first of all that the report of the Select Committee has to be printed and translated into vernaculars.

The Honourable the PRESIDENT : The President has the right to waive it.

Mr. R. B. EWBank : Well, Sir, then I would only say that this bill contains only two points—two very simple principles, very intelligible principles which have no far-reaching consequences. I would therefore put it to the honourable member that this is a matter on which the House may not think it necessary to require a detailed examination in Select Committee.

The Honourable the PRESIDENT : The amendment may be moved now. I do not suppose the honourable member (Rao Bahadur Kale) now needs to supplement the amendment with long remarks.

Rao Bahadur R. R. KALE : Just two words, Sir.

The amendment which I wish to move is this :—

“Delete the words in section 48 ‘any authority’ and substitute therefor ‘the Senate’ and add a proviso at the end of section 48 : ‘Provided that the elections to the Senate by the electorate of Principals of Colleges mentioned in section 13, II-Ordinary-A, sub-section 1 and other authorities of the University may be held in such manner as may be determined by the Statutes to be framed under section 33 of the Act.’”

The Honourable MOULVI RAFIUDDIN AHMAD : How will section 48 read ?

Rao Bahadur R. R. KALE : It will read thus :—

“Every election to the Senate of the University under this Act shall be made according to the system of proportional representation by means of the single transferable vote in such manner as may be prescribed by Statutes :

provided that the elections to the Senate by the electorate of principals of colleges mentioned in section 13, II-Ordinary-A, sub-section 1 and other authorities,”

(“other authorities” that is, Syndicate, Academic Council, etc.,)

“of the University may be held in such manner as may be determined by the Statutes to be framed under section 33 of the Act.”

The objection mentioned by the honourable the General Secretary, namely, that the Senate has not considered this matter, is a fundamental objection which I have raised. It is a matter of altering the principle of proportional representation. I do not want this body to take that responsibility, but I want to leave that responsibility to the Senate. I say that there should be a section of the Act which will retain this system of proportional representation for a limited purpose. I have therefore included the proviso that in the case of other authorities the Senate may decide whether they should retain proportional representation. That is the chief object in view. At present the statute cannot be consistent with the Act because the Act contains the rigid provision that every election to any authority shall be by proportional representation. In the face of that Act no statute can be framed which will be inconsistent with the system of proportional representation. If, however, we relax the provision of section 48 by leaving the power to the Senate to modify this principle of proportional representation in particular cases so as to avoid difficulties,—the opinion of the Advocate General that was read out by the

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honourable the General Secretary shows that considering that section 48 is there, you cannot do this—therefore, if you relax the rigidity of section 48, then all difficulties will be removed. You will then leave the whole question to the Senate. The honourable the General Secretary said that they gave an opportunity to the Senate. I do not know whether the opportunity is sufficient considering that the body met in April when nobody was there, when all the colleges and other educational institutions were closed and people had gone away. It was absolutely impossible for the Senate to do anything except to meet in June. The matter was sent at the end of February; and in the beginning of March they had one sitting. After that they could have no sitting except in June. Colleges opened on 21st or 22nd of June and the earliest sitting of the Senate that could take place was on the 14th June and at that meeting several members—as the General Secretary has told us—received copies of the Bill. Of course I had sent in my views. I do not know whether the General Secretary has received the letter because the Registrar told me that the letter had been forwarded to Government. I do not know whether other opinions have been received by Government. I would like to have the information as to how many members of the Senate have expressed their opinions in answer to the draft that was circulated among them. May I have the information before I proceed?

The Honourable MOULVI RAFIUDDIN AHMAD: The answers would naturally have been sent to the Registrar of the University. We do not know how many have sent in their opinions to the Registrar as we have no information. Government have received no information on the subject.

Rao Bahadur R. R. KALE: I would ask the Honourable Minister to refresh his memory further.

The Honourable MOULVI RAFIUDDIN AHMAD: I do not require any refreshing.

Rao Bahadur R. R. KALE: I say this because I have received a letter from the Registrar that my views have been forwarded to Government. I challenge Government to say whether they have not received my views. I will also ask them to let me know if any other members have sent in their opinions, and if so, how many.

The Honourable MOULVI RAFIUDDIN AHMAD: The honourable the General Secretary will find it out. The honourable member may proceed in the meantime.

Rao Bahadur R. R. KALE: That shows that there is paucity of opinions. There seems to be hardly any opinion received by Government. I am sure I have been given a reply by the Registrar that my letter has been forwarded to Government. It must have reached Government in the ordinary course in the proper quarter. My point remains that members of the Senate have never had any occasion to look into this draft and discuss it although several resolutions had been tabled on

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the subject. I am prepared to read out the Agenda to the House to corroborate my statement. Several members including Dr. Parkar, Professor Kanitkar and Mr. Naik tabled resolutions for the Agenda. The Director of Public Instruction who is a member of this Council will bear me out.....

The Honourable the PRESIDENT: The honourable member may confine his remarks to his amendment.

Rao Bahadur R. R. KALE: Government do not give me proper information. I am handicapped because I do not get sufficient information from the Honourable Minister.....

The Honourable MOULVI RAFIUDDIN AHMAD: I can tell the honourable member that there is no other opinion on the Government side except that was expressed here already.

Rao Bahadur R. R. KALE: I know that no member of the Senate has expressed his opinion. So far as Government is concerned, we are told just now that there is no other opinion on their side except that has already been expressed by me. The Senate has thought it fit to adjourn their resolutions and the matter will be discussed by the Senate hereafter. But the fact remains that the Senate has not yet considered the whole question. To change the representation to proportionate one or otherwise is a matter solely in the hands of the University and I quite agree with the honourable member the General Secretary that it should be so left to be considered. While retaining the principle of proportionate representation generally, I want to add a proviso making it rather elastic so as to make the Senate to be the deciding authority. I have no objection whether my amendment is accepted at the first reading or not. I only thought that in a small body to discuss this matter will not take a long time. We can discuss this matter within a short time in a small body. I therefore thought that this matter should be discussed in the Select Committee this week and the whole matter thrashed out there. That will solve the whole difficulty. There are so many legal members in this Council and with their co-operation we can thrash out the whole question. With this object in view I have moved this amendment.

Question proposed.

The Honourable MOULVI RAFIUDDIN AHMAD: Mr. President, I am surprised that a man of the information and intelligence of my honourable friend the mover of this amendment is trying to mislead this honourable House with regard to the procedure relating to correspondence between the Government and the University. Government is not concerned in what manner the Registrar and the Vice-Chancellor send the opinion of the University to the Government whenever it is asked. We asked the Vice-Chancellor to send the opinion of the University upon this bill and the Vice-Chancellor sent to us the opinion of the University and we took it as its opinion though it was only that of the Syndicate.

Rao Bahadur R. R. KALE: Is it the opinion of the Senate ?

The Honourable MOULVI RAFIUDDIN AHMAD: Well, we asked the opinion of the University and it was sent to us as such and, therefore, it was not for us to doubt the opinion of the syndicate as not being that of the Senate. We took it as the opinion of the University. As my honourable friend, the General Secretary, pointed out to you, we had no reason to doubt that the syndicate did not represent the Senate in this matter. Moreover, I understand that the Registrar at our instance sent a copy of this bill to each member of the Senate for his opinion. My honourable friend says that no opinions were sent by any members except himself. In that case I may take it that he was the only objector or opponent and all others agree with us. If they had any serious objection, they would have surely sent the same to us. Therefore, I may take it that the only conscientious objector was the mover of the amendment. The Syndicate says that the method of proportionate representation should be applied to all bodies in the University. But my honourable friend says "It should be applied only to the Senate." The question of proportionate representation I understand is before the Senate. Till that question is finally decided we may assume that the Senate is not against the proportionate representation specially when the syndicate informs us that the method should be applied to the election of all bodies. My honourable friend instead of getting the amendment carried in the Senate desires to carry it here.

Rao Bahadur R. R. KALE (interrupting): (*Inaudible.*) *

The Honourable MOULVI RAFIUDDIN AHMAD: My honourable friend has taken enough time of the House to explain his amendment and indeed by his frequent repetition he has worried the House. Moreover he will have another opportunity at the time of reply. I am here ready to accept any reasonable view. The University will decide the matter and in the natural course they will inform us about their opinion. At the moment we are not concerned here with what the Senate will do in the future. We are only concerned with this Bill and nothing else. As my honourable friend, the General Secretary, has pointed out, the elections are coming in August and the Chancellor can only exercise the power of veto once and no more. I know that my honourable friend, the mover, has many objections against the University Bill but he should urge them before the Senate. I may tell him that I am an old member of the Senate. My honourable friend is only there for two years but I have been there for about sixteen to eighteen years. I may tell him that the Syndicate as its Governing Body always faithfully represents the Senate. I may tell you, Sir, that the Bill is very urgent. As you know it is a very simple Bill, and should be gone through immediately. I therefore request the House not to accept the amendment but reject it.

Mr. J. B. PETIT (Bombay Millowners' Association): Mr. President, there is no doubt that the honourable the General Secretary has made out a case for the immediate consideration, and if possible, also for the prompt acceptance of this bill. But my honourable friend the member for Satara has moved an amendment which, as he has told us, will remove the legal defect which has been noticed in the working of the bill by two successive Vice-Chancellors, to which the attention of the House has been

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drawn by the honourable the General Secretary and owing to which this measure has attained a degree of importance and urgency.

The opinions of the last two Vice-Chancellors have apparently been upheld by the Advocate General ; and now this bill before us seeks to remedy the defect to which attention has been thus drawn. If the amendment moved by my honourable friend the member for Satara (Rao Bahadur Kale) effectively meets the objection under discussion, then I think the proper course for the Honourable the Minister for Education to adopt is to refer the bill to a select committee straightway, in order that it may proceed to consider and examine the amendment without any delay and submit its report immediately for the further consideration and disposal of this House, during the current session. Since the Honourable the Minister for Education agrees to this suggestion, I will not develop my argument, further, but will wholeheartedly support the proposal.

Before however I resume my seat, I would like to add to what my honourable friend from Satara has said, that as a member of the Senate I too never received from any one any request for the expression of my views on the bill. Nor did any other member of the Senate to my knowledge receive any such request at any time. Nor were we even told or informed that we were required by Government to express our opinion on this bill. Each member of the Senate merely received a draft copy of the bill in an envelope from the Registrar, without any covering letter, and we all thought that that copy had been sent to each one of us for the purpose of enabling us to consider it in connection with the several amendments of which notice had been given and which stood on the agenda paper. Unfortunately, the Senate met very late in June, and other business—including unfortunately long and tiresome discussions on irrelevant matters, wholly outside the purview of the Senate—prevented us from discussing this very important item on the agenda paper. But this is only by the way. In any case, the Syndicate as such had absolutely no right to send in to the Government an opinion formed by itself and palm it off as the considered opinion of the University. That is an attitude against which every member of the Senate will enter his most emphatic protest ; and I am perfectly certain that the Honourable the Education Minister himself, as an important and prominent member of the Senate, will also do likewise. With all respect to the Syndicate, the opinion formed by them on the matter, cannot by any stretch of the imagination be called the opinion of the Senate, much less the opinion of the University ; and the Syndicate had no right to pass that on as such to the Government. Such an attitude on their part, though it may happen to be unconscious, is absolutely inconsistent with the spirit underlying section 18 of the University Act, which provides distinctly that all matters of policy and principle should be laid down by the Senate, which, the Act further provides, is the ultimate arbiter in all such matters. The act has deliberately left the consideration and decision of all purely technical matters to statutory bodies like the

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Syndicate and the different boards of studies. All matters of principle and policy have on the other hand been purposely left to the Senate. The Syndicate had therefore absolutely no right whatever to take it upon itself to determine a question, which has been thus left by the Act to the Senate. The Senate, I am perfectly certain, will know how to deal with the Syndicate at the proper time for this transgression on its part. But I do think that the Government also ought to have insisted upon getting the considered opinion of the Senate, in view of the spirit of section 18 of the University Act and not have remained satisfied only with the views of the Syndicate. It is very unfortunate that the Government in its desire to be expeditious should have so readily accepted the opinion merely of the Syndicate as that of the University. I do hope now, Sir, that the Government will accept the amendment of my honourable friend the member for Satara and refer the bill to a select committee at once, so that its opinion may be laid before the Council in the current session, and the technical defect from which the Senate is suffering, may be removed forthwith. I accordingly most cordially support the amendment.

The Honourable the PRESIDENT : The procedure is not exactly like that. The Honourable Minister, under the circumstances, will have to give an assurance with regard to this amendment. Although this has been moved as an amendment of principle at this stage, the bill will have to proceed further, that is, the first reading will have to be put to the House and carried, and then the Honourable Minister in the second stage will have to propose that the bill be referred to a select committee. Therefore, the Honourable Minister must give an assurance that this amendment and all the other amendments tabled with regard to this bill will be considered freely in the later stages of the bill as if they were amendments of detail. If that is so, then I do not suppose the honourable member who has moved the amendment has anything further to say just now.

Rao Bahadur R. R. KALE (Satara District) : Sir, I have to say something. I would not have said anything but for the charge which the Honourable Minister made that I have misled the House. Before he makes a charge against me that I have misled the House, he should have read carefully the Statement of Objects and Reasons which appears under his signature. There is a certain statement in the Statement of Objects and Reasons. What does that statement say ? It says that the bill follows the lines recommended by the University. May I ask every honourable member of this House what that means ? Does it not carry an impression in the mind of each and every single member of the House that the bill is drafted on the lines suggested by the Senate ? But we know that the opinion before Government was only the opinion of the Syndicate and not of anybody else. If the Government, or the Honourable Minister of Education for the matter of that, under his solemn signature makes a declaration that this amended bill has been drafted on the lines indicated by the University, who is it that is misleading the House ? I charge the Honourable Minister for Education, on the floor of this

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House, with misleading the House. To whom does that charge apply? Does it apply to him or to me? I would not have spoken in this strain but for the heat which the Honourable Minister himself has created, to which reference has been made by my honourable colleague on my left. Before charging others with having misled the House, he should mind his own business first, and see what is written down in black and white under his own signature. Is not the statement in the Statement of Objects and Reasons tantamount to misleading the whole House? The Honourable Minister himself does it and charges others with having done it. When such a charge is made against me, Sir, I cannot contain myself. I have been a member of this House for over seven years now, and this is the first time in my career on the floor of this House that I have been charged with having misled the House. I really felt for the charge made against me, and therefore you will excuse me, Sir, if I am rather upset. Generally I never lose my temper, but I do feel that I am justified in doing it on the present occasion. I had a mind to get up and ask the Honourable Minister to be careful of his words, but I thought, "Let him have his reply, and then I shall have a right of reply." I have now exercised that right to the fullest extent, and therefore I am fully justified in levelling that charge against him, a charge which he made against me without looking into his own records, his own papers.

There is one other matter. I read out from the paper which was circulated to the members the instructions issued by the Vice-Chancellor as to how the elections were to be made. I pointed out from that that even the three or four members were to be elected by the whole group of the Academic Council. It does not matter; there may be separate elections; that is to say, for both the Faculties separate elections, and for three members one final election. All the same, those instructions do indicate that there was a whole general body of 32 members, not merely some members belonging to a particular group or Faculty and another Faculty. And here is the inconsistency between the instructions given by the Vice-Chancellor and the Syndicate and the effect of the draft which appears before us here. I was perfectly justified therefore in saying that the present draft goes even beyond whatever was contemplated by the Syndicate. The Syndicate never contemplated the splitting up of the joint electorate. At least they maintained that joint electorate, but proceeded to say that instead of one election different separate elections should take place. Now we find that not only are separate elections to be held, but also the joint electorate is split up, and therefore, Sir, I had occasion to make that observation. I think I am fully justified in pointing out that there is a discrepancy between the instructions given by the Syndicate and what is to be done here. I had no mind to reply after the expression of opinion given. First of all, the Honourable Minister brushed aside the suggestion to refer the bill to a select committee and proceeded to say that the bill must be carried. I would say to the Honourable Minister, "If you want to carry it by the help of any people here, do it; we have nothing to say".

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Do it. We are here for nothing. For what purpose are we here? If you say: "We shall carry this bill through" without paying any heed to us, do it. We are here to assert our right. We are here to express our opinion. If you want to carry the Bill through on the strength of the official block I have nothing to say.

The Honourable the PRESIDENT: I must admit as the President of this House that this is the first time I have noticed one of our esteemed leaders on this side of the House going to that pitch. I am afraid he probably felt the remarks made by the Honourable Minister, who, on the other side, holds his position and responsibilities as a Minister. I always take a lenient view of things. In making speeches very often words are used without meaning to hurt the feelings or meaning that those words should go so far as to make honourable members go to that pitch. The honourable member for Satara has felt it strongly and in reply to that—I am only afraid—the Honourable Minister who realises the dignity of his position and responsibility may go a step further and answer the remarks in a similar tone. As a matter of fact, I allowed the honourable member for Satara to make a speech to ask the leave of the House to withdraw his amendment at this stage, because the amendment cannot be put to the House. I would, therefore, give a brief opportunity to the Honourable Minister who should try to calm down the spirits of an esteemed member on this side of the House who is excited. Let him ask the honourable member to withdraw his amendment and we shall proceed with the Bill.

The Honourable MOULVI RAFI UDDIN AHMAD: Mr. President, I cannot understand what was my offence. The words I used were that the honourable member was misleading the House regarding the procedure regarding correspondence between the University and the Government. There was nothing offensive in it. As I said the procedure was that we took the reply of the Registrar and of the Vice-Chancellor as that of the University. I should be very sorry if any words of mine were taken in a different sense. There was no intention whatever of injuring his personal feelings. His unusual excitement will disappear and the honourable member will resume his usual cool manner and instead of inflaming, he would try to enlighten the House.

With regard to the other matter referred to by the Chair I may say that the honourable member will be allowed every opportunity in the select committee of discussing his amendment.

Rao Bahadur R. R. KALE: All the amendments tabled by me.

The Honourable MOULVI RAFI UDDIN AHMAD: All amendments that are allowed by the rules.

Rao Bahadur R. R. KALE: All the amendments which are on the agenda.

The Honourable MOULVI RAFI UDDIN AHMAD: Yes, on the agenda.

Rao Bahadur R. R. KALE : In view of the assurance given by the Honourable Minister that all my amendments will be considered without objection in the select committee, I ask leave of the House to withdraw my amendment.

Question put and leave granted.

Bill read a first time. Question put : "That the Bill be read a first time" and carried.

The Honourable MOULVI RAFIUDDIN AHMAD : Sir, I move that the Bill be referred to a select committee consisting of the following members :

Mr. R. H. Beckett,
Mr. R. G. Pradhan,
Rao Bahadur R. R. Kale,
Khan Bahadur H. P. Chahewala,
Dr. B. R. Ambedkar,
Mr. H. A. Lalljee,
Mr. R. B. Ewbank,
Mr. Noor Mahomed,
Rao Bahadur G. H. Desai,
Mr. J. B. Petit,
Mr. D. D. Nanavati,

and myself.

Rao Bahadur R. S. ASAVALE : I suggest the name of the Deputy President (Rao Bahadur S. T. Kambli).

The Honourable MOULVI RAFIUDDIN AHMAD : I accept it.

Rao Bahadur R. R. KALE : I suggest the name of the Honourable Dewan Bahadur Harilal Desai, though he is an official.

The Honourable MOULVI RAFIUDDIN AHMAD : In that case I would increase the number of members and propose the names of Khan Bahadur M. S. Khuhro, Dr. P. G. Solanki, the Honourable Dewan Bahadur Harilal Desai and Sir Ghulam Hussain.

The Honourable the PRESIDENT : Those additional names are included. What is the quorum ?

The Honourable MOULVI RAFIUDDIN AHMAD : Seven to form the quorum and the committee to report before next Monday.

Rao Bahadur R. R. KALE : Next Tuesday.

The Honourable the PRESIDENT : That is very immaterial.

Rao Bahadur R. R. KALE : I have no objection if the select committee meets before Saturday. But I have an engagement in Satara on Saturday, and the Honourable Minister also is going there.

The Honourable MOULVI RAFIUDDIN AHMAD : We can meet on Thursday and Friday, and the report can be presented on Monday.

Bill referred to select committee. Question put and carried.

BILL No. XXII OF 1930 (A BILL FURTHER TO AMEND THE CRIMINAL TRIBES ACT, 1924; IN ITS APPLICATION TO THE PROVINCE OF SIND).

The Honourable Sir ERNEST HOTSON: Sir, I introduce Bill No. XXII of 1930 (A Bill further to amend the Criminal Tribes Act, 1924, in its application to the Province of Sind).*

The Honourable the PRESIDENT: The bill is introduced.

The Honourable Sir ERNEST HOTSON: I move, Sir, that Bill No. XXII of 1930 be read a first time. The object

of the bill is briefly described in the statement of objects and reasons. A reference to section 23 (1) of the Criminal Tribes Act will show that when any member of a criminal tribe is convicted of any of the offences mentioned in Schedule I of the Act, he shall on a second conviction be punished with imprisonment of not less than seven years and on a third conviction with imprisonment for life. The prevalence of cattle-theft in Sind has been such a very great evil that it was described some time ago as a blot on the administration. The whole of rural life in Sind has been permeated by it. As a result of representations by judicial and revenue officers, Government appointed a committee to go into the question. It reported in March 1926. Many of the recommendations were such that they could not be carried out without the expenditure of money which was not then available, and Government postponed their consideration in the hope, which in 1926 seemed more likely to be realised than it does now, that better times were coming soon. Well, in 1929, we made up our minds that those better times were not imminent, and we issued our resolution on the Report on cattle-thefts. A great many of the recommendations had to be put aside as being too expensive. Certain of them we decided to take up at once, because they were going to cost us little or nothing. Among them is the one which is embodied in the bill which I am moving to-day, namely, that cattle-thefts, in Sind only, should be included among the offences for which an enhanced punishment should be given under the Criminal Tribes Act. At an earlier date, —in 1923—Government had appointed a special investigating officer to go into the question of criminal tribes in Sind, and his reports were submitted to Government in 1925. He recommended that a special officer—a separate criminal tribes settlement officer—should be appointed for Sind and that a settlement should be opened there for the reception of members of these tribes. Those recommendations also we have had to postpone from year to year, because they were more expensive than we could undertake. But the two reports by Mr. G. M. Mirza give a good deal of information about the tribes and the sections of various tribes which are specially addicted to different forms of crime and they will be very useful in operating the amended Criminal Tribes Act if the proposal which I am making to-day is accepted by the honourable House. One of the main features of this particular crime in Sind is that it is very highly organised, that the thieves are banded together in gangs under the control of receivers, known locally as *patharidars*, who are often well-to-do men, always very powerful

* Appendix 6.

[Sir Ernest Hotson]

and against whom it is nearly always impossible to get any evidence for conviction in criminal courts. - But as section 3 of the Criminal Tribes Act allows the local Government to declare any tribe, gang or class of persons, or any part of a tribe, gang or class, to be a criminal tribe, it will henceforth be possible to declare these gangs and the *patharidars* who lead them to be criminal tribes. And where a particular section of a tribe is known to be addicted to cattle-theft or where a portion of a tribe living in a certain neighbourhood is known to be addicted to that offence, it will be possible to declare that section or that portion of the tribe living in that particular neighbourhood to be a criminal tribe, without in any way interfering with the liberty of the remainder of the tribe who have other methods of livelihood. I am only making this statement now, because I think possibly the bill as it stands is not very easily understood. I hope that this explanation will be sufficient to convince the House that this very small piece of legislation will be useful.

Question proposed.

Mr. NOOR MAHOMED (Hyderabad District): Sir, I did not expect that the Honourable the Leader of the House would bring forward this bill to-day. But as he has brought it, I consider it my duty to protest most strongly and most seriously against the introduction of this bill. I would request the Government to give the public of Sind enough time to consider this Bill which is going to revolutionise the judicial system of Sind. Sir, this question is closely connected with the administration of justice in Sind. And considering what has happened elsewhere as well as in Sind I do not think the Honourable the Leader of the House, who is directly connected with the administration of Law and order, should invite us to hold up the police to criticism. I hope the Honourable the Leader of the House will spare me the necessity of criticising the police administration in its day to day activities before the honourable House for its information. I honestly say that the police administration in Sind to-day is not so efficient, is not so honest, is not so up-to-date, is not so trustworthy, that it deserves to be given this new power to hold up offenders under this Bill. If this Bill, Sir, were to come into force, I am sure corruption, bribery, and inefficiency of the police will increase enormously. And I am not alone in the condemnation of the Sind police. If the Commissioner in Sind were consulted, I have every hope, he would not support at present the enactment of this Bill. Does the Honourable the Leader of the House, a responsible Member of Government, want the poor, inarticulate people of Sind to be thrown at the mercy of the wolves? Unfortunately the honourable the Leader of the House laughs. I would wish him to consider very seriously the whole question before he puts this Act on the statute book. I say publicly that if Sir Shah Nawaz Bhutto fails in his duty of opposing this measure wholeheartedly, I think he will be liable to public criticism. I am sure that Sir Shah Nawaz cannot honestly support Government in such a measure.

The ultimate effect of this measure will be that people will be held up on one pretext or another under the provisions of this bill and will be

[Mr. Noor Mahomed]

severely punished. It is not the *patharidars* alone that harbour the criminals. It is sometimes the police who harbour them. And Government are so ignorant of the activities of the police officials that some of them have been rewarded with titles of Khan Sahebs, etc. There is a lack of discrimination in conferring titles on specially police officials. Some of them deserve neither the distinctions that the Government confers upon them nor the approbation that is showered on them. Situated as we are in Sind at present,—probably we shall soon be separated from the Bombay Presidency—I do not think we should be subjected any further to the age long tyranny of the Presidency of applying the Presidency laws to Sindh and I trust that the Honourable the Leader of the House will wait for 12 months or so till question of the separation of our province has materialised. Then we knowing our own peculiar difficulties will solve them ourselves. Conditions in Sindh are absolutely different from those of the Presidency proper and the Bombay Government does not and cannot understand them.

As I said in the beginning, I do not want to hold up the Sind police in general to ridicule and I should be sorry if in my enthusiasm for the protection of the rights of the people of Sind against this Bill I should have gone a little more than I wished. I sincerely say that the people of Sind are against this Bill and I am sure if the Commissioner in Sind is consulted whether this is a safe weapon to be entrusted in the hands of the Sind police, on mature consideration he would also advise the Bombay Government not to go on with this Bill. Probably the new honourable member the Revenue Officer of the Barrage will give reasons in justification of this measure. But I will only say this; that he has been in Sind for long as Assistant Commissioner where he has had nothing to do with courts, where he has had no dealing with the police administration or criminal justice. Would you be surprised if I tell you that a former Judicial Commissioner of Sind once thought that the punishment for cattle theft should be transportation for life? That is what a Judicial Commissioner seriously thought,—that the punishment for cattle theft in Sind should be transportation for life—Andamans. Now, when we have officials of that type, when we have Police madness running amok in Sind, do you want that the people should be left to the mercy of the police? I emphatically say that until the Police administration is thoroughly overhauled, until the officers who think that the proper punishment for cattle-theft is transportation to Andamans modify their opinions about the extent of punishments for cattle lifting, this Bill is out of place and should not be put on the statute book. With these words, I strongly oppose the Bill.

I sincerely request the Honourable the Leader of the House not to proceed with the Bill. We have already many heavy burdens. Serious murders take place in Sind; and there is no proper police investigation. It is quite possible that some enthusiastic honourable member on the side opposite may think that these are electioneering tactics. It is nothing of the kind. In my opinion the present law is quite enough and that these additional powers and enhanced punishments are not necessary. With these words, I oppose the Bill.

Khan Bahadur M. S. KHUHRO (Larkana District): Sir, I would say that at this stage a Bill like the present one was not at all warranted. Sir, it is a well-known fact that the corruption is running very high in Sind particularly in the Police department. A few months ago Sind Muslim Association presented an address to His Excellency the Governor in which this fact was clearly demonstrated and His Excellency in his reply admitted that it was true beyond all doubts, but His Excellency urged the co-operation of public to eradicate this deep-rooted evil. I submit that the Head of this province even is fully aware of the fact; as to what extent corruption exists in Sind. It will therefore be a very dangerous thing to give this additional weapon to police to tyrannize people, under these circumstances. Sir, many of the petty zamindars in Sind are utilised by the police as tools to concoct false cases and thus harass the poor innocent public. I do admit that in certain cases an Act like the present one will be useful, but in the majority of the cases it is bound to prove harmful. In a place like Sind where public opinion is practically non-existent an Act like this will surely prove to be very dangerous weapon. Sir, it is our every day's experience that we hear heart-rending news about the high-handedness of the police and the highest authorities themselves, namely, the Commissioner in Sind and the Deputy Inspector General even are not ignorant about it. I had a discussion with these officers. They admitted that they had known these facts well as it had come to their knowledge on many occasions that police officers do file false cases. Such instances have been proved even in the judgments of the courts. Therefore, it is my strongest desire, that at this stage to bring a Bill like this is undesirable. I would, therefore, request the Honourable the Home Member to withdraw the Bill in the interest of the public of Sind. I had an occasion to be examined by the cattle-theft Committee, where too I have expressed these views in most emphatic terms. I had to say a good deal on this subject but since the day is drawing to a close, I do not wish to dilate on the point much yet I strongly maintain that this bill is not needed at all and I hope Honourable the Home Member will see his way to withdraw it.

The Honourable Sir ERNEST HOTSON: Sir, there is a great deal which I could say in favour of this Bill, but in view of the apparently unanimous opposition from the Sind members, I do not propose to proceed with this Bill this session. I shall probably move it again in the next session (*Cheers*).

BILL No. XXIII OF 1930 (A BILL FURTHER TO AMEND THE ADEN CIVIL AND CRIMINAL JUSTICE ACT, 1864).

The Honourable Sir ERNEST HOTSON: Sir, I introduce Bill No. XXIII of 1930 (A Bill further to amend the Aden Civil and Criminal Justice Act, 1864).*

The Honourable the PRESIDENT: The Bill is introduced.

* Appendix 7.

The Honourable Sir ERNEST HOTSON: Sir, I beg to move that the Bill No. XXIII of 1930 be read a first time.

First reading. The statement of object and reasons gives the reasons fully. There is nothing in this Bill to which any one in the Presidency could object, while it will be of great value to those who are doing business both in Aden and in the Somaliland Protectorate. It is much desired locally by those who are interested.

Question proposed.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Sir, I rise to support the Bill moved by the Honourable the Home Member. I hope the Government will take the same interest in the judicial affairs of our Aden as they have done in the present instance.

Bill read a first time. Question put and carried.

The Honourable Sir ERNEST HOTSON: Sir, I move that the Bill No. XXIII of 1930 be 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 (*New section 16A in Act II of 1864*) ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

The Honourable Sir ERNEST HOTSON: Sir, in view of the fact that there are no amendments, I move that the Bill No. XXIII of 1930 be read a third time.

Third reading. Question proposed.

Mr. D. D. NANAVATI: Sir, I beg to move a verbal amendment in clause 1 of the Bill. It runs thus:

In clause 1, add "0" after the figure "193" to read "1930."

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: Bill No. XXIII of 1930 is read a third time and passed into law.

The Honourable Sir ERNEST HOTSON: Sir, the business has gone so rapidly that there is for the moment no more Government business ready to put before the House. It will not be ready until Tuesday or Wednesday next week. I, therefore, propose that private business should be taken up next, which is a good deal earlier than we expected yesterday. I think it might be convenient if we have an off day to-morrow to enable the non-official members to get their business ready and take it on Thursday. In that case we shall have Thursday, Friday, Saturday and Monday for private business.

Rao Bahadur R. R. KALE (Satara District): Sir, I suggest that instead of having an off day to-morrow, we shall have Saturday as off day.

[Rao Bahadur R. R. Kale]

I make a request for this because there is a small public function in Satarà at which His Excellency the Governor is going to be present. The Honourable the Minister for Education and myself are going there and if we take Saturday as off day, we shall have two days, Saturday and Sunday, at our disposal.

The Honourable Sir ERNEST HOTSON: My only reason for proposing an off day for to-morrow was that some of the honourable members on the other side will have to get ready to go on with their business. But if it is the general opinion of the House that we should take Saturday as the off day, Government will have no objection.

The Honourable Dewan Bahadur HARILAL D. DESAI: If we go on with the private business, then we shall have to take private bills in the first instance. But I find that Mr. H. M. Rahimtoola in whose name a Bill stands is not present here to-day.

Honourable MEMBERS: We can go on with other private Bills.

The Honourable the PRESIDENT: If the House considers that they should have two off days, to-morrow and also on Saturday, a request may be made to the Honourable the Leader of the House and see if he can spare two days.

The Honourable Sir ERNEST HOTSON: There are many honourable members, especially those who have come from some distance, who do not wish to have two off days.

The Honourable the PRESIDENT: I understand that the House will meet to-morrow and will have an off day on Saturday. In that case it will be for my consideration whether to allow latitude to those honourable members who are not present here to-day. But I trust that honourable members who are the friends of those honourable members will communicate to them the situation by wire. This will help them to be present here to take up their business. Even if they cannot come up to take up the work to-morrow, they can do so on the next day. The House is now adjourned to 2 p.m., to-morrow, Wednesday, the 9th July 1930.

Wednesday, the 9th July 1930.

The Council re-assembled at the Council Hall, Poona, at 2 p.m., on Wednesday, the 9th July 1930, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
 ABERCROMBIE, Mr. J. R.
 AHMAD, the Honourable MOULVI RAFIUDDIN
 AMBEDKAR, Dr. B. R.
 ASAVALE, Rao Bahadur R. S.
 BECKETT, Mr. R. H.
 BELL, Mr. R. D.
 BHATT, Mr. RAMCHANDRA M.
 BHUTTO, Sir SHAH NAWAZ
 BOLE, Rao Bahadur S. K.
 BRANDER, Mr. J. P.
 BULLOCKE, Mr. A. GREVILLE
 CHAHAWALA, Khan Bahadur H. P.
 CHIKODI, Mr. P. R.
 COLLINS, Mr. G. F. S.
 CONTRACTOR, Khan Saheb M. F.
 DABHOLKAR, Sir VASANTRAO
 DESAI, Rao Bahadur GOVINDBHAI H.
 DESAI, the Honourable Dewan Bahadur HARILAL D.
 EWBANK, Mr. R. B.
 FREKE, Mr. C. G.
 GARRETT, Mr. J. H.
 GHOSAL, the Honourable Mr. J.
 GHULAM HAIDAR SHAH, Mr.
 GHULAM HUSSAIN, the Honourable Sir
 GIRIYAPPANAVAR, Mr. V. C.
 GREEN, Mr. S. A. C.
 GUNJAL, Mr. N. R.
 HABBU, Mr. A. G.
 HAJI MIR MAHOMED BALOCH, Mr.
 HARRISON, Mr. C. S. C.
 HOTSON, the Honourable Sir ERNEST
 ISBAN, Khan Bahadur GHULAM MUHAMMAD ABDULLAH KHAN
 JADHAV, the Honourable Mr. B. V.
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. Y. M.
 KAMBLI, Rao Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUHBRO, Khan Bahadur M. S.
 KOLHATKAR, Mr. H. V.

LALLJEE, Mr. HOOSEINBHOY A.
 LANE, Mr. C. M.
 LIGADE, Mr. S. P.
 MACKIE, Mr. A. W. W.
 MANSURI, Khan Saheb A. M.
 MARZBAN, Mr. P. J.
 MODI, Sardar DAVAR T. K.
 MORAES, Mr. A. X.
 MUJUMDAR, Sardar G. N.
 NANAVATI, Mr. D. D.
 NARIMAN, Dr. R. T.
 NAVLE, Mr. N. E.
 NOOR MAHOMED, Mr.
 OLIVEIRA, Mr. F.
 OWEN, Mr. A. C.
 PATANKAR, Sardar B. N.
 PATHAN, Mr. A. F. I.
 PATIL, Mr. R. L.
 PAWAR, Mr. G. B.
 PETIT, Mr. J. B.
 PRADHAN, the Honourable Mr. G. B.
 PRADHAN, Mr. R. G.
 RAHIMTOOLA, Mr. HOOSENALLY M.
 RANJITBHAI KALABHAI, Rao Bahadur
 SALGAR, Mr. R. G.
 SARDESAI, Sardar S. A.
 SHAH, Mr. MOHANLAL H.
 SHAIKH ABDUL AZIZ, Mr.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MUHAMMAD KAMIL SHAH
 SYED MUNAWAR, Mr.
 TALEYARKHAN, Mr. P. J.
 THAKOR OF KERWADA, the
 THAKURSING LALSING, Mr.
 VAKIL, Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WALLACE, Mr. D. J. C.
 WASIF, Khan Saheb G. A. D.
 WILES, Mr. G.

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

Mr. V. C. Giriappanavar then made the prescribed affirmation of allegiance to His Majesty the King-Emperor, and took his seat in the Council.

The Honourable the PRESIDENT: Questions. . .

NON-AGRICULTURAL GAOTHAN LANDS : BASSEIN.

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

(a) the rule or rules and conditions under which the Revenue Department charges non-agricultural assessment for Pardi lands in the Gaothan of the Bassein Taluka (Thana District);

(b) whether it is a fact that the land occupied by the houses in the Bassein Municipal area was originally non-taxable gaothan land but that at the time of the revision survey, introduced some 32 years ago, Pardi numbers were introduced with a view to avoid friction amongst the different owners and that now Government consider that land as liable to be assessed, treating it as agricultural land ?

The Honourable Mr. J. GHOSAL : (a) and (b) The honourable member is referred to the reply given during the current session to the Question* by Mr. A. N. Surve on the same subject.

BOMBAY LEGISLATIVE COUNCIL : RESIGNATION OF MEMBERS.

Rao Bahadur GOVINDBHAI H. DESAI (Kaira District): Will Government be pleased to state—

(a) How many members of the Bombay Legislative Council have resigned from each district of the presidency during the last four months ?

(b) How many of these resignations were given owing to sympathy towards the non-co-operation movement and how many for other reasons ?

The Honourable Sir ERNEST HOTSON : (a) A statement giving the required information is appended.

(b) Nine members resigned in January and February 1930 in obedience to the Congress mandate, nineteen resigned in April and May after the civil disobedience movement started, and the remaining three resigned for other reasons.

Statement showing the number of members elected from the different constituencies of the Bombay Legislative Council who have resigned during the last five months.

Bombay City	3	Satara	1
Thana and Bombay Suburban Districts	1	Dharwar	1
Ahmedabad (including Ahmedabad Millowners' Association) ..	3	Kanara	1
Kaira	2	Kolaba	1
Panch Mahals	1	Karachi City	2
Broach	1	Eastern Sind	1
Surat	3	Western Sind	1
East Khandesh	2	Bombay City European	1
West Khandesh	1	Bombay Chamber of Commerce ..	1
Sholapur	1	Karachi Chamber of Commerce ..	1
		Indian Merchants' Chamber ..	1
		Bombay University	1

The Honourable Sir ERNEST HOTSON : Since the answer was sent in, one member from Ratnagiri also has resigned.

* Printed in the proceedings of 8th July 1930.

TALUKA LOCAL BOARD, KARJAT : PROSECUTION OF PRESIDENT.

Mr. N. R. GUNJAL (Poona District): (a) Will Government be pleased to state whether it is a fact (i) that in 1923, while he was the Mamlatdar of Karjat in the Kolaba District, Mr. Gupte was instrumental in instituting a criminal prosecution against the then president of the Karjat Taluka Local Board and (ii) that not only did the prosecution fail but the magistrate in his judgment was constrained to criticise Mr. Gupte's conduct very severely ;

(b) if so, what action have Government taken in the matter ?

The Honourable Mr. J. GHOSAL : (a) (i) In 1923, under the orders of the Assistant Collector, who acted on a report made by the Mamlatdar of Karjat, criminal proceedings were instituted against Mr. R. B. Joshi for certain acts committed by him while holding the Chairmanship of the Works Committee. Mr. R. B. Joshi was not President of the Taluka Local Board at the time the alleged offence was committed.

(ii) Yes, but the Magistrate also remarked that Mr. Joshi had been negligent. The concluding portion of the judgment reads as follows :—

"I however advise the accused No. 3, who is the President of the Taluka Local Board, to look into matters personally and not to sign papers blindly. He is in a position of public trust and he is expected to work diligently. If he did so his subordinates would also be diligent. They generally take their cue from the officers above. It was certainly not a pleasant task for the Mamlatdar to take action in the matter. Though he seems to have acted on the impulse of the moment and failed to make the necessary inquiries, he was, rightly or wrongly, morally convinced that the three accused committed the fraud and were to blame in the matter—a state of things which would have been impossible had the chairman and his staff been more diligent."

(b) An inquiry was held by the Collector who held that in the circumstances of the case the Mamlatdar was not to blame.

GRAZING AREAS, BOMBAY PRESIDENCY.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether their attention has been drawn to the Editorials in the *Gorakshan* issues of the 8th, 15th and 22nd March 1930 ;

(b) whether the Cattle Committee and Forest Grievances Enquiry Committee by a majority of votes had suggested the extension of grazing areas ;

(c) whether Government have been advised by their Forest and Agricultural experts that the measure of extending the jungles as advocated in the issues of *Gorakshan* is not calculated to provide more fodder for cattle ;

(d) whether Government are prepared to place the correspondence on this matter between them and their experts upon the Council table ?

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

(b) Yes.

(c) No.

(d) Does not arise in view of the reply to clause (c) of the question.

GRASS STORES.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether it is a fact that the Cattle Committee state that stored jungle grass is poor in quality and is more injurious than beneficial to the stock of the cultivator;

(b) whether Government agree with this view;

(c) whether anything can be done to store the grasses as silage; if not, the reasons therefor?

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

(b) The grass is, generally speaking, of inferior quality, and, after being stored for some time, is at first not readily eaten by cattle. But there is no positive evidence to show that such grass is more injurious than beneficial.

(c) Jungle grass can be stored as silage and it makes a good silage if cut at the proper time. The Live Stock Expert is conducting demonstrations annually to show to the cultivators how silage can be made and fed to cattle by storing in katcha pits.

MILK SUPPLY, BOMBAY CITY.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI: Will Government be pleased to state—

(a) the average daily quantity of milk consumed in Bombay;

(b) the quarters and location from which the milk comes;

(c) the number of stables within the Bombay Municipal limits;

(d) the number of milch cattle in those stables;

(e) the number of plots of grazing land in the Bombay Municipal area;

(f) the area of grazing lands in the Suburban Districts for milch cattle;

(g) whether it is considered by Government that it is possible to have milk supplied to the Bombay City from distant places, e.g., Surat;

(h) whether they have ascertained that all the necessary facilities are afforded to encourage a supply from such distant places?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) 300,000 lbs.

(b) About seventy per cent. is produced in milch cattle stables in the City; the rest comes from the suburbs and from the Thana, Poona and the Gujarat districts.

(c) 95.

(d) 15,919.

(e) Nil.

(f) 2,139 acres.

(g) and (h) The honourable member is referred to the Honourable the Minister of Agriculture for replies to these clauses.

MILCH CATTLE : SLAUGHTER.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI: Will Government be pleased to state—

(a) the license fee for slaughter in the Kurla and Bandra slaughter houses per buffalo or cow ;

(b) whether it is a fact that among the cattle that are slaughtered are some which are milch cattle ;

(c) whether any precautions are taken to see that the cattle to be slaughtered are to all purposes barren ;

(d) whether the slaughter of milch cattle affects that milk supply as well as agriculture ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) and (b) The accompanying statement gives the required information.

(c) Yes so far as the Kurla slaughter house is concerned and not so far as the Bandra slaughter house is concerned.

(d) The question is a complicated one, and cannot be suitably dealt with by way of question and answer. I prefer therefore to reserve my opinion.

Statement giving the information called for in clauses (a) and (b) of the question.

KURLA SLAUGHTER HOUSE	BANDRA SLAUGHTER HOUSE
(a) (1) License fee for slaughter per buffalo, the meat of which is exported to Bombay, is Rs. 15. Cows are not slaughtered in this slaughter house for Bombay.	License fee per buffalo is Rs. 15.
(2) License fee for slaughter per buffalo or cow slaughtered for Kurla is Rs. 5.	License fee per cow is Rs. 1-8-0
(b) The animals that are dry at the time are only slaughtered.	Most of the cattle slaughtered are dry ; some yield a small quantity of milk at the time of slaughter.

SCHOOL MISTRESS, SATARA MUNICIPALITY : DEGRADATION.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI: (i) Are Government aware—

(a) that one Mrs. Krishnabai Kadam, a school mistress in one of the Municipal Schools at Satara, had appealed to the Government against the action of the Satara City Municipality in first reducing her pay from Rs. 25 to Rs. 15 on 3rd December 1925, further suspending her on 28th October 1926 and finally dismissing her on 4th February 1927, and that her appeal was allowed by the Government which ordered that she should be reinstated in the Municipal service and that her past service should count ;

(b) that after the said orders of Government she was reinstated by the Municipality in her original post of Rs. 25 on 10th June 1929 which pay she drew till 1st November 1929 ;

(c) that she was suddenly informed on 25th November 1929 that she was to draw Rs. 15 only and that too from the date of her reinstatement ;

(d) that the reason given for this last step was that this was as a disciplinary measure taken against her in 1926 ?

(ii) (a) Are Government aware that during the period of presentation by the said Krishnabai of her appeal and the decision by the Government a long correspondence had ensued between the Municipality and the Government during the course of which the former had put forth several charges against the said mistress and pleaded various grounds in justification of their action and that the Government had after a full consideration of them passed final orders on 11th May 1929 ?

(b) Will Government be pleased to place on the Council table the whole correspondence and the orders of the Government thereon ?

(iii) Will Government be pleased to state what steps they intend to take in the exercise of their general powers of control to direct the Municipality to adhere to the orders of the Government which were acted upon by the Municipality for five months, in spite of any *ex-parte* representation, which may have been made by the Municipality in this behalf, without giving any opportunity to the said Mrs. Krishnabai of meeting the charge of the so-called indiscipline in 1926 ?

The Honourable MOULVI RAFIUDDIN AHMAD : (i) (a) The Honourable member's information is correct except on points of detail. The pay of Mrs. Krishnabai Kadam was reduced to Rs. 15 per mensem on 1st December 1925 and that she was suspended on, and ultimately dismissed from 1st November 1926.

(i) (b) Yes.

(i) (c) Yes.

(i) (d) Yes.

(ii) (a) Yes, but the orders referred to by the honourable member were dated 27th April 1929.

(ii) (b) No.

(iii) Government do not propose to take any steps in the matter as the action taken by the Municipality was within their powers and did not contravene any order of Government.

Rao Bahadur R. R. KALE : In the last answer it is stated that the action taken by the municipality was within their powers and did not contravene any order of Government. In the earlier part the decision of Government is given namely, that the Government ordered that the school-mistress should be re-instated in the municipal service and that her past service should count. That was the decision of Government and accordingly the municipality had to obey the decision by reinstating the mistress in her original post of Rs. 25 and she drew that pay. May I know how the last answer is consistent with the answer given above ?

The Honourable MOULVI RAFIUDDIN AHMAD : The honourable member should know that she was reinstated by order of Government and then it seems for some offence against the municipality she was reduced.

Rao Bahadur R. R. KALE : The Government decision was arrived at in 1929. In the former part of the answer it is stated that Government had all the correspondence since 1925 up to 1929 before them and that after going through all the correspondence they had passed the order. The decision was arrived at after the whole correspondence was before

them, and yet the municipality proposes to deal with this mistress for some action committed in 1926, that is to say, before the order of Government was passed and which was the subject of revision before Government. There was no new misconduct on her part which entailed the order now passed by the municipality.

The Honourable MOULVI RAFIUDDIN AHMAD : The municipality cannot dismiss but it has a right to punish and although Government intervened on behalf of this lady, the municipality thought it right to punish and under the Act we cannot take any action against the municipality.

Rao Bahadur R. R. KALE : The point is that three stages had been gone through before the matter went through, namely, first she was reduced, then she was suspended and ultimately she was dismissed. There was an appeal to Government under the Primary Education Act and the order of Government was that she should be reinstated in the municipal service and that her past service should count. If that was the order, does it not mean that the action of the municipality in suspending, reducing and dismissing her was set aside and the final order of Government was that she should be reinstated and also that her past service should count. If that was the order, I fail to understand how the present action of the municipality in putting her back to a lower place for an action committed by her in 1926 can be justified.

The Honourable MOULVI RAFIUDDIN AHMAD : The municipality did reinstate her on the salary of Rs. 25, but subsequently the salary was reduced to Rs. 15 and under the Act Government cannot take any action against the municipality for this.

Rao Bahadur R. R. KALE : That does not put an end to the question. Her subsequent reduction relates back to something committed by her in 1926. Therefore, does not the municipality's order of reduction contravene the Government order passed in 1929 ?

The Honourable MOULVI RAFIUDDIN AHMAD : According to our legal opinion, it does not.

Rao Bahadur R. R. KALE : It is not a question of legal opinion, but it is a question of fact. I am only asking with reference to the reply that Government do not propose to take any action in the matter as the action taken by the municipality was within their powers and did not contravene any order of Government.

The Honourable MOULVI RAFIUDDIN AHMAD : Under the Act we can ask them to take back when they have dismissed, but if they reduce salary, under the Act we cannot do anything in the matter.

Rao Bahadur R. R. KALE : What is the meaning of "reinstating" here then ?

The Honourable MOULVI RAFIUDDIN AHMAD : She was reinstated after dismissal because we thought that the dismissal was wrong, but if they have reduced her salary after her reinstatement, we cannot take action under the Act.

Rao Bahadur R. R. KALE : Does it amount to her reinstatement in her original position if she is thereafter reduced to a lower salary for something committed by her in 1926 ?

The Honourable the PRESIDENT : Next question.

LANDING AND WHARFAGE FEES : ACCOUNTS.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI : Will Government be pleased to state—

(a) whether it is a fact that the work of collection of the Landing and Wharfage Fees is at present done by the Bombay Steam Navigation and the Indian Co-operative and Trading Company, Limited, along with the collection of their fares ;

(b) if the reply to (a) be in the affirmative, the total amount so collected during the last three years by the respective companies ;

(c) whether the accounts of the Companies as far as the Landing and the Wharfage Fees are concerned are audited by the Government Local Fund Auditors ;

(d) if the reply to (c) be in the affirmative, whether Government will place on the Council Table the audit reports of the last five years ;

(e) if the reply to (c) be in the negative, the reasons therefor ;

(f) whether the question of auditing was ever referred to the Accountant General ;

(g) the reply given by the Accountant General in the matter ;

(h) what steps Government propose to take to ensure the accuracy and correctness of the Landing and Wharfage Fees Accounts ?

The Honourable Mr. J. GHOSAL : (a) Yes.

(b) A statement showing the collections on account of Landing and Wharfage Fees Fund for the years 1926-27 to 1928-29 is appended. Similar information for the year 1929-30 is not at present available.

(c) The accounts of the two companies are not audited by the Government Local Fund Auditors, but those of the Landing and Wharfage Fees Fund are audited every year by those auditors.

(d) and (e) The two companies are limited liability companies, and it is understood that their accounts are audited by responsible chartered accountants. Moreover, the rules made under the Landing and Wharfage Fees Act provide that the companies shall submit to the Chief Account Officer of Customs, Salt and Opium monthly statements showing the number of tickets issued by them and the amount of fees collected thereon, certified by their authorized agents, and that their accounts as far as these fees are concerned are open to inspection by any officer appointed by the Collector of Salt Revenue.

(f) No.

(g) Does not arise.

(h) In view of the reasons given in reply to clause (e) above, Government do not propose to take further steps in the matter.

Statement showing the collections made on account of Landing and Wharfage Fees Fund

Name of Company	1926-27	1927-28	1928-29
	Rs.	Rs.	Rs.
Bombay Steam Navigation Company, Limited.	65,574	67,550	64,577
The Indian Co-operative Navigation Trading Company	20,837	8,114	5,654
	86,411	75,664	70,231

SALT ACT : CONVICTIONS.

Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state the number of persons arrested and the number of persons convicted for breaking the Salt Act in each of the four Districts of Belgaum, Bijapur, Dharwar and Karwar up to the present day ?

The Honourable Sir ERNEST HOTSON :—

Belgaum	..	64	64	
Bijapur	..	16	16	
Dharwar	..	Nil.	1*	*A summons case.
Kanara	..	26	26	

In the case of Kanara District 26 persons were also arrested and 26 convicted for offences involving incitement or abetment of breaches of the Salt Law.

MUNICIPALITIES ; HOISTING OF NATIONAL FLAG.

Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state the number and names of Municipalities that have up to date hoisted the National Flag in this Presidency ?

The Honourable Dewan Bahadur HARILAL D. DESAI: The information in the possession of Government is not complete, and they regret that the time available before the dissolution is too short to enable them to obtain the material for a full and correct reply.

Rao Bahadur S. T. KAMBLI: The reply is that the information in the possession of Government is not complete. That shows that they have some information. According to the information available to them, can they not state how many municipalities have hoisted the National Flag ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I can give some names from memory. They are the Kotri municipality, the Hyderabad municipality, the Karachi municipality, the Surat municipality, the Ahmedabad municipality, the Sanganner municipality and the Bulsar municipality. I do not know whether the Dharwar municipality has had the honour of doing so or not. I do not remember it. I have given such names as I could remember at the moment.

Rao Bahadur S. T. KAMBLI: What is the policy of Government with regard to the question of grants to such municipalities? Does such action come in the way of Government grants?

The Honourable Dewan Bahadur HARILAL D. DESAI: I think the question does not arise, Sir.

The Honourable the PRESIDENT: No, it does not arise.

Rao Bahadur S. K. BOLE: Did the Hubli municipality hoist the National Flag?

The Honourable Dewan Bahadur HARILAL D. DESAI: I am not sure about it. Perhaps not yet.

UNIVERSITY SENATE: VACANCIES IN 1930.

Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state how many vacancies fall due in the course of the calendar year 1930 in the Senate of the Bombay University and on what date or dates?

The Honourable MOULVI RAFIUDDIN AHMAD: 27 on the 4th August 1930.

ANDHERI COLLEGE: PRINCIPAL.

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

(1) the name and qualifications of the Principal of the Andheri College;

(2) his pay and age?

The Honourable MOULVI RAFIUDDIN AHMAD: (1) Dr. Mohammad Bazlur Rehman, B.A. I Hons. in Arabic (Punjab), 1916; Munshi Fazil in Persian (Punjab), 1917; M.A. I in Arabic (Punjab), 1918; Ph.D. (Cambridge), 1922.

(2) Pay Rs. 840 per mensem in the scale of Rs. 320—40—640—efficiency bar—680—40—1,200, with special pay of Rs. 100 per mensem.

Age 34 years.

Mr. H. V. KOLHATKAR: Why is he given a special pay of Rs. 100?

The Honourable MOULVI RAFIUDDIN AHMAD: As principal of a college he gets a special pay of Rs. 100 per mensem.

LAND REVENUE, 1929-30.

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

(a) the total land revenue collected in the year ending March 31st, 1930;

(b) the amount due as arrears of land revenue on the said date or on the 1st April 1930?

The Honourable Mr. J. GHOSAL: (a) Rs. 5,54,38,264.*

(b) It is not possible to collect this information during the present session of the Council.

* This figure is subject to adjustments appearing in March final accounts.

FORESTS : RECOMMENDATIONS OF AGRICULTURAL COMMISSION.

Mr. M. M. KARBHARI (Thana and Bombay Suburban districts) :
 (a) Will Government be pleased to state what action they have taken or propose to take on the recommendations of the Royal Agricultural Commission contained in the Chapter on Forests (No. VIII) of their report ?

(b) If they have not yet given consideration to these recommendations, when do they propose to consider what steps to take on those recommendations ?

The Honourable Mr. B. V. JADHAV : (a) and (b) The matter is still under the consideration of Government.

TATTA MUNICIPALITY : HINDU AND MUSLIM COUNCILLORS.

Khan Bahadur M. S. KHUHRO for Khan Saheb RAIS FAZAL MUHAMMAD Walad Khan Bahadur HAJI BAKSH LAGHARI (Karachi District) : (a) Will Government be pleased to state the total population of the Tatta municipal area ;

(b) how many are Musalmans, how many are Hindus and how many are of other castes ;

(c) what is the number of elected members of each community in the municipality and what is their ratio to the population ;

(d) what is the total number of the nominated members on the Tatta municipality ;

(e) how many of the nominated members are officials and how many are non-officials ;

(f) what is the number of Hindus among the nominated non-officials and what is the number of Musalmans among them ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) 8,470.

(b) 4,470 Muhammadans and 4,000 Hindus.

(c) There are 10 elected Hindu members and 10 elected Muhammadan members. Hindus : 1 for 400 and Muhammadans : 1 for 447.

(d) 5.

(e) 2 are officials and 3 non-officials.

(f) Hindus 2 and Muhammadan 1.

WAKFS, AHMEDABAD : ADMINISTRATIVE STAFF.

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

(a) the number of *wakfs* in Ahmedabad City and in each of the talukas of the district ;

(b) the approximate annual income of the wakfs in the Ahmedabad City and in each of the talukas of the Ahmedabad District ;

(c) what is the strength of the staff which deals with the administration of the Wakf Act in the Ahmedabad District and the city ;

(d) whether it is a fact that the Mutavalis coming from the mofussil to Ahmedabad are compelled to stay in Ahmedabad for three or four days at great trouble, inconvenience and expense, because the staff employed is inadequate ;

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

The Honourable MOULVI RAFIUDDIN AHMAD :

	No. of wakfs.
(a) Ahmedabad City (including suburbs)	485
Prantij Taluka	42
Viramgam Taluka	27
Dholka Taluka	90
Dhandhuka Taluka	37
North Daskroi Taluka	12
South Daskroi Taluka	8
Modasa Mahal	12
Sanand Mahal	5
Gogha Mahal	20

(b) The approximate income of the wakfs whose accounts have been filed in the District Court, Ahmedabad, is as follows :—

	Rs.
Ahmedabad City, including suburbs	1,62,520
Prantij Taluka	1,780
Viramgam Taluka	18,526
Dholka Taluka	8,538
Dhandhuka Taluka	2,090
North Daskroi Taluka	1,288
South Daskroi Taluka	496
Modasa Mahal	228
Sanand Mahal	252
Gogha Mahal	582

(c) One clerk and one candidate are attending to the work. Besides, an auditor has been appointed under section 6 (b) of the Mussalman Wakf Act to audit the accounts of wakfs having an annual income of less than Rs. 2,000.

(d) No. The Mutawallis are not detained for three or four days. Only in two or three cases the Auditor found it necessary to detain Mutawallis for a day on account of pressure of work.

(e) None.

RIOT CASES, 1928, SURAT : ASSISTANT PUBLIC PROSECUTOR,
MR. ZAVERI.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) :

(a) Will Government be pleased to state whether they are aware that Mr. Bhailal, Sub-Inspector, admitted in the Desh Bandu Arson case that Mr. N. M. Zaveri, the assistant public prosecutor, used to help the police in preparing charge sheets in connection with the cases arising out of the riots in Surat in 1928 ?

(b) How many riot cases in which Hindus were the accused were conducted by Mr. Zaveri and what were the results of those cases ?

(c) Is it a fact that in the Bhaga Talao case out of the 19 Muslim injured at Bhaga Talao only 7 were called as witnesses and the remaining 12 were not called ?

(d) Is it a fact that Mr. Zaveri was allowed to appear in the Kotsafil murder case on behalf of one of the accused ?

(e) Are Government aware that in the Kotsafil murder case Mr. Zaveri made use of the knowledge obtained by him in his official capacity ?

The Honourable Sir ERNEST HOTSON : (a) No. There is no such admission in the depositions of Mr. Bhailal in the court of the Special Magistrate or the Sessions Court.

(b) Six. Out of these 2 ended in conviction, 1 was committed to the Sessions and the accused were acquitted in 3 cases.

(c) Yes. The 12 injured persons who were not called as witnesses did not come forward to give any evidence as the others did.

(d) Yes.

(e) No. It is not likely that Mr. Zaveri could have made use of any knowledge acquired by him in his official capacity as the parties and facts in the Kotsafil murder case were not the same as those in the other riot cases conducted by him.

RIOT CASES, 1928, SURAT : COMMENTS OF "GUJARAT MITRA."

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state whether they are aware that the local weekly paper "Gujarat Mitra" in its editorial notes of the 24th and 28th July 1929 wrote that all the cases arising out of the riots in Surat in 1928 in which Muhammadans were the complainants or the aggrieved parties were false and urged the Government to withdraw those cases ?

The Honourable Sir ERNEST HOTSON : Government had not seen the issue of the "Gujarat Mitra" for the 28th July 1929 until their attention was invited to it by this question. There was no issue of that paper dated the 24th July 1929. There was a statement somewhat to the effect suggested by the question in the issue for the 28th July.

Khan Saheb A. M. MANSURI : Government admit in the reply that there was a statement somewhat to the effect suggested by the question in the issue of the "Gujarat Mitra" for the 28th July. May I know from the Honourable the Home Member what steps Government have taken since against the "Gujarat Mitra" for publishing such false statements ?

The Honourable Sir ERNEST HOTSON : That question does not arise out of the question on the paper, Sir.

The THAKOR of KERWADA : Is it a fact that while investigation into these cases was going on, a representation was made by the people of Surat against the method and manner in which the cases were being investigated by the police officers ?

The Honourable Sir ERNEST HOTSON : I have no recollection of any such complaint.

Khan Saheb A. M. MANSURI : Was the attention of Government drawn to Mr. Zaveri's anti-Moslem conduct all throughout the riot cases and what steps were taken by Government in the matter ?

The Honourable Sir ERNEST HOTSON : No answer.

LLOYD BARRAGE : EMPLOYMENT OF TRAINED ENGINEERS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state with reference to paragraph 34, page 20, of the Visvesvaraya Report—

(a) whether it is a fact that the Secretary of State for India's Committee of expert engineers to examine the Sukkur Barrage Project under the chairmanship of Sir John Ottley had opined that—

(i) it was necessary to employ experienced engineers from Punjab to construct such a scheme or

(ii) that none of the Public Works Department engineers in the service of Government of Bombay was fit to do this work unaided either by the Punjab engineers or by training received from the Punjab works ;

(b) whether the opinion expressed by Sir Visvesvaraya is that the latest ideas are obtained from the Sutlej Valley Project ;

(c) whether Government are able to estimate the financial loss suffered by the presidency on account of ignoring that considered opinion of experts on irrigation ;

(d) if so, how many crores it is ?

The Honourable Sir GHULAM HUSSAIN : (a) No—Sir John Ottley in a separate memorandum attached to the report of the Committee said in 1914—

“ At the present time the interchange lies between Sind and the Presidency proper, but the irrigation work of these officers has little or nothing in common and in neither sphere can any experience be gained in the construction or maintenance of large perennial canals. On the other hand, if Sind is ever to have perennial canals, it would be an unmixed advantage that a considerable number of the staff should have acquired the experience to be gained in the Punjab both in the construction and up-keep of such canals. If it could in any way be arranged, it would be desirable to amalgamate the two establishments but failing this, there should certainly be very free interchange of officers of all ranks.”

(b) Complete perusal of paragraph 34 of the report by Sir M. Visvesvaraya and Nawab Ali Nawaz Jung Bahadur is invited.

(c) There is no financial loss, because though it has not been found possible to institute a regular system of exchange between officers of the two provinces, selected irrigation officers in Sind have been and are being sent on deputation to the Punjab to study the methods obtaining in that province.

(d) Does not arise.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): In answer to part (a) of the question an extract from Sir John Ottley's memorandum is given. Does not that extract confirm the opinion that the Bombay Public Works Department engineers are not fit for the construction of perennial canals, and therefore such engineers should be brought from the Punjab ?

The Honourable Sir GHULAM HUSSAIN (In Urdu) : The honourable member may draw any inference he likes from it.

Mr. HAJI MIR MAHOMED BALOCH : Is not that the inference ? I have drawn the same inference from it. Does not Government also draw the same inference from it ?

The Honourable Sir GHULAM HUSSAIN : The question has been asked by the honourable member, and I have answered it. I have also given Sir John Ottley's statement. I think it is a question of opinion.

Mr. HAJI MIR MAHOMED BALOCH : I have stated my inference in my question. Is it correct or not ? Is it not the opinion of Sir John Ottley that the Bombay Presidency Public Works Department engineers are not fit for the construction of such big schemes, and therefore the engineers should be brought from the Punjab ?

The Honourable the PRESIDENT (In Urdu) : The honourable member may think so.

Mr. HAJI MIR MAHOMED BALOCH : Why do Government not admit it ?

The Honourable the PRESIDENT : What is the reply ?

The Honourable Sir GHULAM HUSSAIN : It is not as the honourable member has stated. If he reads the reply, he will see what it is. The answer is to the question asked.

The Honourable the PRESIDENT (In Urdu) : The answer given is to the question the honourable member has asked.

Mr. HAJI MIR MAHOMED BALOCH : If no proper answer is given, I cannot help it.

The Honourable Sir GHULAM HUSSAIN : I have given the answers.

Mr. HAJI MIR MAHOMED BALOCH : With regard to (b), Government have suggested that I should read the report. Is what I have asked in the question correct or not correct ?

The Honourable Sir GHULAM HUSSAIN : It does not arise at all.

The Honourable the PRESIDENT : The question is whether the opinion expressed by the Visvesvaraya Committee that the latest ideas are obtained from the Sutlej Valley Project is correct or not.

Mr. HAJI MIR MAHOMED BALOCH : I want to ask whether they go to the Sutlej Valley project to take the designs. The answer given is "Read the report." That is not the way to answer the question.

The Honourable the PRESIDENT : No answer.

Mr. HAJI MIR MAHOMED BALOCH : In (c) it is stated that the engineers go to the Punjab and come back. Do they learn anything there ?

The Honourable Sir GHULAM HUSSAIN : Seeing is different from learning. When the Punjab Government were in great difficulties with regard to their irrigation works, it was our Chief Engineer that they sent for, and they learnt from our Chief Engineer.

Mr. HAJI MIR MAHOMED BALOCH : In answer to (c) it is stated that they do go to the Punjab. Do they go there to learn ?

(No answer.)

EDUCATIONAL INSPECTORS, SIND.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether their attention has been drawn to an article in the "Daily Gazette" of 19th October 1929 regarding Muslim Education in Sind ;

(b) the date on which the office of the Educational Inspector in Sind was created ;

(c) the total number of officers appointed since then ;

(d) how many of them have been Europeans, Muslims, Hindus and Parsis ;

(e) what are the factors which Government take into consideration in appointing educational inspectors ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) The office was created on 1st April 1887.

(c) 15.

(d) 11 were Europeans, 2 Hindus and 2 Parsis.

(e) Chiefly merit and capacity along with administrative requirements.

Khan Bahadur M. S. KHUHRO : I want to ask whether Government have not received any application from any Mussalman having the merits and qualifications as mentioned in reply to (e).

The Honourable MOULVI RAFIUDDIN AHMAD : That does not arise.

Khan Bahadur M. S. KHUHRO : The reply to (e) is, chiefly merit and capacity along with administrative requirements. Those qualifications are required of the candidates ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes, for inspectorship.

Khan Bahadur M. S. KHUHRO : Have they not received any application from any Mussalman having these merits ?

The Honourable MOULVI RAFIUDDIN AHMAD : Not only we have received, but we have appointed one.

Mr. NOOR MAHOMED : In Sind ?

The Honourable MOULVI RAFIUDDIN AHMAD : You say that those merits are necessary for qualification.

Mr. NOOR MAHOMED : Has that man been appointed in Sind ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not know yet : it may depend upon circumstances.

Khan Bahadur M. S. KHUHRO : May I know whether there was one Parsi or two who have been Educational Inspectors in Sind ?

The Honourable MOULVI RAFIUDDIN AHMAD : I am only aware of one, but I can find out if notice is given.

Khan Bahadur M. S. KHUHRO : In the answer there is mention of 2 Parsis.

The Honourable MOULVI RAFIUDDIN AHMAD : I will find it out.

Mr. HAJI MIR MAHOMED BALOCH : Out of the 15 officers that have been appointed since then, 11 are Europeans, 2 Hindus and 2 Parsis. Have not the Government been able to find one qualified Mahomedan in Sind for this post in all these 43 years ?

The Honourable MOULVI RAFIUDDIN AHMAD : I cannot say that there was none ; but I was not responsible for what happened then.

Mr. HAJI MIR MAHOMED BALOCH : If not in Sind, have they not found one Mahomedan in the whole presidency ?

The Honourable MOULVI RAFIUDDIN AHMAD : I cannot say that there were no Mahomedans possessing those qualifications ; but I do not know why they have not been appointed.

Mr. HAJI MIR MAHOMED BALOCH : Are not Government aware that there are Mahomedans in Sind who are serving in the selection grade of the educational service of Bombay Government and who are entitled to hold Educational Inspector in Sind's appointment ?

Mr. NOOR MAHOMED : May I know the policy of Government with regard to the appointment of Educational Inspectors ? Does the number 2 given here include the appointment to be made for Sind by the Honourable Minister ?

The Honourable MOULVI RAFIUDDIN AHMAD : This refers to the past and not to the future.

MULLA SCHOOLS : REORGANISATION.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) the date on which the committee for the reorganisation of Mulla schools was appointed ;

(b) the date on which the committee submitted its report ;

(c) the reasons why no effect has yet been given to the recommendations ;

(d) whether Government propose to take any action in the matter and if so, when ;

(e) if the answer to (d) is in the affirmative, what will be the nature of their policy in re-organising the scheme ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) 29th August 1924.

(b) February 1926.

(c) to (e). The report is at present under the consideration of Government.

Mr. HAJI MIR MAHOMED BALOCH : It is now four years since the committee had reported to Government. May I know when Government will take action on it ?

The Honourable MOULVI RAFIUDDIN AHMAD : It will be done in a few weeks' time.

LOCAL BOARDS : INSPECTION OF WORKS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (a) Will Government be pleased to state the reasons and the authority for issuing General Department, Government Resolution No. 6642, dated 31st May 1929?

(b) Have Government issued similar orders for municipalities also; if not, the reasons therefor?

(c) Have they seen the instructions issued by the Executive Engineer, Karachi Canals Division, pursuant to General Department, Government Resolution No. 6642, dated 31st May 1929?

(d) Is the intention of the Government Resolution to devolve on the Public Works Department officers the responsibility for execution of works with regard to progress and quality?

(e) If the answer to (d) is in the negative, what precautions have been taken to prevent petty subordinates of Public Works Department worrying the local board contractors causing delay to works?

(f) What provision has been made for deciding differences between local board officers and Public Works Department officers?

(g) How many executive engineers of Government have issued similar instructions and to which local boards?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) To ensure that grants for works of local public utility paid by Government to local boards are properly spent for the purpose for which they are given. Government have power to lay down the conditions on which such grants are made.

(b) No. The Honourable member is presumed to be aware that no grants are ordinarily given to municipalities for the construction and maintenance of roads and bridges.

(c) No such instructions have been issued. A draft has been submitted for their consideration.

(d) No.

(e) and (f) The matter is under the consideration of Government.

(g) None.

Khan Bahadur M. S. KHUHRO: What is the Government's policy with regard to local bodies which have appointed their own qualified engineers?

The Honourable Dewan Bahadur HARILAL D. DESAI: That does not arise out of this question. The resolution in question was issued in order to see that the grants given by Government are properly spent.

Mr. HOOSEINBHOY A. LALLJEE: Was there any mismanagement of the grants given by Government?

The Honourable Dewan Bahadur HARILAL D. DESAI: There were such cases; and it was at the instance of the Examiner of Local Funds these orders have been issued.

Mr. HAJI MIR MAHOMED BALOCH: Does this order apply to the other works carried out by local bodies from out of their revenue?

The Honourable Dewan Bahadur HARILAL D. DESAI: This resolution applies to works carried out of Government grants.

PARAI WATANDAR ADOPTEE, WAIGUDDI.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars):
Will Government be pleased to state—

(a) whether the Collector of Dharwar has refused to enter the name of the Parai Adoptee, Dhondrao Venkatrao Desai as Vahiwatdar in the Inam village records of Waiguddi, taluka Shiggaon, district Dharwar, in place of that of his deceased mother;

(b) whether he is at present in full possession of the village;

(c) if the answer to (a) is in the affirmative, why he has so refused and under whose orders;

(d) whether it is a fact that a sort of heirship enquiry is being held by the Mamlatdar of Shiggaon with regard to the watan lands held by the deceased adoptive mother of Dhondrao Desai;

(e) if so, why and under whose orders?

The Honourable Mr. J. GHOSAL: (a) The Collector has not refused to enter the name of the parai adoptee. His name has been entered in the record of rights as kabjedar, but a note has been added in the remarks column that the adoption of the parai has not been recognised.

(b) Yes.

(c) In view of the terms of the Gordon Settlement sanad by which the watan is governed. Under the orders of Government.

(d) Yes.

(e) On the death of the adoptive mother, another watandar applied for having his name entered as kabjedar of the inam village and pargana watan lands, as he was the nearest male heir to the deceased. Hence the enquiry which is proceeding under the Prant's orders.

WATANDAR FAMILIES: PARAI ADOPTIONS.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars):
Will Government be pleased to state whether it is a fact that Parai adoptions have taken place in the following Watandar families whose watans are settled under the Gordon Settlement—

(a) in the Desai family of Hullamb in Kalghatgi Taluka;

(b) in the Desai family of Revadihal in the same taluka;

(c) in the family of the Desais in Hubli in Hubli Taluka;

(d) in the family of the Dehpandes in Hubli Taluka;

(e) in the Deshpande family in Dyampur in Shiggaon Taluka;

(f) in the family of the Desais of Tadas in Shiggaon Taluka;

(g) in the family of the Desais of Hangal in Hangal Taluka;

(h) in the family of the Deshpandes of Samasgi in Hangal Taluka;

(i) in the Desai family of Kallapur in Hangal Taluka;

(j) in the Desai family of Sheshgiri in Hangal Taluka;

(k) in the family of the Nadgirs in Tilawalli in Kod Taluka;

(l) in the Nadgir families in Kod and Hirekerin in Hirekerin Taluka;

(m) in the Nadgir families in Ranebennur and Airavi in Ranebennur Taluka;

(n) in the Desai families of Agadi in Haveri Taluka;

(o) in the Deshpandes families in Navalgund and in the Desai family of Annigiri in Navalgund Taluka;

- (p) in the family of Sar Deshpande in Morab in Navalgund Taluka ;
 (q) in the family of the Deshpandes in Nargund ;
 (r) in the Desai family of Benakop in Gadag Taluka ;
 (s) in the family of Desai of Mulgund in Gadag Taluka ;
 (t) in the Deshpande family in Narendra in Dharwar Taluka ;
 (u) in the families of the Deshpandes in Tadkod in Dharwar Taluka ?

The Honourable Mr. J. GHOSAL : (a), (b), (c), (e), (g), (i), (j), (m) and (t) Yes.

(d) Yes, but the adoption was not held to be valid by the Civil Court.

(f), (h), (k), (n), (p) and (u) No.

(l) Yes—in the family of Nadgirs of Hirekerur, but not in the family of Kod Nadgirs. " Hirekerin " in the question seems to be a mistake for " Hirekerur ".

(o) Yes—in the family of Navalgund Deshpande, but not in the Desai family of Annigeri.

(q) There is no watan settled under the Gordon Settlement.

(r) Benkop is a personal inam village.

(s) The Mulgund Desai holds no watan lands settled under the Gordon Settlement, but only Patil-Kulkarni lands.

INAMDAR OF KASARI : ASSISTANCE SUITS.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

- (a) the number of Assistance Suits filed by the Inamdar of Kasari Taluka in district Ratnagiri during the last three years ;
 (b) how many of these have been decided ;
 (c) the dates of the passing of those decrees ;
 (d) whether all those decrees have been executed ; if so, when ;
 (e) if not, why, and how long they will remain unexecuted ?

The Honourable Mr. J. GHOSAL :

	Year		No. of suits.
(a)	1926-27	.. ..	2
	1927-28	.. ..	2
	1928-29	.. ..	1
			—
			5

(b) and (c) The suits were decided on the following dates :—

The 2 suits of 1926-27 on 15th July 1928.

The 2 suits of 1927-28 on 20th July 1929.

The 1 suit of 1928-29 on 3rd December 1929.

(d) and (e) The decrees in the 2 assistance suits for the year 1926-27 have already been executed. The suits for 1927-28 were dismissed. A decree was passed by the Mamlatdar, Ratnagiri, in the suit for 1928-29 against 5 defendants, of whom one resided in the village of Kansari and the other four lived in the village of Narvan in the Guhagar petha. The defendant residing at Kansari has paid the decretal amount due to the plaintiff. The other four defendants who reside at Narvan were

not present in the village when the warrant was sent to the village for execution. The decretal amount due from these defendants could not therefore be recovered from them. Orders have been issued for the recovery of the decretal amount from those defendants as early as possible.

INAM VILLAGE OF KASARI: INTRODUCTION OF SURVEY SETTLEMENT.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state—

- (a) the date of the application by the Inamdar of Kasari Taluka in district Ratnagiri, to the Collector of Ratnagiri for the introduction of Survey Settlement in his Inam village;
- (b) the action taken by the Collector or the Government;
- (c) if no action was taken, the reasons therefor?

The Honourable Mr. J. GHOSAL: (a) 31st October 1924.

(b) After obtaining the consent and the necessary agreements from all the inam sharers for the introduction of survey settlement into the village, the Collector of Ratnagiri requested the Commissioner, S. D., to extend the provisions of chapters VIII and IX of the Land Revenue Code to it which the Commissioner has now done.

(c) Does not arise.

SCHOOLS IN NASIK DISTRICT.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state whether it is a fact that in the Nasik District—

- (a) primary schools have been established in over 100 villages with a population of less than 500;
- (b) that about 130 villages with a population between 500 and 1,000 are without schools?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Yes. These schools are, it may be added, usually attended by pupils from neighbouring villages and areas.

(b) About 82 such villages are without schools.

SANITARY COMMITTEE, WANI: TAXATION.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

- (a) whether the Sanitary Committee at Wani, taluka Dindori, district Nasik, has decided to increase taxation within its jurisdiction;
- (b) whether it is a fact that the villagers have refused to pay such additional taxation;
- (c) whether the local authorities have received from the villagers any representation on the subject;
- (d) if so, what action has been taken thereon?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) No. The Sanitary Committee has not decided to increase the rates of taxation. The Committee has revised the present list of tax payers with the result that there has been an increase in the tax on some people on account of

the revised valuation of their properties and others who had formerly escaped taxation or have since opened business have become liable to taxation.

(b) Some of the villagers have refused to pay the tax on account of its increase.

(c) Yes. A representation was received by the Committee.

(d) The applicants were informed by the committee that as the Sanitary Committee gave notices to individuals who were affected by the revision, they should apply individually. As a result of it, petitions from eight assesseees who were dissatisfied with the revised assessment were received and considered by the Sanitary Committee in their meeting held on 13th May 1930. The Committee reduced the assessment of the tax on one Raoji Balwant Deshmukh from Re. 1 to annas 8 and confirmed the assessment on the rest.

ALIENATION OFFICE : CLERICAL APPOINTMENT.

Mr. V. A. SURVE (Ratnagiri District) : Will Government be pleased to state—

(a) whether it is a fact that a clerk who had served in the Poona Daftar and Alienation office for about thirty years and had retired after putting in a written application to his superior requesting to be allowed to retire from service owing to his loss of memory and incapacity to work further was re-employed in the same office on a salary of rupees thirty per month and has now been engaged on Rs. 75 per month by the Commissioner, Central Division, in the work of the selection and handlisting of the Peshwa Daftar conducted under Mr. G. S. Sardesai ;

(b) whether it is in accordance with the policy of Government to re-employ their servants who have retired on grounds of loss of memory and incapacity to work further ;

(c) if the answer to (a) is in the affirmative what were the special reasons on account of which he was given Rs. 75 salary after his retirement when the maximum he drew before that was Rs. 30 ;

(d) whether the scale of Rs. 75 has been fixed by Government for a person having a knowledge of History in connection with the selection and hand-listing work ;

(e) whether it is in accordance with the policy of Government to re-employ their servants on a salary which with their pension is more than what they used to get before retirement ;

(f) if the answer to (e) is in the negative, whether they are aware that the present salary of the clerk referred to in (a) and his pension amount to more than what he used to get before retirement ;

(g) whether it is a fact that his appointment was recommended by the Assistant Commissioner in charge of the office and by the head clerk ;

(h) whether it is a fact that all these persons belong to the same caste ;

(i) whether Government are aware of any instances in the Poona Daftar and Alienation Office in which any other retired servant has been allowed to draw his pension from the very date of his new appointment ?

The Honourable Mr. J. GHOSAL: (a) Mr. V. V. Vidwans, who is presumably the clerk referred to, served in the Alienation Office on Rs. 130 per mensem in the grade of Rs. 115—5/2—150 and retired on the 1st April 1927 after 34 years service. It is not a fact that he had put in an application asking to be allowed to retire on the ground of loss of memory and incapacity for further work. On the contrary he was then and is still both physically and mentally fit for further service. He was asked to take up a leave vacancy in the Alienation Office for 4 months to train up the clerk who was appointed in his place. He could not be given more than Rs. 30 per mensem in this vacancy. He has been re-employed as a reader on Rs. 75 per mensem on the temporary establishment sanctioned for work in connection with the preparation of a handbook or calendar of the more important papers in the Poona Daftar under Mr. G. S. Sardesai.

(b) No.

(c) Does not arise in view of the answer to (a) above.

(d) *Vide* answer to (c) above. Mere knowledge of history is not sufficient. Aptitude and capacity for historical research work and an intimate knowledge of old Modi script and of the historical personages and events of the period to which the records appertain are the main qualifications necessary, *vide* answer to the question of Sardar Mujumdar in the last session of the Council on the nature of posts and work in the Poona Daftar.*

(e) The question of policy does not arise from a single instance. Mr. Vidwans is in receipt of a superannuation pension of Rs. 63-6-0 while the pay of the post of "reader" in which he has been re-employed is Rs. 75 per mensem. He was re-employed on public grounds and in a temporary capacity.

(f) *Vide* answer to (e) above.

(g) He was recommended by the Assistant Commissioner.

(h) Yes.

(i) There are no instances in which any other retired servant was re-employed in the Alienation Office in recent years.

TIL CROPS, RATNAGIRI DISTRICT.

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state—how much land in the Ratnagiri District was cultivated in the year 1926-27 for raising "til" crop and what was the total produce?

The Honourable Mr. B. V. JADHAV: The approximate area under cultivation of the til crop during the year 1926-27 was 13,525 acres. The total outturn was 1,208 tons.

Mr. V. A. SURVE (In Marathi): Was this report made by the talati or Mamlatdar or Circle Inspector?

The Honourable Mr. B. V. JADHAV (In Marathi): I do not know. If the honourable member gives notice of such a question I shall let him know.

* *Vide* pp. 1317-18 of Vol. XXVIII of the Debates.

Mr. V. A. SURVE: In the Ratnagiri district, there are 246 khalsa and Dhar lands, 64 inams and 1,024 khoti villages. Have all these been taken into consideration in giving that reply?

The Honourable Mr. B. V. JADHAV: All of them must have been taken into account.

Mr. V. A. SURVE: If the outturn for 13,525 acres is 1,208 tons, what is the outturn for 1,000 acres?

The Honourable Mr. B. V. JADHAV: If the honourable member divides the number of tons by 13, he will find out for himself.

CRIMINAL CASE AGAINST A POLICE CONSTABLE, TANDO BAGO.

Mr. HAJI MIR MAHOMED BALOCH for SYED MIRAN MUHAMMAD SHAH (Hyderabad District): Will Government be pleased to state—

(a) whether it is a fact that one Dino, son of Bakhsho, resident of Shahadad Bhurgri, taluka Tando Bago, lodged a complaint of maltreatment and extortion of money against one Mahomed Khan, head constable of Nindo Shahir, before the First Class Magistrate, Tando Bago;

(b) whether it is a fact that the complaint was entertained by the First Class Magistrate who conducted a preliminary inquiry thereon;

(c) whether it is a fact that the papers of the case were withdrawn from his Court and transferred to the Court of the Sub-Divisional Magistrate, Tando;

(d) under whose orders these papers were withdrawn and on what grounds;

(e) if they were withdrawn under the standing orders of the Commissioner in Sind, under what provision of law, these orders were passed?

The Honourable Sir ERNEST HOTSON: (a) Yes.

(b) Yes.

(c) and (d) The case was not withdrawn from the Court of the First Class Magistrate. It was referred by him to the Court of the Sub-Divisional Magistrate in compliance with standing orders issued by the District Magistrate under section 17 of the Criminal Procedure Code.

(e) Does not arise.

TALUKDARS: EDUCATION OF SONS.

THE THAKOR OF KERWADA (Northern Division): Will Government be pleased to state what steps have been taken by the Talukdari Settlement Officer for the education of the sons of Talukdars during the last seven years?

The Honourable Mr. J. GHOSAL:—

Ahmedabad District.—There is a fund called the Queen Victoria Jubilee Memorial Fund, which is managed by a committee of eight talukdars presided over by the Collector and Talukdari Settlement Officer. From this fund scholarships are given to Talukdars' sons from the Ahmedabad District in deserving cases, and an annual grant is given to the Talukdari

Hostel at Dhandhuka. This Hostel is managed by a committee of fifteen Talukdars presided over by the Mamlatdar of Dhandhuka. A Garasia clerk of the Mamlatdar's Kacheri works as Superintendent of the Hostel. A statement showing the number of boys in the Hostel from 1922-23 and other particulars is placed on the Council Table.

2. *Panch Mahals District*—(a) Bhamaria Estate.—A tutor has been engaged for the education of the Kumār.

(b) Shivrajpur Estate.—The late Thakor studied during his minority in the Talukdari School at Godhra. Before the Estate was handed over to him he was given administrative training in a taluka office and also in the office of the Range Forest Officer.

(c) Mehlol Estate.—The Kumar Prithvirajsinh was admitted to the Talukdari School and a private tutor was engaged for him. He was given administrative training under the Ranger and the Mamlatdar of Godhra. Kesarsinhji, the second son of the Talukdar, was admitted to the Kala Bhawan at Baroda, where he studied for some time.

3. *Kaira District*.—Every encouragement and facility is given by the Collector and Talukdari Settlement Officer to the natural guardians of Talukdars' sons for the fulfilment of the duty of educating their wards.

4. *Broach District*.—A committee consisting of two members, viz., the Honourable Member and the Nawab Naharsingji of Amod, with the Collector and Talukdari Settlement Officer as Chairman, has been formed for the administration of the Talukdars' Jubilee Fund. The corpus of the fund has been allowed to remain intact and scholarships to sons of such Talukdars as are recommended by the Committee are given to the extent of the annual income from interest. At present six students are paid scholarships from the fund.

Statistics regarding education of the sons of talukdars in the Ahmedabad district

Years.	No. of boys in the talukdari Hostel at Dhandhuka.	Annual grant paid to the Hostel.	No. of scholarships granted.	Total amount* of scholarship per month.	Annual amount* of scholarships.	Cost of* books in form of prizes.	Remarks.
1	2	3	4	5	6	7	8
1922-23	15	Rs. 200	..	Rs. ..	Rs. ..	Rs. ..	*Paid from the Queen Victoria Jubilee Memorial Fund managed by the Collector and Talukdari Settlement Officer as Chairman of the Fund.
1923-24	22	600	..	..	..	..
1924-25	15		4	30	360	50	
1925-26	19	..	6	55	660	..	
1926-27	17	400	9	76	912	..	
1927-28	22	400	9	76	912	..	
1928-29	21	400	10	55	660	..	

EDUCATIONAL DEPARTMENT : LOAN OF CLERKS TO SCHOOL BOARDS.

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

(a) the number of clerks from the Educational Department whose services have been lent to Local Authorities ;

(b) whether it is a fact that before the transfer of control to the Local Authorities they had one cadre (one list) of all the clerks, in the Director of Public Instruction's office, Educational Inspectors' offices and those in the different colleges ;

(c) if so, whether all the names of the clerks were communicated to the Local Authorities for selection for the School Board offices ;

(d) whether it is a fact that only the names of such clerks who had worked for a considerable time in the then Deputy Educational Inspectors' offices and who were considered more useful to the School Boards' offices were recommended to the Local Authorities ;

(e) whether the clerks lent to Local Authorities would have obtained the ordinary promotions in their grades in the Educational Department if they had not been lent ;

(f) whether it is a fact that the clerks whose services have been lent to Local Authorities permanently have been ordered to work in the District School Boards' offices in the grades they were in the Educational Department ;

(g) whether the consent of such clerks was taken before their services were lent to the Local Authorities under Fundamental Rule No. 107 ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) 57.

(b) No. There was no combined list for the whole Presidency.

(c) No.

(d) A list of such clerks as were recommended for transfer to Local Authorities by each Divisional Inspector was, as a rule, supplied to the District Local Boards in that Division.

(e) Promotion would have depended on the work, conduct and merit of each clerk.

(f) Yes.

(g) No.

MINOR IRRIGATION, NASIK.

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

(a) the names of the small irrigation schemes submitted by Mr. Baxter, the then Executive Engineer, Irrigation Department, Nasik District, for Government approval ;

(b) what was the maximum and minimum estimated cost of such minor irrigation schemes ;

(c) how many of them were sanctioned by Government and how many of them were taken in hand for construction ;

(d) if all or some were not sanctioned, what were the reasons for not undertaking them ?

The Honourable Sir GHULAM HUSSAIN : (a), (b), (c) and (d). A statement containing the information required by the Honourable Member is placed on the Council Table.

Minor Irrigation, Nasik

(a) Names of small irrigation schemes submitted by Mr. Baxter as Executive Engineer, Nasik Irrigation Division, for Government approval.	(b) Estimated cost.	(c) Whether sanctioned by Government and taken in hand for construction.	(d) If not sanctioned reasons therefor.	Remarks.
1. Waldevi tank near Nasik, Taluka Nasik,	Rs. 13,18,000	..	..	The survey estimate for preparing detailed project is under consideration.
2. Diversion of Tiroli Nala into the Parsul Irrigation Tank, Taluka Malegaon.	77,489	..	..	The matter is under consideration.
3. Linking up additional catchment to the Khirdi Sathe Tank, Taluka Yeola.	57,305	..	..	The matter is under consideration.
4. Bandhara at Anakwadi near Manmad, Taluka Nandgaon.	8,983	Sanctioned.	..	The work is likely to be started after the monsoon.

IRRIGATORS, KADWA CANAL ASSOCIATION : DEPUTATION.

Rao Sahab R. V. VANDEKAR (Nasik District) : (a) Will Government be pleased to state whether they had received any representations from the irrigators of the Kadwa Canal Association and whether a deputation of the said body had waited upon the Collector ;

(b) what were the demands of the said body and what were the concessions granted to them ;

(c) if no such concessions were granted, have Government taken any decision upon the demands of the said body ?

The Honourable Sir GHULAM HUSSAIN : (a) No representation from the irrigators of the Kadwa Canal Association appears to have been received. A deputation of the said body did, however, wait upon the Collector of Nasik in September 1929.

(b) and (c) The accompanying statement gives the requisite information.

Statement showing the complaints put forward by the deputation of the Kadwa Canal Irrigators' Association that waited upon the Collector of Nasik.

Serial No.	Complaint.	Reply of Government.
1	Before this year, the assessment (i.e., irrigation tax) of sugarcane was collected after the crop matured and Jagree (Gul) ready for sale. But this year, the assessment is being collected for this crop which is not yet ready (i.e., even six or seven months old only) and therefore, it is very troublesome to the irrigators to pay this assessment.	In view of the following rule [(ii)-B.—Annual applications—(a)—Full term sanctions] of the revised rules for assessing sugarcane and other perennial irrigation recently sanctioned, the complaint has been removed. “Areas, in respect of which water applications bearing dates between the 15th June and the 14th September following are sanctioned shall be assessed in that year's kharif demands in the first instance. Areas, in respect of which applications bearing dates between 15th September and 14th February are sanctioned, shall be assessed up to 14th February following in that year's rabi demands. In either case, if any subsequent period is applied for and sanctioned, the area shall be assessed in the succeeding year's kharif demands; always provided that the total period of assessment in the case of cane and khodwa shall not, if water is available, be less than a full twelve months.”
2	The water rates which were in force in 1918-19 should be kept in place of the enhanced rates.	The matter is under consideration.
3	There should be no permission required to plant new lucerne in place of old one.	It is not clear what the complaint is. Under canal rule 16 a fresh crop may be sown without any additional charge when the first crop fails, provided the Executive Engineer is informed in writing within 8 days of planting the fresh crop.
4	No water rate should be charged for hemp used for manure.	The matter is under consideration.
5	There should be no Block system on the Kadwa Canals and water may be given on ordinary water application form for extra area to be grown.	The complaint was withdrawn by the Deputation.
6	If onion is planted in the same place as onion seedlings, charges are made on both crops. In this case, charge should be made on one crop.	“No separate charge is levied on the seedlings provided they are planted in the same land in which the crop therefrom is subsequently grown and provided also that the period of irrigation of both (the seedlings and the crop) falls in one and the same season”.

Serial No.	Complaint.	Reply of Government.
7	In famine days, water should be given to bajri crop in the survey number which is not included in the lease.	There is no objection to give water to bajri (monsoon) crop on annual application on Form No. I.
8	The expense for the men kept for watching canal should not be recovered from the irrigators.	It is not understood what the irrigators want to convey in this complaint. No extra charges for supervision for distribution of water over and above the water rates are levied by the Irrigation Department.
9	After Kulrujwat is held, no extra entries should be added in the Canal Return unless it is informed to the Irrigators in writing.	No extra entries are ever made in the assessment papers after the Kulrujwat is held.
10	The Panchnama should be made only for the area of water wasted.	The practice of fining double assessment in every case and on a minimum area of 10 gunthas (even when the waste is small) has been stopped and every case is now dealt with on its merits.
11	There should be no restriction to put bund to the land of other crops other than sugarcane. By using such bunds the crops damaged by means of water collected.	The matter is under consideration.
12	The passes for perennial crops should be issued before eight days from the date of application.	The request is impracticable as the applications have to go through proper channel and be verified. The time taken for issuing passes does not generally exceed two weeks.
13	The water application should be accepted if signed by Patil in absence of Talati.	As most of the Patils are illiterate, it is only in the case of those specially selected by the Collector that the applications countersigned by them are accepted.
14	No Local fund (cess ?) should be charged on the Irrigation assessment.	No case has been made out for the abolition of this Cess.
15	The permission to grow crop within $\frac{1}{2}$ mile limit of the gaathan should be granted.	Each case is considered on its own merits.
16	The Bandhara at Wadali being small and as water is not ^t supplied in hot weather season, the charge should be made for the period of water supplied.	Charges are levied for the period of water supplied.
17	The assessment on perennial crop should be collected after twelve months from the date of the crop planted.	} These complaints were withdrawn by the Deputation.
18	The patkaries are being troublesome to the irrigators. This should be stopped.	

URDU THIRD YEAR TEACHERS : STARTING PAY.

Khan Saheb G. A. D. WASIF (Central Division): (a) Will Government be pleased to state the starting pay of Urdu third year teachers in the Central Urdu schools in the Bombay Division ?

(b) Are there any Urdu third year trained teachers who started on a pay of Rs. 35 in any of the schools ?

(c) Is it a fact that some senior Urdu third year trained teachers have been given a starting pay of Rs. 35 and that many junior Urdu third year trained teachers appointed subsequently were given a starting pay of Rs. 40 ?

(d) Have any memorials been received by the Government from these senior teachers who were given a starting pay of Rs. 35 ?

(e) Is it a fact that there is a Government Resolution that Urdu third year trained teachers should be given a starting pay of Rs. 40 in the Central Urdu Schools ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) The starting pay of all third year trained teachers who held permanent posts on 30th June 1923 has been fixed at Rs. 40 whereas those teachers who obtained their third year certificates in 1923 and later have been given the pay of lower certificate as a provisional measure. Accordingly the starting pay of third year Urdu teachers appointed in the Bombay Division is either Rs. 40 or 35.

(b) Yes.

(c) Yes. Two third year teachers—one of 1923 and the other of 1924—were given Rs. 35 whereas two third year teachers of 1925 were in receipt of Rs. 40. This was a mistake and in 1927 orders were issued to regularise the pay of the latter two teachers.

(d) One such memorial was received and considered by the Director of Public Instruction.

(e) Yes ; but the orders are to be read in the light of other general orders issued by Government.

EDUCATIONAL DEPARTMENT : MUSLIMS.

Khan Saheb G. A. D. WASIF (Central Division): Will Government be pleased to state—

(a) how many Muslim officers in the Educational Department were taken up in the B.E.S. during the last five years ;

(b) the present number of Muslim Educational Inspectors, Deputy Educational Inspectors and Assistant Deputy Educational Inspectors in each division of the Presidency, excluding Sind ;

(c) the present number of Muslim teachers in all the Government secondary institutions of each division and their percentage to the total strength of teachers thereof ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) Ten in all, of whom one who was permanent has already retired, one is a probationer and eight have been officiating.

(b) and (c) The accompanying statements "A" and "B" give the information required in parts (b) and (c) respectively.

Statement "A"

No.	Name of the Division.	Number of Muslim Educational Inspectors.	Number of Muslim Deputy Educational Inspectors.	Number of Assistant Deputy Educational Inspectors.	Total.
1	Bombay Division .. ..	..	1	1	2
2	Central Division	1	1	3	5
3	Northern Division .. ..	..	2	5	7
4	Southern Division .. ..	..	1	1	2
	Total	1	5	10	16

Statement "B"

Division.	Present number of Muslim teachers in all secondary institutions.	Percentage of Muslim teachers to total strength of teachers.
Bombay Division	11	10.5
Central Division	25	20
Northern Division	14	12.8
Southern Division	12	13.4
Sind	28	27

The Honourable the PRESIDENT: I have received a communication from the honourable member Rao Bahadur Kale asking for priority to his resolution. There are nine members above him and he has secured the signatures of all, except two, giving their consent to his moving his resolution first. I have looked into the matter of what the practice has been, and I have found a ruling of my worthy predecessor on the point, which I think I may bring to the notice of the honourable House. This was in 1924. (Page 1403, Bombay Legislative Council Debates of the 18th March 1924.)

Mr. Punjabhai Thakersi has asked for priority for his motion which stands third on the supplementary agenda. The general principles which I have decided to adopt in the matter of exercising my discretion in granting priority to the many appeals that are constantly being made to me are that all the members who have secured the right of priority by means of the ballot should consent to grant such priority. I do not of course mean to say that each and every one of them must absolutely consent before I will grant priority to any resolution. If an overwhelming majority of those members who have the right of priority according to the ballot consent to a particular resolution being granted priority, I will favourably consider such a request. In the present case, when I was approached for priority, there were about 23 honourable members who had the prior right of moving resolutions before this resolution could be reached, and each and every

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one of them, except two members who are absent from Bombay and whose resolutions relate to the pay of primary school teachers, which question has been already disposed of, have consented to the grant of priority to this motion. In these circumstances, I have decided to comply with the request of the honourable member."

Similarly, in the case of the present application, there are only two who have not been able to give their consent. The Standing Order leaves it to the President to decide the question of priority. I refer to Standing Order IV, (2A).

"The relative precedence of notices of resolutions shall be determined by ballot in accordance with the procedure set out in the Schedule.

Provided that the President may on the request of the mover thereof direct that any resolution upon the agenda be moved on any day allotted to non-official business."

The only question to be considered now is whether sufficient notice has been received by the Honourable Member concerned on the Government side. I should certainly like to hear if sufficient notice has been received or if he wants that this resolution should be taken up to-morrow or even later. I should like to hear the Honourable the Leader of the House if he has anything to say in the matter.

The Honourable Sir ERNEST HOTSON: Sir, naturally we were not expecting this resolution, or any resolution, to come on to-day. Until this morning I had not any idea that the honourable member Rao Bahadur Kale was asking for priority for his resolution. Consequently, I am certainly not in a position to go on with it to-day, or even to-morrow. For various reasons it will be much better if it is left to the last day of private business. I do not wish to crowd it out altogether; but there are several points still under the consideration of Government, and we shall require a little time to settle them. But if it can be left to the last of the four days, it will be very much better and we shall be in a much better position to deal with it.

The Honourable the PRESIDENT: I suppose the honourable member has no objection.

Rao Bahadur R. R. KALE: I have no objection provided it is reached. The last day means Monday. If it is taken up on Monday, I have no objection.

The Honourable the PRESIDENT: There is no question of its not being reached when priority is given. The other resolutions will come in their turn; they cannot be taken out of their turn. There are also Bills and Motions. They will come first, and then will come the resolutions. If the resolutions are reached by Monday, then the honourable member will have priority for his resolution. I think the statement made by the Honourable the Leader of the House is reasonable, because this is a surprise.

Dr. R. T. NARIMAN: Sir, I strongly object to priority being given: we should go strictly by ballot.

The Honourable the PRESIDENT: There can be no objection when priority has been given by the President. I have read out the ruling on the subject. There have been precedents for giving priority. If an

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honourable member gets the consent of the majority of members standing above him, priority may be given by the President. Such priority has been given several times. I have ruled that priority will be given.

An Honourable MEMBER: Would it be taken up on Monday morning?

The Honourable the PRESIDENT: I do not know whether resolutions would be reached by then. That is the last day of private business.

I have now to inform the House of the nominations that have been received for the Public Accounts Committee's election. Mr. Syed Munawar has been proposed and seconded by the honourable members Hooseinbhoj A. Lalljee and Rao Bahadur Asavale; Khan Saheb Mansuri has been proposed by Mr. Pathan and seconded by Mr. Bhatt; Rao Saheb Vandekar, proposed by Mr. Navle and seconded by Mr. Pawar; Mr. R. G. Pradhan proposed by Rao Bahadur Kale and seconded by Rao Saheb Vandekar.

Mr. R. G. PRADHAN: I want to withdraw my nomination.

The Honourable the PRESIDENT: The nominations for the University election are two—Khan Bahadur Chahewala and Rao Bahadur Govindbhai Desai. They have been duly proposed and seconded. Now, the elections will take place to-morrow.

Rao Bahadur R. R. KALE: It is not necessary to hold elections for the Public Accounts Committee. There are only three candidates and there are three vacancies.

The Honourable the PRESIDENT: Yes; there will be no election for the Public Accounts Committee, the honourable member Mr. R. G. Pradhan having withdrawn. But there will be an election for the University.

Mr. N. E. NAVLE: Those three nominated for the Public Accounts Committee can be declared elected.

The Honourable the PRESIDENT: Those three are elected.

The election for the University will be by the method of voting on the system of single transferable vote. The scrutineers will be Mr. Hoosenally M. Rahimtoola and Rao Bahadur Kambli.

BILL No. XXVII OF 1929 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888).

(As amended by the Select Committee)

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, I beg to present the report of the Select Committee on Bill No. XXVII of 1929 (A Bill further to amend the City of Bombay Municipal Act, 1888).*

The Honourable the PRESIDENT: The report of the Select Committee on Bill No. XXVII of 1929 (a Bill further to amend the City of Bombay Municipal Act, 1888) is presented.

Mr. HOSENALLY M. RAHIMTOOLA: Sir, after the Bill was introduced in this House, the Municipal Corporation of Bombay made a representation to Government to incorporate some further provisions in this Bill. These provisions were questions of principle and, therefore, the Select Committee could not embody them in the Bill. Government have, therefore, published a new bill embodying all the provisions of this Bill as well as the new provisions, and I understand they are going to present that Bill next week in this House. I do not, therefore, wish to proceed with the Bill at this stage.

**BILL No. XXVIII OF 1929 (A BILL FURTHER TO AMEND
THE CITY OF BOMBAY MUNICIPAL ACT, 1888).**

(As amended by the Select Committee).

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City): Sir, I beg to present the report of the Select Committee on Bill No. XXVIII of 1929 (A Bill further to amend the City of Bombay Municipal Act, 1888).

The Honourable the PRESIDENT: The report of the Select Committee on Bill No. XXVIII of 1929 (a Bill further to amend the City of Bombay Municipal Act, 1888) is presented.

Mr. HOSENALLY M. RAHIMTOOLA: Mr. President, I beg to move that Bill No. XXVIII of 1929 (A Bill further to amend the City of Bombay Municipal Act, 1888) be read a second time.

Mr. President, it will be noticed that in the original Bill there were only two clauses laying down main principles. The details were left to the rule-making power of the Corporation. The Bill as amended by the Select Committee lays down certain restrictions which the original Bill did not contain. That is the only difference in the Bill as originally introduced and that as amended by the Select Committee.

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 36 of Bom. III of 1888*):

2. *Amendment of section 36 of Bom. III of 1888.*—In section 36 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act—

(i) after the words "business of the Corporation" the words, figures and letter "including the submission, asking and answering of questions under section 66A" shall be inserted;

(ii) in clause (j) after the word "thereat" the words, figures and letter "other than questions under section 66A" shall be inserted;

(iii) in clause (k) after the word "business" where it occurs for the first time the words, figures and letter "other than any questions under section 66A" shall be inserted;

(iv) in clause (l) after the word, brackets and letter "clause (j)" the words, figures and letter "and any questions asked under section 66A" shall be inserted;

(v) in clause (n) after the word "business" where it occurs for the first time, the words "other than the asking and answering of questions" shall be inserted;

(vi) in clause (p) after the word "meeting" the words, figures and letter "or ask any question under section 66A concerning any matter" shall be inserted.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I move :
 " Omit sub-clause (v) of clause 2 ".

My reason for moving this amendment is that the right of interpellation is given by this Bill. Questions which have been asked alone would be answered at a particular meeting and any new questions would not be dealt with at an adjourned session of that meeting. For that purpose I have moved the amendment.

Mr. HOOSENALLY M. RAHIMTOOLA : I have no objection to the amendment.

Question put and carried.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, may I suggest that in view of the fact that sub-clause (v) goes out, sub-clause (vi) should be renumbered as (v) ?

Question put and carried.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 (*New section 66A of Bom. III of 1888*).

After section 66 of the said Act, the following new section shall be inserted, namely :—

" 66A *Right to ask questions.*—(1) Subject to any regulations made in this behalf under section 36, a councillor may question the Commissioner who shall answer any question concerning or connected with the administration of this Act or the municipal government of the City :

Provided that—

(a) not less than seven clear days' notice in writing specifying the questions has been given to the Municipal Secretary ;

(b) no question shall be asked

(i) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition ; or

(ii) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings in any court of law or before any tribunal in any part of His Majesty's possessions ; or

(iii) which relates to the character or conduct of any municipal officer or servant except in his official or public capacity ; or

(iv) which is or by implication may be, defamatory of or which makes or implies a charge of a personal character against any person or section of any community ; or

(v) which contravenes any regulation made by the Corporation in this behalf under section 36."

(2) The President shall disallow any question which is, in his opinion, in contravention of the provisions of sub-section (1).

(3) If any doubt arises whether any question is or is not within the restrictions imposed by sub-section (1), the President shall decide the point and his decision shall be final.

(4) The Commissioner shall not be bound to answer a question if, in his opinion, it cannot be answered without detriment to the interests of the Corporation or if it asks for information which has been communicated to him in confidence.

Rao Bahadur R. R. KALE (Satara District) : Sir, I beg to move :

" In clause 3, of the Bill No. XXVIII of 1929, as amended by the Select Committee, add after the provisoes to section 66A, a new proviso No. VI as follows :—

VI. Which cannot be answered without detriment to the interests of the Corporation or which asks for information that has been communicated to any authority of the Corporation in confidence. "

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I understand that the honourable member Mr. A. N. Surve has got an amendment to clause 3, line 36. So, before we take sub-clause (4) we shall have to take that amendment.

Honourable the PRESIDENT : I think it is a mistake. I think Mr. D. D. NANAVATI's amendment is to clause 3 (2) which runs as follows :

" The President shall disallow any question which is, in his opinion, in contravention of the provisions of sub-section (1), "

and he wishes to add after the words, bracket and figure " Sub-section (1) " the following words :

" Or the answer to a question would or would not be detrimental to the interests of the corporation "

Mr. D. D. NANAVATI : It goes in the next clause (3), viz., " If any doubt arises," etc. It will come up after Rao Bahadur KALE's amendment.

Rao Bahadur R. R. KALE : I may say, Sir, that this amendment is intended, coupled with another amendment which has been tabled, namely, " omission of sub-section (4) of the new section 66A in clause 3."

The Honourable the PRESIDENT : The honourable member does not say who will be the deciding authority ?

Rao Bahadur R. R. KALE : I say that the president will be the deciding authority.

The Honourable the PRESIDENT : But it is not mentioned here.

Rao Bahadur R. R. KALE : It is already mentioned there. Clause 2 of Section 66A says :

" The president shall disallow any question which is, in his opinion, in contravention of the provisions of sub-section (1). "

Sub-section (1) Sir, consists of the section as well as the proviso. Sub-section (1) says :

" Subject to any regulations made in this behalf under section 36, a councillor may question the Commissioner who shall answer any question concerning or connected with the administration of this Act or the municipal government of the City."

That is to say, this is a section which enables the municipal Commissioner to answer the questions. That is a general empowering section. Then comes the proviso. It lays down the conditions governing the subject-matter of the question or the putting of the question and those conditions are mentioned as follows :

" (a) not less than seven clear days' notice in writing specifying the questions has been given to the Municipal Secretary.

" (b) no question shall be asked

(i) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition ; or

(ii) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings in any court of law or before any tribunal in any part of His Majesty's possessions ; or

(iii) which relates to the character or conduct of any municipal officer or servant except in his official or public capacity ; or

(iv) which is or by implication may be, defamatory of or which makes or implies a charge of a personal character against any person or section of any community ; or

(v) which contravenes any regulation made by the Corporation in this behalf under section 36."

[Rao Bahadur R. R. Kale]

After this clause (v) I wish to add formally the word "or" and then my clause (vi) follows as under :

(vi) which cannot be answered without detriment to the interests of the Corporation or which asks for information that has been communicated to any authority of the Corporation in confidence.

It seems to me that it is better to have this incorporated here, because, as I have already stated, section 2 says that the President shall disallow any question which is, in his opinion, in contravention of the provisions of sub-section (1). I find, Sir, that in clause (4) the Commissioner has been given the power to refuse to answer a question. Clause (4) says :

"The Commissioner shall not be bound to answer a question if, in his opinion, it cannot be answered without detriment to the interests of the Corporation or if it asks for information which has been communicated to him in confidence."

I have taken the wording of that clause. Only I have incorporated it in the place where the President has got the power to disallow. It seems to me quite in consonance with the practice of other bodies. To answer a question or not should rest with the President. There may be several other reasons but one of the reasons is mentioned in clause (4) namely ".....it cannot be answered without detriment to the interests of the Corporation or if it asks for information which has been communicated to him in confidence." This also should be the function of the President. That will enable the President to refuse to answer questions. My present amendment seeks to add clause (vi) after the clause (v) which enables the President to disallow certain questions and what I have laid down in my amendment is also one of the grounds on which the President can disallow questions ; so that what is asked for by the last clause is secured by this clause. In the Bill we find that the President shall be the deciding authority and also the Commissioner. I do not see why there should be such a preferential treatment. If the President is the governing authority.....

The Honourable Dewan Bahadur HARILAL D. DESAI : The president is not a governing authority.

Rao Bahadur R. R. KALE : You have given the power to the president to disallow certain question on five grounds then why not give him the power on this sixth ground also. I say, therefore, that the President alone should be the deciding authority. On these grounds I feel really that this amendment should be accepted and when accepted, clause (4) will have to be eliminated. While reading the report of the Select Committee I find that there is a minute of dissent by Mr. J. B. Petit in which he says :

"I sign the Report, subject to the condition that the power to refuse to answer questions should be vested, not in the Commissioner, but in the President for the time being. This object can be attained by the insertion of the words 'the President's' in place of the word 'his' in line 2 of sub-clause (4) of section 3."

But I wonder that he has not tabled any amendment of his.

The Honourable the PRESIDENT : Yes, he has tabled an amendment just now.

Rao Bahadur R. R. KALE : My point is that if this amendment is carried the purpose mentioned by Mr. Petit will be served. I would, therefore, ask my honourable friends and also Mr. Petit to consider this question and accept my amendment.

Question proposed.

Mr. J. B. PETIT (Bombay Millowners' Association) : Sir, it was my intention to move an amendment in terms of my minute of dissent. I have already given you a notice to this effect. But, I think the amendment which my honourable friend from Satara has just moved, will serve the purpose which I have in view. If this House accepts his amendment, then I shall request you, Sir, to allow me to withdraw the amendment of which I have given notice.

The object which I had in view in putting my minute of dissent on this report is the same as that to which my honourable friend from Satara has given expression. The real authority in the Corporation is and should be the person who presides over the meetings of the Corporation ; and it ought to be he and not the Municipal Commissioner who should have the power of determining whether questions asked to the Municipal Commissioner on important matters should or should not be answered. If any one of the grounds embodied in clause (4) can be urged effectively for refusing to answer a question, then I submit that the presiding authority alone ought to be the proper person to decide whether or not that ground does exist and has been validly advanced. I submit that such power ought not to be left in the hands of the Municipal Commissioner but should be vested in the presiding authority. Under the Municipal Act the Commissioner is a servant of the Corporation and as such is bound to work under the orders of the Corporation. Of course, as the executive head of the Municipality, he enjoys very wide powers, some of which are to be exercised by him without reference either to the President or the Corporation. Under a misconception of these powers, however, there have been occasions in the past on which Municipal Commissioners have refused to give important information without any justification ; and I do not think a bill of this type should fortify his hands and enable him to do so with impunity in the future to the detriment of the municipal administration of the city. The circumstances, if they ever do exist under which information cannot and should not be given can be communicated to the President in confidence, and no President in his senses would ever refuse to help the Municipal Commissioner under such circumstances. I have no doubt in my mind that in nine cases out of ten, he would rule out the question, and not force the Commissioner to answer it. If however he does not, then it follows that he does not take the view that the Commissioner does and that he is of opinion that the communication of the information will constitute neither the abuse of any confidence nor the sacrifice of any interest. Under these circumstances, the amendment, whilst it will give the corporation the much-desired power of eliciting information even on questions on which the Commissioner does not wish or finds it inconvenient to give it, will insure that the power of disallowing certain questions under certain circumstances, which will be vested in the presiding authority for the time being, will give the

[Mr. J. B. Petit]

Commissioner the protection that he wants under clause (4). I therefore have very great pleasure in supporting the amendment of my honourable friend from Satara; and if it is accepted by this honourable House, I will not press the amendment of which I have given notice.

Mr. A. N. SURVE (Bombay City, North): Sir, I too oppose this amendment. It will be noticed that I have given an amendment of my own to the same effect. But the reason for my opposing the amendment under discussion is that I fear that the place where this amendment is suggested will result in practice as inoperative. The difficulty is this. The honourable members will see that clause (a) of the proviso reads as follows :

“ not less than seven clear days' notice in writing specifying the questions has been given to the municipal secretary ”.

Now, for asking a question, what is the first step? The first step is that notice of the question has to be given to the municipal secretary. When the question is before him, he has then these five sub-clauses of the proviso which lay down different categories. He examines whether the particular question falls in any of these categories. If it does fall within any of these categories, then automatically he says that the question is inadmissible. The honourable member to my left will now see what harm there is if a sixth category is added in the place where he suggests. The harm is in the fact that the municipal secretary is the secretary to the corporation and he is not in a position to know whether the answer to a particular question is detrimental to the interests of the municipality or not. The person who can know that is the municipal commissioner himself. It is the municipal commissioner who can say “ I cannot give an answer to this question because it would be detrimental to the interests of the municipality ”. For this reason, it appears to me that, if the present amendment is accepted, then the question will be excluded by the secretary himself. The whole object underlying this amendment is that the power of rejection should be subject to an appeal. If my amendment is accepted, then what would happen is this: the question will be admitted, it will go to the municipal commissioner, he will give his reply that the question cannot be answered because it is detrimental to the interests of the municipality and when the municipal commissioner gives that answer, then any member who is affected by that answer may appeal to the president and the president may then give his final decision. That is the difference between the amendment proposed by the honourable member for Satara and the amendment which I am going to move hereafter. Therefore, I submit that this particular clause should be added to sub-clause (3) of the proviso, which reads as follows :

(3) If any doubt arises whether any question is or is not within the restrictions imposed by sub-section (1), the President shall decide the point and his decision shall be final.

This is the power of appeal and I submit that the proper place where this amendment should come in is at clause (3) and not in the categories to the sixth column of proviso (b). Under these circumstances, though

[Mr. A. N. Surve]

I am at one as far as the spirit of the amendment is concerned, as there is the difficulty mentioned by me, with great regret I oppose the amendment.

Mr. P. J. MARZBAN (Bombay City, South): Sir, I am afraid I shall have to oppose the amendment moved by the honourable member from Satara. The Corporation of Bombay has at least three separate parties, namely, the Progressive Party to which I belong; the Nationalist Party, and the Independent Party,—a party which is neither here nor there. If I may be permitted to give my experience of the last fifteen years of corporation life, I can assure this House that perhaps the only one independent man in the whole corporation is the municipal commissioner. The time may come when we may have presidents belonging to no party, but that has unfortunately never been the case up to now. In the future, when it is likely that the franchise will be lowered, the president is sure to belong to one party or another, and will see things through extremely coloured glasses, and then it will be very dangerous, with due respect to the honourable member Rao Bahadur Kale, to grant that power to the presidents. I think, any clause purporting to force the commissioner to reply if he does not want to reply, will be certainly very detrimental to the interests of the city; at least it will be tantamount to forcing an unwilling horse to drink, at a water-fount; you can drag him there perhaps, but he will not take in water. Similarly, if you force the municipal commissioner to give replies, he will simply adopt the methods to which we are accustomed in this honourable House; viz., “The matter is receiving attention”; “Information is being collected”; and so on. Sir, I think this House will concede that there are many occasions where the municipal commissioner may find himself in a most delicate position—and the president, however impartial he may try to be, may attempt to force the commissioner to give certain information which will surely be detrimental to the interests of the city. I therefore think that the present clause (4) as it stands is a very maturely considered section, and I am amazed to find a very level-headed experienced corporator like my honourable friend Mr. Petit objecting to it; because Mr. Petit himself has seen what class of corporators unfortunately we have now-a-days and what questions these very gentlemen are likely to ask to the municipal commissioner. I appeal to the Government benches not to restrain the hands of the municipal commissioner in this respect.....

The Honourable the PRESIDENT: That is not the amendment before the House.

Mr. P. J. MARZBAN: The amendment I understand is to restrain the hands of the commissioner and to widen the powers of the president.

The Honourable the PRESIDENT: No, no. The amendment before the House is this:

After the proviso to section 66A, add a new proviso No. (vi) as follows:—

“(vi) Which cannot be answered without detriment to the interests of the corporation or which asks for information that has been communicated to any authority of the corporation in confidence.”

Mr. P. J. MARZBAN : That is left in the hands of the president to decide whether that is detrimental or not. I understand the honourable member Rao Bahadur Kale proposes to give the president that power.

The Honourable the PRESIDENT : No, that power exists in the bill in (2) on page 3 of the bill.

Mr. J. B. PETIT : If you will permit me to say a word, Sir, I think the honourable member is right. That will be the effect of restricting the power of the Commissioner to refuse to answer questions.

Rao Bahadur R. R. KALE : I may explain the position if the honourable member wants. Of course, at present we are dealing with this clause, and you may retain the Commissioner's power if you like.

Mr. P. J. MARZBAN : I am afraid the honourable member Rao Bahadur Kale himself is not very clear about it.

Rao Bahadur R. R. KALE : I am quite clear about it.

Mr. P. J. MARZBAN : By taking away sub-section (4) of section 66-A and putting the proposed sub-section (vi) in the proviso, you are depriving the Commissioner of the power of refusing to answer a question. That is the total effect of the amendment. Is that so or not? I may be corrected if I am wrong. The effect, as I understand it, of the amendment of the honourable member from Satara is that the Commissioner, even if he does not want to answer a question, cannot say "No, I am not going to answer it". If the President forces him to do it, he will have to say something. That is the effect of the amendment, and I say that will be dangerous.

Rao Bahadur R. S. ASAVALE (Bombay City, North) : Sir, I rise to oppose the amendment moved by the honourable member Rao Bahadur Kale. (*Interruption.*) I am a member of the Progressive Party in the Corporation. Sir, this clause was fully discussed in the subjects committee, and the members of the subjects committee unanimously, I think except the honourable member Mr. Petit, came to the conclusion that the last clause must remain there. The reasons are that if this power of either rejecting or allowing any question is given to the president, it would be very difficult for the president, with all due respect to the present president of the Corporation, the honourable member Mr. Hoosainbhoy Lalljee, to say whether a question would affect the interests of the Corporation or the city or not. It is the Municipal Commissioner an executive officer who would only know better whether the question would affect the interests of the Corporation or not. And, Sir, such powers should never be given to the president or to any single member of the Corporation as it would be difficult for him to understand whether the answering of a question would be detrimental to the interests of the Corporation or not. Taking into consideration the present position in the Corporation, you will see that every member who opposes any suggestions of the Commissioner would come forward to ask any sort of question to him whether it is detrimental to the interests of the Corporation or not, and for the sake of privacy of interests of the Corporation some questions will not be answered by the Commissioner. If such questions are answered at the same time when

[Rao Bahadur R. S. Asavale]

they are put, there will be a great row and disorganisation in the smooth working of the Corporation. It is in the interests of the corporation and of the public of Bombay that this authority should not be given to the president at all. Because if the President wants any information from the Commissioner and when he does not wish to supply the same to him it being not in the best interest of the city, the President may ask any member of the Corporation to put the same question in the open corporation and when such power is vested in the President as suggested by this amendment the Commissioner will be forced to answer the question. I therefore oppose the amendment.

Mr. P. J. TALEYARKHAN (Surat District): Sir, I oppose this amendment, but on grounds which have not yet been mentioned. Sub-section (4) implies that any information which has been communicated to the Commissioner in confidence ought not to be betrayed; it implies that. Well, if the Commissioner is not the final authority to say that a question should not be allowed, he must betray that confidence to the president. If the president is allowed to decide whether a question is to be allowed or not, the Commissioner must betray the confidence to the president in order to enable him to decide whether the question should be allowed or not. I say that that frustrates the very object of the sub-section, which is that the Commissioner should not be placed in a position of having to betray confidential communications.

Sir VASANTRAO DABHOLKAR: Mr. President, I very much regret the opposition to the amendment of two honourable members from Bombay. I shall first refer to the honourable member from Bombay City, South, who is more or less disgusted with his present life in the Corporation. That is shown by the way in which he has made a comparison between the present and old Corporation and given a certificate to the Commissioner and shown how the Corporation works. Therefore, if he is so much disgusted with the Corporation, I hope he will not bother himself further with it, but will retire from the Corporation. Mr. President, what is wrong in giving this power to the President, who is termed the Mayor of Bombay. My honourable friend Mr. Marzban says that the Commissioner is the most independent man in the Corporation. I doubt very much whether it is so, but if the honourable member Mr. Marzban were to give that certificate to the Commissioner, that he is the most independent man in the Corporation, it connotes that the President is not independent. When we elect a President of the Bombay Municipal Corporation, it is our bounden duty to respect the Chair. The honourable member for Surat District just now said that if this amendment is carried, the Commissioners' confidence will be betrayed. But the honourable member from Surat has no knowledge about the working of the Bombay Corporation, and if he makes a mistake, I do not blame him, because he must understand that many a time the Commissioner has to repose his confidence in the President in asking him certain things before the matters are taken up for discussion in the open Corporation. Therefore, the question of betrayal of confidence does not arise, and so the honourable member from Surat, having no knowledge of the

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administration of the Bombay Corporation, is not to be blamed very much on that ground. The question of betrayal of confidence does not arise at all. Furthermore, it was remarked by the honourable member from Bombay City, South, that he belongs to the Progressive Party, and the honourable member for Bombay City, North, representing the backward communities says that he also belongs to the Progressive Party.

An Honourable MEMBER : Which party does the honourable member himself belong to ?

Sir VASANTRAO DABHOLKAR : I belong to the party of progress, but I differ from them both, because though we shall be progressing by the acceptance of this amendment, they think it is a retrograde motion against the Commissioner. The honourable member Mr. Marzban in giving Mr. Petit a certificate, said that though he was a level-headed man, he failed to see how Mr. Petit should succumb to the wishes of the honourable mover of the amendment. Then it means that if it is a reasonable proposition as moved by the honourable member from Satara and accepted by the member from Bombay as level-headed, then the opposition to the amendment must be from the opposite side, which must have a head without a level. What is the question now ? I want to remind the House of one remark made by the honourable member from Bombay City, South. He said that the system of answering questions in this House, viz., "The information is asked for; enquiries are being made, etc.," are not satisfactory, and as such he would not like the Commissioner to answer questions in the same way. It was said that you, Sir, as President, have no right to force any Member on the Government benches to answer any question, and I ask why the power sought by this amendment to be given to the President of the Corporation should be denied by those who opposed the amendment ? In case the Commissioner avoids answering a question on the excuse that it will be detrimental to the interests of the city to answer it, it is the President who will determine whether it would be so detrimental, and if it is detrimental to the interests of the city, he will not force the Commissioner to answer it. But if on flimsy grounds the Commissioner wants to avoid answering any question, it will be for the President to force him to give the information, which power, Sir, even you have not got. Why in that case should the honourable member Mr. Marzban after quoting the experience of this House oppose this amendment ? Furthermore, during the last two months the Corporation has been adjourned 12 times. (Rao Bahadur R. S. Asavale : 14 times). I am glad that the honourable member has corrected me. On account of the adjournment 14 times, how much work has fallen into arrears ? (Rao Bahadur R. S. Asavale : The President has allowed them.) If that is the mentality of the honourable member, one could easily understand how much he knows of the procedure of the corporation. No president of the corporation can refuse an adjournment. Only the motion is to be moved and seconded and the president cannot be blamed and it must be put to vote at once. (Rao Bahadur R. S. Asavale : On

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political matters.) The honourable member Rao Bahadur Asavale and the honourable member for Bombay City, North should not oppose such a motion, as we belong to the progressive party and look to progress.

To resume the thread of my arguments much work has fallen into arrears on account of the frequent adjournments. If such a power as proposed by the amendment is given to the President, the administration of the city will very much improve. What happens now-a-days is that, if a member wants any information, he has to give a notice of motion. That motion appears on the agenda. Our agenda are running into arrears, as my friend Rao Bahadur Asavale says, on account of political matters. But I do not think that this is solely due to political matters. (Interruption.) There is more of talk in the corporation than sense. Mr. President, in that case, if a question is asked by a member on certain matters, the corporation can elicit the answer from the Commissioner and thereby much of the time of the corporation will be saved.

Even in the Improvement Trust, there is the provision that answers which are detrimental to public interest should not be answered; but a member is authorised to put questions to the Chief Officer. The honourable member on my right (Mr. H. M. Rahimtoola) representing the Muhammadan constituency has put several questions. The Chief Officer never denied answers to any of them. But when the answers are likely to be to the detriment of public interests, the Chief Officer has refused to give them. (An honourable member: He has never asked such questions.) Unfortunately those questions are not before the House and if they had been before the House, honourable members might have an opinion about them. If such questions can be put to a Chief Officer, where is the harm in putting similar questions to a Commissioner of the Corporation who is a superior officer? On this ground I think that, if the Commissioner refuses to answer a question, he should not be given that power, but that power should vest in the President, who should be consulted every day, before the meeting. I wish to emphasise with all the power at my command that every President of the corporation has greater interest in the city than the commissioner, who is after all a bird of passage. He may be in the corporation for two months or two years. But as soon as Government transfers him, he will go away to some mofussil district. The President as such has to maintain the dignity and the traditions of the chair; and so he has got greater interest in the city than a commissioner, who is appointed by Government. Whatever power is given to the President, I am sure it will never be misused by him. Therefore, the amendment of my honourable friend from Satara (Rao Bahadur Kale) should be accepted by the House.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I think that I have to intervene at this stage and cut short the discussion. I am sorry I cannot accept the honourable member Rao Bahadur Kale's amendment. This matter was discussed at great length in the select committee. After a full discussion, this particular clause was allowed to stand as it is.

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The question is one of principle. There is a difference between the power to admit and the power to reply. You, Sir, have the power to admit but the power to force an answer does not rest with the Chair. There is a great deal of difference between the president of a municipality or a local board in the mofussil and the president of the Bombay Corporation. The president of the Bombay Corporation is to preside over meetings but he is not the executive head. The executive officer is the Municipal Commissioner. In the case of the local boards and the municipalities under the District Municipal Act and under the Municipal Boroughs Act, the president is the executive head. Consequently in the case of those municipalities the power to admit as well as to answer questions is with the president. But in the case of the Bombay Corporation, the Municipal Commissioner is the executive officer. Information may be asked which may be of a confidential nature at a certain stage which if given will be detrimental to the interests of the corporation. The information asked for may concern tenders, contracts or some negotiations which may be going on, which it will not be proper to convey to the president. (*Interruption.*) No interruption, please. The Municipal Commissioner having been appointed by Government he has to be sometimes consulted by Government in matters which at a certain stage may have to be treated as confidential, and if he is required indirectly to take the permission of the president before refusing to answer a question, then he will be compelled to disclose communications which he is not entitled to disclose at a certain stage. This matter was considered by the select committee and a majority of the members agreed that the right of compelling the Municipal Commissioner to answer a particular question should not vest in the municipal president; but that this power should vest in the executive officer of the corporation who is responsible to the corporation.

There is one further point. (*Interruption.*) Let me continue the chain of my argument and then I will answer honourable members. If you refer to section 66 of the Municipal Act of 1888 applying to the Bombay Corporation which deals with the question whether members can require the Commissioner to produce documents, or furnish reports, the Commissioner has the right to refuse to do so. I will read the relevant portion from it :

“ Provided that if, on such a requisition as aforesaid, being made, the Commissioner shall declare that immediate compliance therewith would be prejudicial to the interests of the corporation or of the public, it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the corporation after he shall have declared as aforesaid.

If at such meeting, or any meeting subsequent thereto, the corporation shall repeat the requisition, and it shall then still appear to the Commissioner inexpedient to comply therewith, he shall make a declaration to that effect, whereon, it shall be lawful for the corporation to elect one councillor who with the president of the corporation and the chairman of the Standing Committee (or, if the president of the corporation is also chairman of the Standing Committee, with the said president and one member of their own body elected by the Standing Committee) shall form a committee who shall engage to keep secret, save as hereinafter provided, the existence and purport of such documents and matters as may be disclosed to them.....”

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Even there they have to make a declaration :

“ and to the said Committee the Commissioner shall be bound to make known and to disclose all writings and matters within his knowledge.....”

Now, I submit, if the Commissioner thinks that it would not be to the interest of the Corporation or of the public to disclose documents, he can refuse at one stage ; when the matter is persisted in, even then he can make a declaration that it cannot be disclosed in the interests of the Corporation or of the public. Only thereafter, a committee is provided for. Under such circumstances, to give a power without any limitation to the President to require the Commissioner to answer questions or to disclose matters to the President and to submit to his authority and orders would be making it very inconvenient to the Commissioner. The analogy of the presidents of mofussil municipalities or local bodies does not apply to this case. The Municipal Commissioner has requested that the power to refuse information or to refuse to disclose information of a confidential character should rest with him ; and as he is the executive head, it cannot be allowed to rest in any other person. Sir, in this Council you have the power to admit questions, but you have no power to force the executive to answer questions. In the same way, where the executive and the president are different and their powers are distinctly defined—as is the case in the Bombay Corporation—I submit the president should not have the power to compel the executive to disclose information. The select committee has accepted the principle stated by me by drafting the bill in the form it is placed before the Council, and I submit it would be wrong to allow this amendment to go through.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Sir, It was not my desire to address the House, but I cannot keep quiet after hearing the Honourable Minister for Local Self-Government.

Mr. P. J. MARZBAN : Sir, I rise to a point of order. Can the honourable member Mr. Hooseinhoy A. Lalljee, who is the President of the Corporation, speak on this ?

The Honourable the PRESIDENT : Yes ; as a member of this House.

Mr. HOOSEINBHOY A. LALLJEE : Sir, I am thankful to the Honourable Minister for revealing how his department is working in its relations with the Bombay Corporation. I am glad to know that they have confidential communications with the Municipal Commissioner without the Corporation knowing anything about it. It has always been stated by Government that the Municipal Commissioner (of whom my honourable friend Mr. Marzban is an admirer,) as soon as his services are lent to the Corporation by Government, is a full time servant of the Corporation and it is understood that they do not have any private communications with the Commissioner which they are in any way nervous or ashamed of being placed before the Corporation, but I now find from this statement of the Honourable Minister that there are communications which they would like to be treated as confidential from the Corporation. It has been stated in the Corporation many a time that Government do take interest one way or the other with regard to questions coming up

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before the Corporation, but many old members have refuted that charge. Here we have an admission by the Honourable Minister which is surprising. The Honourable Minister has told us that, so far as the Bombay Corporation is concerned, the president is not the executive head. He stated that in order to explain to the House a position which he thinks they did not understand. I want to make clear that, so far as I know the Corporation,—I have been a member of it for eighteen years,—we have no secrets, we have no C. I. D. service, we have no Ministerial party-making. The Commissioner, too, has no secret or confidential things which he does not divulge to the President or to the chairman and members of the Standing Committee. This is another instance in which the Honourable Minister who is responsible for Local Self-Government seems to be unaware of the position in Bombay City.

The Honourable Dewan Bahadur HARILAL D. DESAI : I challenge his statement, Sir.

Mr. HOOSEINBHOY A. LALLJEE : Sir, I am not going to yield. It has been stated by the Honourable Minister that the Municipal Commissioner has got to keep certain things secret and has to carry out certain things which he cannot divulge to the Corporation unless a committee is appointed. I think he read out a section of the Act. Well, I may assure him that, so far as the City of Bombay is concerned, the members of the Corporation have very great regard for the President—it may not be so in the City from which the Honourable Minister comes. So far as my honourable friend Mr. Marzban is concerned, he has emphatically stated that he believes that the Commissioner will always be impartial. I may tell him frankly that, so far as the present Commissioner is concerned, he has always been frank and straightforward, but it does not mean that no Commissioner becomes a party man. We have only to look to the past Municipal Commissioner to know how he was taking interest in various elections ; however, I do not want to go into that. My honourable friend Mr. Marzban belongs to a party for which I have as much regard as other parties. My honourable friend Sir Vasantao is one of the leaders of that party. I certainly thought that a member of the type of my honourable friend Mr. Marzban had not got disgusted of the Corporation because even in ill-health he would keep his connection with the Corporation. But if he has really got a poor opinion of our Corporation, the best course for him is to resign, although I shall be sorry. So far as my honourable friend Rao Bahadur Asavale is concerned, he represents labour. But he is a landlord and never a real labourer, and also a member of the Progressive Party. It is not surprising to hear from him criticism against the President who is not of his views. What I feel is that he has always believed in *Mabap*, and that he is still of that mentality. "Patronise Mabap ! patronise Mabap !" — that is his cry. So far as I am concerned, and so far as the Bombay Corporation is concerned, I may tell the House that there is very little of a secret ; I think there is complete harmony and fair exchange of views between the President of the Corporation and the Commissioner, and we are proud of it.

Khan Bahadur H. P. CHAHEWALA (Ahmedabad District) : Sir, we are all very glad to learn from the honourable member Mr. Hooseinbhoj Lalljee what a perfect body the Bombay Corporation is. But I think the whole point of the debate is misunderstood. It is not a question of rivalry between the President and the Commissioner as to who is better, or about the status or prestige of either of them. I am afraid that the debate is being carried on on those lines. What my honourable friend Mr. Muzhan meant to convey was that the Commissioner is above party rivalries and party politics, that he is appointed by an outside agency,— he is not elected by the members of the Corporation. Therefore he is free from party politics. Again, he is the executive head of the Municipality and as such is more in a position to know, by his very intimate touch with the administration of the Corporation, as to what questions should be replied to and what not. With great respect I say that the President of the Corporation is not in such intimate touch with the administration of the Corporation as the Municipal Commissioner is. I would be the last person in the world to say or do anything which would lower the prestige or dignity of the President of the Corporation of Bombay or of any other municipality. But, at the same time, it must be understood that the executive head has certain very heavy responsibilities and in carrying out those responsibilities he must have certain powers. For these reasons, I think the clause should stand as it is.

Member Mr. RUSTOM JEKANGIR VAKIL (Ahmedabad District) : Sir, I rise to speak with certain hesitation because I am running the risk of being told that, not being a member of the Corporation, I may not be in a position to know how the administration of the Bombay Corporation is being carried on. But I am not going to speak with regard to the administration of the Corporation of Bombay, but with regard to a principle, namely, that there should be no lack of confidence, so far as I think, in the President of any institution who is supposed to be the head of the institution. In these progressively democratic times I do not think that an elected president of a big Corporation like that of Bombay should be looked upon with even the remotest suspicion. My point is this : that at least the Act may be so amended that the President for the time being may be taken into the confidence of the Municipal Commissioner. What is being done here ? A Minister is appointed for three years. He forms part of the Government, he is taken into confidence by the Government. In the same way the President of the biggest municipal Corporation in India might be taken into confidence by the Commissioner. There should be nothing secret from the President. At least there might be one man, only one man, who may be taken into the inner circles and that would be the President. I am only requesting the Honourable the Minister of Local Self-Government to find out a way whereby he can remove this anomaly and at least make the position of the President of the Bombay Corporation more acceptable to a self-respecting man. I for one would certainly consider it lack of confidence in me if anything were kept secret from me by anybody in matters connected with the municipal administration if I were the President. With these words I beg to support the amendment.

Rao Bahadur R. R. KALE : The opposition to the small amendment tabled by me caused me some surprise. I quite agree with what the Honourable Minister said namely that the Commissioner is the highest executive officer of the Corporation. There are other executive officers of the Corporation also. Now, the intention of members of the Corporation in asking questions is with a view to criticise the actions of the executive. Is that not so? For instance, in this House we ask questions in order to get information about several acts of the executive servants of Government, including the highest servants,—heads of the executive part of the Government. In the same way I take it that it is the right of the members of the Corporation to get information from whatever source,—whoever may be the mouthpiece, whoever may be the person who answers the question,—in order to be able to criticise the actions of even the highest executive officers.

The Honourable Dewan Bahadur HARILAL D. DESAI : If I may be allowed to interrupt my honourable friend, I would say that there may be some stages of negotiations about, for example, selling property or something which cannot be disclosed.

Mr. J. B. PETIT : That section contemplates these possibilities.

Rao Bahadur R. R. KALE : If the Honourable Minister had waited for some time, I was coming to that point. There is ample provision in the Act for safeguarding these kinds of confidential information. What is the position so far as ordinary routine is concerned? I am unable to understand why there should be a divergence between the President and the executive officers. Some honourable members who opposed the amendment said that the President does not know anything but it is the Commissioner who does everything and that the President cannot look to this and that, etc. I think it is rather strange that the Commissioner should not be in communication with the President. The Commissioner and the President work hand in hand. In the matter of questions, when they are received; they will be received by the Commissioner himself who will look into them. I am unable to understand how the President will at once come to any decision without consulting the Commissioner or without the Commissioner's knowing what the questions are and what the answers should be. Certainly it appears to me that the ordinary procedure even in the mofussil municipalities,—I have no experience of the Corporation of Bombay,—but judging from the experience which I have of mofussil municipalities, it appears to me that whenever any information is asked for, it is elicited by way of interpellation in the municipal meeting. Whenever any question is asked, the executive officer must communicate it immediately to the President. He cannot do anything without his knowledge. That is my point. The President must know everything. If he thinks that the matter is confidential and that it is rather risky to give an answer at a particular stage, he should inform the President. It seems to me, therefore, that, apart from any personality, powers should be given to the President and not to the Commissioner. We are enacting a law here and that law will be founded on principle which are sound. There may be here and there some lapses on the part of individuals. But we are not concerned here with those lapses. We

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will see what is really sound on principle. I say there should be always co-ordination and co-operation between the executive and the President. If we read the whole Bill, we find that the executive officer, the Commissioner, is the highest authority. That is the anomaly which strikes me most. You will observe that after the President's powers are exhausted there comes the last clause which says: "The Commissioner shall not be bound to answer a question if, in his opinion, it cannot be answered, etc., etc." If the President is there, I do not understand why that power should be given to the Commissioner. I feel that the position assigned to the President and the Commissioner seems rather anomalous. My friend on my right (Mr. A. N. Surve) takes an objection. I do not understand why he should take an objection to my amendment. He says he does that on principle. But I find that he has tabled an amendment deleting clause 3 as far as I am informed. Then what about clause 4? It remains as it is. That is the logical sequence. I have tabled another amendment omitting clause 4. I desire to eliminate the last clause and bring it over after the clause 5. That is my position. Now my honourable friend Mr. Surve's amendment says that, if any doubt arises, then an answer will or will not be given. But I submit, Sir, then what about clause 4? I may say that there is no provision at all about the question being disallowed that comes under clause 6 suggested by me. Clause 3 merely says that, if doubt arises, then the President shall decide the point and his decision will be final. But these doubts relate to what? They relate only to five matters. Supposing the President decides the question, then ultimately the power lies with the Commissioner. If the President decides that a certain question is not detrimental to the interests of the Corporation, the matter does not stop there. The Commissioner has got the power again. So, there is an inconsistency, because the Commissioner is still there. Although the President decides a question, still the ultimate power is given to the Commissioner.....

Mr. D. D. NANAVATI: What happens in this House?

Rao Bahadur R. R. KALE: There should be no analogy. But as, however, the question is raised, I must deal with it. What is the analogy of this House? Here we put a question and the Government officials give an answer to that question. If they find that the information is of a confidential nature, they say so. But here the President first of all decides to allow the question and put it before the Government officials. This position is quite different. There is no analogy between this House and the Corporation. We are told by the Honourable Minister that the Commissioner is responsible both to the Government and to the Corporation.....

The Honourable Dewan Bahadur HARILAL D. DESAI: I said that this executive officer, the Commissioner, has to be consulted on matters which sometimes cannot be divulged at a certain stage.

Rao Bahadur R. R. KALE: If it is admitted that the Commissioner is responsible both to the Government and the Corporation, then I realise

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that there will be certainly relations between him and the Government. But if that is not the case, then I say that officer is a subordinate of the Corporation. If power is given to that officer higher than the President, then that officer will refuse to answer questions put regarding the subordinate staff working under him. He may say "I refuse to answer the questions." In that case the whole point of bringing the interpellations is lost. The object of interpellations is that something should be known about the matter questioned about. Therefore, if the door is shut out, saying that the Commissioner has got the power to shut out or open the door for answer, the object will not be fulfilled. Therefore, I submit, without bringing in any personality, that this power should not be given to the Commissioner. There is some difficulty, no doubt, because some persons are carried away by party feelings. But I say that the Municipal President or President of any body as an individual may have his own party; one must be a member of this party or that party, but when a person is placed in the chair, of course, he is supposed to be above party. I know that there may be a case where the President is not independent of any party, unfortunately, but for that reason why should we frame a law on the supposition that the presidents will be party men more than independent men. I mean to say that you can always bring a vote of censure against any President who proves himself not to be above party and get rid of him.

One point made by the Honourable Minister was that in section 66 it is provided that the Commissioner may refuse under circumstances mentioned therein to give answers to questions, but I do not see how this section 66 helps us in this matter when we are dealing with this power of refusing answers to questions. There may be contracts running into lakhs of rupees. The President of the Municipality is the caretaker of the interests of the body as a whole. Perhaps the Honourable Minister has individual instances before him, but I do not see why we should divest ourselves of the power of bringing a vote of censure. There can be a vote of censure against the President if he is found to side with one party or with another, and if he is found not to be conducting the affairs of the body independently, then there is the power with the Corporation to bring a vote of censure. A premier democratic institution like the municipal Corporation of the city of Bombay should be in a position to do so. I submit, therefore, that the amendment which I have tabled is such that the House should accept. In my view, the interests of the President and the interests of the municipal Commissioner are the same. They are identical, and there can be or ought to be nothing concealed from the President by the Commissioner or anything hidden as confidential by the Commissioner from the President. The two must work in harmony and in co-operation with each other. This is the way in which the administration ought to be carried on; there should be complete harmony and complete open dealing. Suppose the Commissioner is of the opinion that a certain matter is confidential and ought not, in the interests of the corporation, to be divulged to the members in the shape of answers to questions. Would any President act contrary to such advice given

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by the commissioner? The commissioner is the executive officer of the corporation and he need not be afraid, and neither should we be afraid, to vest in the president the powers that this amendment seeks to do.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, my honourable friend Sir Vasant Rao Dabholkar complained that much time was lost in the municipal corporation of Bombay by members speaking on irrelevant matters and taking a long time over them. He and some other members of the corporation have by practical demonstration shown to-day how the time of the corporation is wasted.

Sir, this is quite a simple matter and I never imagined that this bill would take more than ten or fifteen minutes. The issue is quite simple. The honourable members coming not from Bombay but from outside Bombay are apt to compare the conditions of Bombay with those in the districts. The constitution and the scheme of the Bombay Municipal Act is quite different from all the other municipalities in the Presidency. In the Bombay municipality the municipal commissioner is the chief executive head. The president of the corporation has merely to conduct the debates of the corporation according to rules and regulations. He has got no other powers and no other duties. He is just like the Honourable the President of this House who has to conduct the proceedings of this Council according to the rules and standing orders. Therefore, to compare the presidents of other municipalities with the president of the Bombay municipal corporation is quite a mistake. The president of the corporation, as I said, is not the executive officer nor the executive head of the municipality, and so he is not in touch with the day to day administration of that municipality, and therefore he cannot be in a position to know whether a certain matter is confidential or against the interests of the corporation, for which reason he cannot be in a position to judge that question.

I will not repeat all the arguments made by the Honourable the Minister but I would like to draw the attention of the House that my bill, when it was referred to the corporation, was approved by them and the corporation asked Government to make certain alterations. The second clause of my bill says that the commissioner shall give replies to questions asked by councillors under section 36 unless he (the commissioner) is of the opinion that the reply would be prejudicial to the interests of the corporation, and the corporation did not object to this saying "No, this power should vest in the president and not with the commissioner". None of the members of the corporation who are now supporting this amendment raised a single word of protest in the corporation itself because no amendment was moved.

Sir VASANTRAO DABHOLKAR: Can the honourable member produce the papers?

Mr. HOOSENALLY M. RAHIMTOOLA: Here they are, Sir, there seems to be some misunderstanding in this House on this question. As the Municipal Act stands at present and as pointed out by the Honourable the Minister, even when the corporation as a whole passes a resolution

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and asks for a report, the commissioner has got the right to refuse to supply that information. Is it therefore right that only when one individual member wants some information the commissioner should be compelled to give it? Supposing the commissioner is recalcitrant and obstinate, and does not want to give a reply as required by a member, his remedy is quite clear. The member concerned can give a notice of motion and move a resolution and get it passed by the corporation, and with the authority of the corporation he can get the information he wants. The amendment moved by my honourable friend Rao Bahadur Kale, proposes to give to one individual member a right which the corporation as a whole does not enjoy. I therefore oppose the amendment moved by the honourable member Rao Bahadur Kale.

Question put and lost.

Mr. A. N. SURVE (Bombay City, North): Sir, I beg to move the amendment of which I have given notice. It reads as follows:

In sub-section (3), line 36, after the words "sub-section (1)" add the words "or the answer to a question would or would not be detrimental to the interests of the Corporation."

When this amendment is incorporated, the whole sub-section, which is on page 3 of the bill, will read as follows:

"If any doubt arises whether any question is or is not within the restrictions imposed by sub-section (1), or the answer to a question would or would not be detrimental to the interests of the Corporation, the President shall decide the point and his decision shall be final."

Sir, if you see the framework of this sub-section, you will see that it is of the nature of an appellate power.

Mr. HOOSENALLY M. RAHIMTOOLA: Sir, I rise to a point of order. I submit that this is the same amendment which has just been disposed of by the Council. The honourable member Rao Bahadur Kale wanted to omit sub-section (4), and give the very same power as now proposed in the amendment by bringing it as an additional proviso to sub-section (1). My honourable friend wants to do the same thing in a different form, and it is the same amendment as moved by the honourable member Rao Bahadur Kale and just disposed of by the Council.

The Honourable the PRESIDENT: Has the honourable member followed the point of order?

Mr. A. N. SURVE: Yes, Sir, and I will give the reply to it. Sir, even at a superficial glance you will see that there is a difference. The amendment of the honourable member Rao Bahadur Kale consists of two items. The first is about "detrimental to the interests" and the second is about "information given in confidence". They are two quite different items. My amendment relates only to the first item. Another point is that the amendment which the honourable member for Satara moved was to sub-clause (b), as an additional proviso to it, and with regard to that I had made it clear in my speech that he wants to make it categorical, whereby the question could be excluded in the office of the Secretary, even without going to the Commissioner. Now, if my

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amendment is accepted, the question will be admitted by the Secretary or by the President, and it will be transferred to the Commissioner for answering. Then the Commissioner may answer "I refuse to give the answer because it is detrimental to the interests of the Corporation". Then would come into operation the power of appeal, whether it is really detrimental, and the President will decide that point. I submit that is the distinction between the two amendments, and this point is not covered by the amendment moved by the honourable member Rao Bahadur Kale.

The Honourable the PRESIDENT: The point of order, as I understand it, is this. The question whether in the matter of answering questions the final authority should lie with the Municipal Commissioner or the President should have anything to do with it having been fully discussed and disposed of by the rejection of the amendment, the honourable member who has raised the point of order argues that the House has decided that no authority in the matter of answering questions should lie with the President at all, and that being so, the amendment which the honourable member is now proposing is in another shape the same amendment, and therefore it is out of order. The only answer that the honourable mover has given to it is that the honourable member Rao Bahadur Kale had one word more relating to "confidence" which does not appear in the present amendment. But that does not affect the principle which the House has once decided, and therefore the amendment is out of order.

Mr. A. N. SURVE: I bow to your ruling, but there was a distinction which I had to make clear.

Mr. J. B. PETIT: I now desire, with your permission, Sir, to move the amendment of which I have just given you notice, to amend sub-section (4).

The Honourable the PRESIDENT: The honourable member has placed in my hands a little while ago an amendment and requested me that he should be allowed to move it. I thought that I would allow him to do so, but that was before the House came to a certain decision. This amendment again is a third form of the same amendment which has been rejected by the House. I shall explain it to the honourable member and to the House. The honourable member wishes to change one word in sub-section (4). It says that "the Commissioner shall not be bound to answer a question if, in his opinion, it cannot be", etc. In place of the word "his" the honourable member wishes to put in the word "President's", which would make the sub-section read like this:

"The Commissioner shall not be bound to answer a question if in the President's opinion it cannot be answered".....

It is practically the same amendment which has just been disposed of.

Mr. J. B. PETIT: With all respect to you, I submit, Sir, that the matter, already disposed of, related only to the asking of questions—no question shall be asked which shall do this, that, or the other thing. My amendment refers to the answers to be given; and if you, Sir, can

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see the distinction that I am trying to make, then I submit, it ought to be admitted.

The Honourable the PRESIDENT : There is hardly a line of distinction there. The amendment is out of order.

Clause 3 ordered to stand part of the bill.

The preamble ordered to stand part of the bill.

Mr. HOOSENALLY M. RAHIMTOOLA : Sir, I beg to move that the
Third Reading. bill be read a third time and passed.

Question proposed.

The Honourable the PRESIDENT : I think there is an amendment to it. Can it be taken up now ?

Mr. D. D. NANAVATI : It would be better to let it stand over till to-morrow.

The Honourable the PRESIDENT : The next business is a whole series of bills, the majority of them for first reading, standing in the names of various honourable members. I should like to draw the attention of honourable members to one important fact. As far as we understand, this is the last session of the present Council, and when the Council is dissolved all outstanding business lapses. Therefore, if only the first reading is gone through at this session, the bills will lapse after the dissolution of the Council. I do not know whether honourable members would still wish to proceed with their bills and have the pleasure of having moved the first reading. I do not know whether honourable members would wish to do so.

**BILL No. IX OF 1929 (A BILL FURTHER TO AMEND THE
CITY OF BOMBAY MUNICIPAL ACT, 1888).**

Mr. SYED MUNAWAR : Sir, I rise to move the first reading of Bill
First reading. No. IX of 1929 (A Bill further to amend the City of
Bombay Municipal Act, 1888)*. I have already given notice of my intention to move all the three readings of this Bill in this session ; provided the first reading is carried, the other two readings are easy.

There are two principles involved in this Bill. The first is the extension of franchise to all citizens on the basis of residential qualification rather than the present monthly rental basis. The second one is to make payment of a fee of Rs. 5 for the members of the Corporation who attend meetings of the corporation and its committee. As regards the first point, the reasons are enumerated in the statement of objects and reasons :

Should the franchise be widened, it is reasonably hoped, the same spirit of civic responsibility will be continued to be shown, and in addition to it, the increase in number of voters consequent upon the proposed change will tend automatically to create an awakening of civic interest on an appreciably wider scale in that the candidates will have to appeal to the masses directly by carrying on educative propaganda through public meetings, insistence on particular reforms, systematic programme of work, definite

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promises regarding policy, etc., instead of indirectly approaching the voters through agents and without committing themselves to any well defined policy or programme of work as a considerable number of candidates do at present. The proposed amendment is a logical sequence to the amendment regarding franchise carried out in 1925, i.e., the admission of tenants to the right of franchise."

The change I seek to make here may appear to be rather violent. But when it is carefully considered that we are moving towards greater democracy gradually, it is only right that Bombay city—the premier city in India,—should have the credit of setting first this example. Therefore, it is not too much to ask honourable members to concede the just demand enunciated by the first principle of this Bill.

Besides that, Major Attlee, one of the members of the Royal Statutory Commission, has suggested the provision of a regular scheme for widening the franchise so as to make it an adult suffrage. If this change is to come shortly, it should commence in Bombay. Moreover, we find that according to the census of 1921, the population of the city of Bombay is 11,75,914 and out of this 2,25,818 are given the right of franchise. It can be reasonably argued whether this is a just form of local self-government, where only one-fifth of the citizens are given the right and, as a matter of fact, rule the remaining four-fifths of the population. Is this compatible with the spirit of local self-government? I think this argument will appeal to the House.

The second principle which is involved is the payment of fees of Rs. 5 per member per day for attending the meeting of the corporation and its committees. It has been complained very often in this House that consequent on the abolition of the standing committee fees, members of the corporation do not take so much interest in it and do not care to be regular at the committee meetings. (Interruption.) The honourable member Mr. Marzban objects to my statement. But he will realise that if the fees are paid, members will evince greater civic interest. I think he will agree with me there. In regard to the payment of fees, I have provided in my Bill sufficient safeguards so that the total amount in the form of fees may not swell into a big figure. Every member who attends a meeting of the corporation may be paid Rs. 5, irrespective of the number of meetings he attends in a day. It must be noticed that in the present corporation there are a number of people representing the poor and labouring classes, and the backward communities, who are expected to devote their whole-time to the very important civic work of the corporation. If this fee is provided, it may be reasonably expected that the members will devote their whole attention to the discharge of their civic duties. The total amount that will have to be budgeted for payment of this fee will not exceed a few thousand rupees per year. Unless the poorer classes are represented by men from among themselves, their interests will not be adequately safeguarded. Hence by way of facility it is necessary to provide the fee which the second principle in my Bill seeks. If the poor representatives of the poorer and lower middle classes of people who form the bulk of the population are to take proper interest in the work of the corporation, it is but desirable and necessary that they should be given a nominal remuneration of at least Rs. 5 per

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day of the meetings. If some members refuse to take fees, their honorary civic services will be thankfully accepted, the expenditure under this head will considerably diminish and it will conduce all the more to the benefit of the corporation and the tax-payers. If they do not accept the fees, being financially well placed it indicates greater civic consciousness in them. These are the main principles underlying the Bill and I hope honourable members will be in a mood to pass my Bill, in view of the tendency of the times towards complete democracy and of the fact that we are going to get a definite constitutional advance in the near future.

Question proposed.

(After recess.)

Notice taken that 25 members were not present : House counted ; and 25 members being present—

Mr. J. B. PETIT (Bombay Millowners' Association) : Sir, I beg to oppose the first reading of this bill, as I am not in agreement with the principle underlying it. In plain words, what is sought to be introduced by this bill, is adult suffrage pure and simple, without restrictions and qualifications of any kind, and without any liability to contribute to the municipal coffers in any shape or form. I think this honourable House ought to pause before accepting a revolutionary principle of this character. As you are aware, the present constitution was framed only a few years ago ; and this House has not yet had sufficient experience to form an opinion as to whether it has given satisfaction and answered the purpose for which it was brought into existence. But, Sir, my objection to it is one of principle. I am entirely and emphatically opposed to the introduction of this new basis of election for more than one reason. I am very doubtful of the wisdom of this step of introducing adult suffrage wholesale in the City of Bombay for election to the Corporation of the City, in view of the somewhat unpleasant experience which we have got of the result of the present qualification. I think it cannot be said that I am either unfair or uncomplimentary to the Corporation or to any individual members composing it, when I say that after the recent extension of the qualification, the level of the Corporation has gone down very materially in more than one direction. This result is natural and perhaps even inevitable during the transitional period ; and is bound to continue to manifest itself, until the Corporation has had time to settle down and adjust itself to the new conditions brought about by the last advance in this direction. Until therefore we get further experience in this direction and until the Corporation has consolidated its present position under its new conditions, I do not think we ought to take another step forward. I do not desire to cast any reflection on any individual member or any section of the members composing the Corporation ; but I do say that unless the present system has had sufficient experience and unless we are convinced that another step forward can be taken without much risk, it would be positively dangerous for this honourable House to commit itself to a principle of this character which will practically open the doors of the Corporation to every adult resident of the entire

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City, irrespective of his or her stake in the City, irrespective of educational and other attainments, irrespective of any contribution made to the municipal coffers, and irrespective of any other qualification of any kind. I do not think the time has yet come when we should take a step of this kind. I hope, my honourable friend, the mover of the bill, will allow me to say that he has advanced no reasons, worth the name, in favour of this step. He has merely pontifically laid down that the time has come, and, that therefore, it should be done. I think, before committing ourselves to a step of this character, we are entitled to have some more information from him; at any rate he should have advanced more convincing and more cogent arguments than those he has put forward. Under all these circumstances, I think the first part of this bill at any rate, ought not to be accepted.

So far as the second part is concerned, it relates to the payment of a fee of Rs. 5 per attendance to every member of the Corporation. It is proposed that this fee should be paid for attending not only Corporation but also Committee meetings. I do not think that this proposal is quite consistent with the spirit of public service on which the Corporation has always prided itself, and on the strength and basis of which various demands for an advance in several directions are being constantly made in this House from time to time by all those who stand for progress and claim to speak on behalf of the public. Some years ago when the question of the abolition of the fees that were then being paid to the members of the Standing Committee and of the Improvements Committee was under discussion, we were told from the house-tops by those very people who are now making this proposal, that it was unfair to the city to make these payments and that if anybody wanted to perform public service, he should come forward and be ready to sacrifice something in the interests of the city,—an argument, which weighed with this House as similar catch-words always weigh with big deliberative bodies. The demand, now made, is somewhat inconsistent with that argument which unfortunately prevailed at that time. There was considerable justification for the payment of fees to members of the Standing Committee, because it is perhaps the most important statutory committee of the Corporation, charged with the very responsible and onerous duty of managing the finances of the Municipality and of helping the Commissioner in the internal administration of the Corporation. But as the payment of fees in the abstract was opposed and the principle was applied even to the Standing Committee, it follows all the more that fees ought not to be paid to the members of the Corporation, which after all is a purely deliberative body, meets less often, and is composed of a much larger number of members, whose duties, at any rate, are less onerous and certainly less exacting than those which the members of the Standing Committee have got to perform from week to week. Under these circumstances, I must say that the present proposal is absolutely uncalled for and wholly inconsistent with the previous decision to abolish the payment of all fees, to which I have already alluded. There is another

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very strong reason why fees ought not to be paid to the members of the Corporation ; and that is, that it will mean a very large amount of money, at least a lakh and a half or perhaps more a year, which the Municipality constituted as it is, with its growing expenditure and bad financial position, can ill afford to pay. And once we accept this principle of the payment of fees to members of the Corporation, Heaven alone knows where it will lead us to !

I hope therefore that my honourable friend will not persist in his proposal. If there are members of the Corporation who are so poor that they cannot afford to attend the meetings and work for the city, then the best course for them is to keep away from the Corporation. The argument may be put forward that a poor man has as much right to serve the city as a rich man. No one denies this right ; but so long as we can get good men to work free for the city, there is no reason why we should particularly go out in search of a poor man and pay him for it. It is purely a voluntary duty, and if a poor man takes it upon himself like every one else, to perform it on a voluntary basis, he will be welcome to do so. It would not be quite fair to the city that he should be asked to serve the city not on voluntary basis as every one else, but on preferential treatment in the shape of fees. On the other hand, the compulsory abstention of a poor man from the service of the city under the stress of circumstances is not likely to result in the ruination either of the corporation or of the city. The services of a poor man would be as welcome and as valuable to the city as those of a rich man. But, I do not think that a man who cannot afford to devote his time to the service of the city free of charge, has any right to come forward to do so, unless he wishes to make the necessary sacrifice, of his own free will ; or unless his services are so extraordinarily rare and valuable and of such a rich and indispensable character, that the city can justifiably make an exception in his case. If the bill had proposed that we should make an exception in such important and rare cases it would have been a different matter. But, as it is, the bill is bound to prove unacceptable to this honourable House. It is a dangerous principle to adopt, to pay fees for attending Corporation meetings. It may be Rs. 5 to-day ; to-morrow it may rise to Rs. 50. There is no knowing how the principle, once introduced, may be extended, and to what meetings and kind of work it may gradually be applied. I would request the House, therefore, to pause before accepting this principle of very doubtful utility.

I can understand the object of my honourable friend in bringing forward this measure. He thinks that a man who has compulsorily to earn his living by working whole time for it and who still wishes to go into the Corporation to serve the city, should be paid for his services, in order that he may be relieved of the necessity of having to work for his living. But, to this kind of reasoning, the answer of this honourable House should be, that a man who cannot spare the time to devote to civic work without detriment to his own and his family's interests, ought to work and earn his own living rather than come forward and ask the city to pay for the work

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that he would be able to put^s in as a member of the corporation. The city can easily put in somebody else in his place and thus spare him the time and leisure to devote to his own personal work and interests. I accordingly do not think that this House ought to accept this dangerous principle; for, once it is accepted, it is most likely to be extended to any length and applied also in other ways not contemplated by the bill under discussion. Under all these circumstances, I think the House would do well to reject the first reading of this Bill.

Mr. P. J. MARZBAN (Bombay City, South): Sir, the honourable member Syed Munawar just now told the honourable member Mr. Petit that he (Mr. Petit) has not properly heard him. I now wish to tell the honourable member Mr. Munawar that I at least have heard him very clearly, being in so close proximity to him. Sir, this honourable House is absolutely tired of these chronic inflictions of resolutions of this nature. I think the Bombay Council has more than once thrown out the suggestion of payment of fees to the members of the Standing Committee and the Improvement Trust Committee and the Bombay Corporation has for nearly six times rejected the proposal, to lower the present franchise. Now the honourable member Mr. Syed Munawar goes a step further. He does not want even a five-rupees franchise. He wants an adult franchise, and that with the wonderful condition that any man who stays in Bombay for six months can vote. That means, that if a man comes from overseas and stays here for six months in the city, he would be qualified to vote. I may say that this question of franchise will very likely be settled once for all, if at all it is settled, by the round table conference. The Simon Commission, of course, has recommended the trebling of the franchise. My friend Mr. Syed Munawar seems to have vaster powers of imagination than the Simon Commission itself. We shall not undertake to argue with our friends here. What I want to say is that the best course for the House would be to adjourn the consideration of this particular question of franchise for some months at least.

I come to the second, and perhaps more important, part of the Bill. This House has angrily refused to pay 30 rupees to the members of the Standing Committee of the Corporation and of the Bombay Improvement Trust Committee. Bombay is called the second city in the world—it is the *urbs primus* in Indis—and we are all proud to call ourselves city-fathers. I know, Sir, that all of us have shortcomings. I had no idea that we city-fathers of Bombay are worth five rupees per day. I quite recognise the honourable mover's anxiety regarding those who are not in easy and opulent circumstances. But I submit that it is no reason why our friend the honourable member Mr. Syed Munawar should drag down the dignified name of a very enlightened and responsible body like the Corporation of Bombay into the mire by suggesting payment to the members of the magnificent sum of Rs. 5 per day. Sir, my friend here remarks that rich corporators may refuse to accept the payment. I say they may refuse to accept five rupees a day or they may as well refuse to sit with those who cannot accept five rupees a day. The

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calibre of the Corporation of Bombay unfortunately is on the lowest rung of the ladder at present; it is at its lowest ebb and the introduction of a system of payment of Rs. 5 will bring it down still further. The element which is likely to come in is an element which I will leave the honourable House to imagine. I am quite sure that the honourable Minister of Local Self-Government might make up his mind to oppose this measure.

My honourable friend Mr. Syed Munawar suggests that since the members of the standing committee ceased to get Rs. 30 their work has slackened. Though I believe he gives correct statements always, I must say that he is not correct here. I am a member of the Standing Committee and I assure this House that all the members continue to take as keen an interest in the affairs of the Standing Committee as they used to formerly. You will seldom find a seat vacant. I will not take any more time of the House, but I will say this, that this sort of proposal to pay a sort of remuneration to corporators can never meet with the wishes of this House.

Dr. R. T. NARIMAN (Bombay City, South): Sir, I rise to oppose the Bill brought before this honourable House. At present, you are aware, Sir, that there is a Rs. 10 franchise and, that being the case, many voters are coming to the polls to give their votes. And it is my experience that even though there is Rs. 10 franchise, corruption and bribery go on at the time of election. A candidate seeking election spends from Rs. 5,000 to Rs. 6,000 in order to get votes from the ignorant voters.

Mr. A. N. SURVE (Bombay City, North): Sir, I very gladly support the first reading of this Bill and in doing so I congratulate the honourable the mover of this Bill. He has really done a great service to the public. The history of the Corporation of Bombay is very interesting. In its inception it was a body which consisted of Government nominees and of the Justices of the Peace. Later on the rate-payers were added—by rate-payers was meant those who paid rates and taxes in respect of property, i.e., the landlords. Therefore till about the years 1922 or 1923 the only members that could be returned to the Municipal Corporation were the Government nominees, the representatives of the Justices of the Peace and the 36 members elected by the landlords. On that account it has become a bye-word in Bombay that the Corporation consisted of landlords only and consequently the interests of the tenants suffered. It was during the first Council under the Reforms that the franchise was extended to the tenants and from that time onwards the composition of the Corporation is becoming democratic gradually. Even to-day the element belonging to the masses is very meagre. The Corporation consists more or less of members who are landlords or the aristocrats. Such persons still occupy a large number of seats in that body. It is therefore not necessary to repeat that in consequence the interest of the masses suffers. It is a matter of great regret that the honourable member in charge of the Schools Committee has not moved the second reading of Bill No. XXVII of 1929. Had he done so, this House would have been in possession of information which would have disclosed

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how the education of the children of the masses is neglected: Sir, under these circumstances it is absolutely necessary that the franchise should be extended. It is within the power of this House to do that. In 1923 when the Municipal Corporation Bill was discussed on the floor of this House, it was first proposed that the franchise should be on Rs. 20 rental basis. But when it was reduced to Rs. 10, some honourable members raised a very big storm and they had prophesied that the Corporation would go to pieces. Fortunately that prophecy did not come true and to the gratification of all right-minded persons we find now among the members of the corporation a few persons who were then called by the aristocrats Rama, Hari and Pandu and Karim and Rahim but who could be considered the real representatives of the masses. I may submit, Sir, that if the muster call of the Corporation is placed before this House, it will reveal that some of the aristocratic members are present in the Corporation, perhaps, once in three months and that too because there is a rule that if a member is continuously absent for three months, he will be disqualified to retain his seat in the Corporation. Under these circumstances if any measure is placed before the House for the purpose of giving adequate representation to the masses, it is the duty of this House to consider it sympathetically. The Corporation of Bombay whose yearly income amounts to near four crores of rupees should contain representatives of the masses. It is our duty to see that the masses get proper treatment, because it is not the landlords or aristocrats that contribute to the coffers of the Corporation, but the four crores that pour into the coffers of the Corporation come out of the pockets of the poor wage-earners. If the wage-earner is not given full representation, then I must say "No taxation without representation". It is the duty of the wage-earners to insist upon having their representatives in the corporation. At present the aristocrats try their best to keep the representatives of the masses out but this policy is on the wane and I am glad for that. In course of time the aristocrats will find that it is really the masses who are the masters of the situation.

Then, Sir, coming to the second part of the principle of the Bill, namely, whether the qualifications should be merely residential or not, I offer the following remarks. The present qualification is Rs. 10 monthly rent. If this is removed and residential qualification is introduced, then I do admit that the number of electors will be considerably increased. But this is a matter on which I think every rate-payer in Bombay will be very glad. I may tell you, Sir, that one of the members of the Royal Commission on Reforms has gone so far as to say that in city areas the franchise should be made universal, i.e., to say every male member should have a vote and the object underlying that proposal is that the representatives of labour are at present shut out and it is to their interest that they should get representation in the Legislative Council. What is true about Council is equally so about the Corporation. Therefore, I submit, Sir, that nobody should fight shy if the residential qualification alone is made a qualification. I think it will be a boon and blessing to the citizens if every adult member is enfranchised. I shall now

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refer to the payment. One of the honourable members has raised the point of expenditure. I think that a small fee of Rs. 5 will not count much. I may say that those who do not want the fee—those who are rich enough—may refuse to accept it. It shall not be obligatory upon them to accept it. But those who are poor should, I think, receive that payment and the reason for that is that though technically there is one monthly meeting of the Corporation every member of the Corporation is called upon to attend for nearly 22 days out of a month. Under these circumstances, if a poor wage-earner is to be present at each day's meeting, naturally he will not be employed by anybody and he may be afraid of devoting his whole attention to the work of the corporation. In the first part of my speech I have told this House that the rich corporators do not attend every meeting simply because their presence in the corporation meetings is not remunerated. There was a time when these rich men would not attend the meetings and the House had to be adjourned for want of quorum. Only two or three years ago, this thing used to be a usual occurrence, but now-a-days when the poor men are there, the question about adjournment for want of a quorum does not occur. I therefore submit that the House will confer a great boon upon the masses if they will accept the first reading of this bill and also pass it into law.

Mr. THAKURSING LALSING (Karachi City): Sir, I oppose this motion and endorse each word of the honourable member Mr. Petit. If fees are sanctioned for municipal councillors who attend municipal meetings, it means a burden upon the tax-payers in addition to what they have been paying. Besides when these municipal councillors are returned by the people, they are said to be civic fathers and, as such, they are at least presumed to be so financially placed that they can do that kind of work without being paid.

So far as labour representatives are concerned, only those should come to the corporation who have certain means of their own for meeting their daily wants and other things though they may be pertinent to the municipal corporation work, and if these fees are sanctioned, they will throw an additional burden upon the rate-payers. For all these reasons I submit that the first reading of this bill should not be allowed and that the bill should be thrown out.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): Sir, I have heard with great interest the speech made in support of the bill introduced by the honourable member Mr. Syed Munawar. Though I am not interested in Bombay nor do I know the conditions of Bombay, so far as the franchise is concerned, I believe I shall be out of place if I pronounce any opinion upon it. Suffice for me to suggest that if that franchise was based upon educational basis, I would have perhaps given my support on broader lines, but the second point of payment is in my opinion a point of principle. I do not think this House has got any powers to create a burden of taxation on the corporation. I have not studied the municipal laws of Bombay, but I believe that taxation that

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has to be imposed is to be imposed by the Bombay Municipal Corporation, and for that, when they between themselves agree and carry that point by majority, then they will come to this Council and ask for further powers. So I believe the second part of the motion is out of order in this place. I doubt very much if this House has got any authority to create a burden on the municipal corporation merely on the suggestion of an individual member. If that is to be done, I think this point will have to be referred to the Bombay Municipal Corporation and their sense should have first to be taken before we enact any such legislation as the one before the House.

Mr. D. J. C. WALLACE (Bombay City) : Sir, I oppose the first reading of this bill. I can find nothing in the statement of objects and reasons which warrants this measure being brought forward. In the first place, I think the present time is most inopportune for lowering the franchise.

As regards the second part with which I am chiefly concerned, the object of the mover is said to be to enable members to devote their time to civic affairs whole-heartedly. That can only mean that unless they get Rs. 5 per meeting they are not prepared to work honourably for the rate-payers of the city. I think this is a most preposterous suggestion to make, and I am quite certain that members of the municipal corporation, every one of them, are really animated by public spirit and that the question of receiving five rupees a day will not affect their attendance at the meetings of the municipal corporation one way or the other. All the work which they do they do out of public spirit and not out of a desire to receive remuneration for it.

Proceeding further, the honourable the mover says in his statement of objects and reasons :

“ Especially such members as hail from the poorer classes would be free from pecuniary anxieties, should this provision be made.”

I must say I entirely disagree with this. It is not a question of remuneration which prevents poorer classes from becoming members of the corporation, but the fact that they are unable to bear election expenses and no amount of remuneration for attendances at meetings will compensate them for those expenses. If a suggestion had been made that a payment should be made to cover their election expenses, I might have understood it, as there would be something in it, but to make payment to secure regular attendance at meetings is something which I do not approve of.

The third reason which the honourable mover gives for paying five rupees a day is that such payment is also calculated to secure regular attendance at meetings. Now, Sir, I have been a member of the Bombay Municipal Corporation for the last 2½ years, and I think I am correct in stating that only on one occasion had a meeting to be adjourned for want of a quorum. I therefore do not think that the reason put forward by the honourable mover will carry any weight with this House. The attendance at the Bombay Municipal Corporation meetings has been extremely good generally, and very good when important matters are

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discussed, when there are something like 85 to 90 members present out of a house of 116. I therefore fail to see how a payment of five rupees a day would prove of material benefit.

There is another point with which I think the Bombay Municipal Corporation is concerned, and that is its financial situation. I think most people will agree that the financial position of the Bombay Municipal Corporation is definitely bad and I feel that to throw an additional burden on the rate-payers of the city of Bombay by accepting the suggestion that a payment of five rupees per day should be made to members for attendance at meetings of the municipal corporation, would be little short of a crime. I trust the House will accept this point of view and throw out the bill.

Rao Bahadur S. K. BOLE: Sir, I rise to support the first reading of the bill. Some honourable members have said that time has not come, but I think that if their argument is followed, then the time will never come.

One honourable member has asked whether this Council has got any authority over the Bombay Municipal Corporation. May I tell him that this House is the supreme body and when the bill enabling tenants to vote at municipal elections was introduced in this House, and the Bombay Municipal Corporation refused their assent, this House in spite of the corporation's refusal, accepted the proposal of ten rupees and passed the bill.

Some honourable members said that the Simon Commission has recommended lowering of franchise, but I say that when some members have expressed their opinion that the report of the Simon Commission is inadequate and unsatisfactory, so in this case also it is inadequate and so I submit you must show by taking practical steps that we are going in advance of the Simon Commission report by supporting this bill. The time has come when the right should be given to every adult to vote in the city of Bombay at municipal elections. In the mofussil a man who pays a rupee rent is entitled to vote and exercises his right. Do you think then that a resident of Bombay will not be able to exercise his right, if he is given this free franchise? I do not think so. Some say that the voters have become corrupt. Who has made them corrupt? It is these big men only. These big men have made them corrupt. They give the money, the voters naturally pocket it. So, who are the sinners? The givers are the sinners and not the receivers. Now, what has happened? There are some tenements in the Development chawls. Formerly the occupiers of these tenements used to exercise their vote when they paid Rs. 10 rent. But now Government have reduced the rent in the Development chawls, and as a result all the tenants are disfranchised. Hundreds of voters there are who are living in the Development chawls. So, it is time that these people should be given the right of vote, and I think it will be done if this bill is passed.

When the franchise was reduced, some members belonging to the labouring and backward classes got into the Corporation, and then what has happened? Until that time the Corporation used to take care only

[Rao Bahadur S. K. Bole]

of the southern parts of the city of Bombay, and they neglected the northern parts where these mill workers are living. Now the whole city is improving. Members belonging to the backward and labouring classes certainly are taking an interest in the improvement of the northern parts of the city which were neglected up till now, because many of the members who belong to the higher and wealthier classes have no time to look to the affairs of the Corporation. Some of them are bulls, some are bears, and some of them are speculators. They have to attend to their business first. Though they are in the Corporation, they get telephone messages to attend to their work, and as soon as a message is received they leave the work of the Corporation and go to attend to their work. Such sort of things are happening in the Corporation. That is not the case with the backward and labouring class members. They attend regularly, pay attention to the work, and in order to facilitate their coming there my honourable friend has introduced a clause for giving a five rupee fee. Of course, I shall not be prepared to give Rs. 5 to each and every member. A member like my honourable friend opposite, Mr. Petit, may be a director of several companies, and he may be pocketing Rs. 30 or even Rs. 60 as fees. I do not think he would like to take this niggardly sum of Rs. 5. I think he will consider it below his dignity to do so. Of course, as compared with his income, he may think so, but Rs. 5 to a mill labourer who is earning Rs. 50 or so a month is something, and in order to enable that sort of man, who has got some energy and enthusiasm to render public service in the interest of his fellow-workers, my honourable friend has introduced that clause, and I must congratulate my honourable friend Mr. Syed Munawar for trying to introduce this sort of democratic measure.

Rao Bahadur R. S. ASAVALE (Bombay City, North): Sir, I rise to support the first reading of this bill, and my reasons are these. The first part of the bill says that the franchise should be extended to all adult people who are residing in the city for six months or more. If you look to the population of Bombay, out of 12 lakhs nearly 6 lakhs of people belong to the labouring classes. These labouring classes live mostly in the northern parts of the city, and for 6 lakhs of the population how many representatives they are in a position to elect can be seen from their present representatives in the Corporation. They are only 4 in number as elected representatives. One depressed class member has been nominated, so also one backward classes member. That makes it 6. Only last year power was given to Labour to elect their own representatives, and they have 4 seats. So, in all, only 8 persons are representing 6 lakhs of people. From this it can be judged whether the interests of the labouring classes in the city of Bombay can be safeguarded by only 8 representatives, when the whole Corporation consists of 108 members. Even when they try their best to do something for the localities in which the labouring classes live, the proposals of the representatives of labour are thrown to the ground, because they are in complete minority. The taxes are recovered indirectly from them. Whether it be Rs. 10, Rs. 5, Rs. 4 or even Rs. 3, there is a tax for them. It is not that they are

[Rao Bahadur R. S. Asavale]

requesting representation without taxation. They are indirectly taxed, and therefore they have every right to send in their representatives to the Corporation according to the strength of their population. I may ask, Sir, whether it is fair that the Government should not give them the right of voting or sending their representatives to the Corporation. I have found here during the last four years that unless any proposal is supported by Government it is not carried out. So, I would request Government to look into all these matters and see their way to support such a motion, whereby they will be supporting not only the present bill but even the report of the Simon Commission, and I am quite sure that if they do not support this bill, it means that Government are opposing even the suggestions of the Simon Commission.

As regards the other question of the payment of a fee of Rs. 5, I would only bring to the notice of the House that until last year the Corporation was spending nearly Rs. 70,000 in the shape of fees paid to the members of the Standing Committee and the Improvement Trust and its sub-committees. Now, Sir, what amount will be required if a fee of Rs. 5 per member per meeting is paid? There are only 8 meetings in a month. So, for a year there will be 96 meetings or so.

The Honourable Dewan Bahadur HARILAL D. DESAI: I will correct the honourable member at this stage, so that he may not afterwards argue on an incorrect basis. In 1929-30, there were 133 sittings of the corporation and 75 meetings of the standing committee.

Rao Bahadur R. S. ASVALE: I am not satisfied with the statement of the Honourable Minister. I openly challenge him. It is not possible to hold 133 meetings of the corporation in a year. It must include the meetings of standing committees, other committees and sub-committees. I have been a member of the corporation for the last 6 years. I attend every meeting, though I am not paid a farthing. I know that two meetings in a week are generally held by the corporation and one meeting of Improvement Board every month.

The Honourable Dewan Bahadur HARILAL D. DESAI: Since the honourable member challenges my statement, I wish to inform him that I sent a telephone message to Bombay and this is the information I have received. In 1928-29, there were 103 meetings of the corporation and 72 meetings of the standing committee as against 132 meetings of the corporation and 71 meetings of the standing committee in the preceding year; in 1929-30 there were 133 meetings of the corporation and 75 meetings of the standing committee.

An Honourable MEMBER: It includes adjourned meetings.

The Honourable Dewan Bahadur HARILAL D. DESAI: They are meetings of the corporation.

Rao Bahadur R. S. ASVALE: No, not all. Generally meetings of the corporation are held on two days in a week—on Monday and Thursday. If the work is not over, sometimes (An Honourable member;

[Rao Bahadur R. S. Asavale]

Always)—not always—one more meeting is held. Even granting that there are 130 meetings, it would not come to Rs. 75,000 which were being paid to the members of the Standing Committee since the corporation was established. At that time there were capitalists and they used to pocket all the money of the Standing Committee and Improvements Committee. When the time now has come for the poor people to represent their own people in the corporation, they are not allowed to get anything because they are poor. They are not in a position to get into the corporation in virtue of lowered franchise. Even if the Council does not help them in this way, they are prepared to attend meetings of the corporation at the sacrifice of their lives. Out of the eight labour representatives, two are actual labourers who were earning from 40 to 50 rupees. Since coming into the corporation, they have given up their jobs and are depending upon the union money for the maintenance of their families. Is it fair that you should give with one hand representation and with the other hand stop them from being members of the corporation, because they are not able to maintain themselves and their family by any other means of income? Is it not fair that you should accept the first reading and then suggest a way that such and such members only should get fees? I have no objection to that. With these remarks I hope the Honourable Minister for Local Self-Government will accept the Bill and send it to the select committee, so that we can discuss it fully and accept the suggestion from Government in order to satisfy them as well as that of the Corporation.

Sardar S. A. SARDESAI (Bijapur District): Sir, I rise to support the Bill as I very well understand the object of the mover of this Bill. His object is quite laudable. Of course, in times past I have opposed the consideration of similar Bills with regard to District Local Boards and Municipalities. But my later development and experience is that such Bills may better be accepted by Government wholeheartedly. I have with me the report of the Simon Commission in which it is recommended that the franchise should be extended by trebling the number of voters. I think it is distinctly a step in advance. So, I appeal to Government that they should come forward and accept the Bill wholeheartedly and show to the world that this Government is an advanced one.

The present provision in the Bombay Municipal Act in connection with the qualifications of voters, runs as follows:—

“ A person shall not be entitled to be enrolled in 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.”

At present the rental qualification of a voter is Rs. 10. But I would propose Rs. 5 instead of Rs. 10, if the honourable mover is in favour of it. The six months' residential qualification also should be accepted by Government. In England and other Western countries the adult

[Sardar S. A. Sardesai]

franchise prevails, but for the present it will do if we have a rental qualification of Rs. 5. I do not see any objection in granting the residential qualification for a period of six months instead of a longer period. In England there is adult franchise and there is the age limit also. I think even under this Bill there are residential qualifications and also there is a rental qualification, which is lower than the present, namely, Rs. 5. I think Government and the non-official members will support this Bill and show to the world that Bombay has far advanced and there has been sufficient awakening and that in their opinion it was found justifiable to lower the rental value to Rs. 5 and fix the residential qualification to six months. With these few remarks I support the Bill on condition that the rental of Rs. 5 is acceptable to the honourable mover. If this is taken as an amendment of mine, I am prepared to move it.

As regards the fee of Rs. 5 to be paid to the members for attending meetings, I think it should be sanctioned, because even in private banks—I quote the instance of the Union Bank and the Central Bank in Bijapur—the directors are paid fees for attending meetings. Bombay city is a premier city in the whole of India and the corporation is an important body. Therefore, at least a fee of Rs. 5 should be given to the members for attending a meeting in order to compensate them for sacrificing their private time and work. With these few remarks I support the Bill.

Mr. P. J. MARZBAN: On a point of information. Does the Honourable the President accept the amendment?

The Honourable the PRESIDENT: There will be time enough for the amendment, if the Bill proceeds.

Mr. SYED MUNAWAR: Mr. President, Sir, several honourable members have spoken in support of my Bill. Only a few of them have opposed and they are mostly capitalists. Sir, the honourable member Mr. Petit has remarked that the Rs. 10 franchise has not produced any encouraging results. In view of the wide awakening among the voters I should think that his remarks are purposely meant to belittle the progress. The honourable member Dr. Nariman, who has also opposed my Bill, has never stood as a candidate in the general constituency for election to the corporation but only stood as a candidate from the J.P. constituency, so that his remark about corruption among voters is mere hearsay. For the Legislative Council he has stood only once for the Bombay city and scored an easy success. Such a member is not likely to give adequate information with regard to the tendency of or the advance made by the mass of the people in the civic consciousness. Sir, the honourable member Mr. Petit also stated that the principle involved in the bill was not consistent with the spirit of public service, as if the public service rendered by the corporators to the Bombay City is only worth Rs. 5 per day. Rs. 5 is not an adequate remuneration; it is just a small sum to enable them to defray their conveyance expenses. Even conveyance charges are not paid. It is only Rs. 5 per day, and I do not think the House will grudge to accept the proposal.

[Mr. Syed Munawar]

The honourable member Mr. Marzban tried to make out a case against my Bill, but I am sorry he has not made out any case whatsoever. On the other hand, the honourable member Mr. Marzban used to go to Bombay, leaving the Council session, when there was a standing committee meeting, to earn the fee of Rs. 30 paid by the Corporation. I ask him whether it is not a fact.

Mr. P. J. MARZBAN : It is absolutely not a fact, Sir.

Mr. SYED MUNAWAR : The honourable members Rao Bahadur Bole, Rao Bahadur Asavale, Mr. Surve and Mr. Sardesai have supported the bill very strongly, and I hope Government will come forward to indicate their good intentions towards the labouring classes and their advancement by supporting the first reading of this bill. If the first reading is carried and the bill is referred to a select committee, I submit I am prepared to accede to any reasonable modifications that may be recommended by the select committee. The select committee may be instructed to report within four or five days, thereby facilitating the passage of the bill in this session. With these few remarks, I commend the first reading of this bill.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I have to oppose this bill. During the last September-October session there was a similar bill by Rao Bahadur Bole, and it was rejected on the 7th of October 1929. Within nine months of that this bill comes. The Corporation also is not in favour of it. This House having so recently rejected a similar bill by Rao Bahadur Bole, I do not see any special circumstance or facts that have come to light which would justify this House to reconsider its decision.

Rao Bahadur S. K. BOLE : On a point of explanation, Sir. When I introduced my five-rupee franchise bill, the Honourable Minister said : "Do not be in a hurry ; wait for the Simon Commission's report." Now, the Simon Commission's report is out. He has himself said that the recommendations in the report are inadequate. If they are inadequate in his opinion, then he must advance. He should be prepared to make an advance on its proposals by accepting this bill.

The Honourable Dewan Bahadur HARILAL D. DESAI : I thank the honourable member Rao Bahadur Bole for reminding me of my views on the Simon Commission's report. But that report has hardly any bearing just at present, because after that report conclusions have still to be taken on the question of franchise, and it is only when conclusions are taken and brought into operation, that they will have to filter down to the local bodies including the Bombay Corporation.

There is a provision in this bill for the payment of a fee of Rs. 5 for those who attend the meetings of the Corporation and of the committees. Now, Sir, I submit that the question of payment of fees to the members of the Corporation is a very serious matter covering a financial question and also involving a departure from the ordinary practice. Under the circumstances, Government are not prepared to support that part of the bill. If the bill had been simply for the purpose of remunerating members

[Dewan Bahadur Harilal D. Desai]

of the Standing Committee, it would have been on a different footing. I express no opinion on that now. As the bill stands I oppose it because it lowers the franchise and also provides for fees to members of the Corporation for attending meetings of the Corporation.

My honourable friend Rao Bahadur Asavale was very very firm about his memory. He challenged my statement as to the number of meetings of the Corporation in a particular year. I am quoting from the Administration Report of the Municipal Commissioner for the City of Bombay for the year 1928-29. There in paragraph 2, you find:

"One hundred and three meetings were held by the Corporation and 72 by the Standing Committee, as against 132 and 71 held in the preceding year. There were 81 meetings of the sub-committees of the Standing Committee during the year, as against 111 in the previous year. There were besides 262 meetings of the committees of the Corporation and 186 of the sub-committees, as against 256 and 170 respectively in the preceding year."

Rao Bahadur R. S. ASVALE: Sir, I say there must be 132 meetings but including Standing Committee and other sub-committee meetings, and not meetings of the Corporation only.

The Honourable Dewan Bahadur HARILAL D. DESAI: For the current year, the report is not there, but I have authoritative information that the meetings of the Corporation were 133 and of the Standing Committee 75. I, therefore, Sir, have to oppose the bill, and I hope the House will not within a very short period after its previous decision go against it.

Question put. House divided. Ayes 14; Noes 38; Motion lost.

Division No. 2.

Ayes.

ASVALE, Rao Bahadur R. S.
BOLE, Rao Bahadur S. K.
GUNJAL, Mr. N. R.
HABBU, Mr. A. G.
KAMLI, Rao Bahadur S. T.
KOLHATKAR, Mr. H. V.
NAVLE, Mr. N. E.

PATIL, Mr. R. L.
PAWAR, Mr. G. B.
SARDESAL, Sardar S. A.
SOLANKI, Dr. P. G.
SURVE, Mr. A. N.
SYED MUNAWAR, Mr.
VANDEKAR, Rao Saheb R. V.

Tellers for the Ayes: Rao Bahadur S. K. BOLE and Sardar S. A. SARDESAL.

Noes.

ABERCROMBIE, Mr. J. R.
AHMAD, the Honourable MOULVI
RAFIUDDIN
BECKETT, Mr. R. H.
BELL, Mr. R. D.
BHATT, Mr. RAMCHANDRA M.
BRANDER, Mr. J. P.
BULLOCKE, Mr. A. GREVILLE
CHAHREWALA, Khan Bahadur H. P.
COLLINS, Mr. G. F. S.
CONTRACTOR, Khan Saheb M. F.
DESAI, Rao Bahadur GOVINDBHAI H.
DESAI, the Honourable Dewan Bahadur
HARILAL D.
EWBANK, Mr. R. B.
FREKE, Mr. C. G.
GARRETT, Mr. J. H.
GHOSAL, the Honourable Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GREEN, Mr. S. A. C.

HARRISON, Mr. C. S. C.
HOTSON, the Honourable Sir ERNEST
KAMAT, Mr. Y. M.
LANE, Mr. C. M.
MACKIE, Mr. A. W. W.
MARZBAN, Mr. P. J.
MODI, Sardar DAVAR T. K.
MORAES, Mr. A. X.
NANAVATI, Mr. D. D.
NARIMAN, Dr. R. T.
OWEN, Mr. A. C.
PETTIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
RAHIMTOOLA, Mr. HOOSENALLY M.
RANJITBHAI KALABHAI, Rao Bahadur
SMART, Mr. W. W.
THAKURSING LALSING, Mr.
VAKIL, Sardar Sir RUSTOM JEHANGIR
WALLACE, Mr. D. J. C.
WILES, Mr. G.

Tellers for the Noes: Mr. P. J. MARZBAN and Mr. THAKURSING LALSING.

Mr. R. G. PRADHAN (Nasik District): Sir, I beg to move the motion that stands in my name which runs thus:

"This Council recommends to the Government of Bombay to urge upon His Majesty's Government the necessity and expediency of supplementing the Viceregal announcement of 31st October 1929 by another declaration to be made either through the Secretary of State for India or His Excellency the Viceroy, immediately after the publication of the Report of the Indian Statutory Commission, to the following effect:—

His Majesty's Government will be pleased to submit to Parliament proposals for the establishment of full national responsible Government and Dominion Status, subject only to such reservations and qualifications as may be deemed essential to a transitional period,

Provided that certain conditions are fulfilled, namely:—

- (a) An agreed solution of the problem of the minorities is reached by the minority and the majority communities;
- (b) The differences between the Muslim and non-Muslim communities as regards representation and other matters are adjusted; and
- (c) an agreed national constitution is presented to His Majesty's Government at the Round Table Conference by the British Indian Delegation."

The course of events and the movements of public thought and feeling during the last three months have created a situation which has been engaging our anxious thoughts by day and night. The situation is one that calls for the most dispassionate and far-seeing appreciation of all the elements and factors that go to make it, in a spirit that is free from the passions of the moment and that will look more to the future than to the past and the present. I do not propose to refer to the situation beyond what may be strictly germane to my motion. I must however at the outset sound a note of warning that any estimate of the situation which does not give due weight to the psychological factor, is bound to be imperfect and misleading, and, that therefore any judgment based thereon as to the policy or the measures to be adopted, cannot be a thoroughly scientific judgment such as will reach right decisions. The psychological element is itself an important fact which must not be ignored or belittled in the settlement of political policies. There is such a thing as human nature in politics, and this unescapable element in fundamental political questions must be taken into account by both the sides in dealing with the problem arising out of the situation that has developed itself during the last three months.

This Council and many sections of public opinion in this country, no doubt, still retain their attitude of appreciation of the Viceregal Announcement made last year. But it has now become quite clear that a fresh declaration supplementing it is imperatively called for, if the present situation is to be directed along the channel of improvement. There is a growing and insistent demand that the purpose of the Round Table Conference should be clearly defined and that it should be no other and no less than to frame a constitution that will endow India with all the essentials of Dominion Self-government and Status. This demand is made even by those who do not at all approve of the campaign of civil disobedience. In the statement issued about three weeks ago, on behalf of the Liberal Party by Sir Chimanlal Setalvad and Sir Cowasji Jehangir (Jr.) both ex-members of the Executive Council of this Government, they have made an earnest appeal to the British Government to declare that the outcome of the conference will be proposals to be laid before Parliament for Dominion self-government, with necessary safeguards for

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the transition period. And I rejoice to find that my honourable friend Mr. Abercrombie, has endorsed this appeal on behalf of the Committee of the Bombay Chamber of Commerce and of the Committee of the Bombay Branch of the European Association. In his letter to my honourable friend, Mr. Hooseinbhoy Lalljee, he says :

" It behoves both sides to do everything in their power to secure peace with honour. Simultaneously with the calling off of the civil disobedience movement, there should be a general amnesty to all political prisoners not guilty of violent crimes, and the definition of the purpose of the Round Table Conference to be the evolution of a self-governing Dominion constitution with safeguards for the transition period."

The Right Honourable Mr. Srinivas Sastri has also made the same appeal to His Majesty's Government. He has urged that for the success of the Round Table Conference, two conditions must be fulfilled on the British side, viz., a political amnesty which would enable Mahatma Gandhi and other leaders of the Indian National Congress to attend the Conference, if they chose, and a statement of the intention of the British Government to support the grant of Dominion Status with the necessary safeguards. Sir, if I may say so, the Right Honourable Mr. Sastri's position in non-congress circles corresponds to that of Mahatma Gandhi in the Congress circle and counsel given by such a veteran national and imperialist statesman ought to carry great weight with His Majesty's Government.

Sir, my own motion does not go so far. It asks for a declaration that His Majesty's Government will submit to Parliament proposals for the establishment of full national responsible Government and Dominion Status, provided certain conditions are fulfilled. It is pitched in a lower key, but it is a constructive attempt to reconcile different viewpoints, the viewpoint of all the nationalists other than those who wish to destroy the British connection, the viewpoint of the minorities and the viewpoint of the Government themselves, and I claim for it these merits, namely, (1) it seeks to give effect in an ampler measure than would otherwise be the case to the principle of national self-determination upon which we base our claim to frame our own constitution ; (2) it recognises the vital principle that we have not only national rights but also national duties, a principle which is often forgotten but the realization of which is essential to the successful working of democratic self-government which we all desire ; (3) it aims at the adjustment of our internal differences in order that national unity may be achieved as regards our future constitution, and (4) last but not least, it is in entire harmony with the purpose of the Round Table Conference as stated in the Viceregal Declaration last year. These merits are so plain that I need not dwell on them, but I want to stress the last point, namely, that the declaration such as I propose is in entire harmony with the avowed object of the Round Table Conference. What is that object ? It is to secure for the measures to be laid before Parliament, a wide measure of general assent, in fact to ensure that the new constitution will not only be workable in itself but will be acceptable to all those sections of political thought in India which are satisfied with the goal of dominion status or, to use Mahatma Gandhi's expressive expression,

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substance of independence, and being so acceptable, will be worked by them in a spirit of co-operation in the belief that by this means India may be able to turn her energies to the solution of her many social, economic and other problems unhampered by any distractions due to the constitutional problem remaining in a fluid and unsatisfactory condition. It follows from the aim and object of the Conference, that if we can adjust our internal differences and provide for the legitimate interests of the minorities so that they may feel the fullest sense of security under the constitution to be adopted, and if we submit an agreed and well-considered scheme of national constitution, His Majesty's Government will be bound to submit to Parliament proposals which will be in full consonance with the scheme. And if they do not, they will be guilty of departing from their declared policy and commit an act of betrayal which it is not at all difficult to see will make the situation much more serious and critical than it is at the present time. My proposal, therefore, is in strict accord with the avowed object of the Round Table Conference, and it being so, there can be no objection to the statement such as I propose being made. It is in fact a logical corollary from the Viceregal Announcement made last year.

It will be asked, what effect will such a statement have on the present political situation? Will it have any conciliatory effect? Is it likely to lead to a change in the right direction in the policy and attitude of the Congress leaders? My answer to these questions is this. In the first place, I maintain that it is the duty of Government to reconsider the situation from time to time and to do what is right and proper in itself apart from the question whether and to what extent it will have a conciliatory effect upon some or certain sections of political opinion. No doubt, conciliation is one of the duties—and an important duty—of Government, but a more important duty is to do what is right and proper in itself, and I contend that the declaration which I propose is such a right and proper thing in itself that it is the duty of Government to make it.

India wants to attain national full responsible Government and Dominion Status. It is a desire earnestly and passionately cherished by all communities and classes. Some have indeed gone further than that. This nationalist desire is being expressed in a manner which some of us may not and do not approve of, but the significance and inwardness of which it is impossible not to realise. Does it not follow from this that a declaration of the kind I suggest is a right and proper thing in itself and that therefore Government should make it?

In the second place, Sir, I certainly think that it will have a great conciliatory effect. In this connection let me recall what Pandit Motilal Nehru said in the interview Mr. Slocombe had with him about a fortnight ago. "If it was made clear," said Pandit Motilal, "that the Conference" (I invite the attention of this honourable House to every word of what Pandit Motilal said) "would meet to frame a constitution for a free India subject to such adjustments of our mutual relations as are required by the special needs and conditions of India and our past

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association, I for one would be disposed to recommend that Congress accept an invitation to participate in the Conference. We must be masters in our own house but we are ready to agree to reasonable terms for the period of transfer of power from the British Administration in India to a responsible Indian Government."

Pandit Motilal Nehru has expressed the position in a formula every word of which is significant, and I venture to say that I have in my motion expressed in specific terms what he has stated in general language. Personally I feel no doubt that when leaders like Pandit Motilal Nehru, Mahatma Gandhi, the Right Honourable Mr. Srinivas Sastri, Dr. Besant, Sir Tej Bahadur Sapru, Mr. Jinnah, Sir Mahomed Habibulla, Sir Shafi, my honourable friend Mr. Abercrombie and other leaders representing other minorities and special interests sit together with the Delegation of the Indian Princes and the representatives of the British Government to consider proposals for the governance of India on the basis of Dominion Self-Government, they will all show a spirit of sweet reasonableness, a sense of reality and an appreciation of the difficulties to be faced, and evolve a scheme which will commend itself to the approval not only of the various communities, classes and interests in India, but also to His Majesty's Government.

I therefore submit, Sir, that a Declaration even on such moderate lines as I suggest will ease the present tension, carry the process of conciliation still further and bring about great improvement in the present situation. It will be an important step forward, it will satisfy all reasonable sections of opinion in the country, it will create in the minds of the minorities a sense that their interests are safe. It will put us on our mettle; it will create a more favourable atmosphere than exists at present and, in short, it will greatly promote the success of the Round Table Conference. With these words, I move my motion.

Question proposed.

The Honourable the PRESIDENT: There are amendments to the motion. The first one is that of the honourable member Rao Bahadur Govindbhai Desai.

Mr. J. B. PETIT: Sir, before we proceed, may I take the liberty of making a suggestion? I think the Viceroy was due to make a statement to-day. It must have been made by now. If the Government are in possession of it, they might place it before the House, so that we may know how to shape the discussion.

Rao Bahadur S. K. BOLE: Will it not be better to wait till to-morrow? The Viceroy has made a pronouncement to-day, but we are not aware of what it is. It would be better if we wait till to-morrow.

The Honourable the PRESIDENT: I suppose some honourable members have seen just a brief summary as telegraphed, but the suggestion of the honourable member Rao Bahadur Bole is a reasonable one, if the House is willing to wait till the papers give a fuller account. I am not aware whether any official communication has been received by Government.

The Honourable Sir ERNEST HOTSON : None, Sir.

The Honourable the PRESIDENT ; Under these circumstances, the Honourable Members on the Government side are quite as unaware of the facts and the full statement which has been made, as the other side of the House. If the House is agreeable, I will adjourn it till to-morrow.

The House is now adjourned to 2 p.m., to-morrow, Thursday, the 10th July 1930.

Thursday, the 10th July 1930.

The Council re-assembled at the Council Hall, Poona, at 2 p.m., on Thursday, the 10th July 1930, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
 ABERCROMBIE, Mr. J. R.
 AHMAD, the Honourable MOULVI RAFIUDDIN
 AMBEDKAR, Dr. B. R.
 ASAVALE, Rao Bahadur R. S.
 BECKETT, Mr. R. H.
 BELL, Mr. R. D.
 BHATT, Mr. RAMCHANDRA M.
 BHUTTO, Sir SHAH NAWAZ.
 BOLE, Rao Bahadur S. K.
 BRANDER, Mr. J. P.
 BULLOCKE, Mr. A. GREVILLE
 CHAHEWALA, Khan Bahadur H. P.
 CHIKODI, Mr. P. R.
 COLLINS, Mr. G. F. S.
 CONTRACTOR, Khan Saheb M. F.
 DABHOLKAR, Sir VASANTRAO
 DESAI, Rao Bahadur GOVINDBHAI H.
 DESAI, the Honourable Dewan Bahadur HARILAL D.
 EWBANK, Mr. R. B.
 FREKE, Mr. C. G.
 GARRETT, Mr. J. H.
 GHOSAL, the Honourable Mr. J.
 GHULAM HAIDAR SHAH, Mr.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GIRIYAPPANAVAR, Mr. V. C.
 GREEN, Mr. S. A. C.
 GUNJAL, Mr. N. R.
 HABBU, Mr. A. G.
 HAJI MIR MAHOMED BALOCH, Mr.
 HARRISON, Mr. C. S. C.
 HOTSON, the Honourable Sir ERNEST
 ISBAN, Khan Bahadur GHULAM MUHAMMAD ABDULLAH KHAN
 JADHAV, the Honourable Mr. B. V.
 KALE, Rao Bahadur R. R.

KAMAT, Mr. Y. M.
 KAMBLI, Rao Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUHRO, Khan Bahadur M. S.
 KOLHATKAR, Mr. H. V.
 LALLJEE, Mr. HOOSEINBHOY A.
 LANE, Mr. C. M.
 LIGADE, Mr. S. P.
 MACKIE, Mr. A. W. W.
 MANSURI, Khan Saheb A. M.
 MARZBAN, Mr. P. J.
 MODI, Sardar DAVAR T. K.
 MORAES, Mr. A. X.
 MUJUMDAR, Sardar G. N.
 NANAVATI, Mr. D. D.
 NARIMAN, Dr. R. T.
 NAVLE, Mr. N. E.
 NOOR MAHOMED, Mr.
 OWEN, Mr. A. C.
 PATANKAR, Sardar B. N.
 PATHAN, Mr. A. F. I.
 PATIL, Mr. R. L.
 PAWAR, Mr. G. B.
 PETIT, Mr. J. B.
 PRADHAN, the Honourable Mr. G. B.
 PRADHAN, Mr. R. G.
 RAHIMTOOLA, Mr. HOOSENALLY M.
 RANJITBHAJ KALABHAI, Rao Bahadur
 SALGAR, Mr. R. G.
 SARDESAI, Sardar S. A.
 SHAH, Mr. MOHANLAL H.
 SHAIKH ABDUL AZIZ, Mr.
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MUHAMMAD KAMIL SHAH
 SYED MUNAWAR, Mr.
 TALEYARKHAN, Mr. P. J.
 THAKOR OF KERWADA, the
 THAKURSING LALSING, Mr.
 VAKIL, Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WALLACE, Mr. D. J. C.
 WASIF, Khan Saheb G. A. D.
 WILES, Mr. G.

ELECTION OF A MEMBER TO THE UNIVERSITY SENATE.

The Honourable the PRESIDENT: Order, order. As there is no question list to-day, we shall proceed with the election of a member for the University. The voting papers may be distributed. There are two candidates and the question of first preference is involved in this. Honourable members know that the system of election by transferable vote is that a figure of one or two has to be put against the name of the candidate who is the first preference of the honourable member voting. *(After a pause.)* Have the honourable members put in their voting papers? I appoint honourable members Mr. Hoosenally Rahimtoola and Sardar Mujumdar as scrutineers.

An Honourable MEMBER: There is only one candidate.

The Honourable the PRESIDENT: Quite so. The third reading of the honourable member Mr. Rahimtoola's Bill has to be gone through. As he has gone out in connection with the checking of the voting papers, we shall take up the motion of the honourable member Mr. R.G. Pradhan.

(Discussion on motion regarding Dominion Status resumed.)

There is an amendment by the honourable member Rao Bahadur Desai. I find some difficulty in admitting this amendment. The first part of it is all right which says:

Delete the words "immediately after the publication of the Report of the Statutory Commission."

If the honourable member moves this part of his amendment, we can dispose of this and then take up the other. As regards the other, I may inform him that it reads as follows:

"Delete the whole proviso beginning with the words 'provided that certain conditions are fulfilled, viz.', and ending with the words 'Round Table Conference by British Indian Delegation'.

"And in place of the above substitute the words 'with regard to (1) the Army (2) Foreign relations and (3) the Indian States'."

If the honourable member would follow me, he would see that the essential part of the honourable member's motion is the proviso and the two cannot be separated under any circumstances. The first part of the motion is that the Government should be moved to take certain action, provided these conditions are fulfilled. These conditions which are sought to be substituted in the amendment are quite foreign to the spirit and intention of the motion of the honourable member Mr. Pradhan, and are quite out of the scope of that motion. The honourable member's amendment is, therefore, out of order. He may move his first amendment.

Rao Bahadur GOVINDBHAI H. DESAI (Kaira District): Sir, my first amendment is only of a verbal nature. The honourable member Mr. Pradhan did not know that the Simon Report was to be published shortly, when he gave notice of his motion. Now that the Report is published it is not necessary to have the reference made to it in his motion. I have therefore proposed to delete the word "immediately

[Rao Bahadur Govindbhai H. Desai]

after the publication of the report of the Statutory Commission." I am of opinion that these words are not now necessary as the Commission's report has been already published. My amendment is of a formal nature and I think it will be accepted by the honourable mover of the motion. My second amendment has been disallowed by the chair and I too do not wish to move it.

The Honourable the PRESIDENT: The honourable member has a right to speak generally on the motion if he desires to do so.

Mr. R. G. PRADHAN (Nasik District): I may state that I have not the slightest objection to these words being deleted from my motion. You know, Sir, very well that when I tabled my motion it was absolutely necessary for me to insert those words. Now they are of no consequence at all and may well be deleted.

Rao Bahadur R. R. KALE: Sir, the Chair has ruled the honourable member Rao Bahadur Govindbhai's second amendment out of order. I may point out that there are three parts: the first is a deletion, the second also is a deletion and the third is an addition.

The Honourable the PRESIDENT: The addition and the deletion go together.

Rao Bahadur R. R. KALE: I ask this because my amendment asks for an omission. It does not ask for an addition. I want to omit the proviso from the motion.

The Honourable the PRESIDENT: The honourable member need not get nervous before his amendment is reached.

Rao Bahadur R. R. KALE: I only asked the question because your ruling may affect me.

The Honourable the PRESIDENT: There is a distinction between the two amendments. The deletion of a certain portion of a motion is one thing. The deletion and addition of some other words which take it out of the scope of the motion is another thing.

Then I take it that the honourable member Rao Bahadur Govindbhai moves his first amendment?

Rao Bahadur GOVINDBHAI H. DESAI: Yes, Sir.

Question, that the words "immediately after the publication of the report of the Statutory Commission" be deleted, put and carried.

Mr. M. M. KARBHARI: Sir, I have tabled an amendment to the motion.

The Honourable the PRESIDENT: The honourable member must wait. There are some other amendments also.

Rao Bahadur R. R. KALE (Satara District): Sir, I beg to move the amendment which stands in my name:

"Omit the proviso."

The amendment is simple. It is only to omit the proviso. The rest of the motion stands as it is. The original motion will be merely confined

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to a prayer that the Government do urge upon His Majesty's Government the necessity and expediency of supplementing the Viceroy's announcement of October 31st last by another declaration to be made either through the Secretary of State for India or His Excellency the Viceroy to the following effect :—

“ His Majesty's Government will be pleased to submit to Parliament proposals for the establishment of full national responsible government and Dominion Status, subject only to such reservations and qualifications as may be deemed essential to a transitional period.”

The motion contemplates a declaration to be made by the Viceroy. The Viceroy has made a declaration only yesterday. If that declaration had been satisfactory, then there would have been no occasion to make this attempt on the part of this House to recommend certain steps to the Government of Bombay,—because this body can only recommend to the Government of Bombay,—but since the declaration which has been made is disappointing and unsatisfactory, it still remains open to us to approach the Local Government to urge upon His Majesty's Government to make a further declaration either through the Viceroy or through the Secretary of State.

Now, what is the declaration that we want His Majesty's Government to make ? That declaration is about the necessity of submitting proposals to Parliament for the establishment of a full national responsible Government and dominion status. I submit that this kind of submission has been asked for by all parties in the country. Even the extreme nationalist party called the Congress party asks for it. So far as I have been able to gather from the declarations that have been made by responsible members and leaders of that party, I have reason to believe that such a declaration will be calculated to dissuade that party from continuing the movement to which they have been devoting their energy for the last three months and more. For, Sir, here is something which, even in the words of Mahatma Gandhi, amounts to the “substance of independence”, words which have by now become the watch-words and household words, I should think, throughout the length and breadth not only of this Presidency but the whole of the country. If we have a declaration that a proposal is going to be submitted to Parliament for the purpose of establishing full national responsible Government and dominion status,—which certainly means substance of independence,—it will, as I have already said, go a long way towards persuading the extreme left wing of the nationalist party to be one with the other parties in the country and strive, along with others, to bring about the safeguards and reservations. For, it is the second part which is contemplated in this resolution. There is already a proviso in the motion “subject only to such reservations and qualifications as may be deemed essential to a transitional period.” I submit that such reservations and qualifications will be necessary for the transitional period and nobody in the country, not even the extreme nationalists and reasonable Congressmen and, I should say, the leaders of the Congress movement will object to it because these safeguards and reservations will have to be resorted to during the transitional period.

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Nobody, I think, will seriously ask for full Dominion Status without any further transitional period. That being so, I do submit that it still rests upon our local government—where the movement of civil disobedience is at its height—and in order to show our hand of co-operation and our readiness to bring about peace in the country and to create an atmosphere suitable for further negotiations, it will be, I submit, a step in the right direction. If that is done, no doubt the nationalist party will give up its attempt in the direction of the civil disobedience movement which it has started in the country and which has met with so many consequences which are disastrous to the whole of the country. I, therefore, do think that there is still room for such a gesture being made on the part of this Government. I know this Government's powers are very limited; it cannot enforce its views on the higher authorities. They have only to recommend. They have to consider whether it will be possible for them to recommend to higher authorities and whether it will not be expedient at this juncture to make a gesture in the interest of peace and goodwill on the part of both the people of this country and the British people. I submit, Sir, the question of reservations and qualifications need not now arise. I know that it may be said, it has been said all this time, by the British Government that there are difficulties and consequently they cannot make this declaration. My submission is that once a declaration is made in the words, namely, first the resolution, then the subject clause, there will be a greater chance of coming to an agreement as to what reservations and safeguards must be made. What the Government want the country to do is that the country should first come to an agreement and then they say they will see about the question. I submit, Sir, that is an attitude which is not likely to advance the cause any further. But if the Government were to say that they had an intention to submit proposals in this connection, subject to safeguards no doubt, then there will be an impetus to the various parties in the country to come together and discuss what the reservations and safeguards are. I do know that the reservations and safeguards are multifarious and various. First of all, there are Indian States, and we have to take into consideration the vast area which is occupied by the States. This is one kind of objection which has to be taken into account. Then other safeguards which are rendered necessary are about the present state of the army, present state of the Services—both Civil and Military. Men from the Civil Services are here and those who have come to join it for this year have to be here for thirty years from today. All these facts have to be taken into consideration. We cannot ignore all these facts. Therefore, I say that reservations will have to be made with regard to the question relating to the Indian States, relating to the Services, both Civil and Military. This is a matter of great importance and we all know that much has been said and written on the point. But all these factors will have to be adjusted, no doubt. Taking things as they are, it is no use complaining against Government for not having advanced us. But at least, side by side with the advancement of the position in respect of Civil Services, they ought to have given us some advancement in

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the military service. But it is no use thinking of what has happened in the past and we must devise some means for adjustment. Then, the third question is about our own internal differences, I mean the communal question. That too, I do submit, will be easily solved if once we know that we are getting Dominion Status. Now, you are well aware how to adjust our differences. It is really necessary for both sides to come together and see how we could adjust our differences. That is the question I want Government to solve first. If Government ask us first to do something in the way of settlement of this question and if we do come to an agreement, it then remains for the British Government whether to accept it or reject it; or whether to accept it partly or not. The same thing happened in the case of the Lucknow Pact. What was the condition of affairs in 1916? At that time both the two communities—Hindus and Muslims—met together, they took counsel and adjusted their differences and as a temporary measure they agreed to give and take. But that settlement was a part of the whole Congress-League Scheme. At that time there were only two great organizations—one the Indian National Congress and the other the Muslim League. Those two bodies came together and arrived at a mutual understanding. But what did the Government do? They said that the Montagu-Chelmsford Reforms are a further advance and that therefore they would take only one part. That part related to the Pact between the Hindus and Muslims. About the rest of the report they did not consider it necessary to adopt at all. That is what happens in such cases. Although two important organizations met and arrived at a decision they did not take into consideration their recommendations as a whole.

I am afraid similarly if any attempts were made now before there is any compromise arrived at as regards which I have grave doubts, then certainly I do not think it will be a successful compromise as we have been watching the proceedings of the All Parties Conference from day to day. It is of the very essence of a compromise or agreement that the parties who disagreed should try to give and take and when the settlement is made, it should be fully and finally accepted. What happens in a court of law? When the plaintiff and the defendant quarrel and each has his own side, they know that when they come to a compromise, the court has to pass its decree in accordance with the terms of that compromise. But when there is no certainty of the compromise terms being accepted finally by the British Government, what is the use of all these attempts at give and take? I am only pointing out that if such a declaration is made first then it will facilitate this compromise, and that is the reason why I have given my amendment. By having this proviso it looks to me as if we are putting the cart before the horse. First of all, you want to sit together and come to a certain agreement in certain matters and when that is reached, then His Majesty's Government is to make some declaration. Where is the time? In the first instance, look at the time at our disposal. The Round Table Conference is to come off in October. Then before that we have to come to some agreement and after we have come to an agreement,

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then proposals are to be submitted. As I say, there is very little time and it is rather an impossible task to expect an agreed solution of the problem of the minorities and other problems being reached and to expect that the differences between Moslems and Non-Moslems will be adjusted. I must say it is very difficult. No man in this country will be able to achieve these conditions and therefore it is futile to bring a resolution in the first part and to hedge it round by these conditions. What is the use of a resolution which is hedged round by such conditions? And hence it was that I was inclined to give notice of my amendment. I think if you at all want to do something towards leading to a favourable atmosphere and that atmosphere will be the proper atmosphere when the Round Table Conference meets, these adjustments must take place at that Conference. It is that Conference only which can bring together the representatives of Indian States, representatives of Mahomedans, representatives of political parties and representatives of other interests. Otherwise, unless there is a sanction behind, who is going to meet? I mean there is no sanction behind this attempt that may be made here or there, at Simla or Delhi or anywhere. Who is going to come? Therefore, my submission is that the Round Table Conference will be the best place where all these interests will be invited, and then will be the time to go there and discuss these problems. Therefore, my submission is that both in the interests of the British people and His Majesty's Government and in the interests of the welfare of the people of this country, if it is really the desire of the British Government, if they are true to their professions that they want to give us self-government, they must show some concrete proof of their desire. There is no magic in saying that we want immediate dominion status. It does not mean "immediate" literally according to its plain meaning, but it suggests that we should have the substance immediately and that the necessary limitations which are imposed by time and which are imposed by circumstances must be there. I mean to say that even if it is to be immediate, all the proper limitations have to be laid down. I do not see why a certain section of the British people is terrified by the words "dominion status" and why it should interpret it as an immediate grant of dominion status. I think they should not cavil at this phrase at all. We notice in the papers today that Lord Birkenhead has given a threat to the present Viceroy asking him not to go further than his previous declaration. Such attempts are simply calculated to increase the disappointment and friction that is now existing. If we want to remove friction and if we want to create goodwill and an atmosphere of co-operation on either side some further gesture is necessary.

The Honourable the PRESIDENT: The honourable member's time is up. I find several honourable members reading newspapers in this House.

Rao Bahadur R. R. KALE: This is a subject, Sir, on which one could speak for hours. However, I have indicated sufficiently what my amendment is meant to achieve. I shall conclude with one last word and that,

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in connection with the objection put forward by the British Government not being able to grant us dominion status because they say that they are trustees for the civilization and for the people of this country. I say, as trustees, what is their duty? It is their duty to make over the management of the estate and the affairs of that estate to the wards when any of them comes of age and when that ward demands it. The British people say there are still minors whose interests they as trustees should look after. Where is the difference between this trust and an ordinary trust? I see none. In an ordinary trust, even if there be minors, the trust has to be handed back to the ward as soon as he attains majority if that major ward demands it. There may be the necessary safeguards. I am only pointing out that there is no need for the trustees to continue their trust to the end of the world, because there will always be some minors and there will be no end to the trust. Therefore, let there be safeguards. Let some statutory period be fixed for these safeguards, as otherwise the minorities will never attain majority. That is my fear and my real apprehension, and therefore this is the request that I want to make, namely, have all these safeguards by all means, but let these safeguards have a limitation put down by statute. Otherwise you will be where you are and not progressing. This is my point and if therefore this is done, if the British people are really sincere in their professions, they should come to our assistance and find out what these safeguards should be. They should not shirk their responsibility, they should try to bring about adjustments, they should shoulder their responsibility for finding out a scheme which will be satisfactory to all.

Question proposed.

Khan Bahadur H. P. CHAHEWALA (Ahmedabad District): Sir, I oppose the amendment. It is the most important part of the resolution and without these three clauses in the proviso, the resolution becomes meaningless. The honourable mover Rao Bahadur Kale wants us to close our eyes to the reality of the situation in the country. Unfortunately, that ostrich-like attitude is the attitude of most of us. We have got to face the realities of the situation and not close our eyes to them and if we face facts broadly and squarely, then we must realise that the problems of the minorities have got to be considered very seriously and the differences between the Muslim and non-Muslim communities as regards representation should be settled, and that before Government is requested, an agreed national constitution should be presented by the majority of the British Indian Delegation. Unless this is done, Dominion Status, even if granted, would be Dominion Status only in name. There would be dissensions amongst ourselves—civil dissensions—and before we put our own house in order if we want to walk with big strides, it would only land us into disaster. Without this proviso I do not think that the resolution would be acceptable to a majority of this House. This proviso provides safeguards and very necessary safeguards.

Rao Bahadur R. R. KALE: The safeguards are in the resolution.

Khan Bahadur H. P. CHAHEWALA : I consider that the provisos are most important. If these provisos are removed, I do not think that the representatives of the minority communities would be in a position to vote for this resolution.

When I oppose the amendment, it does not mean that I whole-heartedly support the main resolution. The honourable mover of the resolution has made a very sober speech. We may not agree with all his conclusions; we may not agree with all the arguments which he has marshalled in support of his resolution, but at least he has moved the resolution with a great sense of responsibility and with great seriousness. I think that, in view of the Simon Commission's Report, and in view of the Simon Commission's conclusions, which have got to be considered as of great importance whether we like them or not, this resolution goes at present a bit too far. It is the fashion to very strongly criticise the Simon Commission's recommendations. The more vituperative we are, the more patriotic we are considered, and if by any chance you happen to approve of some of the recommendations of the Commission, well, you are a traitor to the country. That is unfortunately the trend of thought. But it has got to be understood that after a most searching enquiry over a long period of time the Commissioners have made a unanimous report; they have reached their conclusions unanimously; and in view of the fact that this important Commission's recommendations have been published only recently, to ask the Bombay Government to urge upon the Viceroy to prevail upon His Majesty's Government to make a certain declaration straightway, committing themselves to grant Dominion Status, with only such reservations and qualifications as may be deemed essential to a transitional period—nobody mentions what the transitional period is to be—would be going too far. But still, only taking the sincerity of purpose of the honourable mover.....

Dr. R. T. NARIMAN : I rise to a point of order. The amendment is now before the House, but the honourable member is speaking on the resolution.

The Honourable the PRESIDENT : While speaking on the amendment, the honourable member is entitled to speak on the whole motion, because he will not get another chance to do so. So, he is probably opposing the amendment as well as the motion.

Rao Bahadur R. R. KALE : Honourable members are expected to speak both on the resolution and the amendment.

The Honourable the PRESIDENT : Yes.

Khan Bahadur H. P. CHAHEWALA : Therefore, Sir, as I was saying, taking into view the sincerity of purpose of the honourable mover and the fact that there is not anything lost in making the request, I am prepared to support the resolution, but to ask this House to pass the resolution without the provisos is asking them to do too much.

Mr. J. B. PETIT (Bombay Millowners' Association) : Mr. President, I have great pleasure in supporting the amendment which has been moved by my honourable friend from Satara. I think he has done well in bringing forward this amendment for the omission of the

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provisoes, because their effect has practically been embodied in the main resolution. The second paragraph of the resolution, without the provisos, if the amendment of my honourable friend is accepted, will still have the words "subject only to such reservations and qualifications as may be deemed essential to a transition period." If general expressions of this kind have any meaning, I think these words will have the effect of covering the provisos which my honourable friend's amendment seeks to omit. Of course, the mover of the resolution, when he gave notice of it, must have thought differently, otherwise he would not have put the provisos. But once a proposition is before the House, it becomes the property of the House, which is then entitled to put its own interpretation upon it and deal with it in such manner as it may, in its absolute discretion, think fit. I fail to see the wisdom of embodying the provisos in the resolution in this definite and concrete manner; particularly because I am afraid that they would work as so many clogs in the wheels of the machinery of the Round-Table Conference, and are likely to prove handy instruments in the hands of our enemies, to be urged as so many plausible objections to the formulation of a scheme, in consonance with the wishes of the Indian people.

I cannot help saying that I entirely disagree with my honourable friend (Khan Bahadur Chahevala) who has just preceded me in the remarks that he has made and the sentiments that he has expressed. I exceedingly regret that he should have done so. I am afraid our honourable friend is very much out of touch with what is going on around him. I for one do not believe that there is any Indian who has studied the situation which is now prevalent in the country and who has also read the report of the Simon Commission (or rather a summary of it, because the report is not yet available to all of us), could possibly have escaped the conviction, that the conclusions of the Commission are entirely misconceived and that they have lamentably failed to take into account the tremendous forces which are now manifesting themselves in the country in various directions. It has not only *not* made an advance as it should have done, but has certainly taken a positively backward and retrograde step in more than one important direction. The Central Government is to be more centralised than before. The army will be so reconstituted that it will be almost impossible to Indianise it. The autonomy said to be given to the Provinces is also very largely illusory. On fiscal questions, the position is to be worse than it is even now. There is, as this honourable House is aware, a standing convention that on all fiscal matters, whether relating to the imposition of new taxes or cognate questions of a similar character, on which the Assembly and the Government of India are agreed, their view is to prevail and is to be given effect to, without reference to the Secretary of State, who has no right of interference under such conditions. I cannot say that this convention has given satisfaction to the country, because it is seldom possible to obtain on such questions an agreement between the Government of India and the Assembly. Still, there are occasions, even though they may be rare, when a just and sympathetic Viceroy like Lord Irwin may

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happen to agree with the Assembly in the recognition of the necessity of imposing fresh taxation in the interests of the country, as happened recently in the case of the Import Duty on foreign cloth to save the indigenous industry from being wiped off. The convention is thus of some use on such occasions. An attempt has now been made in this report to do away with that convention by a mere stroke of the pen and to bring us back to the old position, by which, without reference to the wishes of the people and the Assembly, taxes can be imposed upon this country, not only to the detriment of its best interests but also even against its strongest opposition. I wish to put it in all seriousness to the honourable member who has just preceded me (Khan Bahadur Chahewala) whether he considers this as an advance on existing conditions and calculated to promote the good of the country. There are several other points of equal importance, which can be urged with the greatest ease to convince one of the wholly reactionary character of the report. But, time forbids my doing so.

Without going into unnecessary details, I would however like to urge upon the serious consideration of this House, the most important question that faces the country at the present moment; and that is, the why and the wherefore of the intense national feeling which is now sweeping over the country. It is unmistakably manifesting itself in various directions and in different forms. I readily admit that on certain occasions and at certain places, it has manifested itself in a manner which we all regret and deplore. All the same, I maintain that it is a force, the strength and vigour of which cannot be mistaken. I wish to put it to the House, whether it is not right and the part of wisdom, that instead of trying to suppress and crush it, this force should be carefully and sympathetically considered and a remedy found to harness and direct it into constructive and wholesome channels of activity to the advantage and benefit alike of the Government and the people. We need not be deterred by the uninviting surroundings in which it has had its origin or by the somewhat unfortunate circumstances in the midst of which it is being fostered and advanced. We cannot and must not forget that when there is too much enthusiasm felt by a people on a great national question and when feelings of patriotism and public service run high, particularly during the period of the infancy of a movement, there is bound to be an inundation over the brim now and again. Those who are experienced in the art of governance, like our honourable friends on the opposite side of the House, cannot overlook these possibilities, particularly when they realise that events similar to those that have recently happened in India, have also happened in other parts of the world under similar circumstances and do happen on almost every similar occasion in important parts of Europe. In considering this question and the present situation, it is therefore right that we should overlook these little unfortunate incidents, these unavoidable inundations and these inevitable excesses here and there, and should try to go to the bottom of the whole situation, probe its cause and remove the seed of the evil from the foundations,

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upon which the structure of the present discontent and all that it represents, stands and is being sustained.

Let us pause for a moment and seriously consider what it is that helps the leaders of the present moment, which is sweeping the country, call it non-co-operation, call it Civil-Disobedience, call it no-tax campaign, call it by whatever other name you please. What does it feed upon, on what does it stand, what imparts to it its present strength and force, and what sustains it from day's end to day's end, are questions which we must all seriously ask ourselves. It is the result of the consciousness of century-old wrongs from which this country has suffered, and for which every Indian, whether moderate or extremist, whatever his position in life, whatever his avocation, whatever his mental attitude towards this movement may be, feels and entertains some sort of sympathy. This is so because every Indian has at some time or other of his life and in some form or other suffered from the results of the present administration. When I say this, I do not wish to cast any reflection on any one individual in particular. That is the inevitable result of a foreign government and it has been brought about by a combination of circumstances, possibly beyond the control of the powers that be, but which have all united together for over a century to emasculate a whole race, dwarf its growth and stunt its manhood. It is that sad consciousness which every Indian suffers from, that is at the bottom of this discontent and goes on supporting it and lending it strength from day to day.

When I say all this, I do not for a moment ignore the benefits conferred upon this country by British Rule. It must be admitted—and I do so freely—that the British have given this country “Pax Britannica” and protection both against internal dissensions and external aggression; a system of education, which though halting and deficient, has done much good to the people; a common language, one of the finest and most prolific in the world, with its magnificent literature, which has not only served as a medium of interprovincial expression and consequently facilitated the union of the different peoples inhabiting this big continent, but has also inculcated in the Indian mind, the principles of freedom and independence; and finally, an orderly and well-regulated system of administration, which in spite of its numerous failings, has undoubtedly made for efficiency in several important directions. But all these have been dearly bought. India has had to pay for the same with her life-blood; and to-day, after 150 years of British connection, in the enlightened 20th century, when the world is said to have been made safe for democracy, she is still, for all practical purposes, economically, industrially, politically and in every other important respect, in a more helpless condition than some of the most backward countries in the world. Her children are treated as *pariahs* in the outposts of the Empire. They are literally hounded out of every British Colony. They are by no means masters in their own homes in the sense in which the Canadians, Australians and South Africans are in theirs. The prejudice of colour and the arrogance of so-called race superiority,

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constantly stigmatise them as inferiors, not seldom vitiating the impartiality even of justice as between Europeans and Indians. Their natural and other resources continue to be exploited in the interest of others. Their commercial, industrial and economic policy is being regulated for the benefit of outsiders and often to their own detriment. (The imposition of the Cotton Excise Duty and the resort to the sale of Reverse Councils, both of which resulted in a loss of several crores to the country, are typical instances in point.) They have hardly any effective voice in the administration of their own country. They occupy a place in her services which cannot possibly be called satisfactory. The Navy is almost entirely barred against them. The higher grades of the Army and the Police, as also of the Judicial, Medical, Civil, Forest and other important services, charged with the administration of the country, are still very largely closed to them. The consequent and continued drain of money in the shape of high salaries, fat pensions, exchange compensations, and the like, out of the poverty of the country, one of the poorest in the world, is too terrible for words. A policy of suspicion and distrust has invariably guided those in authority in all their relations and actions towards the children of the soil. The annual Military Expenditure of the country is out of all proportion to its revenues and continually necessitates the appalling sacrifice even of its barest and most pressing needs in almost every important direction. But, worst of all, the utter feeling of helplessness that the people experience at every step in their own country, the pitiful condition of abject intellectual subservience that it generates, the continued sense of mortification under which they live year in and year out, the slow but complete effacement of all powers of initiative and action that it brings in its train, and last though not least, the deadly blow that such conditions deal to the self-respect and patriotism of the people, constitute a cruel wrong, the grievousness and terrible intensity of which none but an Indian can realise.

All these have brought about the present situation, which is not merely a protest against the immediate wrongs and a demand for their redress, but is a revolt against the entire system of government which has steadily denationalized the country for a period long enough to wipe any people out of existence. It is the result of this feeling, brought about first by the educative work of the Indian National Congress of the earlier days and latterly by the more active propaganda and teachings of the present-day Congress. But the facts remain and are as true to-day as they ever were before. If, therefore, the situation is to be successfully tackled, it is the root of the evil that must be carefully probed and removed. Unless that is done, there cannot be a lasting peace and all hopes of a permanent reconciliation between the Government and the people are bound to be disappointed. I think those who have got the good of the country and the British connection at heart, should make an honest, sincere and earnest attempt to find some way out of this difficulty. The situation is no doubt difficult and complicated; but it is by no means incapable of solution. What is wanted is the display of a little imagination and the exercise of statesmanship.

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The grant of complete dominion status—and all it means, connotes and stands for—is, to my mind, the only solution. This is the conclusion to which the country has arrived and given expression to, times without number, in diverse forms and in strong and unmistakable terms. It has been brought home to the authorities so often in such diverse forms and in such strong and unmistakable terms, that the British Cabinet has now definitely accepted it as the final goal of British Rule in India. We have, however, not yet been told when that goal is to be reached. It is not the demand for the immediate attainment of the goal, but the hesitation on the part of the authorities in the declaration of the period within which it is to be attained, even according to the views of the powers that be, that has brought about this grave situation. What is there wrong in the demand, that some authoritative and definite declaration should be made in unequivocal terms, that this goal shall be attained within a certain period—say 10 years, or even 20 years—if that is more acceptable to the powers that be—and that in the meanwhile such and such safeguards shall be taken, and such and such stages shall be traversed? What is there wrong and unusual in such a demand, I for one fail to see. It is by no means an unreasonable demand to make. Let us face the question fairly and squarely; and there can be only one answer to it. And yet every responsible English statesman who has spoken on this question recently, has deliberately, wantonly and with a set purpose, either tried to ignore or evade the demand! Is there any wonder then that a feeling of suspicion and distrust has been created in the minds of Indians on the matter? They are beginning to feel that the promise held out by the great and distinguished statesman, Mr. Montagu, in his historic and memorable declaration, is going to be scrapped. In this belief, they are unfortunately supported by the bitter experience of the past. Attempts have also been made lately by some prominent officials and, if I am not mistaken, by Sir Malcolm Hailey as a member of the Assembly, to explain away the import and significance of this famous declaration, just as Lord Curzon at one time endeavoured to ridicule and explain away the import of the Queen's Proclamation of 1858, our Magna Charta of those days, and had to be snubbed by John Morley from his seat in the House of Commons. Under these circumstances, I am emphatically of opinion, and I am perfectly certain that every Indian will agree with me when I say, that the only way of solving the present difficulty and of directing the present harmful activities into channels of thoughtful and constructive work, is to make an unequivocal declaration that dominion status will be given to this country on the lines I have already indicated. To hold up such a declaration indefinitely or to postpone further action in the matter, until the country has composed all its religious, communal and other differences, is neither fair nor equitable. I am sure those differences will disappear in course of time by themselves, if only we do not interfere too much with them and attach to them more importance than they deserve. And indeed, if we of this country cannot

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compose our differences and make up our petty quarrels among ourselves, we shall have proved ourselves unfit to take our proper place among the great nations of the world! There are different and distinct communities and sections and religions and interests in other countries too. Consider for a moment the position of England when Parliamentary institutions were established there. Consider the educational and other qualifications of the English people, when the Reforms Act of 1832 was promulgated. I think the people of England were in a worse condition then than we are to-day. And yet they gave that country complete self-government, which has now gradually evolved to its present position. If that was possible in England and other countries, similarly situated, I do not see why such a step is not possible in a country like India. It is, therefore, right and proper that this Council should request our Government to transmit this resolution to His Excellency the Viceroy to be forwarded by him in his turn to the Secretary of State with our humble but most earnest request that such a statement might be made by His Majesty or his Cabinet at the earliest possible moment, in order that the present discontent might be allayed, and the present activities may be directed into channels of constructive and helpful work, to the benefit both of the Government and of the people. I accordingly have great pleasure in supporting the motion; and I do hope that this honourable House will accept it.

Khan Bahadur M. S. KHUHRO (Larkana District): Sir, I rise to oppose the amendment moved by my honourable friend Rao Bahadur Kale. Sir, in moving the amendment the honourable member is taking away the most important and potential part of the motion. The proviso provides all the important safeguards; it is most carefully and comprehensively worded. The proviso which is added to the motion by the honourable member Mr. Pradhan provides the necessary safeguards, the most essential safeguards that have been insisted upon by the minority communities. The honourable mover of the amendment in his speech said,—so far as I could follow his speech from beginning to end, although much of it was incoherent and therefore I could not follow it,—I think his object was and most of his arguments amounted to this that when the declaration for the grant of immediate dominion status is made by His Excellency the Viceroy or the Secretary of State for India the differences will be sunk and the question of minorities and majorities will be settled. That, I think, is absolutely a false notion. This question has been discussed fully outside the Council Hall during the last few months when political turmoil has been going on in India. Various leaders of either side have tried to sink the differences. The Patro Committee was appointed and the honourable the mover of the amendment knows with what result. What has been the result of its efforts? It has ended in a fiasco. Why did it end in a fiasco? Because of want of goodwill on the part of the leaders of the majority community. It is very clear and the honourable mover cannot deny that when this Committee was meeting in Bombay only two months ago, it was one of the leaders of the advanced communities (Dr. Moonje)

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who sent telegrams and attempted to prevent the deliberations of the Committee under the plea that the time had not come for settling the differences. And subsequently there was another very important leader, if I mistake not, Pandit Madan Mohan Malaviya, who resigned from the Committee for he also believed that it was not yet time for a discussion until the question of political unrest was settled and the demands of the advanced community were satisfied. Sir, past experience and the attitude of the Hindu Maha Sabha leaders so far exhibited have been the main causes for shaking the confidence of the minorities and particularly the muslim community. And so long as that confidence is not fully restored, it is difficult to expect, as the honourable mover of the amendment expects, that the minorities should repose the fullest confidence in the majority community and that the minors should have faith in the major brother. For, past experience has fully demonstrated to us, I frankly admit that the major brother does not propose to be fair to the minor brothers; and I make bold to say that our experience has been bitter; and there appears no hope that the future would be brighter.

Sir, the minimum demands laid down by the Muslim All-Parties Conference at Delhi, which have been reiterated in their recent meeting at Simla, have been ignored and there has been no effort to meet those demands. No effort has been made by the majority community to consider carefully even the demands that have been laid down on behalf of the Muslim community. Therefore, it is absolutely essential that even before the round table conference sits, or before any such declaration is made, the differences between the different sections must be settled.

Sir, yesterday's speech of His Excellency the Viceroy makes it abundantly clear that the scope of the round table conference is not restricted. The scope and terms of reference have been made sufficiently liberal and elastic and as things stand at present, the scope is not limited and any conclusions arrived at, at the round table conference will be the basis of the recommendations that will be submitted to Parliament. Therefore, it becomes all the more necessary, as I have said, that the differences between ourselves must be sunk before this round table conference sits. And if the differences are sunk, there is every possibility, every chance to hope that dominion status or whatever is expected, will be achieved and granted, when all communities in India join together and make a joint effort and joint demand for any reasonable form of government,—be it dominion status, responsible government or whatever kind of self-government; when there is no difference of opinion, I am sure that the British Parliament will have no alternative but to accept it.

I cannot accept the advice of the second speaker (Mr. Petit) who says that the proviso is without meaning because, in his opinion, the necessary safeguards are already contained in the phrase "subject only

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to such reservations as may be deemed essential to a transitional period" which is in the body of the motion. I say, Sir, that the question of necessary reservations has no bearing on this point. It only implies and that I believe is the correct interpretation of it, that it is a reference only to the constitutional reservations that the British Government may deem it necessary to provide till they consider it advisable to transfer full responsibility to the Indian hands. But these reservations have absolutely no bearing so far as communal questions are concerned so far as the question between Hindu, Muslim and other communities is concerned. Therefore, the interpretation given by my honourable friend, Mr. Petit, is, to my mind, not correct and it therefore does not fulfill the object embodied in the proviso. Sir, so far as the resolution is concerned, the resolution is and should be acceptable to all sections and all the sober elements not only in this House but even outside. It will be a happy day when our differences are sunk. Afterwards if a declaration is made, whether it is made before the Round Table Conference meets or at the Round Table Conference that declaration in the direction of Dominion Status will be acceptable to all concerned. Therefore, Sir, I strongly maintain that the honourable the mover of the amendment should consider it necessary to withdraw his amendment. I say that the resolution, as it stands, is far better from every point of view and all shades of opinion. I therefore urge that this House should decide not to accept the amendment, as it is absolutely futile and will be disastrous and cannot be acceptable, if passed.

As regards the Simon Commission Report, I do not maintain that it has satisfied any section in this country. The report has many drawbacks and the report has not fulfilled the expectations of either the advanced or backward communities. It has not satisfied even the Hindus nor the Muslims or any minority community. But, Sir, it is again a happy sign to see that His Excellency the Viceroy has made it clear that the Simon Commission Report will not be the basis for discussion at the Round Table Conference, nor the granting of Dominion Status or any other advance will necessarily be based on this report. The speech, read as a whole, makes it clear that the Commission was sent only to survey India's situation and they have done so. The question now remains what view the people of India take of it and what proposals they unitedly press in the Round Table Conference and what the British Parliament ultimately propose to grant. I, therefore, oppose the amendment.

The Honourable the PRESIDENT; Order, order. I was thinking of asking the honourable the mover of the motion to clear up one point, but fortunately the last speaker has hit upon that particular point. The two speeches—one of the honourable member from Surat and another of the honourable member, Mr. Petit—have actually misled the House by the interpretation of the words occurring in the resolution, namely, "subject only to such reservations and qualifications as may be deemed essential to a transitional period". The honourable the mover of the

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motion should explain to the House what he means by these words. There are reservations which may be beneficial to other minorities as mentioned in part 3. What is generally understood by the people of India by the words as they stand in the original motion is that the reservations refer to the interests so far as the British Government and the Indian administration are concerned. If that be the case and the reservations mean constitutional reservations, the honourable member should explain and make the point clear.

Mr. R. G. PRADHAN (Nasik District): Sir, the reservations and qualifications which are mentioned in the body of the resolution do not give the conditions which are included in the proviso. When I refer to the reservations and qualifications, I have in my mind, as has been rightly expressed by my honourable friend, Khan Bahadur Khuhro, constitutional reservations and qualifications. For instance, there may be certain reservations and classifications necessary so far as the question of giving complete responsibilities to Central Government is concerned. So, my answer to your question, Sir, is that reservations and qualifications which are in my mind are of a constitutional character and are quite different from the conditions which form the subject matter of the proviso.

The Honourable the PRESIDENT: There is another question to which I should like to refer and that reference should be understood in the right spirit. It is this. This motion does not bring before the House the question of the discussion of the Simon Report at all. It may be referred to where necessary, but no debate on the Simon Commission Report is before the House.

Mr. G. WILES: Sir, the statement made just now by my honourable friend Mr. Petit, has, I think, considerable currency. I think the honourable member must have been misled by an incorrect summary of the recommendations of the Simon Commission. I am referring to his remarks about a proposal to abolish the Fiscal Convention and I may tell him that the Simon Commission Report does not make any such recommendation. They say that the principle underlying the convention which sets the Government of India and the Central Legislature in opposition to the Secretary of State is constitutionally unsound. They do not recommend any modification of the fiscal convention, but they say that they are definitely opposed to any extension of this principle and are of opinion that in any case, if any extension of the principle of this convention is intended, it should only be made with the approval, by resolution, of both Houses of Parliament. I think other members may be under the same misapprehension and I have only risen to correct it, because as I have said it is probably due to an incorrect summary of the recommendations.

Mr. N. E. NAVLE (Ahmednagar District): Sir, I wholeheartedly support the resolution brought forward by my honourable friend the member from Nasik with the amendment proposed by my honourable friend from Satara, not because I think that the clauses included in (a), (b), and (c) are less important but because experience of the present attitude of the various parties in India has made it necessary for us to think that these questions can better be solved when we come jointly face to face with British statesmen in England. Sir, I might state for the information of the House that I was one of the delegates elected by the Bombay Non-Brahmins to the All-Parties Conference. We sat there for a number of days, we had lively discussion and speeches from great politicians, but my experience was that unless there is a third party and a party in the position of a judge, we have no hope of ever coming to solution of the difficult problems facing us. It is out of this fear that I say that the resolution without these clauses (a), (b), (c) would be a proper resolution for our adoption.

The clauses include the most difficult and the most important questions which will have to be solved. But they are very difficult of solution by ourselves, as I am afraid that the Muslims and the Hindus will never come to an agreement without the aid of a third party. Unless there is a third party which can help us to compose our differences, I have no hopes of any agreement being arrived at. I think that when Indian delegates come face to face with British statesmen like the Right Honourable Mr. Ramsay MacDonald or Mr. Benn, they will be influenced by their ideas of freedom and mutual understanding and they will come to a solution as a result of their meetings with these British statesmen.

Sir, this resolution is of imperative importance. It is said that the present movement is only conducted by only the intelligentsia of India and that it has not touched the rural parts of India. That was a part of the statement made by the Secretary of State for India in Parliament; but I submit, Sir, that, as it is now common knowledge, the movement is touching day by day the agrarian part of the country. The agriculturists are being affected day by day in a greater degree being influenced by the present movement. It is no use shutting our eyes to the situation as it is and if the movement spreads and no solution is offered, I think that the agriculturists will be affected by the present movement to a large extent. It is admitted that India is a country of agriculturists, and as everybody knows the agriculturist is overburdened at present by taxation. He is practically on the point of death, and if no solution is offered for lifting him up from the present deplorable position, then I think we will have no solution of the problem that faces us. I therefore extend my wholehearted sympathy to the present resolution and I think the amendment proposed by my honourable friend from Satara should be accepted by this House because all these problems can be better solved when we come together at the Round Table Conference face to face with British statesmen.

Mr. P. J. TALEYARKHAN (Surat District) : Sir, may I suggest that the honourable mover of the resolution may be asked to say what his position in reference to the latest announcement of His Excellency the Viceroy is, whether he considers that that announcement affects his resolution or not ?

The Honourable the PRESIDENT : I know that the honourable the mover was anxious to wait for the moving of this motion until the announcement was in his hand, and I was myself considering the question of giving him that facility if it were possible. When actually he rose to move the motion, there was some brief summary of the announcement of His Excellency's speech at Simla in his hands. After reading that he came up to me and said, " Even now I would like to go on to-day with my motion." So, I understand that even to-day, if he wanted to change his mind in any way before the debate began, he could have done so. I therefore presume that that announcement has not affected his views or the motion at all. However, if he has got anything to say, he may do so.

Mr. R. G. PRADHAN : Not at this stage.

The Honourable the PRESIDENT : Why ?

Mr. R. G. PRADHAN : If after listening to the debate, I find it necessary or desirable to say something on this point in my speech in reply, I may.

The Honourable the PRESIDENT : That is left to the honourable member to decide. It does not appear there is any effect of that announcement on this motion at all. The House has to presume it like that.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts) : I would like to know whether I can put my amendment as a rider to the amendment moved by the honourable member Rao Bahadur Kale. It will be as follows :—

Delete the words after " national responsible government " and add :

" and further recommends that the Viceroy be pleased to enter into direct negotiations with Mahatma Gandhi to bring about an immediate truce and thereby create peaceful atmosphere in the country."

The Honourable the PRESIDENT : No, no. It is not a rider at all. It is in fact out of order. When I come to that, I will point out how it is out of order.

Mr. H. V. KOLHATKAR (East Khandesh District) : Sir, I rise to support the motion brought before this House by my honourable friend from Nasik as amended by my honourable friend from Satara. First of all, I would mention to the House that my honourable friend from Nasik wants to put in the word " constitutional " before the word " reservation ". Of course as it is not there in the motion, we cannot take it that it is there in the motion now before this House and so,

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I submit that that cannot go in. The motion as it is has the following words :—

“subject only to such reservations and qualifications as may be deemed essential to a transitional period.”

meaning a period until we have not settled our differences. The word can be taken to mean also that.....

The Honourable the PRESIDENT: Not after the explanation given by the honourable mover himself.

Mr. H. V. KOLHATKAR: He cannot put in the word “constitutional” before the word “reservations”.

Mr. R. G. PRADHAN: I never suggested that that word should be put in.

Mr. H. V. KOLHATKAR: That is his explanation, but I can put my own interpretation to the effect that the transitional period would be the period within which we have not settled our differences. The proviso as it appears in the original motion refers to three things, and my honourable friend from Nasik is a pleader and we have got to consider these three words before we consider the proviso. In proviso (a) we have got “an agreed solution of the problem of the minority and the majority communities.” The word “agreed” is important. In part (b) we have got “the differences between the Muslim and non-Muslim communities as regards representation and other matters are adjusted.”

The word is “adjusted”. In (c) we have got “an agreed national constitution is presented to His Majesty’s Government at the Round Table Conference by the British Indian Delegation”. The word there is “agreed”. These three words, in my opinion, are very important. It says in (a) “an agreed solution of the problem of the minorities is reached”. Who is to come to an agreement? It means that unless and until there is an agreed solution between the two parties, the minority and the majority communities, the Viceroy cannot take any action under this proviso. Secondly, it says “the differences between the Muslim and non-Muslim communities.....are adjusted”. Who is to adjust the differences? Let us settle them, but do not make it a condition precedent; that is my submission. The third condition is “an agreed national constitution is presented to His Majesty’s Government at the Round Table Conference by the British Indian Delegation.” But this has to be considered and agreed upon at the Round Table Conference. These are the three things which my honourable friend from Nasik wants to have included in the proviso. What I submit to this House is that the resolution would stand better without these three provisos, (a), (b) and (c). As pleaders we have got an every day experience that when we have judges who are very reluctant to take up cases, they ask the parties to come to term, from time to time, and adjourn the cases. Without taking the trouble of hearing the evidence or hearing the parties they tell them “Come next time; get the matter settled by

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adjustment or compromise, and then merely the adjustment or compromise shall be recorded."

Mr. D. D. NANAVATI: Are there many such judges?

Mr. H. V. KOLHATKAR: You must be knowing it better.

An Honourable MEMBER: Pocket the fees.

Mr. H. V. KOLHATKAR: Putting in these provisoes would, in my opinion, give His Excellency the Viceroy a chance to adjourn the matter from time to time and to postpone his decision till we have arrived at these compromises and adjustments.

An Honourable MEMBER: You have pleaders.

The Honourable the PRESIDENT: Order, order. Let the honourable member proceed.

Mr. H. V. KOLHATKAR: What I would submit to my honourable friend from Nasik is that he had better agree with my honourable friend from Satara and delete these provisoes. Secondly, what I submit to the House is that we have been trying to settle these differences at least for the last 14 or 15 years. We had the Lucknow Pact in 1916, and since then there have been these differences. We have not been able to settle them. We have got the All-Parties Conference adjourned *sine die* because these differences could not be settled for one reason or another, and if we go on adjourning *sine die*, then I think the Viceroy will never get an opportunity of making an announcement.

The other point to which I would refer is the Viceroy's announcement yesterday. What I submit to the House is that it may be taken as a preface to the announcement which my honourable friend from Nasik wants the Viceroy to make hereafter. The Viceroy has suggested in his speech two things. Firstly he has said that some people are going along the wrong path, and he has suggested the right path. The other thing which he has suggested is that the Government of India are considering the Report of the Simon Commission and the constitutional aspect of the recommendations made by the Simon Commission. If they are really considering the recommendations of the Simon Commission which will have to be placed before His Majesty's Government or before the Round Table Conference, then in my humble opinion the Viceroy can frame a constitution which would fulfil the conditions embodied in the original motion and which would give an idea to the Indian people as to what the opinion of the Government of India is. Then there would be an announcement which would follow the announcement made yesterday. This is my humble submission to the House, and I would request my honourable friend from Nasik to accept the amendment of my honourable friend from Satara.

Mr. P. J. MARZBAN (Bombay City, South): Mr. President, I am in full sympathy with the motive underlying the motion of my honourable friend Mr. Pradhan. But my honourable friend Mr. Taleyarkhan has just touched the very vital point whether this motion now, today, on the 9th of July, is an opportune motion and a motion in tune with the

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present state of things. That is exactly what, I think, the major portion of this House wants to know. Sir, it is apparent that the honourable member Mr. Pradhan himself now is in some doubt whether he should persist in this motion or not. The fact is that he tabled this motion even before the Simon Commission's report was out, and since then, as we all know, much water has flown under the bridges. Since then, Sir, we have heard repeated assurances, declarations and announcements, not only by His Excellency the Viceroy but also by the Secretary of State, wherein they have definitely said "You gentlemen from India may know that the granting of Dominion Status is not a matter with me, Capt. Benn, or with me, the Viceroy of India; it is with the British Parliament. But if that sort of thing is agreed to, with certain reservations, at the Round Table Conference, as Viceroy of India, and on behalf of the Secretary of State, I say that the Secretary of State will certainly recommend to Parliament what you unanimously agree upon." Now, Sir, in the motion of my honourable friend Mr. Pradhan what is there anything more than the Viceroy or the Secretary of State has over and over again said? I would like certainly to get this resolution passed if I was convinced that the Viceroy or the Secretary of State were not prepared to recommend Dominion Status, if agreed upon by the Round Table Conference. They say they are quite prepared to do so IF you and the Round Table Conference agree to it. Then, Sir, the Viceroy in his last pronouncement, only yesterday, distinctly has said that the report of the Simon Commission will not be the basis for the Round Table Conference debate; it will of course be an important document there, but it will not be the only basis on which to go. I think, Sir, if my honourable friend Mr. Pradhan reflects maturely, he will come to only one conclusion, that his motion is out of place and out of time. That is my humble conviction.

As for the provisos which the honourable member from Satara wants to omit, I do not think I can agree with him at all. If this resolution has to pass, it has to be passed *in toto*. Certain honourable members here do not wish the minority question to come in at all, and, with due respect to them, we say there shall be no Round Table Conference without this minority question. However, after receiving this assurance that the Round Table Conference will begin with quite a clean slate, where every possible question can be threshed out, I submit again to this House whether it is not a sheer waste of time and energy to say that we want this and we want that. Whatever we want from England is for us to urge at the Round Table Conference and not here in this Council. What we want is for Parliament to give, and not for the Secretary of State or the Viceroy to dictate to it. That is my point. I therefore submit that though I am in sympathy with the spirit of the resolution, I think it is quite inopportune after yesterday's pronouncement by the Viceroy, and my honourable friend would do well to withdraw it.

Mr. J. R. ABERCROMBIE (Bombay Chamber of Commerce): Sir, I rise to endorse the remarks made by the honourable member who spoke last. I am in full sympathy with the spirit of the motion, but I think,

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in view of His Excellency the Viceroy's pronouncement, he would do well to withdraw it. It is obvious that the formation of India's constitution is now in the hands of Indians, and we should like to see every prominent Indian and every Indian who has the welfare of India at heart to join in this Conference and take part in the formation of the new constitution for India. I therefore would ask my honourable friend Mr. Pradhan to withdraw his motion.

Mr. P. J. TALEYARKHAN (Surat District): Sir, I oppose this amendment. As you see, Sir, if the amendment is accepted, what remains of the original motion is "His Majesty's Government..... for the establishment of full national responsible government and dominion status subject only to such reservations and qualifications as may relate essentially to the transitional period." I ask, what becomes of the Round Table Conference? There is no reference to it whatever left if the amendment is carried. The proposition then reads as if the Round Table Conference was to be scrapped. That is my first point.

My second point is that the Round Table Conference is to be a free conference and it cannot be a free conference, if its scope is limited. Its scope will be limited, if His Majesty's Government at present declares that this conference is to meet to frame dominion constitution. The idea of a free conference is that the views of the people belonging to every party should be heard. Even the die-hards have such a right to be heard. I hope I make myself understood, when I use the word die-hard.....

The Honourable the PRESIDENT: The country understands it.

Mr. P. J. TALEYARKHAN: They have as much right as the Swarajists to be heard at the conference. That is the idea of the Round Table Conference. It is a free conference, where every view will be placed. That is my second objection to the amendment.

My third objection is that it was represented that all Indians are unanimous in demanding dominion status. I say they are unanimous in demanding dominion status, provided some essential conditions are fulfilled. I have heard it said in Muslim meetings and I have heard it reported in proceedings of meetings of the depressed classes that they don't want dominion status until the Mahomedans settle their differences with the entire Hindu community, and the depressed classes settle their differences with the rest of the Hindu community. They say that if these differences are not settled there will be Hindu Raj instead of a national Raj. The honourable member has already made it clear that the words 'subject to reservations, etc.,' have reference to such matters as army, foreign affairs and so on. It was tried to be represented that these words could include the conditions in the proviso. I say they cannot. If they were included, the proviso would not have been necessary at all. Furthermore the honourable mover of the motion has himself said that the words in question do not include the conditions in the proviso. So much as regards the amendment.

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As regards the original motion, I submit that the latest declaration of His Excellency the Viceroy does make a difference in the position. This motion in effect asks for a pledge from the British Cabinet that they will support any agreed scheme that is reached by the Round Table Conference. Now, if honourable members look carefully at the pronouncement of His Excellency the Viceroy, they will see that His Excellency has gone as far as it is possible for him to go. To properly appreciate that pronouncement we have to bear in mind the difficulties of His Excellency and of the Labour Government. However much they may like to give a pledge, they cannot possibly do so, without curtailing in advance their power to help us. Therefore, without giving any sort of pledge, His Excellency states in his speech that, if at the Round Table Conference an agreement is reached, that will be the basis of the proposals of the British Cabinet to the Parliament. If we think for a while, we will see that he cannot say anything else. If the Round Table Conference is called for the determination of this question, then the Labour Government and the Viceroy who were instrumental in bringing about a Round Table Conference cannot set aside the agreed conclusions of the conference and put forward something else. That would mean stultifying their own expressed policy. I hope, therefore, that the honourable mover will withdraw the motion.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Mr. President, I rise to oppose both the motion tabled by the honourable member Mr. Pradhan and the amendment thereto tabled by the honourable member Rao Bahadur Kale.

Many people were hoping that the Simon Commission would give India something. What is the result? They have submitted a very unsatisfactory report. Then the whole of India was anxious for the Viceroy's announcement yesterday. What has the announcement brought forth? Nothing.

My contention is that we should first of all settle our own internal differences and offer a united front to the bureaucracy. What is the position now? There are communal differences which have remained unsolved. The settlement of communal differences is essential for the success of our claim. The Congress has been holding its sessions for the past 42 years but the communal differences have yet to be solved.

When the Great War started India gave all the help she could to Britain. Britain gave something to India with one hand and took it back with the other hand.

The position in the country is very bad to-day. Unemployment is on the increase; trade depression continues. In former days India used to supply Europe with all requirements of cloth. In order to encourage cloth production in Europe, they banned Indian cloth.....

The Honourable MOULVI RAFI UDDIN AHMAD: On a point of order, Sir. The honourable member is dwelling upon conditions of trade which is not the question before the House.

Mr. HAJI MIR MAHOMED BALOCH : I do not think that it is quite unconnected with the question before the House.

Europe passed a law not to allow Indian cloth to come in. What is the condition of India to-day? If the honourable Minister requires proofs, I shall show them to him. After 150 years of British rule, the condition of India is hopeless.

The only way to solve the problem of India, is, I submit, to give a united front to the bureaucracy by settling our differences. I therefore request both the honourable mover of the motion and the honourable mover of the amendment to withdraw the motion and amendment and try to arrive at an understanding with the minority communities.

The Honourable the PRESIDENT : Order, order. I should like to explain the position with regard to the motion just now. If there are honourable members who would like to speak on the motion generally, they could wait and not speak on the amendment. If they do not desire to speak on the amendment tabled by the honourable member from Satara (Rao Bahadur Kale), then they had better wait till they get an opportunity soon after this amendment is disposed of, because the amendment that is now under discussion and other amendments will have to be taken first, and the final reply on the general discussion will have to be given by the honourable the mover of the motion. I would particularly desire, therefore, that honourable members who wish to address generally on the motion will wait till the opportunity comes, so that I may dispose of the amendments.

Mr. NOOR MAHOMED (Hyderabad District) : Mr. President, if speeches have any value, I sincerely feel that there is very little difference between what the honourable member in charge of the motion said and what the Viceroy said at two different places. I say there is very little difference between the two speeches, one made here and the other made at Simla. On reading both speeches I found that the Viceroy's speech contained a greater amount of earnestness than the speech made by my honourable friend from Satara. I frankly feel that I should tell all honourable members to-day that the Muslim members of this House are not afraid either of independence that is demanded by the Congress or the dominion status that is demanded by the liberal school of politics in India. We, Mussalmans, are not afraid of Independencewallas or Dominion Statuswallas. As long as the Army and Navy is present in India we are not afraid of anything. Sir, I frankly say that the Mussalman community is never afraid of jails. They are prepared to remain in jails. This will be proved by the fact that one of the members of the Mussalman community moved in the open Congress at Ahmedabad the resolution of Independence. He is my friend—one of the foremost in our community—Maulana Hasrat Mohani. It is he who moved the Independence resolution in the Congress. When I speak on the resolution to-day, I may tell you that I am neither on the side of Independencewallas nor on the Dominion Statuswallas. But I feel that we should not let the things go into disorder; we should not do anything that will be in the direction of fight. There should not

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be such a thing that after the British leave this country the Mussalmans should run into the throat of Hindus and the Hindus into the throat of Mussalmans and poor Parsis remain in the middle. Now, Sir, I realise the position of the Parsis. They do not know where they stand at present. But I say, Sir, that once the British Government leave this country, the Mussalmans and Hindus and other minority communities will be fighting among each other. When the last debate took place in this Council, my honourable friend, Rao Bahadur Kale, said that there was still time for the grant of Dominion Status. At that time it so happened that the British Government gave reforms to their servants, that is, Civil Service men. When such a thing happened, Rao Bahadur Kale said that the British Government should not take any notice of the representation of the Mussalmans. If such a grant would have been made, the Mussalmans had to go to Hindus, they being in the majority. Such is the state of affairs. I say those who have to live in this country and those who have to die in this country should not be given such a treatment. Now, coming to the question of the Congress Party, I submit that the Congress Party knows its position well. They know that it is impossible for them to prepare a constitution for India which will satisfy all in the country. Knowing this fact, they try to run away from the Round Table Conference of the representatives of the majority and minority. They are therefore trying to boycott such a movement. That is their position and I quite agree with them. They know very well that India is not yet ripe for the Dominion Status. They, therefore, try to create an agitation from outside, making Government grant as much as they can and cry for more. This is the policy of the Congress. I, therefore, do not blame Mahatma Gandhi and Pandit Motilal Nehru for adopting such a policy, because it is only a game of politics. But the most astonishing thing is about the Liberal Party. That Party is anxious to get Dominion Status at any cost, never thinking about the other fellowmen in the country. Even an eminent gentleman, Honourable Mr. Srinivas Sastri, is trying his best to show that he is one of the well wishers of the minorities. I am also surprised to hear the speech of my honourable friend, Mr. Navle. He says that in order to come to an agreement we must go to the third party. Here also it is our experience that whenever no decision is arrived at we are told to go to the third party.

The Honourable the PRESIDENT: I do not quite follow what the honourable member is speaking on.

Mr. NOOR MAHOMED: Sir, I am trying to show how the amendment proposed will not accelerate the grant of our demand. I would prefer to have the main resolution moved by my honourable friend Mr. Pradhan. By that resolution it is quite possible that our wishes will be fulfilled. Here we have got younger brothers and elder brothers. We have heard much from our younger brothers about their views. As regards the elder brothers, I have to say a few words. In saying so, I refer to the Honourable the Minister for Local Self-Government. When he was in charge of the education department, he has cut off the culture

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of the Mussalmans so far as the Bombay Act is concerned. It is most astonishing that when he was in charge of the Education portfolio he should have cut off the culture of the Mussalmans.

The Honourable Dewan Bahadur HARILAL D. DESAI: I do not understand what the honourable speaker is referring to.

The Honourable the PRESIDENT: I think that should be explained by the honourable member as to how the culture was cut off from the Mussalmans.

Mr. NOOR MAHOMED: I know very well how my elder brothers the Honourable the Minister for Local Self-Government and the ex-honourable member Mr. Munshi, who represented the University in this House, succeeded between themselves in driving our culture and took away all our representation from the University of Bombay.....

The Honourable Dewan Bahadur HARILAL D. DESAI: How? I really do not understand the point made by the honourable member. I do not know how I took away his culture.

The Honourable the PRESIDENT: He means that fuller representation was not given.

The Honourable Dewan Bahadur HARILAL D. DESAI: Representation was given to the whole countryside. They wanted to introduce the communal principle and I said that in a temple of learning, the test should be a person's literary qualifications and that no communal principle could be allowed, because I said I do not want any communal considerations to enter a temple of learning. I still stand by that view and if the honourable member thinks that his culture was rather invaded by me or excluded by me, he is welcome to hold his own opinion.

Mr. NOOR MAHOMED: I am very glad that the Honourable the Minister has reminded me of the term "Temple of Learning". I understand now that he excluded us from the temple of learning just as he excludes the untouchables from the Hindu temple of gods.

The honourable member says that it is impossible that we can compose our differences in India and again he says that if we cannot compose our differences we will be unfit for Swaraj. I honestly feel, Sir, that the Congress party is not serious in grappling with the problem of the minorities and I assure the honourable House that Swaraj cannot come—at least Purna Swaraj, cannot come—to India if we run away from the problems which have been facing us all these years and if we refuse to come to grips with the conditions that are prevailing in this country. We, Mussalmans, are certainly for a compromise. We are willing to let our elder brothers have a bigger share but we want that they should let us have at least some slice. You say that the Simon Commission has not satisfied any community. You are perfectly right, but that fact only shows that the question of India is certainly a very complex one. The Nehru Report and the Simon Report only show that the question of India

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is certainly a very complex one. When dealing with such a problem, therefore, every one of us who has got the good of the country at heart should do his best to find a solution. At present the Congress Leaders, on whom lies the greatest responsibility and who have started all this turmoil, should have been the foremost to suggest an agreement acceptable to all. Personally, I am not enamoured of the Round Table Conference. I do not think that the Round Table Conference is going to give us dominion status or anything of that kind, just as we all know that the Simon Commission was not going to give us anything like dominion status. I do not expect much from the Round Table Conference. It may—probably it will—go much further than the Simon Report, although it may not bring us all that we want. That need not give us any reason for speaking against it, because we ourselves, Hindus and Muslims, are not ready among ourselves to bring any better solution than what the Round Table Conference can give. In the circumstances I do not think that there is any necessity for passing a resolution like the one before us. Even if the House or any section of the House passes the resolution *in toto* from the beginning to the end, I would not mind it, but I believe that in passing or rejecting the proviso, they are taking a heavy responsibility on themselves for creating further dissensions among Hindus and Muslims because if the honourable member Rao Bahadur Kale's amendment is passed, I assure him that the Muslims will feel that the Liberals are as good or as honest as the Congress Leaders are and therefore the Liberals themselves in their own interest should try to win the sympathy of the Mussalmans to their side and not go and indulge in speeches like the one made by my friend Rao Bahadur Kale. The honourable member from Satara knows himself how miserable the Simon Commission felt at being boycotted by Indians. With what face now can any Indian—a Hindu at that—either here or outside, say what the honourable member now says? Whenever any conference has been called, the Muslims have been the foremost in attending it in order to put their case for consideration to the best of their ability, but whenever Muslims have gone, that conference has been boycotted by Hindus who have tried to make it unsuccessful. If the Hindus themselves do not want independence which I do not think they deserve, they will never have it.

Mr. R. G. PRADHAN : In order to save time, perhaps the Honourable the Leader of the House may tell us what the Government attitude is towards this motion.

The Honourable the PRESIDENT : The honourable the mover could have his right of reply and the Honourable the Leader of the House, if he wanted to say anything, could do so after him.

Mr. R. G. PRADHAN : The Honourable the Leader of the House could say something at least now and have his right of reply afterwards.

The Honourable the PRESIDENT : There are two other amendments which may be out of order but they have to be reached.

Mr. R. G. PRADHAN : It will probably help me to come to a decision.

Rao Bahadur R. R. KALE : There is one amendment suggested by my honourable friend Mr. Surve. Is there any other ?

The Honourable the PRESIDENT : There are two—one by the honourable member Mr. Karbhari and one by the honourable member Mr. Surve. I hold them both out of order, but I cannot say anything about that until this amendment is disposed of.

Rao Bahadur R. R. KALE : My point is that if there are no other amendments and if you hold these both out of order, my amendment and the resolution may be discussed along. I was only going to suggest so that the whole amendment and the resolution could be put to the vote at the end.

The Honourable the PRESIDENT : My difficulty is the difficulty of procedure. The amendment of the honourable member having been taken up, it has to be disposed of before I can come to the other amendments by the honourable members Messrs. Karbhari and Surve. Both to my mind are out of order, but the amendment already started is awaiting disposal.

Rao Bahadur R. R. KALE : May I respectfully ask if it is not open to the Chair to declare, while my amendment is also under discussion, that those other amendments are out of order, so that that matter will be cleared up and there will be only one amendment and the main resolution before the House ? I know that it is very difficult to separate speeches on the amendment from those on the resolution. It is open to the members to speak both on the amendment and the resolution together in one speech. Their difficulty will disappear and perhaps more members will take part in the debate.

Mr. R. G. PRADHAN : My impression is that when several amendments are proposed, all the amendments can be taken up at once. I have gone through certain debates in the Council of State and the Legislative Assembly, and I think that is my impression of what is done there. All the amendments can be put forward and debated on with the original proposition and the amendments disposed of one by one. That can be done in this case also.

Rao Bahadur R. R. KALE : If the Chair thinks, after hearing the other honourable movers, that their amendments are out of order, there will be no confusion. So far as my reading of the procedure goes, it is discretionary with the Chair. I mean the Chair may put the amendments along with the resolution and at the end take votes. As I say, in this particular instance, if the Chair is of opinion that the other amendments are out of order, then the procedure will be simplified. I know discretion has to be used, when it is likely that too many of these amendments may cause embarrassment. I know that several amendments to be considered at one and the same time may cause embarrassment to the members of the House. If really the Chair thinks that those amendments are out of order, then to proceed with the discussion of one amendment and the

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main resolution to the end would be rather more convenient, and the Chair will use its discretion in that behalf.

The Honourable the PRESIDENT: I am afraid there is nothing very distinct in the Standing Orders to support the claim that has been made by the honourable member from Satara regarding the remaining amendments. But there is at the same time possibly sufficient discretion left to the President to deal with a situation like this, particularly when I find that the two further amendments which are pending are out of order. I would propose now to point out to the honourable members who have given notice of those amendments as to how they are out of order and then allow the House to proceed with the discussion. The amendment by the honourable member Mr. A. N. Surve runs thus:

"Omit all the words coming after the word "Viceregal" in the third line and substitute instead the following words:

"statement of 31st October 1929 by a fresh announcement to be made by the Secretary of State for India declaring that His Majesty's Government will be pleased to submit to Parliament proposals for the immediate establishment of a fully national and responsible government of the type of Dominion Status demanded by the Indians, and its constitution to be settled by a mixed Commission consisting of representative British and Indian Commissioners."

This is a motion by itself, showing a method and departure entirely new at this stage. He suggests that there should be a mixed Commission of representative British and Indian Commissioners to go into the question of formulating a constitution. This amendment cannot be said to be within the scope of the motion before the House. That is why I hold it out of order.

Mr. A. N. SURVE: My point is that you, Sir, had yourself some time ago mentioned "First settle the provisions for the transitional period", and I also felt that there was that defect in the motion moved by the honourable member from Nasik. Therefore I have just pointed out the way how those points which he had not covered in his provisions for the transitional period and in the provisoes could be got over by this particular method. I submit the amendment which I have suggested gets over that point. It is a supplement to the original motion and it makes that complete. Otherwise, that motion as it stands is I think defective.

The Honourable the PRESIDENT: The honourable member has distinctly misunderstood me when he says that I said that the words have this meaning or the other. In fact, I distinctly hold, and my view has been supported by the honourable mover of the motion, that those words go with the announcement of Dominion Status, and the reservations that are given there are reservations for the transitional period during which that particular form of Dominion Status would remain, and it has nothing to do with the rest of it. Those are, as the honourable mover explained, constitutional reservations, whereas the amendment is a different scheme entirely; that a mixed Commission should be appointed to go into the question of the constitution to be given to India. That is a separate resolution or subject-matter for a different motion. I therefore hold it out of order.

[The President]

Coming to the second amendment, it is distinctly, on the face of it, a foreign matter. The amendment says :

Delete the words after 'national responsible government' and add the following :

"And further recommends that the Viceroy be pleased to enter into direct negotiations with Mahatma Gandhi to bring about an immediate truce and thereby create a peaceful atmosphere in the country."

This has nothing to do with the motion. It is decidedly out of order, being beyond the scope of the motion.

The House after tea will proceed with such discussion as it may feel inclined to have on the general motion.

(After recess.)

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi): Mr. President, the honourable member from Nasik Mr. Pradhan has moved a motion and to that the honourable member Rao Bahadur Kale has moved an amendment. In discussing this question we have to take into consideration the present state of affairs in the country. Taking that into account, I think that the amendment of the honourable member Rao Bahadur Kale is quite appropriate and suits the occasion. The speeches that have been made on this motion by my Moslem and Parsi brethren show some difference of opinion, though they all wish that there should be dominion status. It seems that there is the fear lurking in the minds of the Mahomedan members that in case dominion status is granted, there will be Hindu Raj. Even Barrister Jinnah has agreed that we should have dominion status and that every community should have its own safeguards. What we want now is, if not full swaraj, at least the substance of independence. Then only the country will be satisfied.

We have read to-day the speech made by His Excellency the Viceroy. In that he has not stated whether we will get swaraj or not. Swaraj is sure to confer immense benefit on the country to which it is granted. In other countries, for instance in Africa, the British Government called upon the people to frame their own constitution and said that they would grant it. Here in India, several constitutional schemes have been drafted. For instance the All Parties Conference in which Mahomedans also were represented drafted a constitution. The Mahomedans dissented from the scheme formulated by that conference.

I support the amendment moved by my honourable friend Rao Bahadur Kale. There have been so many opinions expressed by honourable members on the motion. They will no doubt consider whether, in the present situation, this is the proper time for moving the motion or not. In my opinion either His Majesty the King Emperor or his Viceroy should make a declaration granting Swaraj or dominion status.

Mr. A. N. SURVE (Bombay City, North): Sir, the motion that is before us is really very intriguing, and I am sure from the speeches that I have heard and followed so far that it has created a great impression upon honourable members of this House. Sir, this motion is, I think, quite appropriate at this psychological moment. I must, indeed,

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give my tribute of homage to the intelligence and foresight of the honourable mover of this motion. He has really done a great service at this juncture.

Having spoken so far on the preliminary points, I now pass on to the matter of the motion. I find that even in this House there are some members who are not quite certain whether dominion status should be granted immediately; whether the country is ripe for it or not I shall not venture to pass an opinion. But seeing the situation that is existing to-day in the country, I think that an immediate declaration on this point will aid considerably in the restoration of tranquillity and peace of the country. There is nothing to be afraid of in the mere term "dominion status", whether it is given immediately or given at a distant date will matter very little if we are really concerned with restoring peace and tranquillity in the country. The term "dominion status" has nothing in it which should frighten anybody. When the memorable announcement was made in the year 1917 by that great friend, the late Mr. Montagu, there was a distinct promise that India would have responsible government. With your permission, sir, I shall read the first paragraph of the preamble of the Government of India Act. It reads as follows:

"Whereas it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian administration and for the gradual development of self-governing institutions with a view to progressive realisation of responsible government in British India as an integral part of the Empire", etc.

The words "progressive realisation of responsible government" are the charter which the Parliament has given to India. It was a very unfortunate incident that a responsible member of the Government of India had tried to explain that phrase in a different way. But I am very glad that the Viceroy has, in his declaration, yesterday, given an assurance that the progressive realisation of responsible self-government simply means dominion status. What he said yesterday is this:

"It was for this reason and with the object of removing avoidable misunderstanding that his Majesty's Government last year authorised me to declare that in their view the attainment of Dominion Status was the natural completion of India's constitutional growth."

Now, we have a distinct declaration and a promise that the progressive realisation of self-government is to culminate in Dominion Status. Therefore, those members who had some sort of misapprehension in their minds that the immediate grant of Dominion Status would work ruin to the country are, with due respect to them, I submit, greatly mistaken. The situation in the country is that the people have become almost desperate on account of that fearful suspense. We have been under British supremacy for over a century. We have imbibed blessings from them in many ways and it has only created a greater appetite in us. It has created political consciousness in us and we are now demanding Dominion Status for our country. I think every British politician, high or low, acknowledges our right to demand that kind of government for our country. The only difference between Indians and the British is as to the exact date at which this boon is to be received by India. As

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I have said, Indians have lost all patience. It is to the interests of both the countries that in order to pacify the people, an immediate declaration should be made. The leaders of all shades of opinion in India have been crying out even from a time anterior to the appointment of the Simon Commission, for Dominion Status. From that day up to the present, there has been only one demand from every Indian,—barring of course a few who want to guard their own interests,—and everybody wants that Dominion Status should be conferred upon India at as early a date as possible. Even if it is given to-day, people are anxious to have it. Now the time is such that it is not a matter for discussion and negotiations between the Indian leaders on one side and the British politicians on the other. I may say that the Indian leaders have lost trust with their followers. People now do not depend upon the attainment of Dominion Status on the efforts of their leaders. They have taken it into their own hands. And this fact—a very striking fact—can be witnessed in the streets of every city and even in distant villages of this presidency and our country—India. Sir, it is in the interests of both Britain as well as India that there should be good feeling and harmony between these two countries and if the British politicians do not pay heed to the increasing aspiration of an Indian, I am sorry to say that they will one day awake to the reality that India has become independent. In the case of America, Britain had committed a similar mistake and in the case of Ireland also the British people tried to hold their own, but in the end they had to yield and perhaps if these two instances do not make them realise the situation in the case of India no one knows what would happen. Sir, those who are in touch with their constituency do see very ominous signs. I myself come from the Bombay City and I will let you know what the position is there. I see every day small children, girls and boys, going down and singing throughout the streets some sort of slogans, which is creating a sort of awakening among the people. To-day the movement has been taken by children, by girls and boys and also by women. But a day is coming, if no immediate action is taken, that not only children, boys and girls, women and men but everybody in the country will be crying out their slogans. At that time, Sir, I do not know what is going to happen. The Government may rely upon their weapons but weapons cannot be turned against the whole nation. They can be turned against individuals. But when the whole nation is awakened, when there is a united demand, I cannot say what the consequence would be, when that day comes. For that reason, Sir, as a loyal servant of my country and as a friend of Britain, I tell those who are in power that the Indian aspiration should not be crushed out. India has a rightful demand. Nobody denies that. And if that is a rightful demand, I submit it cannot be withheld but must be granted, whether you give it to-day, or you give it ten years hence. It is a thing which Britain cannot retain for ever. Sir, these are the things that are happening every day. You have tried several repressive measures, we have ordinances. But what is the effect of those ordinances? Agitation has not died out. With every drop of blood of children, of men and women that is spilt, the national agitation is

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gaining ground every day. You are taking out Ordinances week after week, but you find that all those Ordinances are not able to completely kill the agitation that is gaining strength in the country. Now, Sir, have you succeeded in putting down the agitation in the country? I say "no"! If you admit that Britain is a Trustee of India it is most wonderful that the trustee tries to retain the trust property in his power for ever. I think that that aspect of the question will have to be solved and the sooner it is solved the better for all concerned.

Now, as for the other parts of the motion my honourable friend from Nasik has tried to go along the lines of least resistance. He wants to win the sympathy of the minorities, he wants the sympathy of Muhammadans and Hindus. He wants to win the sympathy of all. But you all know that when you try to please everybody, you please nobody. That is our experience in the world. I wanted to do away with that proviso for this reason. We have the experience of the past. We know what happened about the Lucknow Pact. It is no more now in existence. It was in the first instance required by the Muslims themselves, but they found they could not get therefrom what they wanted, and therefore they want to change it. We have the Simon Commission Report and even in that report they did not get what they wished for. Therefore, things are taking place to foretell us what is going to happen in future. If we try to bring these facts at a Round Table Conference I know the differences will still exist and we will be no nearer the end than we were at the beginning. So, for that very reason I have suggested in my amendment that the matter should now be confined to few representative leaders and let them settle for India, their fellow-castemen or brethren of religion on the one hand and the British politicians on the other. So that, in India there should be no communal bickerings, I had suggested that there should be a fresh Commission. I am quite sure that there are in the Hindu community and in the Mahomedan community leaders whose word will be accepted by their respective followers. Here at my back the honourable member from Thana (Mr. Karbhari) has suggested the name of Mahatma Gandhi. I am not going to suggest anybody's name. I only give expression to what he has suggested. The idea was that there are respected leaders whose word every Indian, be he a Mahomedan or be he a Hindu or a Christian, would follow. Therefore, the only thing that could be done in the best interests of all is to appoint a few representative Indian leaders and a few chosen British politicians and settle all these points. All these details which my honourable friend has laboured out in his motion will be of no consequence. Whatever these plenipotentiaries from the Indian side as well as from the British side agree to between them and place before Parliament and pass into law, I am quite sure that India will be quite willing to accept that. An additional advantage of that will be that India would remain in the Commonwealth of Nations. There is an element in India at present who are advocating independence and if we do not want to give ground to these agitators, it is our bounden duty to see that India remains in the commonwealth of nations, that

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India is treated on a footing of equality with other colonies and that India in her own home affairs has complete autonomy. Sir, if these things are granted, I do not see any reason why there should be any agitation in the country. Therefore, for this reason only that there should be peace in the country I submit that we must send our motion urging upon say the Viceroy or the Secretary of State, whoever may be the proper authority, stating what our demand is, stating what is the necessity of the moment, and we must impress upon them that it is no good in the interests of both countries to have this kind of trouble in the country.

Sir, I shall not engage the attention of this honourable House any more. I shall merely repeat what His Majesty has said at the time of opening the India House. His Majesty's last words were:—

"I trust that it (the India House) may not only serve the material progress of the country but by spreading a sound knowledge may foster between the peoples of India and Great Britain that "wider sympathy" for which I pleaded many years ago and plead again to-day."

Sir, these are the words of His Majesty the King-Emperor and the Dichards in Britain should consider and give due weight to this appeal which is made by His Majesty the King in the interests and for the benefit of both the countries.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): Sir, I should be excused if I say that to-day when I came into the Council I came in a very happy mood, but I am sorry to say that I am going out of it a sadder man, for I find the arguments are drifting and I do not know whether they will drift us. If we read between the lines of the second part of the resolution, the most important part is there and I shall read it for the information of the House so that they can follow the lines of my arguments which I shall presently advance in support of the amendment that has been suggested by the honourable member Rao Bahadur Kale. The second part runs thus:—

"His Majesty's Government will be pleased to submit to Parliament proposals for the establishment of full national responsible Government and Dominion Status, subject only to such reservations and qualifications as may be deemed essential to a transitional period."

This is the most important part of this motion. What is meant by dominion status or what is meant by national responsible Government is the political advancement of India on the lines enjoyed by the Dominions enjoying what is called Dominion Status. In other words, India wants liberty to develop herself industrially and commercially in every way on the lines along which the British Dominions have been allowed to develop within themselves. And by "responsible Government" we mean that type of Government which may be established in India hereafter and which may be made responsible to the people of this country, that is to say, it shall be responsible to the voters of the constituencies. This is the most important and essential part of the resolution.

You know, Sir, that His Excellency the Viceroy has declared that he loves India and that he would very much like to help her, that he is trying to help us, but I am sorry that by these provisions which you

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have added you have handicapped him absolutely, because I know that if you take the original resolution, the Honourable the Home Member will at once jump on his feet and accept it because we know that the Viceroy will have to wait till Doomsday before these differences are settled between you. These points I know are both important and urgent, but these are the points not to be suggested here to the Viceroy but they are the points to be discussed at the Round Table Conference in order to facilitate political advance and for creating mutual trust, mutual love and mutual confidence between the warring communities and classes who inhabit this vast country of India. So, I say that I would most sincerely and earnestly advise all of us and I would beg of you all that if we are really anxious that our connections with England should pull on and that we should be proud of being British Indian citizens under the aegis of the British Government, then I believe it is quite advisable that we should make a request to the British Parliament to allow us to develop on the lines of dominion status, we should tell them that we should be respected as Indians, that Indian manhood should be respected to the same extent to which the manhood of the British colonies is being respected to-day. I believe, Sir, that I have made my point clear.

Sardar DAVAR T. K. MODI (Surat District): Sir, I oppose the resolution and the amendment on the grounds that have been urged by the previous speakers. As to the motion itself I beg to say that it will serve no useful purpose and it is not likely to serve any useful purpose in view of the declaration which His Excellency the Viceroy has already made yesterday. The debate on the motion has in my humble opinion not been very helpful and it has not served any purpose except that of wasting the time of this House. It on the contrary shows that this House is simply a body of men who cannot agree among themselves and that this is a House which is divided against itself on a motion of such importance. All of us want the substance of independence but we want it with adequate safeguards. Therefore, instead of showing to the world and instead of showing to Government that we are unanimous in our demand, we are showing to Government and strengthening their hands by showing to them that we ourselves are divided in our demand. The debate has also emphasized the cleavage which exists in this House between members of the major communities and members of the minor communities, and it has also given opportunity for very unpleasant mutual recriminations and therefore, Sir, as I have already stated, I believe that in view of the announcement made by His Excellency the Viceroy the honourable the mover of the motion will be well advised to withdraw it and not to go to a division on this point and not to have any voting on the question but to stop the debate at this stage.

Mr. P. R. CHIKODI (Belgaum District): Sir, I rise to support the amendment moved by my honourable friend from Satara. My reason for doing so is this, that the resolution seeks to submit a scheme only after certain conditions are fulfilled and not otherwise. It says "His Majesty's Government will be pleased to submit to Parliament proposals

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for the establishment of full national responsible Government and Dominion Status", but only when certain conditions are fulfilled. Those conditions are mentioned in clauses (a), (b) and (c) of the proviso. The meaning of this proviso is that if any one of the conditions is not fulfilled, then responsible Government and Dominion Status is not to be given. That is the plain meaning I read in the resolution as it is moved by my honourable friend from Nasik.

Another thing is that the resolution wants a second declaration to supplement the first Viceregal announcement, and that second declaration has been, I believe, made only yesterday. So, the resolution as such, has got no force whatsoever. The third reason why I oppose the resolution is.....

The Honourable the PRESIDENT: How can the honourable member support the amendment when he opposes the main resolution?

Mr. P. R. CHIKODI: If the proviso is taken away, then I support the resolution as it will stand then.

The Honourable the PRESIDENT: I think the question of a declaration is in the main resolution.

Mr. P. R. CHIKODI: But this declaration has been made.

The Honourable the PRESIDENT: Therefore, of course, the honourable member opposes it. Therefore, he cannot support the amendment asking for supplementing the Viceregal announcement by another declaration.

Mr. P. R. CHIKODI: Let us take it to mean that he wants to wait for another declaration still further.

The declaration already made both by the Secretary of State and the Viceroy states that the Round Table Conference will be entirely free to decide anything, and whatever form of Government is agreed upon at the Round Table Conference will be acceptable to the British Government and the British Government will place the accepted opinion of the Round Table Conference before Parliament. If that is so, it appears to me that the resolution of my honourable friend from Nasik is of a retrograde character altogether, because it has been hedged in with so many conditions. The resolution raises the question of minorities and the question of Muslims and non-Muslims. So far as the representation of these minorities and Mussalmans is concerned, the principle is accepted long ago, and has been acted upon till now. It is the principle of communal representation already in existence. There remains now only the question of percentage. Many communities are now asking for a bigger percentage, and they are refused it on certain grounds. Well, that is a matter of detail. When once the form of Government has been settled, these details of electoral reform may very well be discussed and adjusted. But then it need not be made a condition precedent for the grant of Dominion Status or responsible Government of the type of Dominion Status. I therefore think that my honourable friend from Nasik would be well advised to withdraw his resolution and leave the matter as it is.

Mr. THAKURSING LALSING (Karachi City): Sir, I also am not for this resolution. With due deference to the honourable member Mr. Pradhan, I submit that the motion of the honourable member appears to me to be premature at this stage, unless this condition is fulfilled, namely, that an agreed solution of the problem of minorities must surely be decided and determined once for all beforehand. This solution must be arrived at between the majority and the minority communities. This problem should not be kept for solution afterwards. Before the motion can be acted upon, it is necessary, as indicated in part (a) of the proviso that an agreed solution of the problem of the minorities is reached. These minorities must be given to understand definitely what their share is going to be before anything is done in respect of this resolution. Let us leave aside for the moment the Mahomedans, because they have already said that the problem of their representation must be tackled first. But there are other minor communities, and I am referring to this question because of the experience I have had of it. I come from the Sikh community, and I represent the Non-Muhammadan, Urban, Karachi City constituency. Now a Non-Muhammadan constituency includes Sikhs, Hindus, Parsis and other classes such as the Christians, Anglo-Indians and so forth. I have my own experience of this in Karachi City. When the seat for the Karachi City Non-Muhammadan constituency was vacant, I stood as a candidate for it and sent in a nomination paper, there was a stir among the Hindus. I belong to the legal profession, and some of the Hindu pleaders of Karachi held a meeting on this account, and they said that they would not at all like it if I did not withdraw my candidature and on my not having done it, I was ostracised. That was the attitude of our elder brothers the Hindus, who perhaps thought that that was their seat and it was not for anybody else, that it was for them only, and no non-Hindu should go into that seat. The opposition was so much that two of the pleaders who were Shikarpuris went actually to the extent of advising the Shikarpuri Panchayat to ostracise me socially I being a Shikarpuri. That was their view. That is the mentality of the Hindus against the minorities. Therefore, unless we the minorities know where we are with the Hindu community, I am not for this resolution. They must decide once for all beforehand what the position of the minorities is going to be.

Sir, it cannot be that I am not for self-government, or independence or Dominion Status. On the contrary, as an Indian, just as any other Indian feels for the country, that is my feeling also. Every Indian has love for his country, and this is what we have been taught by the English people themselves even in our earlier days, when we were at school, namely:—

“Breathes there a man with soul so dead
Who never to himself hath said,
This is my own my native land!”

Everybody has love for his land. When Englishmen are the trustees, they have got to discharge the trust according as law demands. That means they should look to the demands of every community, whether

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it be a minority or a majority community. It is not as if the minority communities desire that the majority should not get the major share, but what they say is that the minorities also should get their due share. Under these circumstances, unless these differences are settled, what are the Government to do even if we want Home Rule, or anything of that kind? Otherwise, we will be better off under the present conditions. It cannot be that the minorities should get nothing. That is my submission. Our rights should be safeguarded. We, the Sikhs, have done greater service to the country by sending 80,000 men to the last Great War. That was for keeping up India's honour and we are prepared to do it again if necessary for the sake of India. All that we ask is that our rights as a minority should be safeguarded. Let the majority community sit with us and tell us what we are going to get. So long as they are not prepared to do that, we take it that it means that perhaps they want us to be just as we are at present, or worse off than we are. In the Punjab, the Sikhs have 11 seats, which is inadequate looking to the strength of their population, but the Hindus are not willing to give us more representation. So, unless the problem of the minorities is satisfactorily solved, I am not for this resolution.

Mr. Y. M. KAMAT (Kolaba District): Sir, I oppose both the motion and the amendment. The motion, instead of easing the political situation, will aggravate it. No doubt, it gives an opportunity to listen to the excellent speeches of honourable members in this House, but I am sorry to learn that there is no unanimity of opinion in the speeches delivered to-day in connection with the motion as well as the amendment. If it is not possible to secure unanimity of opinion here, how is it possible to secure unanimity at the Round Table Conference? This is a thought which has occurred to me and made me feel sorry.

Besides, His Excellency the Viceroy has delivered an address to both the Houses of the Indian legislature. The important points raised in this motion are fully dealt with by the Viceroy in his address. It is stated in the motion:

"His Majesty's Government will be pleased to submit to Parliament proposals for the establishment of full national responsible Government and dominion status....."

But it is not competent for His Majesty's Government to make a valid declaration without the permission of the Parliament, because Parliament is the supreme authority. Even if His Majesty's Government makes it, it will place itself in an awkward position, because the scheme is to be framed by the representatives of both the countries, India as well as Great Britain. So, any previous announcement will prejudice the case.

I will briefly deal with the Simon Report. I have not studied the whole report, but have only studied the summaries that appeared in the newspapers from time to time. Some of the recommendations do make an advance, some are retrograde and some leave us where we are. I am not primarily concerned with the consideration of the Simon Report so much, but I want to refer to one suggestion that is made there.

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There is a proposal for the creation of a provincial fund and for that here is also a recommendation among others for the abolition of the exemption of income-tax on agricultural income. We are not primarily concerned with the form of Government. We are concerned with the redress of our local grievances. What we want is that there should be no additional taxation if no reduction. If in the present taxation we get another instalment of reforms, no doubt we will be glad. But at the same time there should be no additional taxation. If the recommendations of the Simon Commission are not satisfactory, material alterations will be made in the Round Table Conference. When we compare the points raised in the motion and those raised in His Excellency's speech, we find that the points raised in the motion are of a retrograde nature. His Excellency has expressed a desire to invite all schools of thought belonging to the different shades of political opinion, but in this motion there is not even that suggestion. Besides, it is very difficult to frame a scheme acceptable to all parties. Even in this honourable House, members have not been unanimous. In order to arrive at a unanimous opinion there should be mutual trust, goodwill and understanding on the part of politicians. I think notable advance will be made at the Round Table Conference. It is not necessary to carry this motion with certain provisos. It is very difficult to define "national government and dominion status". But at the same time I think all these points that are raised in the motion and the amendment have been dealt with in His Excellency's speech delivered by him yesterday. I therefore request the honourable member to withdraw his motion.

Sardar Sir RUSTOM JEHangIR VAKIL (Ahmedabad District): Sir, the main object of the motion moved by the honourable member from Nasik (Mr. Pradhan) is to get a kind of supplementary announcement from the Viceroy after his announcement of 31st October 1929. The words in the last two lines of the first paragraph are:

"immediately after the publication of the report of the Indian Statutory Commission."

This has already been done. Therefore, I think after the announcement made by the Viceroy yesterday, the necessity for moving a motion of this character does not exist. I only hope that the honourable mover will reconsider his position and withdraw the motion.

I may be permitted to say that it is extremely unlikely that any further announcement, either by the Viceroy or any responsible member of the Cabinet, can be made, after this announcement. I suppose the honourable member himself realises it. I am inclined to believe that he will see his way to withdraw the motion.

Dr. P. G. SOLANKI: Sir, regarding the motion moved by the honourable member Mr. Pradhan, I say only this much that it is out of place now because the demands he has made in the motion, have already been satisfactorily answered in the statement made by His Excellency the Viceroy yesterday. Taking into consideration this fact I think it will be wise on the part of the honourable member to withdraw his motion.

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But if he insists upon it, I am afraid, the motion will be lost. As for the amendment, Sir, I oppose it because it wants to do away with the provisos which are the essential part of the motion.

The Honourable the PRESIDENT: The treatment to the backward classes by the advanced classes? I hope that will not be entered upon.

Dr. P. G. SOLANKI: Sir, I hope you will allow me to speak of the treatment and injustice meted out to the minority communities by the majority community, leaving aside the backward classes. On the general question of Muslims and non-Muslims of the minorities I hope the Chair will be kind enough to allow me to speak for a few minutes.

The Honourable the PRESIDENT: The honourable member has got 15 minutes.

Dr. P. G. SOLANKI: I will take only a few minutes and give time for others to speak. The honourable member Rao Bahadur Kale stated that the question regarding the Muslims and non-Muslims and other minority communities should be left to be decided after the Round Table Conference or after the dominion status is granted.

Rao Bahadur R. R. KALE: I said: "After the assurance is given, we can adjust our differences".

Dr. P. G. SOLANKI: Sir, the people of the advanced Hindu classes and of the Congress party are in hot haste to get Dominion Status at once. Here my honourable friend Rao Bahadur Kale says that he is prepared to do so even if an assurance is given by Government. Whatever it may be, the question of the minorities has been shelved at the present stage and is to be considered after getting assurances from the Government regarding the attainment of Dominion Status. Sir, I would just like to tell our elder brother Rao Bahadur Kale that it behoves elder brothers to be just and fair and to give all facilities and rights to their younger brothers. On the other hand, the younger brothers' aspirations and progress are always hampered and they are told by the elder brothers that they are still ignorant and unable to manage their affairs. They cannot take care of themselves. They say "You are still minors; we are your elder brothers. We are your trustees and you cannot manage your things, leave it to us to look after your things; we will manage them for you". It is the usual argument which the advanced classes are always using against the minority communities. It has been said that the British Government has been the trustee of the Indian people and that it has been here to look after the interests of the people, and at the same time the elder brothers have come forward and said that they are the trustees of the minorities. I will ask my elder brothers as to what have they done for their younger brothers to make them fit for the management of their affairs? They have not done so. I do not think, therefore, that it befits them to go to the higher authorities and ask that everything should be

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given to them for themselves and on behalf of the minorities. At this juncture Rao Bahadur Kale says that : " Never mind about our younger brothers ; we will look after their interests. Hand over all the powers to us and we shall see that everything is done for them ". As my honourable friend Mr. Noor Muhammad said, once the power is given to them, the Muhammadans and the other minorities like the backward and depressed classes will have to go to the elder brothers who happen to be the advanced class Hindus. Every time they shall have to depend on their mercy. Before the assurance is given by the Government for Dominion Status, the differences must be made up between the majority and minority communities and a solemn pledge must be given by the elder brothers that during the transitional period they will wipe off the differences and safeguard the interests of their younger brothers and lift them up and bring them up to the level of equal status with the advanced communities. Just as their demand is for Dominion Status, backward classes' and minorities' demand is for equal status and equal opportunity with the elder brothers, and I believe and I hope that the elder brothers will be more reasonable and considerate and settle all the differences and mend matters in their own houses before they think of rushing for getting Dominion Status at once. With these words, I oppose the amendment and resume my seat.

The Honourable Sir ERNEST HOTSON : Sir, I think that every honourable member of this House knows that the Government of Bombay is and has been warmly sympathetic towards the legitimate aspirations of the Indian people. (*Hear, hear.*) Speaking for myself, I have found to-day's discussion and the eloquent speech which was made by the honourable mover of the motion yesterday evening very interesting and a report of the discussion will be submitted to His Excellency and also to the Government of India for their information, whatever the result may be. (*Laughter.*) I mean to say the result of the discussion to-day. Possibly in view of the announcement which was made yesterday by His Excellency the Viceroy and in view of the suggestions that have been made by several honourable members of this House, the honourable mover of the motion may not think it necessary to press the motion to a division. If there is a division, however, I may say that the official members will not take any part in it.

Mr. R. G. PRADHAN : Sir, I realise that I have now to consider my motion in the light of the speech made by His Excellency the Viceroy to the Indian Legislature yesterday. The Honourable the Leader of the House was kind enough to place in my hands yesterday only a few minutes before my motion was reached a summary of the speech. At that time my mind was naturally so full of my own motion and of the speech that I intended to make on that motion that I found it extremely difficult to go through that summary and to realise what His Excellency the Viceroy had actually said. Moreover, it has been my experience, and on the present occasion also it has been my experience, that an honourable member is overwhelmed with suggestions of various kinds by various members and it becomes extremely difficult

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for him to come to a definite conclusion particularly on the spur of the moment. I therefore decided to request you, Sir, to proceed with the motion. It was only this morning at 12-30 that I was able to read the full text of His Excellency's speech and since then I have been thinking what attitude I should, in the long run, take up with regard to my motion; and I thought that I would be naturally enabled to form a definite decision on this point by the course of the debate and by what the Honourable the Leader of the House would say. His Excellency's statement has now been made. There has been, as a matter of fact, a supplementary or additional statement made by His Excellency the Viceroy on the authority of His Majesty's Government. One honourable member has expressed his opinion (I think it was my honourable friend representing Satara District) that the announcement has not been satisfactory. Other honourable members have expressed the view that my motion is, to all intents and purposes, covered by this additional announcement. I confess personally between these two conflicting views I am unable to arrive at any definite conclusion as to the precise nature and meaning of this additional announcement. And perhaps it would be better for me if I suspend my judgment on this question until I go through the speech more carefully. But all the same it is impossible now for me not to realise that this statement is, after all, the final word on this question. Whether the Viceroy's statement is satisfactory or not, whether it eases the present political tension or not, or whether it only results in aggravating the present situation, one thing does seem to be certain that this is going to be the final word of His Majesty's Government as regards the meaning and purpose of, and the terms of reference to, the Round Table Conference. In view of that, I do not at all desire to make any further request to His Excellency the Viceroy or to His Majesty's Government. I do not want to make any request to them for a further statement. Nor do I desire that this House should now condescend to go to the length of requesting His Majesty's Government to make any further statement. We shall have to consider now, the several political parties in the country will have to consider now, what their attitude and their policy should be in view of the additional statement made by His Excellency the Viceroy. I, therefore, quite admit that in view of this statement it is no use proceeding with my motion. I therefore ask the permission of the House to withdraw my motion. (*Cheers.*)

I want to add one remark and it is this. I find that many honourable members of this House do not appreciate the purpose, the significance, and the bearing of the proviso which I have included. I shall only remind them of the fact which they seem to have forgotten that the necessity of coming to an agreement, the necessity of solving the communal question, the necessity of formulating an agreed constitution was fully realised by the National Congress. The National Congress convened an All-Parties Conference which had done very useful work. From that Conference has come out the Nehru Constitution in which all the points brought before this House to-day have been

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mentioned. My honourable friends who objected to the proviso seem to have forgotten all these facts. It is most astonishing, it is most painful, it is most regretful that we have not yet been able to arrive at any agreement on this most important question. So far as I am concerned, I feel convinced that the achievement of national unity on these communal questions will be a much more glorious, much more impressive, much more striking achievement. To my mind such an achievement of unity will be a great political achievement. It will be a great moral achievement; it will be a great spiritual achievement; it will be an achievement which will be a great manifestation of soul force. But I think it is unnecessary to dwell upon this point any further. I will only say that all the objections raised here are most regrettable. With these words I beg to ask the permission of the House to withdraw my motion.

Question put and leave granted.

ELECTION OF A MEMBER TO THE UNIVERSITY SENATE.

The Honourable the PRESIDENT: Order, order. Now I have to announce the result of the election to the University seat. The votes are:

Khan Bahadur H. P. Chahewala	..	48
Rao Bahadur G. H. Desai	..	20

*Khan Bahadur Chahewala has, therefore, been elected.

BILL No. XXVIII OF 1929 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888).

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City): Sir, I move that the Bill No. XXVIII of 1929 be read a third time.

Third reading.

Bill read a third time. Question put and carried.

The Honourable the PRESIDENT: Bill No. XXVIII of 1929 is now read a third time and passed into law.

MOTION REGARDING REPRESENTATION OF LANDHOLDERS ON THE ROUND TABLE CONFERENCE.

The THAKOR OF KERWADA (Northern Division): Sir, before I move my motion, I suggest a slight alteration. I should like to change the number "four" to "two" only. After doing so, I beg to move the motion which stands in my name as follows:

"This Council recommends to Government to move the authorities concerned to select two representatives from the landholders of this Presidency to represent their case at the Round Table Conference suggested by the Secretary of State for India."

The Honourable Sir ERNEST HOTSON: Sir, I wish to raise a point of order, not as regards the merits of the question. I would ask whether it is not necessary for the honourable the mover to move the motion in the form in which it was tabled and then ask the permission of the House to amend it.

The Honourable the PRESIDENT: The honourable the mover should first read the motion as it is tabled and then ask the permission of the House to change the figure "four" to "two".

The THAKOR OF KERWADA : Yes, Sir. I will move the motion as it stands. It runs thus :

“ This Council recommends to Government to move the authorities concerned to select four representatives from the landholders of this Presidency to represent their case at the Round Table Conference suggested by the Secretary of State for India.”

I now ask the House to give me permission to change the number of four representatives to two only.

The Honourable the PRESIDENT : The honourable member is allowed to make that alteration which is really an alteration of a figure.

Rao Bahadur R. R. KALE : I rise to a point of order, Sir. I want to know whether the form, in which this motion is put, exactly fits in with the form of a resolution. I do not understand the difference. I see but little difference between this motion and a resolution. So, simply because any member calls it a motion it becomes a motion. Is that so ?

The Honourable the PRESIDENT : The distinction is this. A resolution is a distinct recommendation to the Government to which it belongs. Where a motion which is brought up is a request or a recommendation to the Government with which that motion is concerned, it is a resolution, but a motion goes out of the category of a resolution if it is a request to this Government to request higher authorities, and becomes a motion. That is probably the intention of 24A. To meet resolutions of that kind 24A has been introduced. When it is not a recommendation to the local Government which the local Government can meet, then it is a motion requesting the local Government to move the higher authorities to take a step which is not within the power of the local Government.

The Honourable Mr. J. GHOSAL : I want to know, Sir, whether the resolution by the honourable member Mr. Gunjal as set out in the supplementary agenda is a resolution or a motion, because it reads as under :—

“ This Council recommends to Government to request the Governor General of India in Council to abolish the salt tax and the Salt Act immediately.”

The Honourable the PRESIDENT : That is a very important question raised. The distinction which the office has been drawing between these resolutions is this, that when there is a resolution which aims at something which comes under a constitutional question, that is to say, if it is a recommendation for a constitutional change, it is taken under 24A, and if it is a resolution which aims at an alteration or change in a legislative measure, then it is taken up as an ordinary resolution. But I admit that is a very fine distinction. I do not think there are any previous rulings on that point, but I should certainly like to be enlightened for future guidance in this matter.

Rao Bahadur R. R. KALE : I have an idea that communications from this Council to Government for the purpose of being forwarded to higher authorities are covered by Standing Order XII-6 at page 254 and they are to be made by motion by formal address after motion made and carried in the Council. It deals with communications and on previous occasion, you must be aware also that they were treated as motions

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because they are to be made after motion, they must be in the form of a motion and therefore certainly it must be in the form of an address to the Governor and then only it can be made to assume a special character.

The Honourable the PRESIDENT : This is again a motion of a third kind, that is to say, where the Government including His Excellency the Governor in Council is not concerned, but a motion which appeals to His Excellency the Governor himself in his individual capacity, then it is to be communicated to him by this House in the form of an address and that is governed by this Standing Order on page 254. That is the distinction between the two instances pointed out. The present motion under consideration and the point raised by the Honourable the Revenue Member, I think, is a question which will have to be very well considered and decided for future guidance.

Rao Bahadur R. R. KALE : "Motion" is defined on page 237 and means the statement of a matter brought forward by a member for the decision of the Council and includes an amendment of a motion. That is all the definition of a motion.

The Honourable the PRESIDENT : They are further classified when they take different forms and dealt with accordingly.

The Honourable Dewan Bahadur HARILAL D. DESAI : The motion for the appointment of a Finance Committee also is a "motion".

The Honourable the PRESIDENT : We shall for the present proceed with this motion of the honourable member the Thakor of Kerwada.

The THAKOR of KERWADA (Northern Division) : Sir, I rise to move my motion before this honourable House with feelings of keen disappointment. When I gave notice of this motion, the Simon Commission Report had not been published, and I for one never thought....

Rao Bahadur R. S. ASVALE (Bombay City North) : Sir, I rise to a point of order. If the figure "4" is to be changed, the permission of the House has to be taken.

The Honourable the PRESIDENT : I do not know that. The permission of the House is taken when the House is seized of a resolution or a motion or any other matter, and the House will be seized of it when I put it to the House and then, if an alteration is to be made, the House will be consulted and must be consulted. That is my view. If the honourable member has a Standing Order to point to in favour of his statement, I would like to see it. I think the permission of the President is the right procedure.

The Honourable Sir ERNEST HOTSON : Sir, Standing Order X on page 249 deals with Resolutions. X, 5 (1) (b) at the top of page 251 says that a member shall (either withdraw the resolution or) move the resolution in which case he "shall commence his speech by a formal motion in the terms appearing on the list of business."

The Honourable the PRESIDENT : How does it apply ?

The Honourable Sir ERNEST HOTSON : It must be moved in those terms, and the rule does not say who can give permission to alter the terms. Permission must be given by some one.

The Honourable the PRESIDENT : I think the honourable member has complied with that. It must be moved in the terms in which it appears on the List of Business. The honourable mover after reading out the resolution says "Before I go on with my arguments, I ask permission to make an alteration", which is a minor alteration in this case. If it were an alteration which changes the very appearance and object of the resolution, then the President would have to consider it and perhaps refuse it. It is not laid down here whether the permission is to be given by the House or by the President. I think I am right in saying that the House is not seized of the motion until it is put by the President to the House, and the permission at that stage can only be had from the President after reading, as is rightly pointed out by the Honourable the Leader of the House, the resolution or motion in the terms in which it appears in the List of Business.

Rao Bahadur R. R. KALE : The proper course for the honourable member the Thakor Saheb would be to read the resolution which is appearing in the List of Business.

The Honourable the PRESIDENT : That is what he has done.

Rao Bahadur R. R. KALE : Then under Standing Order X, 8 declare his resolution and move the amendment himself or ask some one else to do it. He may say that instead of 4 he wants to substitute 2. That he can do under Standing Order X, 8 (1); when the resolution is being discussed he may no doubt himself move an amendment. I do not think there is any objection, but that must be done by an amendment himself.

The Honourable the PRESIDENT : I do not think this would apply. That is at a stage when the resolution is under discussion. The resolution has not reached that stage yet. The view presented to me may be correct, but until I personally feel satisfied that the view I am taking is wrong, I think I would follow the procedure I am laying down.

Rao Bahadur R. R. KALE : Then, Sir, we shall require notice. A resolution must be moved after sufficient notice; 15 days' notice is required. If this resolution is changed—it is a substantial change from 4 to 2—then there is no notice of it.

The Honourable the PRESIDENT : This is, after all, technical.

Mr. A. N. SURVE : Sir, may I just put in a word? I think the best course would be to adjourn the discussion on this motion till to-morrow, and there is provision for it in the Standing Orders. Standing Order, Chapter X, 8 (2) reads as follows :

"No notice of an amendment is required, but, unless a copy of the amendment is given to the Secretary on the day preceding that on which it is to be moved, the President shall, on the request of the Member in Charge of the Department concerned, adjourn, further discussion on the resolution to the following day."

So, I think the resolution could be amended that way.

The Honourable the PRESIDENT: That is more ingenious than convincing. The honourable member may proceed.

The THAKOR OF KERWADA: Sir, I for one never thought that the Simon Commission would be responsible for such an omission and that they would leave out such an important constituency as the landholders and Sardars. It shows their utter disregard for this class of persons. Sir, before entering into the details and placing the facts and figures before this House, I think I should be wanting in my duty if I did not give expression to the sense of gratitude of the class whose cause I am advocating here to-day to His Excellency the Governor and the Members of the Cabinet for very strongly recommending in the Memorandum which they submitted to the Simon Commission that not only should this constituency be retained, but that there should be two more representatives in this House from that constituency.

Sir, looking to the history of the representation of this class, it dates back to the year 1862, and the first time representation in this House was given to this class in the pre-Reform days in 1862, when the Sardars of the Deccan were given the right to elect a representative. Subsequently, after the introduction of the Morley-Minto Reforms, a new electorate known as the Sardars of Gujarat was created and it was given the right to send one member to this House. After that, a further instalment of Reforms known as the Montagu-Chelmsford Reforms was given, and the same constituencies with slight modifications were retained. Also, the Jahagirdars and zamindars of Sind, who represent an important interest, have also been given the privilege to send one representative to this honourable House. Sir, with your permission, I should like to read a few quotations from the Montagu-Chelmsford Report, which had very strongly recommended that this constituency should be allowed to exist. They said:

“The natural and acknowledged leaders in the country areas are the landed aristocracy. They generally represent ancient and well-born families, and their estates are often the result of conquests or grants from some mediæval monarch. By position, influence and education, they are fitted to take a leading part in public affairs.”

Sir, on the basis of this recommendation, this constituency had been maintained. Further, the Franchise Committee also had strongly recommended that this constituency should be retained. Not only that, but in some other Presidencies they proposed it should be extended and more members representing this class should come in. For instance, they proposed that the Talukdars of Oudh and some other constituencies of a similar kind should have more seats. In the Memorandum submitted by the Bombay Government to the Simon Commission, they have recommended that two seats should be given to one constituency, as the Deccan Sardars and Inamdars and the Inamdars and Sardars of the Karnatak are now lumped together, and they are at present returning only one member. Sir, I really fail to understand.

Rao Bahadur R. S. ASVALE: I rise to another point of order. Is it within the province of this Council to recommend any members from any constituency to the Round Table Conference?

The Honourable the PRESIDENT: This is only a recommendation by this Council to Government.

Rao Bahadur R. S. ASVALE: Can we do it?

The Honourable the PRESIDENT: Of course, any recommendation can be made.

The THAKOR or KERWADA: Looking into the report of the Simon Commission, I fail to see on what material they have based their conclusions that this constituency should be abolished. I believe their reference to the landlord constituency is taken from the Chelmsford Report, which recommended not only the maintenance of this constituency but the extension of it. I am really surprised to see what were the grounds which made the Simon Commission to make this recommendation to do away with this special constituency. Presumably they based their conclusion on the report of this Government as regards the number of landlords who are members of this Council. According to that report, it says that there are 58 members in this House who are landlords. I look round but I do not see those 58 honourable members in this House.

An Honourable MEMBER: Those who own lands are landlords.

The THAKOR or KERWADA: Unless the definition of landlords is used in a very loose sense, it cannot be. Persons who are holding one or two acres cannot be said to be landlords as defined by Montagu Report in the true sense of the term. If there had been really 58 landlords in this House, as has been represented in the report, certainly we should have commanded a majority. But really it is not so. These figures are really misleading, if not inaccurate. Assume for the sake of argument that there are 58 landlords, is it a sound reason to do away with the landlord constituency altogether? I will just give one concrete instance. More than half of the members of this Council are graduates. Why should then there be a separate University constituency? Take the millowners, I know there are many distinguished members who are millowners, and who have come through other channels than through the Millowners' Association. Is it a reason that the millowners as a constituency should be abolished? Therefore it is very illogical and unreasonable on the part of the Commission to have done away with the landlord constituency. Besides, the term 'landlords' is used in a very loose sense. You will find in the Southborough Report what the real intention of that committee is:

"Where we have found a genuine landed aristocracy forming a distinct class of which the Taluqdars of Oudh form perhaps the most conspicuous example, we have had no hesitation in maintaining the privilege now held by them of special representation in the Legislative Councils through electorates composed of their own class. Thus in addition to the Taluqdars of Oudh, we have recommended special representation to the Zamindars of Bengal, Madras and Bihar and Orissa, the Sardars of Gujarat and the Deccan and the Jagirdars of Sind (in the Bombay Presidency). It may justifiably be claimed that in each case these constitute a special class, with clearly defined interests distinguishable from those of the smaller landholders. We have at the same time continued the special representation enjoyed by a class of somewhat different but still clearly defined status, namely, the large landholders of Madras, Agra, the Central Provinces and Assam, and have further, pursuant to the policy of guaranteeing adequate

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representation to landholding interests, acceded to the strong recommendation of the Punjab Government for the grant of special seats to the larger landholders in the Punjab, a privilege which they do not at present enjoy. The qualifications of electors will in each case be residence in the constituency and a high payment of land revenue or local rates; though we have, in addition, maintained as a qualification the position of landholders of certain high titles conferred or recognised by Government."

This is the intention of the Franchise Committee. Now, therefore, the argument that as there are already 58 landholders in this Council, there is no necessity for special representation for them, cannot hold good. Besides, the general principle of election does not depend on the number of votes in a constituency.

Then I would refer to another argument. The Bombay Government has recommended separate electorates for several institutions and commercial interests. There are seven of them, viz. :—

Bombay Chamber of Commerce,
Karachi Chamber of Commerce,
Bombay Trades Association,
Bombay Millowners' Association,
Ahmedabad Millowners' Association,
Indian Merchants' Chamber,
Karachi Indian Merchants' Chamber.

In this connection I would like to point out to the honourable House that the Government of Bombay has recommended an addition of some more members. Unfortunately the Simon Commission has turned down this recommendation but they have agreed to continue the present constituencies. That means that there will be 7 members representing 7 different constituencies. I do not grudge them that. But you must look to the size of each constituency. The Bombay Chamber of Commerce has 50 votes and 2 members; the Karachi Chamber 51 votes and one member; Bombay Trades Association 52 votes and one member and so on. All these constituencies represent a few commercial interests though in different localities, but they all have identically the same interests and the total of the votes is 371, for which they have 7 seats which have not been done away with. What is the position of Inamdars and Talukdars? There are three groups divided like this :—

Central Division 305,
Southern Division 212,
Northern and Bombay Suburban Division 160.

The total comes to 677 votes and the number of seats provided for them is 3 as against 7 seats provided for 371 votes. Sind which is a very large constituency was given the chance of electing only two zamindars as representatives. So, if you look to the basis of representation that has been given to represent on the Simon Commission committee, you will find that the proportion comes to, that out of the total voters of 677 only a few number of representatives were elected out of the class of Zamindars and Inamdars. I do not know as to how many members they were but I think they were only

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two or three. Such a small number of representatives have been appointed. This is a most important constituency which has played a very important part in the affairs of the country. And it is in their interest that I ask for these representations. At present I do not wish to take up the question of millowners and commercial bodies. But I do say that the Zamindars do represent agriculturists. There is a great misapprehension in the minds of some of the honourable members of this House that it is not so and that apprehension I want to remove from their minds.

An Honourable MEMBER: They do not represent the agriculturists.

The THAKOR OF KERWADA: Well, then I must say that even the millowners do not represent the industrialists. What I want to place before this House is to show them what an important body has been eliminated from being represented fully. I would mention that out of the total villages in the Presidency, one-tenth belong to this class. The Talukdari Estates are nearly one-fifth of the Gujarat proper. If these two (at the present moment I leave Sind aside) things are lumped together, they will make one-third of the total of the whole Bombay Presidency. Whatever view one may hold on this matter, I will say this that so long as there are other constituencies specially reserved for particular sections of the population and they have separate electorates I think there is no justification whatever for getting rid of such a vast class of the population of the country which is represented by our order, which yields more than one-third of the revenue of the Presidency proper and you cannot do away with them by one stroke of the pen.

I will come to one more point as I shall have to wait till to-morrow as I shall have to refer to a lot of papers. What I want to say is this, when a recommendation is made by Government, we are quite prepared to abide by it. They wanted to increase one more member from Sind and accordingly gave one member to that province. Let me, however, make it quite clear that so far as our class is concerned, we have full sympathy with other minorities, backward classes, and untouchable classes, and I assure them that every member of our class would like to see them coming up and taking proper part in the politics of the country. I think that since the Report has come out, there is one more additional ground why we should have representation at the Round Table Conference because of the fear engendered in our minds by the fact that the Simon Commission has recommended that our constituency should be done away with entirely. The only possible way now open to us is that we should be allowed to have our own representatives at the Round Table Conference to put our case before that Conference.

There appears to be some misapprehension and misunderstanding in the minds of some in regard to our relationship with agriculturists. I am not one of those who think that the landlords should be preserved, as only monument of noble families, and they should merely be contented to maintain our past glory and that we should look down upon agriculturists. I hold far more advanced views than that. I want to impress upon this

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House that when I come here, I come as a representative of the people as a whole—landlords and agriculturists, talukdars and their tenants, without any distinction of any sort. The tenants as agriculturists belong to a great industry of this country. As we all know, agriculture is the mainstay of the greater part of the population of India, and for this reason I think we should look at this matter from a strictly business point of view when we come to consider the question of the division of profit from the produce of land between the cultivator and the landlord. Take any industry in the world, even the mill industry of Bombay. I challenge anyone to show that in any other industry like our mill industry there is a better division of profit between the employer and the labourer than there is between a landlord and a cultivator. The cultivator takes one-half of it and leaves the other half to his employer. Is there any industry which leaves such a large margin to the people who toil and work with their hands? Therefore, I do maintain that those people who represent big industries and who are connected with large industries and who represent Millowners' Associations and other Trade Associations, are doing a great injustice to our class. Not only my class has received the Simon Commission's recommendations with a feeling of great disappointment, but I think there are many other people who are dissatisfied and disappointed with it.

The Honourable the PRESIDENT: The honourable member has spoken for about 20 minutes. He has got 10 minutes more, and he would be given an opportunity to speak for 10 minutes more to-morrow.

The Honourable Dewan Bahadur HARILAL D. DESAI: I want to know from the honourable member what constituency he represents.

The THAKOR OF KERWADA: I am in possession of the House, and I do not want to yield.

The Honourable the PRESIDENT: The House is now adjourned to 2 p.m., to-morrow, Friday, the 11th July 1930.

Friday, the 11th July 1930.

The Council re-assembled at the Council Hall, Poona, on Friday, the 11th July 1930, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
 AHMAD, the Honourable MOULVI RAFIUDDIN
 ALLAHBAKSH, Khan Saheb
 AMBEDKAR, Dr. B. R.
 ASAVALE, Rao Bahadur R. S.
 BECKETT, Mr. R. H.
 BELL, Mr. R. D.
 BHATT, Mr. RAMCHANDRA M.
 BHUTTO, Sir SHAH NAWAZ
 BOLE, Rao Bahadur S. K.
 BRANDER, Mr. J. P.
 BULLOCKE, Mr. A. GREVILLE
 CHAHEWALA, Khan Bahadur H. P.
 CHIKODI, Mr. P. R.
 COLLINS, Mr. G. F. S.
 CONTRACTOR, Khan Saheb M. F.
 DABHOLKAR, Sir VASANTRAO.
 DESAI, Rao Bahadur GOVINDBHAI H.
 DESAI, the Honourable Dewan Bahadur HARILAL D.
 EWBANK, Mr. R. B.
 FREKE, Mr. C. G.
 GARRETT, Mr. J. H.
 GHOSAL, the Honourable Mr. J.
 GHULAM HAIDAR SHAH, Mr.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GIRIYAPPANAVAR, Mr. V. C.
 GREEN, Mr. S. A. C.
 GUNJAL, Mr. N. R.
 HABBU, Mr. A. G.
 HAJI MIR MAHOMED BALOCH, Mr.
 HARRISON, Mr. C. S. C.
 HOTSON, the Honourable Sir ERNEST
 ISHAN, Khan Bahadur GHULAM MUHAMMAD ABDULLAH KHAN.
 JADHAV, the Honourable Mr. B. V.
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. Y. M.
 KAMBLI, Rao Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUHRO, Khan Bahadur M. S.

KOLHATKAR, Mr. H. V.
 LANE, Mr. C. M.
 LIGADE, Mr. S. P.
 MACKIE, Mr. A. W. W.
 MANSURI, Khan Saheb A. M.
 MARZBAN, Mr. P. J.
 MODI, Sardar DAVAR T. K.
 MORAES, Mr. A. X.
 MUJUMDAR, Sardar G. N.
 NANAVATI, Mr. D. D.
 NARIMAN, Dr. R. T.
 NAVLE, Mr. N. E.
 NOOR MAHOMED, Mr.
 OWEN, Mr. A. C.
 PATHAN, Mr. A. F. I.
 PATIL, Mr. R. L.
 PAWAR, Mr. G. B.
 PETIT, Mr. J. B.
 PRADHAN, the Honourable Mr. G. B.
 PRADHAN, Mr. R. G.
 RAHIMTOOLA, Mr. HOOSENALLY M.
 RANJITBHAI KALABHAI, Rao Bahadur
 SALGAR, Mr. R. G.
 SARDESAI, Sardar S. A.
 SHAH, Mr. MOHANLAL H.
 SHAIKH ABDUL AZIZ, Mr.
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MUHAMMAD KAMIL SHAH.
 SYED MUNAWAR, Mr.
 TALEYARKHAN, Mr. P. J.
 THAKOR OF KERWADA, the
 THAKURSING LALSING, Mr.
 THORAT, Sardar S. B.
 VAKIL, Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WALLACE, Mr. D. J. C.
 WASIF, Khan Saheb G. A. D.
 WILES, Mr. G.

The Honourable the PRESIDENT : Order, order.

*(Consideration of Motion regarding Landholders' representation
on Round Table Conference resumed.)*

The THAKOR of KERWADA (Northern Division): Sir, I tried to show yesterday by figures how the constituency of landholders was under-represented in this honourable House and how the representation

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given to the commercial interests was out of proportion to their voting strength. Sir, I again appeal to this honourable House not to be misled by the figure 58 and by the argument that 58 members are landholders and can support us. I do admit that we have got many sympathisers on whose support we can depend. We have heard very often this honourable House being treated with a fine piece of oratory and learned discourses on nationalism, unity and the safeguarding of minorities which, according to them, will automatically get the necessary safeguards as soon as Dominion Status is granted to this country. Unfortunately, that is not the case. I for one do not believe that unity and other ingredients which go to make for solidity will come without honest efforts. Solidity will have to be worked. The majorities have to create a favourable atmosphere by their actual action, by supporting the cause of minorities. That alone would create such atmosphere. Those who are in a minority, like our unfortunate class, can only rely on goodwill.

Before I conclude, I should like to make an appeal to the honourable gentlemen on the opposite benches. They may be thinking that ours is a bad case. Personally I think it is not a congenial matter for me to refer to, but I think necessity is the mother of invention. I refer to the public service rendered by my class, their loyalty to the Government and their service to the country, particularly their service in connection with the Great War and their contribution, both in men and money. These are matters which, I am sure, will evoke the sympathy of the Government benches.

There is one more point on which I would like to make an earnest appeal to all honourable members who look forward to the day when the principle of election will replace that of nomination in this country. I am sure that in their heart of hearts they do not like the system of nomination. I would request them with all the earnestness at my command, not to be a party, directly or indirectly, in advocating the principle of nomination. I would refer again to the Simon Commission's report and their recommendations on the subject of separate electorates for the landholding classes. They have not come to the conclusion without great hesitation, and, I may add, without grave apprehension. The figures given in their report are based, I think, on mere delusion and not on facts. The report says :—

“The only possible conclusion from these figures is that their high-standing and reputation, and the influence which they exert in their own localities, are such that it has not really been necessary to give them special protection.”

I want honourable members to mark the following words :

“It may however be said that in view of the widening of the franchise which we propose their chance of being returned in adequate numbers by general constituencies would be substantially reduced.”

When they drafted this report, the Commissioners were under the apprehension that by widening the franchise, the chances of returning, as they say, “genuine” land-holders are likely to be reduced. I think, too that when the franchise is doubled or trebled, as it is likely to be, the

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chances of returning this class would be considerably reduced. Further on, the Commissioners says :—

“ We should think it a misfortune if the provincial legislatures did not include within their membership an adequate number of the great landowners, and we therefore propose the following arrangement.”

The Commissioners say that the Sardars and inamdars themselves do not desire that their representation should be reduced in the provincial Council. As a safeguard they suggest a method which I do not think will appeal to many of my honourable friends advocating that all along there should be no nomination. The Simon Commission's recommendation is this : that in case the franchise is enlarged and the landholders are not returned in proportion to the strength which exists to-day, they want to substitute a new method, viz.—

“ We think that the special protection now furnished under this head may safely be withdrawn, but that, if candidates of this class are not found to be returned to a provincial council in a proportion as great as that now guaranteed to them, the Governor should have a discretion to add by nomination further members of this class, so long as the total of such elected and nominated members taken together does not exceed the proportion of the whole council now guaranteed to them.”

I am very glad that this suggestion occurred to the Commissioners. I hope all honourable members of this House will agree with me that when we approve the system of sending in representatives to this House by election, we will not prefer to see that system abolished and substituted by a system of nomination. I hope that will be a matter which will be seriously considered by all of my honourable friends and not taken very lightly. All along we have maintained that the system of election is the best system in an advanced stage of civilisation. For the last twenty years the system of election has been in existence. Will it, therefore, be proper, will it be in the fitness of things at this stage, when we are crying for democracy that we should revert to the system of nomination? How would you like to see that position being created? I hope the honourable House will seriously consider this before giving their verdict on the motion which I have tabled. After all, my demand is very simple, very modest. Our class wants to be represented at the round table conference and the necessity for it has become all the more greater since the Simon Commission has suggested that our constituency should be abolished. Therefore, I earnestly appeal to all to consider seriously this proposition from this point of view : whether this House is going to deny to a minority class a simple demand of being represented at the round table conference. With these remarks, I think I have done my duty by the class which I represent and leave the destiny of that class in the hands of this honourable House.

Question proposed.

Sardar Sir RUSTOM JEHANGIR VAKIL (Ahmedabad District) :
Sir, I beg to support the motion. Having been a large landholder himself, I must say that a sense of modesty has obviously deterred the honourable the mover of the motion from placing the details of his case before this honourable House in as forcible and as convincing a manner

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as he might have done. But I understand that there is another big landholder here who may be one of the principal speakers on this motion and who, I hope, will not, by similar considerations, refrain from giving full expression to the views and considered opinion of his constituency. I refer to the honourable member representing the Deccan Sardars and Inamdars (Sardar Mujumdar). We cannot, Sir, ignore the fact that India is essentially an agricultural country and agriculture, as you know, is a specialised subject. It is like medical a progressive science and it is moreover a matter of considerable importance to nearly 75 per cent. of the total population of the country which is dependent on it for its subsistence. I do not think that the argument, namely, that because the landholders in a large number find place in this honourable House or in any other legislatures that there is no need for special representation so far as this constituency is concerned. There is, I beg to submit, a difference between a landholder and a landholder. I suppose in this House, excepting the members of Government, there is hardly anybody who does not own land. In that way, of course, everybody is practically a landholder. But this landholder is quite different from an actual landholder who has got a large interest in the land, and whose main source of income is land. He comes in direct touch with the ordinary cultivators twenty-four hours a day. He understands and appreciates their needs; he can appreciate their difficulties and in fact, he is fully conversant with the village life. So, I beg to submit, Sir, that the argument advanced is not very strong and I may be permitted to say with all respect to the Commissioners that the argument advanced by them may well be regarded as untenable. I shall read a few lines from the Montagu-Chelmsford Report, page 148, which supports my contention and which the Commissioners have quoted in their report. It runs :

"No men are better qualified to advise with understanding and great natural shrewdness on the great mass of rural questions which will come before the Provincial Legislatures."

These words will show that the Commission has really appreciated the fact that the presence of landholders is absolutely necessary on the provincial Legislatures. I am also perfectly certain and I suppose many here will agree with me that no class is better qualified to represent the interests of agriculturists than the landholders themselves. The Simon Commission Report, Volume II, pages 75-78, refers to the subject of representation of landholders. It admits that the Commission has particularly used the Montagu-Chelmsford recommendations and their conclusions as an important guide. It says :

"By position, influence and education they are fitted to take a leading part in public affairs. Some of them are beginning to do so; and our aim must be to call many more of them out into the political lists. We must give them a special measure of representation, if they need it, at the outset; but it may be that their political education like the ryot's will come mainly by pressure of events."

The Simon Commission have particularly hit upon these lines, I am afraid, are swayed by these lines, and have in consequence made a recommendation which, I am sure, will not meet with the approval of any

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landholder who is really interested in land. I will ask this House whether they are of opinion that the necessity for the special representation has been at the present stage obviated as suggested by the Commission? Having regard to the illiteracy of the masses, I suppose that it is not difficult to realise that the poor ryot is not able to read and even to adjust his own domestic affairs, so far as his finances are concerned. He is not even aware of his liabilities to the *saukars*. You will find that all these cultivators are practically at the mercy of the *saukars* and I am perfectly sure that if the representation which did exist and does exist at present is taken away, the poor cultivators' conditions will be still worse. At the end the Commissioners in their report say :

"The final words of this passage indicate that it was not contemplated that the special representation of great landowners would necessarily continue but it was felt that, to begin with, it must be provided for, and that the necessity of continuing it would later come under review."

Of course they are assuming that the cultivators have by now been educated persons and on that assumption they have recommended the abolition of the special representation. They further say:

"We entirely agree with the view expressed in the Montagu-Chelmsford Report that, in the circumstances of India, these large landholders represent an element and supply an influence which ought not to be omitted from the provincial Councils.

But in the same breath they go on to say that "the whole special provision has been made to secure that the great landholders should not be excluded from the Councils or swamped by the larger number of voters of another class, they have in fact succeeded in being returned for four times as many seats as were specially reserved for them." They further say :

"The only possible conclusion from these figures is that their high standing and reputation, and the influence which they exert in their own localities, are such that it has not really been necessary to give them special protection. As we have said, we should think it a misfortune if the provincial legislatures did not include within their membership an adequate number of the great landowners and we, therefore, propose the following arrangement.

The special protection now furnished under this head may safely be withdrawn, but that, if candidates of the class are not found to be returned to a provincial council in a proportion as great as that now guaranteed to them the Governor would have a discretion to add by nomination further members of this class, so long as the total of such elected and nominated members taken together does not exceed the proportion of the whole Council, now guaranteed to them. The position of the greater landholders, referred to in the Montagu-Chelmsford Report, will thus be reasonably secured."

I beg to submit, Sir, that they have again suggested a method whereby they have to resort to nomination. But you will find that in another part of the report they have suggested that they are giving complete autonomy in provinces and that there is going to be no nomination. They have absolutely done away with the principle of nomination in all other directions, but in this particular instance they have suggested the method of nomination. Sir, I must say at the outset that the principle of nomination is very bad and should be discouraged. There is another point on which, I consider, their recommendations to be quite unsatisfactory and not useful to the landholders, who have an idea of dignity. As you all know, there is a good deal of difference between a nominated

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and an elected member. The privileges and prerogatives which are enjoyed by an elected member are not the same as in the case of nominated members. As I understand, except for the purpose of voting, a nominated member does not enjoy equal privileges as an elected member. Except the voting he is not on the same footing as an elected member.

The Honourable Mr. B. V. JADHAV : Is he not an M.L.C. ?

Sardar Sir RUSTOM JEHANGIR VAKIL : My honourable friend the Honourable the Minister of Agriculture asks me a question whether a nominated member is not an M.L.C. I say that he is, no doubt, called an M.L.C., because he has the power of voting. But I ask "Is there any other chance of his representation in other directions?" I know that there is a tendency on the part of this House to recognize members who represent a certain constituency and a nominated member is looked upon more or less as an out-caste. Moreover there are certain privileges such as the nomination to higher legislatures which is proposed by the Simon Commission. There a nominated member has absolutely no chance. If we examine this problem in detail, I suppose we shall come to the inevitable conclusion without any difficulty that there is a good deal of difference between a nominated member and an elected member. So, I do not think that is a very enviable position for a nominated member to come and sit there as a landholder.

I do not want to enlarge on this point, but I only request the House to kindly consider this question dispassionately and to support this motion in which a very reasonable demand is made. My point is this that to this class has been done a great wrong. They have been enjoying a certain right for many years past since the Minto-Morley Reforms came into existence, and they have been deprived of this privilege. It is but fair that a man must go to the Round Table Conference to represent their case and to see whether the wrong done to them can be rectified and corrected. I say therefore that it is absolutely necessary and fair to the constituency that if not two, at least one but somebody, must go to represent their case and have this disability removed.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Sir, I rise to support very strongly the motion moved by my honourable friend the Thakor Saheb of Kerwada. I am deeply sorry to see that the Simon Commissioners have deprived the landholders of India of their seats in both the provincial and central legislatures. There seems to be a great deal of misunderstanding and confusion in the minds of these Commissioners regarding the real position of landholders in India. They could not distinguish the difference between the zamindars of Bengal and the Punjab, the landholders of the United Provinces and the Talukdars of Oudh, the zamindars of Sind, the inamdars of the Deccan and the talukdars of Gujarat, etc. Among the landholders, there are two principal divisions, zamindars and inamdars. These landholders have got the biggest stake in the country and they really deserve

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representation everywhere. Other special interests such as Commerce and Industry, and even the University, are to continue to have their seats in the new legislatures. Why this partiality towards them? In order to provide seats for communal representatives, we have been deprived of our legitimate seats in the legislatures. The argument advanced by the Simon Commission in withdrawing our protection is that several other members coming from the rural constituencies are landholders, but in this connection I must bring to the notice of this honourable House the fact that those members are returned on communal tickets such as Non-Brahmin, Moslem or on behalf of some such parties as Congress, Liberals, Responsivists, etc. Those members cannot always advocate the cause of the inamdars. For example Sardar S. B. Thorat and Sardar S. J. Powar, the sitting members of this Council, are returned on communal tickets, viz., as members of the Non-Brahmin party. Supposing that there is a question regarding the enhancement of land revenue or assessment, then these members will never side with the inamdars. Their position in such matters is decidedly against the inamdars. In short, such members cannot be useful to the inamdars in matters of vital interest of the inamdars. As to the interests and the biggest stake of our class in this Presidency it has already been explained by the honourable mover of this motion.

In times of difficulties this class has always unreservedly come forward to help the Government and they have remained ever loyal and faithful. As to the general attitude of the members of this honourable House towards our class, it is well known to all of us and it has been well described in the memorandum submitted by the Government of Bombay to the Simon Commission at page 463. As the present franchise is to be trebly lowered, there is all the more necessity for representation of our class in the legislatures because any measure of taxation or some such matter might be brought before the legislatures and passed without our side being heard at the time. We have been deprived of our seats in the district and taluka local boards, a privilege we enjoyed from 1884 to 1923. We have no place in the village panchayats in our own inam villages and now it is recommended that our seats in the provincial and central legislatures should be taken away. I am very sorry to see that at our cost communalism is to be fostered. We solely rely on the assurance given by His Majesty's Government to invite all the different parties and interests (mind the word "interests") in British India and representatives of Indian States for the purpose of conference and discussion in regard to both the British Indian and all-India problems. In every democratic institution, there must be some stabilizing and hereditary elements to serve as a check over any hasty or ill-considered legislation. I am sure that the British Parliament will consider our case and continue our seats in the legislatures in proportion to our interests.

I should like, however, to request the Government of Bombay to represent to His Majesty's Government that it should be specifically provided in the new Government of India Act that the Indian and

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Provincial Legislatures should have no power to legislate so as to reduce, or decrease or resume alienations or to impose any tax directly or indirectly so as to interfere with the full enjoyment of alienations. These legislatures should not have the least power to set at nought the solemn promises and pledges given by His Majesty's Government to the inamdars, vatandars, jahagirdars and sardars, etc.

The Government of Bombay, the Bombay Provincial Committee and the Indian Central Committee have recommended the continuance of our seats in the future constitution and we are very much thankful to them for that.

I should like to refer to the remarks of the Raja of Kollengode in connection with the Simon Commission recommendation. Raja Sir Vasudevrao Kollengode is a very rich Zamindar of Malabar and was some time Member of the Executive Council of the Governor of Madras. This is what he says :

" Speaking as a landholder and on behalf of my fellow landholders, I cannot possibly agree to separate representation being taken away as the Commission proposes to do. This one proposal is sufficient to antagonize the whole class of landholders against the Commission's report. The Madras Government have already given in their memorandum to the Commission all reasons for retaining special representation. I may add that in the future the differences of communities and religions will not loom so large in passing legislation as the differences are based on economic status. Even in the last few years questions of land tenure have taken up much attention of legislative councils, and it is very regrettable to notice that the tendency of the councils has been to antagonize the position of landholders and tenants. With the large extension of the franchise that is now proposed, this tendency is likely to be further emphasized in the future and we landholders, cannot look with equanimity to that future unless we are given sufficient safeguards of which one must necessarily be separate and adequate representation in the future councils."

I earnestly request this honourable House to support this motion generously as sending our representatives to the Round Table Conference to represent our case does not mean the immediate grant of seats to our class in the future constitution. It is only to represent and explain our case to that conference. With these words, I strongly hope that the House will accept this motion.

Sardar S. A. SARDESAI (Bijapur District): Sir, I rise to support this resolution wholeheartedly. This resolution seeks to have two representatives on the Round Table Conference of the Premier. I think this is a very modest demand. I am fully aware that the whole of India is going to have only fifty representatives and 12 representatives will be from the Indian States. I think that some sort of representation ought to be given to this most influential class of landholders. I am also aware that although 32 seats are allotted to landholders throughout the whole of India, the number returned to these legislative bodies is 108, that is, it has trebled the number allotted to the landholders' class, but, Sir, that does not show that in future this will be the state of affairs.

Sir, you are fully aware of the awakening of labour and other movements including the socialist movements, that have been already started and other new movements which are going to be started hereafter will certainly deprive the inamdars of any opportunity to get into these legislative bodies. As you are aware, Sir, even in the Simon Commission

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report there is a recommendation of Sir John Simon that the number of voters to be trebled. If the number of voters is trebled and the franchise is very much lowered, I am afraid that even 32 seats that are now allotted may not be possible for this landholders class. As this resolution is for representation on the Premier's Round Table Conference, it will be irrelevant on my part if I confine my whole attention to the several representations that are taken away from this constituency, but Sir, I cannot but allude to these representations in order to show that it is all the more necessary to have representation for this influential class of landholders. The Viceroy, speaking to the landholders in the United Provinces, has promised that all interests including those of the landholders will be properly represented, and my honourable friend Sardar Mújumdar has now read out to the House the speech of His Majesty the King Emperor of India that all the interests will be represented at the Round Table Conference. If there is no representation even on this occasion for this class, I think this influential class will be nowhere, because this is the only occasion for them to fight out their claim to have special representation for the landholders class. If no opportunity is given to them at this time, of course there will be no representation and Parliament will not have the chance of hearing our case at all. Therefore, this representation is very necessary. Sir, as pointed out by several honourable members, the representation of this class in several bodies is taken away. For instance, when the Honourable Sir Ghulam Hussain was Minister for Local Self-Government, he took away the representation of inamdars in the district local boards and municipalities, and of course by the recommendation of the Simon Commission's report it is now proposed to take away their representation in the Provincial Councils and in the Assembly. Sir, it is no use repeating arguments, and yesterday my honourable friend the Thakor of Kerwada has read out to the House what the authors of the Morley-Minto Reforms have said, and also what the Montagu-Chelmsford Report says. Therefore, I need not repeat those quotations here. And, Sir, as I have determined that I will make only passing allusions to several representations, it is not necessary for me to deal at great length about these representations being taken away.

Sir, it would not be out of place if I were to state to the House the usefulness of the landholders class. Of course, a distinction has been made even in the Simon Commission's report about big landlords and small landlords, but that is no reason why they should not be given any representation at all. Sir, this class of landholders is a very useful class. As all are aware—even the Government Members are aware—in war time they contributed liberally to the War Loan and also to the War Fund, and they supplied many recruits to the Government. This class is very influential everywhere in every taluka and in every district throughout the whole of India. This class, Sir, is even useful to Government for maintaining law and order. This is very important, because without law and order there will be no civilisation,

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and no country will be happy. Even Pope says that there should be law and order in everything, an order is heaven's first law. As regards my own district, I take upon myself to maintain law and order with the help of the Honourable the Home Member and in combating with the civil disobedience movement. I can take up the responsibility for this even in the whole Division. I am proud, Sir, because my forefathers had maintained order in only one taluka, namely, Hungund, but now I am able to maintain law and order in the whole of Bijapur district. I am very proud about this class. This gallant class of landlords will be very useful to Government. If the Government will carefully consider how these Indian Chiefs and landlords help them, they will understand that without the help of the Ruling Chiefs and the Inamdars, it would be impossible for Government to exist even, and I am sure it will cut short the life of the Government if these classes are rooted out. And, Sir, the representation of the Inamdars and Sardars is very necessary. If Government are inclined to guarantee the position of the Indian Chiefs and rulers according to the treaties concluded with them in times gone by, I see no reason why Government should not guarantee the present state of the Inamdars and allow them to have representation at the Round Table Conference of the Premier.

I have said almost everything as regards the position and as to why it is necessary to have this representation, and I think honourable members both official and non-official are convinced that there should be our representation. So far as Government of Bombay are concerned, I think there is no question of their support, because they themselves have recommended two seats in the Legislative Council for the Inamdars, and I hope this will convince all the honourable members. With these few remarks, I support this resolution wholeheartedly.

Sardar Davar T. K. MODI (Surat District): Sir, I rise to emphasise the fact that the Sardars, Inamdars and other zamindars sorely feel that the Simon Commission has recommended that their special constituency should be abolished. But, as has been stated by honourable members who have preceded me, the principle of having special electorates for certain interests has not been abolished. The Commission has retained special electorates for other interests, viz., the Millowners, the Chambers of Commerce and so on. The only special interest which they have recommended should be abolished is the landholders' constituency; and no other special constituency. It is a matter for regret that they have not realised that the Inamdars and Talukdars have special interests of their own, as much special interest as or more special interest than the Millowners and other commercial bodies have. The electorate has got special rights and privileges and has special legislation with regard to them. Again with regard to Inamdars, it has been within the experience of some honourable members that at certain times even in this House their rights and privileges were attempted to be taken away—some of those rights were attacked; and it is very necessary that this class should be represented in all the provincial legislatures. The necessity for the resolution arises

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only from the fact that the case which the Inamdars and Talukdars have should be put before the Round Table Conference. Sir, it may look as if this class is asking for a very big thing in requesting Government to send two of their representatives to the Round Table Conference. It is a very large number of representatives that is asked for, yet it is absolutely essential that the landholders of this Presidency must have a strong representative to put their case before the Round Table Conference. It is not absolutely necessary that he should represent only the interests of the Inamdars and Talukdars. The man to be selected may be a person having wider interests than those of the Talukdars and Inamdars, and that is the object underlying this resolution, and therefore I wholeheartedly support it.

Rao Bahadur S. K. BOLE : Sir, I am glad that my turn has come, though after the Sardars and Inamdars. Sir, since the time the Viceroy made his declaration on the 9th of July in the Legislative Assembly, a peaceful atmosphere is being created in the country, and the Viceroy deserves our congratulations on the bold stand that he has taken in spite of the threats from the die-hards in England. But since that time I also see that there is a great rush of people for getting invitations to the Round Table Conference. Some of them are going to Simla, some of them are moving resolutions in the Council, some of them may be going to England, and some may have gone there already. Sir, I am not against the interests of the Jahagirdars and Inamdars. How can a ryot; a poor man, do so? They say they are leaders of agriculturists and natural representatives of the agriculturists—as cats are the natural representatives of rats. Sir, the Bombay Government have given them ample opportunity to represent their case before the Simon Commission. They placed their memorandum before the Simon Commission. One of the Sardars, my honourable friend Sardar Mujumdar, was a member of the Provincial Committee of the Simon Commission. They presented their case before the Simon Commission, and as a member of the Provincial Committee my honourable friend of course could not have spared putting his case very vigorously before the Commission. Not only that, but they arranged a big, sumptuous party, in order to have a free talk with the members of the Simon Commission. So they tried all sorts of means to have their case represented.

Sardar G. N. MUJUMDAR : That party was not arranged by the Sardars and Inamdars' Association. It was quite a private one arranged by a Sardar.

Rao Bahadur S. K. BOLE : What more do they want? If they have not been able to prove their case then, I do not think it is of any use to give them any representation at the Round Table Conference at this stage. It must be said to the credit of the Simon Commission that though they have not done any justice in some other matters, they have done full justice in this case. Sir, they have gone very minutely into the case of the Inamdars; they have scrutinised the numbers of the elected members of the Council and they have found out that there are

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not less than 58 elected members who are landowners and then from among the constituency of the Jahagirdars and Inamdars 16 are elected to the Council.

Sardar G. N. MUJUMDAR : Who are the 16 ?

Rao Bahadur S. K. BOLE : That you can see from the list of Jahagirdars and Inamdars. You are yourself an Inamdar, I am not. That shows that they have in this Council got more than their proportion. If the jahagirdars want representation, how many representatives the agricultural tenants would require ? What is their number ? They are a big number. (*Interruption.*) I do not know the size of the Round Table. If the number of representatives is going to be increased this way then the size of the Table will have to be increased. The Simon Commission proposed to do away with the special representation given to this class when they saw that they are able to get elected through general constituencies in large numbers. Though the franchise is going to be reduced, still these men will be returned in large numbers, because the tenants are at the mercy of these inamdars and jahagirdars. The tenants have got to act up to the dictates of the inamdars and jahagirdars. After they are elected as members from the general constituency it is seen what interests they represent. They represent their own interests as the Thakor Saheb of Kerwada. They must thank the Simon Commissioners that they have not recommended to do away with the jahagirs and inams and to distribute the land among the tenants, as they have done in Russia.

Sir, one honourable member stated that these tenants are in financial difficulties. This is on account of them. These landlords are extorting high rents from the tenants and therefore the tenants are always in financial difficulties. I am firmly of opinion that until the lands are distributed among the peasantry the condition of agriculture and the agriculturists will never be improved. If not now, some time later such a day will come.

The Simon Commission has recommended that if none from the Inamdars' class is elected through the general constituency then the Governor may nominate some of them. But one honourable member has taken objection to nomination. He said that the privileges enjoyed by elected members are more than those of the nominated members. His impression was that nominated members are not free in their dealings in this Council. As far as I know I can point out that elected honourable members have made the position of nominated members awkward by going in the Government lobby on certain questions. One member has said, "Yes". I will point out instances where nominated members have criticised Government and voted against Government on certain matters.

Then it was stated that though there are 50 or 60 members who are landowners they did not combine. But when the question of lowering the franchise comes, they will all join together, as if they are one caste and one community and solidly vote against that proposal. That shows that members of this class are no more required in this Council. There

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should be a condition that those who owned not more than a certain area of land should not be returned to this Council. Unless some such restriction is made no democratic measure can be carried through in this Council. I think it would be better, if the honourable member withdraws his motion. The time of the Council is very valuable. Yesterday we discussed the whole day a resolution which ultimately came to nought. There are resolutions of greater importance. Therefore I think it would be better if the honourable member withdraws his motion. I submit that if the Government will give two seats to the inamdars and jahagirdars at the Round Table Conference, they will have to give 20 seats to the peasant class. With these words I oppose this resolution.

Rao Bahadur R. S. ASAVALE (Bombay City, North): Sir, I rise to oppose the motion moved by the honourable member the Thakor of Kerwada. My first ground is that the provincial council should not be a party to such a motion, because His Excellency the Viceroy has already declared that there will be a certain number of representatives to the Round Table Conference, and that he is going to give representation to people who will look to the interests of each and every party. So, it is but fair that we as the members of the Bombay Legislative Council should not recommend that a certain number of seats should be reserved for a particular party. Especially on this ground I oppose the motion.

I do not want to criticise the members who said that they wanted special representation as mentioned in this resolution. It is quite clear from the speeches of all the Sardars in this Council who preceded me that they wanted two representatives to be sent to the Round Table Conference for a specific purpose. What is that specific purpose? It is only that they must secure more representation in the legislatures. May I ask whether the Round Table Conference is going to settle the question of representatives to the Legislatures only? No. The answer is that the Round Table Conference is not going to be held for this purpose only. There are so many other questions vital to the interests of the whole of India. None of these five Sardars stated that they wanted to send their representatives to the Round Table Conference to fight the interests of India but they want to send two representatives to safeguard the interests of the Sardar class only. I would therefore ask the whole House to consider very carefully if they can give their consent to the demand made in the motion. If the Council accepts this motion, then they will be bound to accept what they say at the Round Table Conference, which would be detrimental to the interests of not only the people of this presidency but also to that of whole of India. For this purpose especially I oppose the motion. None of the speakers from that class has stated that they are going to the Conference to fight for India. (*Interruption.*) No one has said that. According to the Montague-Chelmsford Report, they have been given only three seats. But how many seats have they secured? Actually, they have 19 representatives from this class of Sardars and Inamdars leaving aside the

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big landholders. Out of these 19, three are elected from their own constituency and 16 are elected from the general constituency. When they have such influence, I do not consider

An honourable MEMBER : What about Sind ?

* Rao Bahadur R. S. ASVALE : I do not speak about Sind because the members representing Sind are all big landholders. I talk only of Sardars and Inamdars in the Presidency proper. Sir, out of 86 elected members here, they have got 19 seats. Still they want to persist in separate representation. What is the average voting in the Sardars constituency ? If you consider the figure given in the Simon Report, you will find that they represent 100 to 200 electors only. Is it fair, I ask, taking into consideration the population of India, that 200 persons should send in one or two representatives when lakhs of people have no representation at all ! Only yesterday we debated the question of widening the franchise in the city of Bombay by lowering the qualification but these members representing the Sardars and Inamdars' constituencies and their so called friends, the big landholders, opposed it. They had no concern whatsoever in the Corporation of the city of Bombay. If they are represented here in greater numbers, they would always oppose any motion which is in the interests of the labouring classes and poor agriculturists. I ask whether they have ever sided with the labour representatives. Whenever the questions concerning the interests of the poor were brought before this House during the last four years, I have not seen any Sardar or Inamdar supporting any resolution brought forward in this Council in the interests of the poor classes. None of them except our friend the honourable member Sardars Sardesai and Thorat have supported any. All the Sardars and Inamdars oppose all the motions intended in the interests of the people.

The conclusion that is arrived at by the Simon Commission is really a very good conclusion. They have considered the whole case thoroughly and have studied the whole situation. I am not going to repeat what my honourable friend Rao Bahadur Bole said. The Simon Commission have treated them very liberally and have done their duty. They have given them justice. They have given justice to the people of India in spite of these Sardars and Inamdars. With these few words I oppose very strongly the motion that is before the House.

Mr. J. B. PETIT (Bombay Millowners' Association) : Mr. President, I am in complete sympathy with the spirit underlying this motion. If members claiming to represent labour, wish to have separate seats to safeguard their interests; and if others are similarly represented, I do not understand why the landholding-interests should not get similar treatment. Once the principle of separate electorates to represent special interests, has been accepted, I fail to see how you can possibly resist a demand such as the one embodied in the resolution under discussion, asking for separate representation in the Councils and in the Assembly

[Mr. J. B. Petit]

for the landholders and jahagirdars. But, Sir, I find it rather difficult to reconcile the wording of the resolution with the speech with which my honourable friend, the Thakor Saheb, moved it before this House. The House will probably agree that the landholders and jahagirdars have a very legitimate grievance in view of the fact that they have been deprived of the right which they had enjoyed up to now and that they should therefore represent their case to the proper authorities. But I do not think that the forthcoming Round Table Conference is the proper place to discuss such grievances, however legitimate they may happen to be. The request embodied in the resolution to nominate two of their representatives to the Round Table Conference, is therefore rather out of place. This Conference, as we all understand it, is going to be called for the purpose of considering and if possible evolving a scheme for the future constitution of India. The question of separate electorates, though very important in itself, is, I submit, still a question of detail. Having regard to the wider questions of principle and policy which are likely to be discussed at the Round Table Conference, such matters are almost certain to be ruled out. I am perfectly sure, however, that after the Round Table Conference is over, committees will be appointed such as the South Borough Committee, for considering the question of separate electorates, suffrage and cognate questions. It would be before one of such committees, that the landholders should submit their grievances. The case which the Thakor Saheb has put forward, is a very sound and legitimate one; and if properly represented, I have no doubt that steps will be taken to satisfy the demand. But to ask this House to support them in asking for two seats on the Round Table Conference, is in my opinion a rather extravagant request. It is, therefore, that, although I am in complete sympathy with the object underlying the resolution, I am compelled with much regret to oppose it in its present form. I have no doubt that among those who will be invited to attend the Round Table Conference, there are bound to be some who will represent the landholding interests of the country, such as the Zamindars, Sardars, Inamdars, Jagirdars and so forth, and it will be well for them to approach one of these gentlemen and post him up in time in order that it may be possible for him with his personal acquaintance of the case, to represent their point of view as forcibly as he can. I do not think that it would be right for this Council to accept this proposal in its present form. I therefore hope that my honourable friend the mover of the resolution will not press for it in the shape in which it is now before the House; but will ask their representative, whoever he may happen to be, to attend the Round Table Conference and to place their case before them for whatever it is worth.

Khan-Bahadur M. S. KHUHRO (Larkana District): Sir, I do not think this honourable House has any constitutional power to make a recommendation in respect of the Round Table Conference. It is entirely His Excellency the Viceroy himself who has to make the selection. But all the same I am thankful to the honourable mover of the motion (the Thakor of Kerwada) for making clear, in his eloquent speech,

[Khan Bahadur M. S. Khuhro.]

the reasons that compelled him to bring a motion of this character. The House is well aware that the Simon Commission has laid down certain recommendations in respect of these special constituencies. They have expressed the opinion that the landed interests are more than adequately represented and that they capture more seats than by special representation and that therefore there appears to be no need for extending that special privilege to the landed interests. Sir, I am strongly opposed to that view that the landed interests, namely, the Sardars and Inamdars in the Presidency and Zamindars and Jahagirdars in Sind, are represented far in excess of their importance and influence. Yet under the new conditions which will come into existence, namely, the conditions under a lowered franchise and ultimately of universal suffrage, it will be difficult for the zamindars, sardars and others to secure the necessary number of seats to which they are rightly entitled in accordance with the importance and the vested interests which they have in the country. When the franchise is extended, the people of different interests will be pressing through the common electorates and it will not be easy for the landed interests to capture a proportionate number of seats. Therefore, from this consideration and from this view point I have discussed this resolution. It has been a very useful resolution and if it gets a support we would have done an immense service to the landed interests. I think that such a debate was absolutely necessary. I do agree that the Simon recommendations are not liberal enough. I also agree with my honourable friend, Mr. Petit, when he says that this question should be discussed before the reforms committees. Yet, Sir, it is very necessary to emphasise that the landed interests have much suffered and the recommendation of the Simon Commission is highly derogatory to their interests. It is very necessary that their interests should be properly safeguarded. Many speakers who have preceded me have made it clear that the interests of the landowners are at least equally important, if not more important than, those of commerce, and therefore equal privileges should be extended to them. It is all the more necessary that those privileges that are extended to other classes, there is every justification, that they must be extended to this class too. Sir, having a broad view of the case and looking many years ahead I think that the landed class at this stage should not surrender their right to which they are perfectly entitled. This debate is a very important one and I hope the representatives of India, whether at the Round Table Conference or before the Reforms Committee, will urge the importance of this question and will see that the interests of the Zamindars, Jahagirdars, Inamdars and others in this class are safeguarded as a whole. I, therefore, fully support the motion of my honourable friend, the Thakor of Kerwada, and thank him for having brought this resolution before this House and given us an opportunity to have discussion on the subject.

Mr. A. N. SURVE (Bombay City, North) : Sir, it is a very odious and unpleasant duty for me to oppose the motion and it is more so to say that

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the demand is made in excess of the merits of the case. Nevertheless, all those gentlemen, all those honourable members, who have placed their case before this House have done it very creditably. I purposely say "creditably", because the cause, weak as it is, they have tried to support with the best ability in their possession. Sir, the demand that is made is a demand which should be opposed, and for no better reason than for mutuality. May I ask the gallant member, the Thakor of Kerwada, if he is going to take care of the landlords, why does he not at the same time make a provision for tenants? You know, Sir, tenants and landlords are in co-relative terms. If they want to make a provision for the landlords, who is going to take care of the tenants? As it is not done by the mover, I submit that it is the duty of this House to oppose the motion that is placed for our acceptance.....

THE THAKOR OF KERWADA : I want to give an explanation. I have already said that the tenant representatives should be there and if such an amendment is brought forward by my honourable friend, Mr. Surve, I am prepared to accept it.

MR. A. N. SURVE : Well, the explanation does not carry us any further. I only ask him if he wanted to take care for himself, why did he not take care of the tenant class with whom he was concerned? I say if he had made a demand on behalf of the tenants when he made it on behalf of landlords, his demand would have been fair and just one. Sir, the honourable member representing the mill interests, I mean the honourable member Mr. Petit, sees no harm in the landlords asking for special representation at the Round Table Conference, as far as justice is concerned. He says "If labour want representation, why should the landlords not have it?" I am very sorry to observe that he has not read carefully the findings of the Simon Report. In the Simon Report he will find that the labour have not obtained even meagre representation, whereas the findings of the Simon Commission state that the landlords class, though they were entitled to one representative, has been able to secure four and this fact has been mentioned by several previous speakers. What do we find, Sir? Although we have only three seats reserved for landlords, we have actually twenty members from the landlord class in this Council. The only thing is that they have come from the general constituency. Remove that label of the constituency, and you will find that all gentlemen here are from the landlord class. Although they are the representatives of the general constituency, in their private life they are landlords, Sardars and Zamindars. So, Sir, you see the dire fact that labour and tenant class has been starved of representation. Their case is ignored, no justice is granted to them, and still we have a demand here that "in order to perpetuate the old system, let us send more representatives". I am sorry that the honourable members who belong to this class are not taking into account the progress of the times. Here you know that in all lands socialism is spreading and spreading very rapidly. Even in India we hear of nationalisation of land. If they want to stop that evil day (I call it evil

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in their own behalf), their remedy is not to put motions of this kind before this House and try to secure more representation but to be friendly with their tenants. There should be more humanistic touch in their dealings with their tenants. I am sure that our Indian tenants have not yet forgotten their ancient culture. If they are treated kindly, they will remain grateful but if that harmony which existed before between the landlords and the tenant class is absent to-day, the cause for it is not the tenant class but is the want of fair treatment which the landlord class is meting out to their tenants. So the best course is not to demand more representation in the Round Table Conference but their remedy is in their own hands. Treat kindly the tenants and make them their supporters. Why are they afraid that their tenants are going out of their hands? If they deal with their tenants fairly and sympathetically, there need be nothing to be afraid of.

Sir, for all these reasons, I do not think that this House will accept this motion and I commend to this House to throw out this motion if it is not withdrawn.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, I oppose this motion. The present is not the time nor the atmosphere in which such a motion should be brought forward as we find the idea of the Round Table Conference is meeting with increasing opposition from all classes and creeds, when the war between the governed and the governors is going on, when the people are at loggerheads with Government, when thousands of our patriotic men are thrown into jails. Now to talk of any Round Table Conference is to fool India and to insult India. No day passes without a fresh Ordinance being passed, the whole country is seething with discontent and excitement, we have all the conditions which you find present in a country ruled by martial law, our own countrymen who picket liquorshops and foreign cloth shops and try to persuade our people from ruining themselves by drinking liquor find themselves have their heads broken by lathis or thrust into prisons. This is a time when we find lathi charges being directed against our own people and at such a time we see our Sardars and Talukdars and Jāhagirdars coming forward demanding more representation at the Round Table Conference. Those desirous of going to Round Table Conference are being given wooden "laddus". Whoever eats them will repent and whoever does not eat them may also repent.

The THAKOR OF KERWADA: Then why are you in this Council?

Mr. HAJI MIR MAHOMED BALOCH: That is because there is this Hindu-Muslim question. Had it not been there, I should certainly not have been here for one moment.

It is a good thing of course that from asking for four representatives, the honourable member the Thakor Saheb has come down to asking for only two representatives. I am not going to have any connection with this Round Table Conference. Let those who want to go there go there

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by all means and make asses of themselves. In my opinion, those brave souls who have been fighting our non-violent battles and filling jails or courting death or inviting lathi charges on their heads are the real people and the proper people who should have the greater right to sit in conference with the British Statesmen who are responsible for the governance of this country. That great man of India Mahatma Gandhi has asked for substance of independence of the type of dominion status. Neither the Round Table Conference nor any other shape of conference is going to give us that. If the British Government wanted to give us anything of that sort, they would not have spent lakhs of rupees on the Simon Commission. At the most, the Round Table Conference may give us 5 to 10 per cent. of our demands, just to throw some crumbs at us in order to be able to say that they have done something for India. In spite of the present state of our country, these zamindars and inamdars and jahagirdars want to go to the Round Table Conference. *કરી હીંદની હરારત ભેળા મળી સરદાર* i.e., Let India be auctioned by Sardars as they did in the past.

Now, let us see how many will have to be sent from this Presidency. There will be, according to this motion, two representatives of the jahagirdars, inamdars, sardars and talukdars. Then the Indian Merchants Chamber will want to send two. Labour will want to send two. The Millowners' Association, the European Chamber of Commerce, the Non-Brahmins, the Brahmins, the Depressed classes, the Liberals will all want to send their own two representatives each. There must then be at least 10 or 12 representatives of the Muslims. The total number will be 40 or 50 from the Bombay Presidency alone. Then what about the other provinces? Should they not have their own quota? Or should they be satisfied with no representation at all? I would therefore request the honourable mover to withdraw his motion with that grace which characterised the honourable member Mr. Pradhan yesterday when he withdrew his motion. The country is not in that mood now when such questions should be raised. It is in a very bad way off just now.

I find that two of my Parsi brethren (new members) have supported this motion. But their predecessors had voted with us against the Simon Commission. Sir, when the motion for electing the Provincial Committee to co-operate with the Simon Commission was being discussed in this House, there were Parsi members who said "We have co-operated with Government enough, and now we have to respect the wishes of the public, and that is for our good." But I am sorry to see the sad spectacle of my honourable friends the Parsi members supporting such a resolution. Of course, I cannot control their views, but I have every hope that my honourable friend the Thakor of Kerwada will withdraw his resolution.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): Sir, the Bombay Presidency has been known to be a very progressive presidency, and the deliberations in this Council ought to be on a higher

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vision and higher level of thought. I believe that the motion brought forward by the honourable member the Thakor of Kerwada will show that we are yet trying to move in a very narrow circle. The ideal of life is not to create more vested interests and ask for guarantees or protection in order that you might enjoy those special rights. The ideal of life can only be shown to the world by the surrender of those rights which we have enjoyed, for the benefit of the teeming millions that are to-day in India going without a square meal a day ; that should be the ideal of life. For the benefit of the House let me say that I am myself a landholder, and I hold lands to a very considerable extent, and if anybody says that the Englishman has exploited India, we must equally plead guilty to the charge that we are equally responsible for exploiting our own tenants ; and if to-morrow Government were to bring in legislation whereby they will try to restrict the powers of landholders like us, I shall wholeheartedly support that legislation. What I want to show is that we say we want to advance. We say that we have a grievance against England, that we want political advancement, that we want political rights, and that because England is exploiting us she must meet us at the Round Table Conference to give us Dominion Status or what they call national, responsible self-government. Sir, if this Conference is going to consider the vested interests of vested persons, I say, God forbid that such a conference is ever held. The success of the conference will not lie in how many landlords, or how many big people, or how many vested interests, or how many commercial bodies, or how many millowners go to it, but the success of the conference will lie in those people being present who have really the interests of the masses at heart, those who have got the alleviation of their brethren at heart. Only such statesmen and people are wanted in this conference. For, Sir, are we not trying to attain that object, to attain that Government which is called democratic government ? Is it democracy for a landlord to say " I must be represented and so and so should not be represented " or " My interest should be protected, and I must be given the first chance " ? That is no democracy. So I say, as I said before, that a motion of this kind suggests that we are yet moving in a very narrow circle, and instead of making the demand that we as Indians ought to make for self-government, we are actually playing into the hands of those persons against whom we are making a demand. They will say " My friends, you want to exploit the country yourself, eh ? Why should we not have our chance to do the same ? " That will be the answer that you will get, and you will be failures so far as India's cause is concerned, if such representations are made at the Round Table Conference.

Sir VASANTRAO DABHOLKAR: Sir, I rise to support the resolution moved by my honourable friend the Thakor of Kerwada. Unfortunately, I was not present last evening when the resolution was moved, but I happened to listen to the opposition to this resolution by the honourable member Mr. Surve and the honourable member who has just preceded me. What has the resolution been asking for ? The

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resolution has been asking for the representation of the landlords at the Round Table Conference. When the Indian Statutory Commission came out to India, it did so to preserve the rights of the minorities, and as such, after dealing with all the legislatures in India the Simon Commission has reported in favour of the minorities, and if as such the honourable mover of this resolution, in the name of the minorities, asks Government to send representatives to the Round Table Conference, I do not understand why there should be so much heart-burning for the two honourable members who have opposed the resolution.

Coming to my honourable friend Mr. Surve, it was stated by him that labour and the peasant classes are starved. But he has forgotten the year 1922, when he himself was advancing the claims of the landlords. The same honourable member is to-day giving a fatherly advice to the landlords that they should treat with kindness their tenants, and if they do not co-operate with the tenants, the tenants are not to be blamed. But, Sir, I should just like to remind him and the honourable members of this House of what was expressed by my honourable friend when the question of the Rent Act was before the House in the year 1922. I do not know whether at that time he was the representative of the landlords or of the tenants, or whether he has taken a somersault to-day. Mr. President, the words that he used are "The result is that the house owner is put to a great loss." He made a very lengthy speech, and if I were to read out the whole of it, I would be taking much more time of the House. Therefore, I shall only pick out such sentences as are necessary. I may say that the honourable member conveniently forgets what he has stated, when he wants to please one party or the other. At that time I do not know whether he wanted to please the landlords on the question of the Rent Act and therefore he spoke those words. And to-day he is speaking for the tenants and giving fatherly advice to the landlords saying "Be friendly to the tenants." May I ask whether in the year 1922 when he expressed those words, were the landlords were unfriendly to the tenants? If the landlords were unfriendly to the tenants, could he utter the words that he did in the year 1922? May I ask the honourable member who broke the harmony in 1922, between the landlords and tenants and who broke the harmony in 1930? In 1922 the honourable member took the brief of the landlords.

Mr. President, I do not know what the population of landlords is for the whole of India. Confining myself to Bombay, there are 10,000 landlords in Bombay against a population of 10 lakhs. It is a minority community. The landlords enjoyed many privileges in this Council as well as in the Corporation before the Reforms were introduced. At present these landlords are occupying a worse position than even the depressed classes. Even the depressed classes have got representation in the Corporation as well as in the Council, even if it be by nomination. The landlords who are in a minority have none. So, what is the use of fighting against an innocent motion like this? If representation is required for a particular class of minority.....

Mr. SYED MUNAWAR : May I ask the honourable member whether he is not a landlord nominated in this House ?

Sir VASANTRAO DABHOLKAR : Yes ; I am a nominated member but I was not chosen to represent landlords. I have been nominated as an expert. If Government had known that as a nominated member I would oppose the Rent Bill, they would not have nominated me.

Rao Bahadur R. S. ASAVALE : Are we discussing the Rent Bill and the small landlords in the Bombay city ? I rise to a point of order.

The DEPUTY PRESIDENT : We are discussing the general question. But there is no point of order.

Rao Bahadur S. K. BOLE : The words of the honourable member, though they are loud, have fallen on deaf ears. The honourable member Mr. Surve has not been able to catch the words.

The DEPUTY PRESIDENT : Are you going to make a speech ?

Rao Bahadur S. K. BOLE : No. But I want to explain....

The DEPUTY PRESIDENT : The honourable member can do so when his turn comes to speak.

Sir VASANTRAO DABHOLKAR : The honourable members representing labour are interrupting me. But I ask whether or not since the year the Rent Act was passed, the landlords were at the mercy of the tenants and labouring classes ? Why should not the minorities be allowed to have their representatives to represent their grievances ?

The honourable member who preceded me said that the landlords were exploiting the tenants.

An Honourable MEMBER : He is himself a landlord.

Sir VASANTRAO DABHOLKAR : I do not care whether he is a landlord or not. I care for his words. Further, he stated that the interests of the masses will remain in the hearts of those people who will be invited to the Round Table Conference. But, to-day, he calls himself the representative of the masses, having their interest at heart. But where was he for so many years ? When the representatives of the masses had resigned the Council for the so-called National cause that the honourable member Mr. Karbhari could creep in. The resolution moved by my honourable friend aims at nothing but what everybody is crying for in the whole of India. It is a fact that those who are in a minority want a chance for making their voices heard at the Round Table Conference.

An Honourable MEMBER : As an expert ?

Sir VASANTRAO DABHOLKAR : Not as an expert but as a representative of the minority community. If such a minority wants to put their grievances before the conference, I do not understand why there should be any opposition to such a resolution. It has been stated in this House that, unless a community represents their grievances, Government will not be in a position to know what their grievances are. This has been accepted not only by this honourable House but even by

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the other legislatures when there is a case to be placed before the Round Table Conference. Is it wrong for the honourable mover to table a resolution like the one as he has tabled now? It is only to have a representation along with those who may be representing the masses of India at the Round Table Conference. Why should there be any apprehension at all in the minds of those honourable members, if the minorities want to put their case before the conference?

It has been stated that we should remain in harmony with the tenants. I plead in the same words. Let us remain in harmony. Let us not crush the minority. Because the masses are getting into power, it does not mean that those minorities, which had full franchise whether in the civic administration or in the legislatures, before the advent of democracy, should be crushed. It is now 8 or 10 years since democracy has been established. What is the result? We find that, in spite of the ample time and facilities given for the public work, we find that there is a tendency, not only here but in every public body, on the part of the representatives of the masses to crush down the minorities, and they are up to it whenever an opportunity occurs for it. If we are to remain in harmony, the interests of the minority should be considered and protected. I advise the Honourable House to pass the motion moved by my honourable friend.

Mr. THAKURSING LALSING (Karachi City): Sir, I oppose this resolution. The Round Table Conference is intended to shape the future of the Government of India, which is an All-India concern, pertaining to landholders and non-landholders both. The demand made by the honourable member is not only excessive but unjustified. The landholders—the jahagirdars and inamdars—are only a small number when compared with the non-landholders in the presidency. It is in the fitness of things that the conference should be representative of all communities in the presidency. If you look into the fact, the representatives at the Round Table Conference for the entire India will be 50. I would therefore ask the honourable member to consider whether the demand made by him is not excessive. I do not understand, Sir, why two representatives are required to represent one interest. They say that the interests of the zamindars and landholders should not be at stake but should be represented. Where is the necessity of two men to represent their case? I say that this demand is not reasonable at all and I would request my honourable friend the Thakor Saheb to withdraw this resolution.

Mr. G. B. PAWAR (West Khandesh District): Sir, I oppose the motion on the grounds which have been placed before the House by the honourable member Rao Bahadur Asavale. He is right in saying that the object of the mover of the motion does not seem justifiable and is not in the interests of the cultivators. From the speeches made by honourable members who are Sardars and Inamdars it is evident that it is nothing but narrowness of mind. It is not in the interests of the

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country as a whole and therefore I think it is better that the honourable mover should withdraw the motion in the interests of the whole country.

The Honourable Sir ERNEST HOTSON : Sir, this motion desires that the Council should recommend to Government to move the authorities concerned to select two representatives from the landowners of this presidency to represent their case at the Round Table Conference.

I do not intend to say more than a few words. I must, in the first place, point out that the Government of Bombay has not been consulted as regards the personnel to be invited to the Round Table Conference and, therefore, the honourable member's suggestion is misdirected. I think even now, after the number of representatives that he desires has been reduced from 4 to 2, that if all the many interests all over India are considered, not only those of this one presidency, it will be realised that even two representatives of a particular interest are perhaps rather many. So, having regard to the fact that this motion has been discussed at considerable length, perhaps the honourable member will now find that the best course is to withdraw it and not to press it to a division. If the honourable member is prepared to withdraw it, I will see to it that the report of the discussion is sent to the proper quarters. But if he insists on pressing it, I am afraid that Government will be obliged to oppose it.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi) : Mr. President, I will say only a few words on the motion. Several honourable members have expressed their opinions. I was only waiting to hear what the attitude of Government would be on this motion,—whether they would support or oppose it. Now as the Honourable the Leader of the House has said that Government would be obliged to oppose it if it is pressed to a division, I hope the honourable mover will withdraw it.

THE THAKOR OF KERWADA (Northern Division) : Sir, in view of the assurance given by the Honourable the Leader of the House, I beg to withdraw my motion.

Question put and leave granted.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

The Honourable the PRESIDENT : Order, order. The next business on the agenda is the unfinished resolution which has been going on for a long time. It stands in the name of Mr. Bechar, who is no longer a member of the House now, and it is left to the House to decide whether it would like to proceed with it or not.

Rao Bahadur R. R. KALE : Sir, as the life of the Council is to come to an end soon, it will be of no use to proceed with the resolution. It had better be dropped. So far as we are concerned, we are not anxious about it.

The Honourable Mr. G. B. PRADHAN : It was simply moved in the Council, Sir. There was no discussion, I think.

The Honourable the PRESIDENT : As the original mover is not here to say anything, I put it to the House.

Question, that the resolution be dropped, put and carried.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu) : Mr. President, I beg to move the resolution which stands in my name, namely,

"This Council recommends to Government that all Government servants who are provided with uniforms by Government should in future be given only Khaddar uniforms."

Sir, my intention in moving this resolution is this : Khaddar production is a cottage industry in India. Thousands of poor people get their living by that industry. The Karachi, Hyderabad and other municipalities have resolved to provide handspun and handwoven khaddar to their servants. Government should also provide for their servants pure handspun and handwoven khaddar. I say, Sir, that it is our duty to purchase all Indian made goods including Indian made cloth. Even in Afghanistan, Iran (Persia), Russia and England they are using only the goods made in their own countries. I may tell this House that many years ago when Indians were manufacturing cloth in India, the British Government in England issued orders that no one should use cloth imported from other countries into Great Britain but they should use cloth manufactured in their own country. Persons not using the cloth made in that country were even prosecuted and fined to the extent of Rs. 100 and upwards. I, therefore, suggest that the uniforms supplied to Government servants should be made of khaddar. By using khaddar we shall be giving bread to the starving ryots of India. In Great Britain we find that Government is spending on 10 to 15 lakhs unemployed men in giving clothes and food. Other countries of Europe do likewise. But in India we have no such provision. We find today that thousands of people are unemployed and they do not find any work. These people are half starved and at times they get nothing to eat and wear. Sometimes they wear only a piece of cloth. By using khaddar two purposes will be served. One is that we shall be giving work to the unemployed persons and the second is that we shall be encouraging Indian industry. Besides the money earned in India will remain in India and will not go out to foreign countries. I, therefore, hope that all my honourable friends will support my resolution and there will not be a single person in this House to oppose it.

Question proposed.

Mr. A. N. SURVE (Bombay City, North) : I beg to move the amendment which stands in my name. It runs thus :

"Omit the words 'only khaddar' after the word 'given' and add after the word 'uniforms' the words 'made of handspun and handwoven khaddar only'."

The resolution as amended would read thus :

"This Council recommends to Government that all Government servants who are provided with uniforms by Government should in future be given uniforms made of handspun and handwoven khaddar only."

Sir, the honourable the mover has stated the object underlying this resolution. It is in a way to remedy the unemployment that is prevalent

[Mr. A. N. Surve]

in the country. It is well known, Sir, that India is an agricultural country and agricultural operations do not extend over the whole of a year. In consequence many agriculturists are out of employment for some part in the year and if spinning and weaving is given to them as a subsidiary employment, it would add to their income and at the same time improve the material wear of this country. It has been the policy of Indian Government and also the Government of Bombay to encourage swadeshi products as far as practicable and that policy has been adopted and is being acted upon. The suggestion that is made in the present motion is only a corollary to the policy which is actually being acted upon by our Government. If the khaddar is used, then the uniforms will be made of the produce of this country and it will have the additional advantage that it would to a certain extent go to remove the curse of unemployment and consequent starvation. It is said, Sir, that hand-spun and hand-woven khaddar has certain other qualities also. I do not know about that, but it is to the interests of all concerned that if khaddar is to be used, it should be hand-spun and hand-woven, because thereby we will be giving employment to the agriculturists. In America they have been adopting the principle of removing factories, and organised labour which was in the city is being sent to rural areas. We do not go to that length. If hand-spun and hand-woven khaddar is used, then automatically all these rural agriculturists will get employment in their own homes. For this reason I submit that the proposal contained in this resolution and further amended by me is a very reasonable one and it would be, I hope, supported not only by this side of the House but also by Government. Perhaps, a question may be asked in this House "Where are we going to get all this khaddar from?" My answer would be that there was a time when India played a great part in the civilised world in respect of manufacture of cloth. It may be a century or two centuries before, but there was a time when India not only clothed them but clothed them in fine cloth. Therefore, the capacity of India to produce khaddar need not be doubted.

Perhaps some may raise the objection that khaddar is not strong enough for uniforms. I do not know myself, I am not an expert in cloth, but in the initial stages of every industry, the State does give some sort of support to foster that industry. If at the outset our khaddar may not be as good as mill-made cloth, I think it is the duty of every member of this House, in order to put the indigenous industry on a sound footing, even to undergo a little more expense and to give encouragement to this industry.

I think any further remarks are uncalled for and therefore I commend this amendment to the acceptance of this House.

Question proposed.

Mr. N. R. GUNJAL (Poona District): Sir, I rise to support the resolution moved by my honourable friend Mr. Baloch. It is very important for more reasons than one. The British have been in this country for over 150 years and we all know how they have gone on slowly ruining

[Mr. N. R. Gunjal]

our industries. Since the last fifty years, we have been crying for encouragement of our industries and other improvements in our political status. Since 1920 we have had the reformed councils, and some departments have been transferred to the representatives of the people and some have been kept as the reserved preserves of the permanent civil services. Every year when we see the annual departmental reports issued by the various departments we find that most of the revenue comes from the agriculturists. To encourage the agricultural industry is really very necessary and yet we have only to take up any administration report of the Industries Department to see just how this British Government is helping our indigenous industries. The present resolution deals with hand-made and locally spun and country-woven cloth. But since the establishment of the British rule in India, these weavers.....

Mr. P. J. TALEYARKHAN: I rise to a point of order. Is this discussion at all relevant to the resolution before the House? He wants to go into the old history..

The Honourable the PRESIDENT: A reference to the ruination of the local industries and trade may be relevant, but if he is entirely harping upon old history and showing how it was done, he will be going beyond the proper limits.

Mr. N. R. GUNJAL: Well, Sir, in that case, I need not pursue that matter of history further.

There were several villages which were growing their own cotton, handspinning and weaving cloth which they were selling to the people. When the mills came into existence, that indigenous industry began to be affected adversely. I know there are some sections of the population who have made the mill industry their profession. The history of how our old weavers came to have their fingers cut off is very heart-rending..

The Honourable the PRESIDENT: No, no. The honourable member Mr. Taleyarkhan was perfectly right when he rose to a point of order. If the honourable member Mr. Gunjal wants to go into all that ancient history, it is certainly irrelevant to the motion before the House.

Mr. N. R. GUNJAL: I will not repeat that history here, Sir. I would merely ask our Honourable Ministers who have been in charge of the Industries Department so far to tell us just what they have done to encourage our handmade cloth industry since the year 1920 at least in the case of their own peons and servants who can be clothed in khaddar.

Our experience has been that the Government's sympathy with our local industries is all on paper and it is never put into practice. That is why such a resolution has become necessary. Let Government at least say "Give us 10,000 yards of khaddar." If that demand is not satisfied or if they find that khaddar supplied to them is unsatisfactory from the point of durability or otherwise, then let them put forward whatever excuses they please against khaddar. But before doing that, let them not ban the use of khaddar at least in the case of uniforms of peons and other people who can use them. I would implore them to make

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enquiries as to whether Swadeshi cloth is available or not and if they find that they cannot get Swadeshi or handmade cloth for the uniforms of their menials and other servants, then they can take foreign cloth. As I have already said, I do not want to go into the past black history which surrounds this question, but would only request Government to consider the present resolution in a spirit of sympathy and goodwill. I commend this resolution and the amendment to the acceptance of this House, and I hope they will pass it unanimously and further that Government will take suitable and appropriate action to put this resolution as amended into effect.

(*After Recess*).

Sir VASANTRAO DABHOLKAR : Mr. President, I am in favour of the resolution which has been moved by my honourable friend behind me, and as amended by my honourable friend Mr. Surve. Sir, it is but right and the time has come to encourage such industries, but at the same time, Sir, it is not fair for us to make any hard and fast rule, because we have to see whether the resolution as amended by the honourable member Mr. Surve will be quite in consonance with the demand for a particular kind of cloth. So far as my information goes, there is no possibility of having that much quantity of hand-spun and hand-woven cloth in Bombay to provide uniforms for Government employes. At one time in the Bombay Municipal Corporation the same thing was advised, and we thought that if we were to give only this particular kind of cloth to the municipal employes in Bombay, a sufficient supply of that sort of cloth would not be available. So, in order to encourage the industry and at the same time in order that our wants may not suffer, a safeguard was provided in that resolution by putting in the words "as far as possible". So, Mr. President, with your permission I want to amend the resolution as amended by the honourable member Mr. Surve as follows :

Add at the end of the resolution the words "as far as possible."

Sir, by putting in these words, I am keeping nobody under any sort of obligation. It means that if you do get sufficient quantity of hand-spun and hand-woven cloth, certainly it can be used, but if the object of it is to encourage Indian industry, I do not understand why a complete go-by should be given to mill cloth. The resolution aims at the encouragement of Indian industries. Then, why should a particular class of industry be inserted in the resolution, so as to make it binding on the purchaser. If there is that *bona fide* view of encouraging our Indian industries in general, my amendment to add the words "as far as possible" would suit the case better, because in case a sufficient quantity of hand-spun khaddar is not available, Government will be free to use Indian cloth made out of the mill industry in India. With these words, I appeal to the House to accept my amendment.

Question proposed.

Mr. J. B. PETIT (Bombay Millowners' Association) : Sir, I do not understand why it is sought to be laid down that only khaddar should be used, and that too hand-spun and hand-woven khaddar. I could

[Mr. J. B. Petit]

have understood if the mover of the resolution had asked that the uniforms should be made only of cloth made locally in the country in order that indigenous industries might be helped and encouraged. But I do not understand why a particular kind of cloth has been pointedly selected, and that too, cloth made in a particular way. Such a condition, I am afraid, will have the effect of restricting the choice of the cloth a bit too much, and ought not therefore to be accepted. If the word "Swadeshi" were to be inserted in place of the word "khaddar", I think that would meet the purpose I have in view. With your permission, Sir, I would therefore like to move the following amendment :

Instead of the words "hand-spun and hand-woven Khaddar" insert the words "made of Swadeshi cloth", and omit the words "as far as possible".

It would be certainly possible to obtain Swadeshi cloth in any quantity ; and I trust that the House will have no objection to accepting the amendment as an indication of its sympathy towards indigenous industries.

Question proposed.

Mr. R. D. BELL : Mr. President, I should like to give a few facts to the House in support of what the last honourable member has said. The use of hand-spun yarn is not one which is in the interests of a very important cottage industry in this country, and that is the hand-loom weaving industry. I have taken a considerable interest in this industry for many years, and the facts about it are very interesting. There is a general impression that, for various reasons, including the introduction of spinning and weaving by machinery, the handloom weaving industry is a declining industry. That is quite erroneous. When the excise duties were imposed in the eighties, one result was that a very careful statistical record had to be kept of the amount of yarn which was spun in Indian mills and, as the House is aware, there are equally correct records maintained of the amount of yarn which is imported into the country and of the amount of yarn which is exported. Therefore, we know the net amount of yarn which is used in India by the mills, by the handloom weaving industry and for other purposes. The amount of yarn which is used by the mills is ascertainable from their output of cloth according to a formula which has been accepted by the Millowners' Association of Bombay. After making an allowance for yarn used for miscellaneous purposes the remaining balance of the total amount of yarn used in India represents the consumption of yarn by the handloom weaving industry. The figures have been published and are fairly well-known now. At least for the last 30 years the output of the handloom weaving industry has been steadily increasing. It was during the war that the output of the handloom weaving industry for the first time fell below that of the mill industry. During the war, owing to the difficulties of importing cloth, the mills had to use a great deal more of their yarn and there was not sufficient yarn available for the needs of handloom weavers. So, in 1917 the output of the mills exceeded for the first time the output of cloth from the handlooms. But after the war, the handloom weaving industry resumed its prosperity and the figures

[Mr. R. D. Bell]

for the last five years showed that the handlooms turned out more cloth than in any previous quinquennium. There can be little doubt that the reason which has enabled the handloom weaving industry not only to survive but to prosper is that it can now obtain yarn of good quality and of uniform quality from the mills.

Hand-spun yarn, quite apart from the difficulty of producing fine counts, is not of uniform quality. The best work on the handlooms by expert handloom weavers is performed with higher counts. The amount of labour which the handloom weaver has to put in in weaving coarse yarn of 20 counts is comparatively small. When he comes to weaving fine yarn, the amount of labour he has to put in and therefore the amount of money which he must get for his labour is very much higher than what he would get for weaving coarse yarn. If, therefore, any pressure is brought to bear upon the handloom weaver to weave hand-spun yarn, it will be certainly detrimental to his interests.

Apart from this circumstance, there is very little to be said from an economic point of view for hand-spun yarn at all. I think that even the most expert hand-spinner cannot make two annas a day. If the ingenuity of man can invent machinery whereby to reduce labour and obtain a better quality of goods at a smaller cost, why should the clock be set back in this way? The spirit underlying this resolution is, therefore, from an economic and industrial point of view entirely false and it is most undesirable in the interests of the handloom weaver that the resolution should be accepted. This recommendation for the compulsory use of hand-woven cloth made from hand-spun yarn is unsound and ultimately detrimental to the interests of the handloom weavers. There is no good reason whatever for differentiating one class of goods from another produced in this country. They are both swadeshi and the right course is to let the better cloth win its market in free and open competition.

Mr. P. J. MARZBAN (Bombay City, South): Sir, I rise to support the amendment to the amendment moved by the honourable member Mr. Petit. We had a similar proposition in the Bombay Municipal Corporation and I may inform the House that the Corporation have by a vast majority approved of that proposition and has sanctioned the system of providing swadeshi uniforms for the municipal servants. I think the object of the honourable mover of the resolution will be served, if he accepts this amendment because then it will remove the political sting that underlies the original proposition. I think it is a laudable object to encourage indigenous industry which is distinctly important. I am quite sure the mover of the resolution will see his way to withdraw his resolution in favour of the amendment of the honourable member Mr. Petit.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi): Sir, the honourable member Mr. Haji Mir Mahomed Baloch has moved his resolution. There are two amendments to it that have been moved. So long as the yarn is Indian yarn woven in Indian mills, certainly I do not see any difference between hand-spun and hand-woven

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cloth and mill-spun and mill-woven cloth. Both are Indian and deserve to be encouraged. One thing we ought to satisfy ourselves is whether the yarn is spun in Indian mills. In the city of Bombay there are two lakhs of mill labourers. If we encourage Indian mills, it will give employment to more men and we can get more Indian-made cloth. But I doubt whether the Indian mills will be able to supply the demand for cloth in India. I think that if the servants of Government are provided with uniforms made out of Indian-made cloth, it would meet with the object we have in view. If Government had accepted and followed this advice long ago, the present trouble would not have arisen. So, to some extent Government are responsible for it. If the Government do not accept this resolution, they will be responsible for the destruction of one of the main industries of India.

Mr. H. V. KOLHATKAR (East Khandesh District): Sir, I rise to support this resolution as amended by my honourable friend Mr. Petit. There is nothing to oppose the resolution as moved by my honourable friend Mr. Baloch; but the circumstances have to be taken into consideration. As honourable members of this House are already aware, there is no sufficient supply of hand-spun and hand-woven khadi and if we were to find out some other sources by which this khadi hand-spun and hand-woven were to be consumed, there would be a still greater difficulty in supplying the wants of the people. So it is better to accept the amendment moved by my honourable friend Mr. Petit inasmuch as the words "Swadeshi" would include also hand-spun and hand-woven khadi. The greater would include less. If we can include khadi in swadeshi cloth, we cannot include the word "Swadeshi" in the word "khadi". That is our difficulty. In course of time if it is found that khadi is not sufficient for supplying the demands of the Government servants to whom uniforms are supplied, then Government might be in a position to say that no khadi is available and therefore they can supply their servants with any uniforms they like because the only recommendation is that khadi should be used. It would be open to them to argue that way. So, the honourable member Mr. Petit's amendment being a broader one and being one which can be put into practice by the Government, I support the amendment.

Rao Bahadur S. K. BOLE: Sir, I want to move an amendment to the original resolution moved by my honourable friend Mr. Baloch. It runs as follows:—

"Insert the words 'Swadeshi cloth' after the word 'Khadar'."

My intention is that khadar when available should be used. Otherwise other swadeshi cloth should be used. Preference should be given to khadar. That is an important matter. If khadar is patronised, they will be giving employment to so many villagers.

I am glad that my honourable friend Mr. Baloch has brought forward this resolution. We must patronise our own swadeshi industries. But at the same we must see that the millowners don't deceive us. I was wearing swadeshi cloth even before the Partition of Bengal. What happened? At that time I wished to buy some "dhoties" from

[Rao Bahadur S. K. Bole]

Bombay mills. To my surprise I found out that they imported "dhoties" from England and then put their own mark and passed them as swadeshi "dhoties". The price was 2 rupees. They used to take from us 6 rupees. That was the way how the millowners were patronising swadeshi. I think care should be taken that that sort of thing should not be allowed to recur. Profiteering also should not be allowed. They should be asked to charge moderate prices. Otherwise they will take advantage of the situation as they did during the Partition days and charge whatever amount they like. During the partition days the Bengalees were also disgusted. That is why they opposed the amendment of the Bombay Millowners' Association in the Legislative Assembly. Care should be taken that such things do not happen. With these words, I support the resolution.

The Honourable the PRESIDENT: The amendment is:

"Insert the words 'or swadeshi cloth' after the word 'Khaddar'."

The resolution as amended would read as follows:—

"This Council recommends to Government that all Government servants who are provided with uniforms by Government should in future be given only Khaddar or Swadeshi cloth uniforms."

Rao Bahadur R. S. ASAVALE (Bombay City, North): Sir, I rise to support the resolution as amended by my honourable friend Rao Bahadur Bole. My reasons are these. Khadar can be prepared by Government in their own jails. I believe at present the work done by some convicts in jails includes spinning and weaving. If not such work must be started. I am quite sure whatever cloth is produced in our jails, can be supplied to Government servants for their uniforms. If Khadar is not available and the Government is not satisfied that what is obtained in the market is not really khadar produced in India, then Government will be in a position to buy India cloth.

But, Sir, the main reason why I support the resolution as amended by Rao Bahadur Bole is this: both the parties will be benefited by this. Mahatma Gandhi and the people who believe in swadeshi will be satisfied if the resolution is accepted by Government. There will be more work provided for those people who are sent to jail and it would be a sort of education given to these convicts. It would also help them after their release and they would not remain unemployed to commit crimes again. Then again, khadar will be produced by the agriculturists, when they are idling away their time after the crop season. In these three ways it will be beneficial to the province if khadar is used for the uniforms of the Government servants. It will surely help the whole of the province and the Government themselves. With these few remarks I support the resolution.

Mr. THAKURSING LALSING (Karachi City): Sir, I entirely agree with my honourable friend, Mr. Petit. I say swadeshi cloth will include khadar handspun and handwoven or otherwise. It is our business to see that our industries and manufactures are patronised and encouraged. I feel confident that the members of the Government will also have no

[Mr. Thakursing Lalsing]

objection to the grant of this suggestion. Regarding the suggestion made by my honourable friend, Mr. Bole, that fraud is being committed by selling foreign cloth, as swadeshi cloth, I submit, Sir, that the Government officers, while ordering swadeshi cloth, should see and should satisfy themselves that it is swadeshi cloth, before purchases are made. With these words, I submit that Mr. Petit's amendment should be accepted.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (In Urdu): Sir, I observe that amendments after amendments have been moved in this House on my main resolution. But I have no objection to them. If khadar could not be obtained in sufficient quantity, then swadeshi cloth should be used. I quite understand the object of my honourable friend, Mr. Bole, in this connection. I submit, Sir, that in the first place preference should be given to khadar and failing that swadeshi cloth should be patronised. As regards the remarks of my honourable friend, Mr. Bell, when he says that handspun yarn is rough and not smooth and difficult in weaving. I submit, Sir, that in the beginning it will naturally be rough. But you are aware that many years ago India was the foremost country in the world and used to manufacture and supply cloth which was just like silk and many people in foreign countries were using Indian made cloth only. But that industry is no more in existence and we have to start again that industry. In any case, I accept the amendment proposed by my honourable friend, Mr. Bole.

The Honourable Mr. G. B. PRADHAN: Sir, I will just state for the information of this House the different steps which the Government of Bombay has taken to encourage swadeshi goods and particularly Indian made cloth. The first Government Resolution No. 356 dated 16th December 1926 (General Department) says:

"Government are pleased to direct that the appended rules, which are intended to supersede all previous instructions issued by them from time to time regarding the purchase of stores should, until further orders, be observed by all Officers and Departments subordinate to them. Government take this opportunity of impressing upon all Officers and Departments the importance which they attach, not only to a strict adherence to the letter of the rules, but also to a loyal observance of the policy underlying them as stated in the preamble to the rules."

I will read the preamble afterwards. This resolution further says:

"The observance of this policy will, it is confidently anticipated, promote both the objects which Government have in view, namely, encouragement of manufacture in India and in the Bombay Presidency in particular, and economy in the purchase of Government Stores."

Then the preamble to the rules says:

"The policy of Government is to make their purchases of stores for the public service in such a way as to encourage the industries of the country and of the Bombay Presidency in particular so far as is consistent with economy and efficiency. In pursuance of this policy the following rules are prescribed for the supply of articles for the public service."

Immediately the next day a special Resolution as regards cloth and articles manufactured in India was issued. It is Resolution No. 5205-15687 dated 17th December 1926 which says:

"With a view to encouraging Indian industries the Government of Bombay are pleased to direct that all clothing materials purchased by the officers of Government for the uniforms, etc., of menial and other Government servants or for any other purposes should

[Mr. G. B. Pradhan]

as far as possible be of Indian manufacture. In cases of urgency, where the required quality of Indian manufacture is not readily obtainable, or the required kind of cloth of Indian manufacture is not obtainable except at a price higher than that of the corresponding quality of non-Indian manufacture, cloth other than that of Indian manufacture may be purchased. All Heads of Offices are however requested to observe the spirit of these orders strictly and to obtain the previous sanction of Government in the General Department, either special or general, before purchasing any cloth required and the prices of the corresponding qualities of the two kinds of manufacture in question."

Rao Bahadur S. T. KAMBLI: What is the date of that Resolution ?

The Honourable Mr. G. B. PRADHAN: It is Resolution No. 5205-15687 dated 17th December 1926. After this, further orders of Government were issued in Resolution No.3052/5088 dated 4th May 1928 which says :

"Government have decided that a six monthly statement should be issued by the Director of Information and Labour Intelligence showing the quantity of cloth of Indian and foreign manufacture purchased by all Departments and the officers subordinate to them, and furnishing reasons in cases where foreign cloth instead of cloth of Indian manufacture has been purchased. The two statements will be for the periods from the 1st April to 30th September and from the 1st October to 31st March of each official year. The Governor in Council is, therefore, pleased to direct that all heads of offices should submit the requisite returns in the accompanying form to the respective Administrative Departments of the Secretariat by the 31st October and 30th April, respectively, every year. The Administrative Departments should be requested to consolidate the figure reported by the officers under their control and forward the returns in the accompanying form to the Director of Information and Labour Intelligence by the 30th November and the 31st May, respectively, for tabulation. The necessary information for compiling the first statement should be submitted so as to reach the Director by the 30th November 1928."

So, it will be observed that Government have issued these orders and further they have asked all the heads of the Departments to send a statement every six months in a tabulated form showing the quantity of cloth of Indian and foreign manufacture purchased. The heads of the departments have been asked to send in such statements on 31st October and 30th April respectively. I can assure the honourable member that cloth prepared locally is always purchased by Government for uniforms for their menials.

As regards pure khaddar, as asked by the honourable member Mr. Baloch, there are forest guards serving in Sind in the cold weather. The uniforms for these forest guards have got to be made of woollen cloth. If you say "whatever be the nature of the service which the menial has got to do, the cloth should be uniformly of khaddar," then I will point out to you, Sir, that khaddar is not suitable for the use of forest guards and other menials who have to work in Sind in the cold weather. Woollen uniforms must be supplied to them. So, this House will see how difficult it will be for Government to give effect to their demand if they insist that these uniforms should invariably and always be of pure khaddar even in the cold weather in Sind. Every attempt is being made by Government to purchase Indian goods and particularly goods prepared in the Bombay Presidency.....

Rao Bahadur S. T. KAMBLI: Is not woollen khaddar available ?

The Honourable Mr. G. B. PRADHAN: I made enquiries at the Sohrab Mill at Dadar and at the Raymond Mill at Thana.

[Mr. G. B. Pradhan]

By "khaddar" I understand cloth made of hand-spun and hand-woven material.....

Rao Bahadur R. S. ASAVALE: No, no. Kambli cloth is also included in it. That will do for cold weather use in Sind.

The Honourable Mr. G. B. PRADHAN: I understand it to mean only cotton material, not necessarily hand-woven and hand-spun, but manufactured in India. Also as regards the woollen thing, we make every attempt to use woollen goods as far as possible manufactured in India, but supposing the prices show a cent per cent. difference and one costs Rs. 100 and the other costs Rs. 200, naturally Government have got to think twice and they have got to choose foreign goods, but that is in very rare cases. So, I am quite prepared to accept the proposition as amended by my honourable friend Mr. Petit that Government should purchase Swadeshi goods as far as possible for the uniforms of their menials. That is the policy of Government and that policy is being consistently followed, and if the honourable mover will accept the proposition as amended by my honourable friend Mr. Petit, between whose amendment and the amendment proposed by my honourable friend Rao Bahadur Bole there is no difference, I will accept it on behalf of Government. The honourable member Rao Bahadur Bole says "Khaddar" and that when it is not available, then only, he says, Swadeshi cloth should be used. Khaddar, as I have said, oftentimes is not suitable and it is not also durable. We have also got to see how long uniforms are to be used and we have also got to see under what conditions the menials have to serve. So, if the honourable mover will accept this proposition as amended by the honourable member Mr. Petit, I am quite prepared to accept it on behalf of Government.

Mr. HAJI MIR MAHOMED BALOCH: How much cloth do you call for every six months?

The Honourable Mr. G. B. Pradhan: Unfortunately, I have not got details with me just now.

The Honourable the PRESIDENT: I thought the Honourable the Finance Member read out that six-monthly reports were to be supplied by the Director of Information.

The Honourable Mr. G. B. PRADHAN: The honourable member Mr. Baloch wants me to give statistics. Those statistics are not here, but they will be available in the office of the Director of Information and Labour Intelligence. Nearly a year and a half has elapsed since this resolution was issued. However, I particularly bring to the notice of this House that Government have repeatedly brought to the notice of their officers that they ought to look to the spirit of the Government resolution, that they ought to look to the spirit of the preamble and that they should not make any purchases of foreign cloth or goods unless they obtain the orders of Government giving reasons. So I do not know what other safeguards Government can possibly take. Every conceivable safeguard is being taken.

Mr. HAJI MIR MAHOMED BALOCH : In view of the statement of the Honourable the Finance Member in regard to the six monthly reports, I accept the amendment of the honourable member Mr. Petit.

The Honourable the PRESIDENT : Does the honourable member Rao Bahadur Bole wish to withdraw his amendment under the circumstances ?

Rao Bahadur S. K. BOLE : Yes, Sir. There is no other way.

Question put and leave granted.

Amendment by the honourable member Mr. Petit put and carried.

Resolution, as amended, put and carried.

Dr. R. T. NARIMAN (Bombay City, South) : Mr. President, I beg to move the following resolution :—

“ This Council recommends to the Government of Bombay, in view of the great necessity for restoring peace in the country, and to avert a political deadlock and to create a favourable atmosphere for the Round Table Conference, to release Mahatma Gandhi without delay.”

Mr. President, the wise words of Lord Hardinge, ex-Viceroy of India, in reply to the address given to him by the Bombay Municipal Corporation in the Town Hall that the criticisms by the citizens on the action of Government are always welcomed provided they are made in good faith, are still ringing in my ears. I wish to offer a few remarks on the present political deadlock in India and I assure my honourable colleagues that while setting down nought in malice, I will spare or extenuate nothing. India has no grudge against England. She is not her enemy. On the contrary, Indian people have great admiration for the West for its high civilization and its very great scientific progress and especially for England which brought this scientific knowledge to this country. The younger generation of the East is always eager to learn from the West, and to assimilate the best that Europe has to offer. Indian people do frankly admit that it was the literature of the West which inspired them with a courageous love for freedom and awakened them to a sense of political consciousness. The great national movement in India is but a part and parcel of the world upheaval which is shaking it at present from one end to the other. Like the other parts of the world, India too has got feelings, sensibility and aspirations. To call the present national movement in India a seditious movement is a gross perversion of facts. No one can deny the fact that the political situation in the country is very serious to-day. It needs the greatest statesmanship and far-sightedness on the part of the Government to cope with it. I consider it my duty to sound a note of warning to Government that repression is no remedy for the present political unrest in the country. On the contrary, such repressive policy of Government is responsible for making the situation worse. The mass of the country can no longer tolerate the police and military excesses committed in different parts of India and in this Presidency in particular. These excesses, to my mind have added fuel to the fire of agitation, increased the number of extremists and led to greater and greater efforts at defiance of the extraordinary and ordinary laws. There are differences of opinion as regards the Civil Disobedience movement launched by Mahatma Gandhi. A few consider it as a mistake,

[Dr. R. T. Nariman]

but some people think it inevitable as it is the only means of fighting their cause as all the constitutional methods hitherto adopted by them for the last four decades have been absolutely ignored. The present campaign of civil disobedience and the boycott of British goods is the only weapon left in the hands of these law-abiding and unarmed people of the country in order to make it impossible for Government to govern and thereby to attract attention to the oft-repeated demand for freedom and justice. What else can the Indian people do under such woeful circumstances, may I ask my honourable colleagues? So far neither the Liberals, nor the Moderates, nor the Independents have placed before the nation a more effective scheme to gain national freedom.

Sir, it is a serious mistake to disregard Mr. Gandhi as a leader of the nation. If you feel the pulse of the nation, you will find that, notwithstanding the differences of opinion amongst the politicians of India Mr. Gandhi is held in the highest esteem by all classes of people in India and abroad. Government have certainly made a great blunder by imprisoning him under a century old enactment, depriving the country of the leader who was the best policeman and whose influence was the greatest restraint upon the forces of violence. The reason why the commercial and industrial classes have joined in this civil disobedience movement is that they feel that the political discontent in the country has deepened owing to the economic exploitation of India for the benefit of Great Britain, coupled as it is with political and military domination. The economic depression, already very bad, is getting more and more acute as a result of this political muddle. Government must clearly understand that complications have arisen which can never be done away with by repression and by violent display of physical power. Such complications can only be cured by a real stroke of statesmanship appealing to the heart and imagination of the people, by acknowledging their right to frame their own constitution. India is now united in her demands for freedom from the foreign yoke to which she is at present subjected. This demand is an expression of a spirit of nationalism and it must be granted gracefully, the sooner the better. Eye-wash is useless, and crumbs are now no longer acceptable. It is high time that Britain should redeem her former pledges and by so doing reclaim the loyalty of India's millions by accepting India and her peoples as free and equal partners within the British Empire, thus forging links of friendship and loyalty which may ensure an everlasting peace. Perhaps this House would like to know to what political party I belong. I belong to no political party. I am neither a Swarajist nor an Extremist nor a Liberal. I have never attended any political meetings in my life. I have never attended any Congress meeting, and lastly I may say that, much to my regret, I have not had the good fortune of having seen Mahatma Gandhi in my life. I am a humble, law-abiding citizen of the country, sharing with my countrymen their legitimate national aspirations. I do take great interest in public matters, and as a public citizen I consider it my duty to offer what I consider to be fair and honest criticisms on the present discontent in India, and I hope and

[Dr. R. T. Nariman]

trust that the Government of Bombay will realise the extreme gravity of the present situation and give effect to the resolution. (Honourable Members : Hear, hear.)

Question proposed.

Khan Bahadur H. P. CHAHEWALA : I rise to a point of order. Is this resolution in order, in view of the fact that it recommends a policy in a matter which is not in the hands of the Bombay Government ?

The Honourable the PRESIDENT : It is in the hands of the Bombay Government. Mahatma Gandhi is interned by the Government of Bombay.

Mr. R. G. PRADHAN (Nasik District) : Sir, I rise to support this resolution. I quite realise that it is rather difficult to speak with full appropriateness on a matter with regard to which much might be said on the side of the Government. It is an extremely sad thing no doubt—a tragedy of our political life that a great man like Mahatma Gandhi has been arrested and imprisoned. We all know the great position occupied by Mahatma Gandhi, not only in the life of this country but in the whole world. Books have been written on him by foreigners, and no Indian in recent times in modern India has received such general, sincere and intense appreciation at the hands of eminent foreigners as our great and distinguished and beloved countryman, Mahatma Gandhi. The great French writer Mons. Romain Rolland is a great admirer of Mahatma Gandhi. Many Americans have written of him and spoken of him in the most highly appreciative terms. His books, his writings and his speeches have been translated into several modern languages, and there are many foreigners who have been so much impressed by his lofty character, his spiritual nature and his high idealism that some of them think that his character approximates to that of the great founder of the Christian faith. That such a great personality should have to be jailed is a matter about which I do not think Government themselves feel any sense of satisfaction. But, on the other hand, as politicians and as those who are responsible for the administration, we quite realise the point of view of Government. However great a man may be, however distinguished and highly respected he may be, if he inaugurates a movement like that of civil disobedience, it is quite possible that Government may find themselves in a situation which makes it inevitable on their part to go to this sad length of incarcerating a man of such lofty character and unquestionable merit. I shall not, therefore Sir, in speaking on this resolution, try to sit in judgment on the Government in the action they have taken. But I want to look at the matter from a broader point of view, from the point of view of the interests of India and the Empire. It seems to me that since yesterday the stars on the political firmament of India have been approaching an auspicious conjunction, we are on the eve of a situation which may result in restoring good and friendly feelings between Government and the people of this country. The Viceroy's speech made day before yesterday has been welcomed by many distinguished public leaders. I have got the authority to say that it has received the appreciation and support of the

[Mr. R. G. Pradhan]

Right Honourable Srinivasa Sastri. I am quite sure my honourable friends have read the statement issued by many distinguished leaders of this country including some prominent members of the Indian legislature, on the speech of the Viceroy. They have welcomed that speech in their statement. In their statement they make a proposal to Government to give amnesty to all political prisoners. I may be permitted to read that paragraph :

"Neither policy can be an end in itself, and can only be regarded as a manifestation of the strength which may well be directed towards creative and nation-building efforts. At the present juncture we feel it to be our duty to urge on the Government the necessity of repealing the emergency measures that have been recently enacted and making an unequivocal offer of an amnesty to all those who have suffered the penalties of law for their political opinions or actions but have not been guilty of any acts of violence."

That is the proposal which they have made. If I were responsible for directing the future policy of the Government, I would unconditionally release Mahatma Gandhi and Pundit Motilal, and say to them :

"Here is the viceregal declaration. We request you to consider that declaration. We are extremely anxious that you should attend the Round Table Conference. We release you unconditionally. We give you an opportunity to reconsider the situation and we devoutly hope that the speech which has been made by the Viceroy day before yesterday will meet with general approval and that on a reconsideration of the entire situation from every possible point of view, you will be prepared to call off the civil disobedience campaign. You should give us your counsel at the Round Table Conference."

Government should do this. Suppose this offer is not accepted by those leaders, even after they are released from jail and that even after considering the entire situation they decide to continue their campaign of civil disobedience, then, Sir, the onus for any measure that Government may then take will rest on them still more heavily. I venture to think that such a step on the part of Government will create improvement in the feelings and sentiments of the people of this country. After this gesture it is just possible that those elements which are now working under their influence and guidance may not rally again in the same strength under their banner. It is from that point of view that I look upon the matter. It is from the point of view of carrying on further the policy of conciliation I think that the time has come now, when Government will be well advised in releasing Mahatma Gandhi and Pundit Motilal Nehru. The powers of Government are great enough to deal with any situation that may arise, if this gesture on the part of Government does not meet with response from them and they still persist in continuing the movement of civil disobedience. I do not think that the release from jail of Mahatma Gandhi and Pundit Motilal Nehru at the present moment will in any way worsen the situation under the circumstances to which I have referred and having regard to the considerations I have mentioned. On the contrary, I feel confident that it will improve the situation. I strongly hope that, if this is done, probably the present situation will be permanently eased and we shall be entering on a better era, more fruitful and more favourable times. For all these reasons I deem it my duty to commend this resolution to the acceptance of the Government and the Council.

Rao Bahadur R. R. KALE (Satara District): Sir, I am tempted to take part in this debate because I feel that the circumstances which have occurred since the incarceration of Mr. Gandhi have changed the whole atmosphere. Mr. Gandhi no doubt was arrested by the Government after a good deal of deliberation and hesitation because we know that the civil disobedience movement was launched by him and had been in operation for some time and it was only after some time that his arrest was decided upon. Further, the arrest has been made under a regulation. He has not been convicted of any offence after a trial like every other individual that we have known of. That itself shows that the Bombay Government has its own reasons and very good reasons for detaining him in prison for such time as may be necessary to see how things progress. I am sure that if Mr. Gandhi is informed of all the circumstances that have happened since he was sent to prison and if the Government of Bombay gives him a chance of considering the whole situation and the numerous occurrences, for instance the occurrence at Sholapur, which took place immediately after his arrest, I am sure that there would be no one else than he who would be in a position to see the effects of the campaign of civil disobedience, which has been launched in the country. I believe that every honourable member of this House including even the members on the opposite benches may note that his creed is entirely one of non-violence. Only the consequences that ensued after this campaign was launched, which are beyond his control or beyond the control perhaps of his true and faithful followers, engender trouble. It seems to me, therefore, especially having regard to the fact that the Round Table Conference is about to be held,—at such a juncture it would be quite in accordance with statesmanship for the Government to reconsider the whole situation once more. I am sure both Government and we, the non-official members, are agreed in seeing that this campaign ends and the consequences and disturbances which are occurring day after day are put a stop to. The question is as to the best method of bringing about a cessation of this kind of disturbances. The Government seems to have thought that the policy of repression would be an instrument calculated to bring about that end. But in my humble opinion this policy of repression, however effective it may have proved in the past, is not calculated to bring about the desired result in the present situation in the country. We know the past history of this country and other countries shows that whenever there has been a disturbance and a policy of agitation or whatever you may call it, it has always been based upon some violent action and that violent action has had to be put down by repression. That was no doubt quite proper and would be proper. But here we are faced with a policy of non-violence. Consequently, in order to meet this new phase of this policy, it seems to me that it is up to Government also to adopt a new policy and a new method for dealing with the situation. There is nothing to prevent Government again to put restraint upon Mr. Gandhi,—seeing that he has been detained under a very exceptional regulation. I know at the time there was some criticism that he was interned under an old and almost obsolete regulation which the Government had to hunt up. But I myself think and I believe,—of course I am not in the know of

[Rao Bahadur R. R. Kale.]

things,—I believe that the Government must have, after considerable deliberation, resorted to this section in order to keep him under restraint as long as it is proper and then to release him and give him a fresh trial. The speaker who preceded me has sufficiently made that point clear. I also have no doubt in my mind that if after he is released some time is allowed for him to see and study the situation, I have no doubt whatever, that he will call off the campaign. As soon as he came to know of the Chauri Chaura affair he called off his movement because he said "I have committed a Himalayan blunder". Believing as we do that he is a man who is ready to acknowledge his mistakes, who is ready to call off what at one time he may have thought honestly to be correct, if that is the sort of spirit which pervades the actions of this great man, I do believe that it is up to Government to give him a trial. There is nothing to prevent Government from again incarcerating him if Government find that the movement cannot be stopped or that no peace is possible by his release. There is the Regulation and other laws open to Government and it can haul him up at any time under any section or under any law. Therefore, nothing will be lost, I submit, in accepting this proposition. If the Government really want to take some risk, I do feel there should be no objection in accepting the resolution which is after all a recommendation. A recommendation is not a rigid section of the law as it were. It will be for the Government to consider the recommendation. And I do hope that the Government will think over the matter. There are two words "without delay" in the resolution. I do not think any exception would be taken to those words. But I would like to hear what honourable members occupying opposite benches have to say in regard to the resolution. There may be a possibility, as there has been in respect of the last resolution, that Government will take up a fair attitude. The very fair attitude taken up by Government members in regard to the last resolution on swadeshi is an indication of their mind that they are not against movements which they are supposed to be against by people generally. Similarly, there may be certain reasons and those reasons might be disclosed in the course of the debate. I, however, do believe that there will be no difficulty for Government to really think over this matter and come to a certain decision.

Mr. A. N. SURVE (Bombay City, North) : Sir, I beg to support the resolution and in doing so I beg to mention that the strain put upon Mr. Gandhi is not justified by the situation which existed then. This House, Sir, is aware that Mr. Gandhi has been put under restraint under Regulation No. XXV of 1827. This Regulation No. XXV mentions only three circumstances. If I read the Preamble, these three circumstances are given therein. It says :

"Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceedings, or when such proceedings may not be adapted to the nature of the case, or may for other reasons be inadvisable or improper."

[Mr. A. N. Surve]

So, you will observe that a person could be put under restraint, should his action lead to commotion in the territories of a foreign Prince who is in alliance with British power. Second condition is his actions should not also lead to internal commotion. Now, Sir, if we look to this particular point about the internal commotion I may just remind this House about the two opportunities that were taken by Mr. Gandhi before he started on this particular course of action. Sir, you know that in the month of December 1929 Mr. Gandhi had an interview with His Excellency the Viceroy and at that time he distinctly made it known that there are certain dangerous agencies in the country which, if not checked at the proper time, would lead to disquiet in the country. For that reason he had suggested a certain proposal. If his proposals were to be accepted, Mr. Gandhi was prepared to co-operate with Government. That opportunity was allowed to let go. Then even in the month of March before he started on the campaign of Satyagraha he had sent a letter to His Excellency the Viceroy—I refer to the letter which was sent with Mr. Reginald Reynolds. In that letter Mr. Gandhi had warned Government that they should accept the suggestions which he had made. Even that occasion was allowed to pass. Now, after having given these two opportunities if some commotion had taken place, are we to hold Mr. Gandhi responsible for the commotion which has arisen? As far as I can see the commotion is not due to any of his actions, because he has twice given the warning but that warning was not heeded to. Therefore, I submit that the particular Regulation under which he has been put under restraint is not the proper course which should have been adopted.

The Honourable the PRESIDENT: There is hardly any such point before the House. The honourable member is not relevant.

Mr. A. N. SURVE: Well, Sir, I will now go to the other point. The treatment that is being given to Mr. Gandhi is rather not suited to his state of health. We are all of us aware that he has been put in the Central Yeravda Jail

The Honourable the PRESIDENT: Order, order. The present resolution is a political resolution. Because of the state of things in the country, it should be met on political grounds. Whether he was rightly put under restraint under the particular law or not, or whether his condition of health is good or bad, all these points are quite irrelevant.

Mr. A. N. SURVE: If these words are not to be touched upon and if we have only to confine our remarks to the expediency, I submit that the attitude adopted by Government should undergo a revision. Even, Sir, last week Government have taken action—I refer to the action of the confiscation of the "Navajivan" Press. This action of Government will naturally aggravate the situation in the country. I, therefore, submit that in order to establish peace and good understanding, Government should accept this resolution.

Mr. P. J. MARZBAN (Bombay City, South) : Sir, I rise to support the resolution. In the first place, I must plead that Government know that I am one of their staunchest friends, and this Honourable House also knows that as a responsible man connected with the Press I ought to be one of those who know best the difficulties of Government at the present moment. In spite of this, Sir, I support the resolution, and I hope in this House, including the Government Members, there will not be a single man who will think it proper to oppose the resolution, moved by my honourable friend Dr. Nariman. Now the circumstances are quite different from those that existed when Mahatma Gandhi was put under restraint. I must frankly admit that I was one of those who thought that Government of Bombay had been giving Mahatma Gandhi a longer hope than he deserved.

Sir, things are moving so fast that every day brings us a new phase of the situation, and I think therefore that Government will be well advised in revising, some of their past actions. Sir, even speaking on the side of Mahatmaji, I think, that ever since his confinement, the turn of events (of which he must have been aware) must have made him a really wiser and a sadder man ; and he is one of those, as we know from our experience of him in the past, who will be the first man to correct his blunder if another chance is given to him. I say this of my deep conviction. Sir, at the interview he had with Mr. Slocombe of the "Daily Herald", he put forth four points conditional to his stopping the civil disobedience movement. Now, if we analyse those four points, what do we find ? I think the present situation meets those. The two points of stoppage of foreign liquor and the stoppage of foreign cloth are practically matters left to India once India secures Dominion Status. The other two points, which he said must be conditional, included dominion status. Well, I think that the present situation warrants me to say that Mahatma Gandhiji would be satisfied with what the Viceroy and the Secretary of State have announced, namely, that dominion status will be one of the points of the terms of reference at the Round Table Conference. So, I appeal in all humility to the Government of Bombay to see that the time has now come, considering what tremendous stakes there are for the welfare and preservation of India, to release this one great man who is the only man who can stop the present civil disobedience movement. The question of prestige should not at this psychological moment come in the way. I am quite sure that Mahatmaji himself, if he is released, will, after he takes stock of the events that are taking place, himself say, as was the case once before, that for the good of India civil disobedience must stop. I have such a great respect for this one man that I am quite sure he will think that way and openly confess that he did make one more Himalayan blunder.....

The Honourable Mr. B. V. JADHAV : What is your authority ?

Mr. P. J. MARZBAN : My authority is his great character, and I feel convinced that if Mahatmaji is once again given a chance, he will be a safer man outside jail and outside restraint than inside confinement.

[Mr. P. J. Marzban]

I fully appreciate the difficulties that confront the Bombay Government. It is no use concealing the fact that this is no longer a provincial question but that it is an Imperial question, and I can very clearly see the difficulties in the path of the Bombay Government to take a step which would affect not the Presidency only but would affect the whole of India; but technically, the Government will concede, it is in their power to use the force of persuasion and induce the Government of India to make a bold, statesmanlike stroke at this psychological moment. Really Mahatmaji will assuage public bitterness eighty per cent. and it will create an atmosphere extremely favourable for the Round Table Conference, an atmosphere which happily the recent utterances of His Excellency the Viceroy and the Secretary of State for India have already induced.

I, therefore, ask those responsible for the Government of Bombay to seriously consider whether there is any practical great danger in conditionally releasing Mahatma Gandhiji and giving him another chance, because I put it to the Government of Bombay whether it will be anything very difficult to restrain Mahatmaji if it sees that that experiment has not succeeded. I think it will not be very difficult and even the Government of Bombay can face public criticism and say "There, we have done our level best, we cannot do any more." If public opinion clamours for the liberation of Mahatmaji, I think, Sir, that considering the present ticklish situation—when we are on the threshold of the Round Table Conference,—this great agency of persuasion, this one single messenger of peace ought to be given another chance. I think my remarks will not be misconstrued or misunderstood, but will be taken in the light of coming from one who is always a friend of Government always an advocate of law and order and always on the side of right. I therefore appeal to Government benches to accept this resolution.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi): Mr. President, I have listened to the speeches of several honourable members who have explained the importance of the resolution and the great qualities of Mahatma Gandhiji. Since his incarceration, Government have come to know what form the situation has taken and the strength of the Congress organizations. Mahatmaji is the one great man of India whom not only the Indian masses but the masses of most of the outside world takes pleasure in revering. The message which he has given to the people of India and the lines and principles of non-violence which he has laid down can be said to be a message intended to do good not only to this country but also to the war-ridden Western nations also. Such an esteemed leader of India is now in jail and has been sent there by the Government of Bombay with the consent of the Viceroy. Since, however, throwing him into confinement, the Government have found that the discontent among the people has grown enormously with the passing of each day and the demand for Swaraj has sprung up from even those sections of the population which had for a long time kept aloof from the movement. The public has been demanding for some time now that the great idol of Indians, namely,

[Mr. N. R. Gunjal]

Mahatma Gandhiji, should be, for the sake of restoring peace to the whole country, restored to the people from whom he has been taken away. This great apostle of peace can bring about peace in the country far more easily and successfully than Government can in spite of all their armoury of repression. The urgent necessity for restoring calm and quiet to this distressed country has been recognised all round by all parties of whatever political persuasion. By the imprisonment of Mahatma Gandhi, difficulties have been created in the administration, and if anybody is responsible for it it is the Bombay Government. There are a good many charges against the Government of Bombay, there are so many grievances of the people the cause of which is to be found in the policy followed by Government, but the greatest grievance of the people is that such a great man has been imprisoned by Government. Considering all this, I feel confident that every one will agree that it is desirable to release Mahatma Gandhi. In view of this, I heartily support the resolution of my honourable friend Dr. Nariman, and I hope that every honourable member of this House, whether official or non-official, will consider the resolution favourably and support it.

Mr. H. V. KOLHATKAR (East Khandesh District): Sir, I rise to support the resolution brought before this House by my honourable friend Dr. Nariman. A great many reasons have been advanced in support of this resolution, and I have not much to add to them. The honourable House is aware, and it is an admission on the part of the Government of India, that the situation is now improving, and if the situation is to improve further, it is absolutely necessary in the interest of the general public that Mahatma Gandhi should be released immediately. With these few words, I support the resolution.

Mr. N. E. NAVLE (Ahmednagar District): Sir, I give my whole-hearted support to the resolution moved by my honourable friend Dr. Nariman. Sir, it is well known that Mahatma Gandhi wields a very great influence on the Indian masses. There may be reasons which may be advanced in support of his movement and in opposition to it. But Sir, now that the movement has been started, and it has reached its present stage, it is for us to consider whether we are going to allow things to go on in the way they are going, or whether we are going to bring about a happy solution of the problem that is facing us. Sir, I think that it would be wise on the part of Government, now that the Viceroy in his most memorable pronouncement made two days back, has sounded a note of conciliation and of sympathy by his eloquent speech, it is up to Government now to see that that policy of conciliation enunciated in the Viceroy's speech is carried further by the release of this renowned Indian nationalist. Sir, I think that, for the success of the Round Table Conference in London, it is highly essential that this man of worldwide repute and of unquestioned public opinion should be released and I think Government will not lose anything by this. Taking into consideration all the events that have taken place since his arrest, he also may think it proper to accept the invitation to the Round Table Conference, and he may also think it advisable even to

[Mr. N. E. Navle]

lead the Indian delegation to the Round Table Conference. I think that Government should give an opportunity to this great Indian leader to lead the Indian delegation to the Round Table Conference, and I hope Government will think it wise to release him very early. I therefore give my wholehearted support to the resolution.

Rao Bahadur S. T. KAMBLI (Dharwar District) : Sir, I rise to support the resolution, and I do so wholeheartedly. I do not wish to take up the time of this honourable House by repeating the arguments which have been advanced so very cogently by several honourable members. I simply adopt the reasons given by the honourable mover of the resolution and I wholeheartedly support it.

Rao Bahadur R. S. ASVALE (Bombay City, North) : Mr. President, I rise to support the resolution that has been moved by the honourable member Dr. Nairman. I say that Mahatma Gandhi was arrested at a wrong time. In fact, it seems to my mind, if at all Mahatma Gandhi was to be arrested, he ought to have been arrested as soon as he declared his policy of civil disobedience and before he left his Ashram. But, Sir, when he was allowed to conduct the civil disobedience movement for a considerable time he ought to have been allowed to do so for some days more. His actions as regards the civil disobedience movement agitated the illiterate masses in breaking the Salt law. It went so far that every illiterate man was led to believe that it was Mahatma Gandhi who would be able to remove the Salt Tax, and he was given to understand by some of his followers that it was now certain that the Salt Tax would be soon abolished. Then, Sir, if the breaking of this law had succeeded as the Mahatma desired, he proposed to launch a campaign for the non-payment of land tax, and this proposal of his was so deeply impressed in the minds of the masses that they began to think that he is really their savior and therefore they followed his principles. And just at this time, Sir, he was taken to jail. I, however, think, Sir, that he ought not to have been arrested at this time. He ought to have been left free, for some days more until the day he would have seen the events that took place at Sholapur, Karachi, Peshawar, Delhi, and other places in India. He would then have called off the movement, as he did in the year 1920, when he was satisfied that he was wrong in launching the non-violent non-co-operation movement. In 1920, when he saw that there was violence in the country on account of his movement, he was the first man to find out his own mistake and called it off. In the same way, if he had been left free this time I am quite sure he would have stopped the movement willingly. Sir, even now there is such a time, if the Government of Bombay recommend to His Excellency the Viceroy that the present movement is subsiding, and they really want to give the Congress a chance to appear before the Round Table Conference to put their case before it, I am quite sure that the people who have got some faith in the Congress will stop the movement and will be very obliged to the Government. I am quite sure that the Government will be well advised to see their way to send this resolution to His Excellency the Viceroy, because I think it would not be possible

[Rao Bahadur R. S. Asavale]

for this Government to release Mahatma Gandhi all at once without the consent of the Viceroy. With these few remarks I support the resolution.

Mr. HAJI MIR MAHOMED BALOCH *rose*.

The Honourable the PRESIDENT : There is hardly time to finish the resolution, because I do not know how much time the honourable mover will take to reply. Will the honourable member for Karachi be able to finish his speech within five minutes ?

Mr. HAJI MIR MAHOMED BALOCH : No, Sir ; I may take more time. I think it would be better to carry the resolution to Monday.

The Honourable the PRESIDENT : As I see several members anxious to speak on this resolution, which is an important one, I cannot shut them out. So, further discussion will be carried to Monday.

Rao Bahadur R. R. KALE : I want to make a request, Sir. His Excellency the Governor has called a conference on Tuesday. He has invited about 28 or 30 honourable non-official members of this House to that conference. As the time that will be taken up at the conference is not known, I make the request that we may adjourn our business for Tuesday.

The Honourable the PRESIDENT : The suggestion made here is that His Excellency the Governor has invited certain leaders for a conference on Tuesday. A good number of honourable members of this House have been invited to that conference.

An Honourable MEMBER : All non-official members of this House ?

The Honourable the PRESIDENT : I do not know how many. I have not got the list. But a large number have been invited. Members are invited to attend the conference on Tuesday at 11 o'clock. It is possible that it may not be finished in time for honourable members to attend the sitting here. Therefore, the proposal is that the Council should be closed on Tuesday. I accept that suggestion, because I have also been invited. That is a conference in connection with the present situation and the movement, which is as important to honourable members as any other business on the agenda. Therefore, I accept the request.

The House is now adjourned to 2 p.m., on Monday, the 14th July 1930.

Monday, the 14th July 1930.

The Council re-assembled at the Council Hall, Poona, on Monday, the 14th July 1930, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
 ABERCROMBIE, Mr. J. R.
 AHMAD, the Honourable MOULVI RAFIUDDIN
 ALLAHBAKSH, Khan Saheb
 AMBEDKAR, Dr. B. R.
 ASAVALE, Rao Bahadur R. S.
 BECKETT, Mr. R. H.
 BELL, Mr. R. D.
 BHATT, Mr. RAMCHANDRA M.
 BHURGRI, Mr. J. W.
 BHUTTO, Sir SHAH NAWAZ
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
 BOLE, Rao Bahadur S. K.
 BRANDER, Mr. J. P.
 BULLOCKE, Mr. A. GREVILLE
 CHAHEWALA, Khan Bahadur H. P.
 CHANDRACHUD, Mr. N. B.
 CHIKODI, Mr. P. R.
 COLLINS, Mr. G. F. S.
 CONTRACTOR, Khan Saheb M. F.
 DABHOLKAR, Sir VASANTRAO
 DESAI, Rao Bahadur GOVINDBHAI H.
 DESAI, the Honourable Dewan Bahadur HARILAL D.
 DESAI, Mr. J. B.
 EWBANK, Mr. R. B.
 FREKE, Mr. C. G.
 GARRETT, Mr. J. H.
 GHOSAL, the Honourable Mr. J.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GIRIYAPPANAVAR, Mr. V. C.
 GREEN, Mr. S. A. C.
 GUNJAL, Mr. N. R.
 HABBU, Mr. A. G.
 HAJI MIR MAHOMED BALOCH, Mr.
 HARRISON, Mr. C. S. C.
 HOTSON, the Honourable Sir ERNEST
 HUDSON, Sir LESLIE
 HUMPHREY, Mr. JOHN
 ISHAN, Khan Bahadur GHULAM MUHAMMAD ABDULLAH KHAN
 JADHAV, the Honourable Mr. B. V.
 JAN MAHOMED KHAN, Khan Bahadur

KALE, Rao Bahadur R. R.
 KAMAT, Mr. Y. M.
 KAMBLI, Rao Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUHRO, Khan Bahadur M. S.
 KNIGHT, Mr. H. F.
 KOLHATKAR, Mr. H. V.
 LANE, Mr. C. M.
 LIGADE, Mr. S. P.
 MACKIE, Mr. A. W. W.
 MODI, Sardar DAYAR T. K.
 MUJUMDAR, Sardar G. N.
 NANAVATI, Mr. D. D.
 NARIMAN, Dr. R. T.
 NAVLE, Mr. N. E.
 NOOR MAHOMED, Mr.
 OWEN, Mr. A. C.
 PANTHAN, Mr. A. F. I.
 PATIL, Mr. R. L.
 PAWAR, Mr. G. B.
 PRADHAN, the Honourable Mr. G. B.
 PRADHAN, Mr. R. G.
 RAHIMTOOLA, Mr. HOOSENALLY M.
 RANJITBHAI KALABHAI, Rao Bahadur
 SALGAR, Mr. R. G.
 SARDESAI, SARDAR S. A.
 SHAIKH ABDUL AZIZ, Mr.
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MUHAMMAD SHAH
 SYED MUHAMMAD KAMIL SHAH
 SYED MUNAWAR, Mr.
 TALEYARKHAN, Mr. P. J.
 THAKOR OF KERWADA, the
 THAKURSING LALSING, Mr.
 THORAT, Sardar S. B.
 VAKIL, Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WALLACE, Mr. D. J. C.
 WASIF, Khan Saheb G. A. D.
 WILES, Mr. G.

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

Mr. H. F. Knight, I.C.S., took the prescribed oath of allegiance to His Majesty the King-Emperor and took his seat in the Council.

The Honourable the PRESIDENT: Questions.

GOVERNMENT CENTRAL PRESS, BOMBAY : HEAD PRINTER.

Rao Bahadur R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

(a) whether the Manager of the Government Central Press, Bombay, received any complaint regarding the head printer about three or four months ago;

(b) the text of the complaint;

(c) how the complaint was disposed of?

The Honourable Sir GHULAM HUSSAIN: (a) No.

(b) and (c) Do not arise.

Rao Bahadur R. S. ASAVALE: May I know if such a complaint was received during the last year?

The Honourable Sir GHULAM HUSSAIN: I want notice.

PROVIDENT FUND AND PENSIONS.

Mr. R. M. BHATT (Bombay City, South): Will Government be pleased to state—

(a) whether they have examined the question of granting provident fund instead of pension to their servants in the subordinate services;

(b) if so, the decision, if any, taken by them in the matter;

(c) if the decision be that the present system of payment of pensions should continue, the reasons on which such a decision has been based;

(d) whether Government will be pleased to lay on the Council table an analysis of all arguments for and against the introduction of the provident fund system and also the balance of advantages of retaining the present system of pension?

The Honourable Mr. G. B. PRADHAN: (a), (b), (c), (d) The whole question is still under consideration.

PROVIDENT FUND : GOVERNMENT CONTRIBUTION.

Mr. R. M. BHATT (Bombay City, South): Will Government be pleased to state what rate per cent. is at present given as interest on the provident fund which is voluntarily contributed by Government servants?

The Honourable Mr. G. B. PRADHAN: The rate of interest at present applied to the balances and deposits of contributors to the General Provident Fund is five per cent.

SECONDARY TEACHERS IN AGRICULTURAL SCHOOLS.

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

(a) whether they have received a memorial from the Secretary of the Bombay Presidency Primary Teachers' Union requesting them to grant the teachers in Agricultural schools the increase in salary to which they are entitled as secondary teachers according to the scale of increases to secondary teachers;

(b) if so, what they have decided to do in the matter?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) No memorial of the kind referred to by the Honourable Member has been received. However, applications from some teachers of agricultural-bias classes attached to primary schools in connection with their pay have been received.

(b) The question is under consideration.

Rao Bahadur R. S. ASAVALE : When were these applications received ?

The Honourable MOULVI RAFIUDDIN AHMAD : I cannot say at present. I will find out and let the honourable member know.

PENSION RULES : PEONS.

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

(a) whether the rules, which govern the pensions of the subordinate staff in the Government service, have been made applicable to the pension of all grades of inferior servants in all the Departments of Government ;

(b) if not, the reasons for not doing so ?

The Honourable Mr. G. B. PRADHAN : (a) and (b) With the exception of Government servants serving on establishments, the cost of which is shared with the Government of India, the rules regarding pensions, which are contained in the Bombay Civil Services Rules, regulate the pensions of all grades of inferior servants in permanent service under all Departments of Government.

POLICE SUB-INSPECTOR, CHAKAN.

Mr. N. R. GUNJAL for Mr. N. B. CHANDRACHUD (Poona City) :

(1) Will Government be pleased to state the name of the present Sub-Inspector of Police at Chakan in the Khed Taluka of the Poona District ?

(2) When was he first appointed as Sub-Inspector and what is the total period of his service ?

(3) From what place was he transferred to Chakan and when ?

(4) Have any complaints been made against the Sub-Inspector ? If so, by whom and how many complaints in all were made against him ?

(5) What were the allegations made by the complainants in their petitions against the Sub-Inspector ?

(6) Will Government be pleased to place copies of the complaints on the Council table ?

(7) Whether the complaints made against the Sub-Inspector were investigated ; if so, by whom ? What were the results of the investigation ?

(8) Is it a fact that the persons who had made complaints against the Sub-Inspector were prosecuted ? If so, by whom, and under what section or sections of the Indian Penal Code or the Criminal Procedure Code ?

(9) Is it a fact that on account of the presence of the Sub-Inspector in Chakan people of that place are afraid to make complaints against him or to come forward as witnesses against him ?

The Honourable Sir ERNEST HOTSON: (1) Mr. Ganesh Govind Birodkar.

(2) Mr. Birodkar was first appointed Officiating Sub-Inspector of Police on 3rd January 1924 and after some breaks in officiating service he was confirmed as Sub-Inspector of Police from 1st July 1928. His total service at present is over 18 years.

(3) He was transferred from the Poona Cantonment to Chakan on 4th November 1928.

(4) Twelve complaints against the Sub-Inspector have been received in different Departments of Government. The principal complainants are S. M. Joshi, Babu Dhondi Mutke, J. V. Deodhar and Krishnarao Patil-buwa Powar.

(5) The petitions contained all sorts of allegations including mis-behaviour, extortion, oppression, etc.

(6) No.

(7) The complaints were investigated severally by the Inspector of Police at Junnar, the Deputy Superintendent of Police, Western Division, and the Sub-Divisional Magistrate, Western Division, Poona. All these officers came to the conclusion that the allegations were false and malicious.

(8) Proceedings have been taken against one of the complainants, S. M. Joshi, under section 110 (e) and (f) of the Criminal Procedure Code by the Sub-Inspector of Police, under the orders of the Deputy Superintendent of Police, Western Division, and he has been bound over in a sum of Rs. 500 with two sureties for the like amount.

(9) No. The enquiry held by the Sub-Divisional Magistrate shows that such is not the case.

PRIMARY SCHOOL BUILDINGS, KAIRA DISTRICT.

Rao Bahadur GOVINDBHAI H. DESAI (Kaira District): Will Government be pleased to state—

(a) how many primary schools in the Kaira District have buildings of their own, and how many have not;

(b) whether Government propose to take any, and, if so, what steps to provide buildings for those primary schools which are without them;

(c) whether the Kaira District Local Board has received any donations for school buildings;

(d) if so, how many and when;

(e) whether these donations have been utilized;

(f) if not, the reasons therefor?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) 119 schools are held in buildings owned by the District Local Board, 50 in buildings partly owned and partly rented or free and 285 in other buildings.

(b) As funds become available, an attempt will be made to provide buildings for schools whose permanence has been established and which are in need of buildings.

(c) Yes.

(d) Rs. 23,875 for 44 schools ; the information as to when the donations were credited by the village people, so far as is available, is given in the accompanying list.

(e) No. But out of Rs. 23,875 a sum of Rs. 973 for Chunel School has been utilized by the Board for road purposes on condition that it will be returned, if a school building is built.

(f) The donation for each school building being small, the Board could not undertake the execution of any work owing to want of funds at its disposal.

List showing the amount of donation credited by the village people for the construction of school buildings.

Name of the village	Amount credited	Year
	Rs.	
1. Alindra	685 and site.	
2. Chunel	973	
3. Chunel extension of boys' school	492 free site.	
4. Piplata	400	1911-12
5. Jitodia	150	1911
6. Alarsa	2,500	1911-12
7. Chhipdi	300	
8. Lambhvel	250	1910-11
9. Bedwa	200	
10. Valetwa	200	1911-12
11. Ratanpura	200 free site	1912
12. Agarwa	200 Do.	1898-99
13. Navagam	150	
14. Bodal	300	
15. Meghwa	125 free site	1912
16. Thamma	125 Do.	1912
17. Sodpur	150 Do.	1896-97
18. Mongroli	150 Do.	1896-97
19. Khandhli	100 Do.	1912
20. Badarpur	336	
21. Sandhana	100	1910
22. Boriavi	126	1894-95
23. Sarsavni	150	
24. Khambholaj	300	1895-96
25. Khandhli	101	1908-09
26. Padal	100 free site.	
27. Kathlal	259	
28. Napad	400	1898-99
29. Ajarpura	50	
30. Sokhda	84 free site.	
31. Vasna, Taluka Borsad	3,500	1913
32. Vasnamargia	110	
33. Ashi	1,375	
34. Rasnol	895	
35. Gamdi	150	1912
36. Valasan	82	
37. Chikhodra	300	
38. Alina	1,500	
39. Sili	200	
40. Mahamadpura	175	1912-13
41. Vedtal	160	1913-14
42. Mitral	501	
43. Sinjwada	500 and site of Rs. 700.	

Rao Bahadur GOVINDBHAI H. DESAI: The answer to (c) says that a sum of Rs. 973 for Chunel school has been utilised by the Board for road purposes on condition that it will be returned, if a school building is built. Was the amount spent with the previous consent of the villagers concerned?

The Honourable MOULVI RAFIUDDIN AHMAD: I cannot say because that information has not been supplied to me.

Rao Bahadur GOVINDBHAI H. DESAI: From the list supplied it appears that many of these donations have been pending for the last fifteen or twenty years. Is there any chance of their being ever utilised in view of the fact that the estimate for the cost of the smallest type of school building comes to about Rs. 2,000?

The Honourable MOULVI RAFIUDDIN AHMAD: As soon as the finances improve, this may be taken up. Till then I cannot promise.

Rao Bahadur GOVINDBHAI H. DESAI: Cannot Government ask the local boards to return these donations or ask them to take the previous consent of the villagers before using them for other purposes?

The Honourable MOULVI RAFIUDDIN AHMAD: I want notice.

DEPUTY COLLECTOR, KAIRA, AND PERSONAL ASSISTANT TO
COLLECTOR, AHMEDABAD: RESIGNATIONS.

Rao Bahadur GOVINDBHAI H. DESAI (Kaira District): Will Government be pleased to state—

(a) whether Mr. Morarji, Personal Assistant to the Collector of Ahmedabad, and Mr. Durlabhji, Deputy Collector, Kaira, have resigned their posts;

(b) what was the salary and length of service of each of them;

(c) what were the circumstances which led to their resignations?

The Honourable Mr. J. GHOSAL: (a) Yes.

(b) Mr. Morarji's pay as Deputy Collector was Rs. 650, and the length of his service 12 years.

Mr. Durlabhji's pay as Mamlatdar was Rs. 370 and his pay as acting Deputy Collector Rs. 400. He was in Government service for 26 years.

(c) In his letter to the Collector, Mr. Morarji stated that his resignation was a protest against the censure passed on him by Government for his conduct as Sub-Divisional Magistrate during the communal riots in Godhra in September 1928, and the intimation conveyed to him that Government considered his offence to be a serious one and one that should ordinarily entail dismissal from service.

The reason assigned by Mr. Durlabhji for his resignation was that he could not continue to serve without being untrue either to himself or to Government.

CLOTH IMPORTS: EFFECT OF BOYCOTT MOVEMENT.

Rao Bahadur GOVINDBHAI H. DESAI (Kaira District): Will Government be pleased to state—

(a) how far the current boycott of foreign cloth movement has been effective;

(b) how do the imports of foreign cloth and yarn and duty thereon for the last six months compare with those of the corresponding period in the preceding year ?

The Honourable Mr. G. B. PRADHAN: (a), (b) The subject-matter of the Honourable Member's question falls under "Customs" and "Commerce" which are central subjects. The proper place for such a question is the Legislative Assembly.

FRAGMENTATION OF HOLDINGS BILL: RE-INTRODUCTION.

Rao Bahadur GOVINDBHAI H. DESAI (Kaira District): Will Government be pleased to state—

(a) what steps, if any, have been taken by Government to remove the misunderstanding about the objects and reasons of the Bill for the consolidation of holdings and the prevention of their further fragmentations ;

(b) whether and when they intend re-introducing the Bill for further consideration in the Legislative Council ?

The Honourable Mr. J. GHOSAL: (a) None, because the Bill has been withdrawn for the present.

(b) The Bill has not been definitely abandoned.

GRASS: SELLING PRICE.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) at what rate per 1,000 lbs. is stored jungle grass supplied to the cultivators of famine-stricken areas and through whom ;

(b) whether the Railway charges for carriage are paid by Government or the buyer ?

The Honourable Mr. B. V. JADHAV: (a) The disposal of grass stored by the Forest Department under the famine fodder scheme is made, in times of scarcity, through the Collectors of the famine-stricken areas. The selling price is fixed after taking into consideration the value of the grass at the storage depôts and includes the cost of freight, unloading charges and other incidental expenses connected with distribution.

(b) They are ordinarily borne by the buyer.

CATTLE AND LIVE STOCK DEVELOPMENT.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) the number of births and deaths among cattle during the three years from 1926 to 1929 in the Bombay Presidency ;

(b) what has been the general progress of the Veterinary Department since the year 1924 ;

(c) what has been the general progress of the live stock section of the Agricultural Department since the year 1921 ;

(d) the present condition in the Presidency of the horse-breeding operations, whether Government or private ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) No such information is available.

(b) and (c) The Honourable Member is referred to the Annual Reports of the Department of Agriculture and Civil Veterinary Department, copies of which are available in the Council library.

(d) Since the abolition of Government horse-breeding operations in 1924, there appears to have been little done in the way of organised horse-breeding in the Presidency. At that time, as the District Local Boards of Ahmednagar and Sholapur signified their desire to continue these operations, six stallions were handed over to the Ahmednagar Board and two to the Sholapur Board. The presence of stallions in Nagar and Rahuri is still taken advantage of by breeders, but Ahmednagar District has now only 3 left and Sholapur none. In some other parts of the Presidency, the want of suitable stallions is met in certain cases by taking mares into neighbouring Indian States for service, but generally speaking, the industry appears to be declining.

Horse-breeding operations in Sind are carried on by the District Local Boards. Government pay half the cost of the purchase of the stallions and a fixed grant for their maintenance.

At the present time there are 6 stallions at work, viz., three Arabs, two Marwaries and one thorough bred English; they are stationed at Jacobabad (2), Khandhkot (2), Nawabshah (1) and Hyderabad (1).

These stallions are moved to other places in the district for a few months so as to give facilities to horse-owners for getting mares served at a distance from the stallion headquarters.

The great increase in recent years of mechanical means of transport has been accompanied by a corresponding diminution in the use of the horse.

GOVERNMENT SERVANTS' APPOINTMENTS.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI: Will Government be pleased to state—

(a) the number of appointments in the subordinate services made during the last three years in the following tabular form:—

- (1) Appointments on recommendatory notes from superior officers or respectable persons;
- (2) Appointments on mere merits such as educational qualifications;
- (3) Appointments due to preferential treatment on account of the communal problem;
- (4) Appointments given to the sons and relatives of the deceased Government servants, in recognition of the past service rendered to the Government by the deceased employees?

The Honourable Mr. G. B. PRADHAN: Appointments in the subordinate services are regulated by the orders of Government regarding educational and other qualifications and preference for backward classes possessing the prescribed qualifications. Government are satisfied from reports received from time to time that these orders are generally observed.

As the information asked by the honourable member involves time and labour out of proportion to its utility Government do not propose to collect it.

SECTIONAL HOLIDAYS FOR HINDUS.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI: Will Government be pleased to state—

(a) the names of offices in the Bombay Presidency in which sectional holidays on account of Gudi Padwa, Ashadi Ekadesi and Kartiki Ekadesi are allowed to the staff by the heads of offices under powers vested in them;

(b) the reasons for not granting these holidays to the Hindu staff in offices in which they are not allowed?

The Honourable Mr. G. B. PRADHAN: (a) and (b) As it is unlikely that it would be found possible to collect the information required for answering this question before the dissolution of the Council Government regret that they are unable to see their way to making the necessary enquiries.

SATHE-PARANJPYE SCHEME.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts):

(a) Are Government aware that serious discontent exists today among the primary school teachers in this Presidency due to the unacceptance as yet of the "Sathe-Paranjpye" scheme of salaries;

(b) what measures, if any, do Government propose to adopt to allay this discontent?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) No.

(b) Does not arise.

Mr. M. M. KARBHARI: Will the Honourable Minister inform this House if he knows that the primary school teachers hold their conference every year and that they always give vent to their feelings as regards the the unacceptance of the Sathe-Paranjpye Scheme?

The Honourable MOULVI RAFIUDDIN AHMAD: Yes.

PHYSICAL EDUCATION COMMITTEE: ACTION ON RECOMMENDATIONS.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): When do Government propose to give effect to the recommendations of the Physical Education Committee?

The Honourable MOULVI RAFIUDDIN AHMAD: Government are considering the Report of the Physical Education Committee, but in view of the somewhat comprehensive nature of its recommendations and in their present financial position they cannot yet say when they will be in a position to put the recommendations into effect.

Mr. M. M. KARBHARI: Is there no likelihood of the recommendations being carried out at the earliest possible moment?

The Honourable MOULVI RAFIUDDIN AHMAD: The reply is explicit on the subject.

LLOYD BARRAGE AND CANALS CONSTRUCTION.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): With reference to the headings in the accompanying statements will Government be pleased to state the correct figures in the columns kept blank.

The Honourable Sir GHULAM HUSSAIN: Revised detailed figures of estimated cost and revenue of the Lloyd Barrage and Canals Construction scheme are under preparation by the local officers. The figures when received and examined by Government will be placed before this Honourable House for information.

Lloyd Barrage and Canals Construction.

	Combined Project—Barrage and Right and Left Bank Canal Systems, 1920.	Revised Project.
	Rs.	
(a) Total cost of Works—Direct ..	15,46,25,352.	
(b) Total cost of Works—Indirect ..	53,38,825.	
(c) Total, Direct and Indirect ..	15,99,46,117.	
(d) All works completed in year from commencement.	Eleventh.	
(e) Work becomes productive in year from commencement.	Fourteenth.	
(f) Accumulated arrears of interest upto year (e).	2,36,27,160.	
(g) Total capital invested in year (e) ..	18,35,91,337.	
(h) Net revenue due to improvements in year (e).	94,02,085.	
(i) Interest paid in year (e) ..	5.1 per cent., 3rd year after completion.	
<i>10th year after completion of work.</i>		
(j) Total capital invested ..	15,99,64,377.	
(k) Net revenue due to improvements ..	1,39,67,582.	
(l) Interest paid ..	8.2 per cent.	
<i>20th year after completion of work.</i>		
(m) Total capital invested ..	15,99,64,377.	
(n) Net revenue due to improvements ..	1,88,51,844.	
(o) Interest paid ..	11.8 per cent.	
<i>30th year after completion of work.</i>		
(p) Total capital invested ..	15,99,64,377.	
(q) Net revenue due to improvements ..	2,21,46,430.	
(r) Interest paid ..	13.8 per cent.	
(s) All accumulated arrears of interest will be wiped out in year from commencement of work.	End of 21st year.	
(t) All capital wiped out in year from commencement of work.	End of 34th year.	
<i>Cultivation.</i>		
	Acres.	Per cent.
(u) Present cultivation in acres ..	2,035,636	31
(v) Cultivation in year (e) when work becomes productive.	3,288,929	60
(w) Ultimate anticipated cultivation in 30 years after completion.	5,308,408	81
(x) Total cultivable area ..	6,529,705	100
(y) Total gross commanded ..	7,494,077	..
(z) Lift area ..	30,000	

Right Bank Canals.

Contents.	1920 Project.	Latest revised Estimates.	
		Total.	Till 30th September.
<i>(1) Cultivation.</i>			
(a) Present cultivation	893,657 (till 1917)	(till 1932)	
(b) Rice, acres	547,067.		
(c) Other Kharif	356,429.		
(d) Rabi	821,662.		
(e) Lift area	Nil.		
(f) Ultimate cultivation	1,725,158.		
<i>(2) Principal works.</i>			
Main Canals	324 miles.		
Branches	416 "		
Distributaries and Mains	1,251 "		
Drains	408 "		
Manchar Drains	12.5 "		
<i>(3) Cost.</i>			
Total capital with arrears of interest till work becomes productive.	Rs. 7,29,22,544.		
<i>All works completed :</i>			
(a) N. W. P. Canal	6th year 1929.		
(b) S. E. P. Canal	6th year 1929.		
(c) C. B. Canal	10th year 1933.		
Net income in 7th year, i.e., 1930	Rs. 12,67,330.		
Net income in 1933	Rs. 30,80,664.		
Net income in 1935	Rs. 42,76,554.		
<i>(4) Earthwork and rates.</i>			
Main Canals	15,925 lacs cft. at 5-14 to 11.		
Branches	4,940 lacs cft. at 8-13 to 8.		
Drainages	1,016 lacs cft. at 7-14.		
Manchar .. .. .	....	Rs. 78,60,000.	

Right Bank Canal Financial results in Latest Revised Estimates.

	Combined right bank canals system with share of Barrage and Manchar drain and regulator.	North Western Perennial canal with share of Barrage.	South Eastern Perennial canal with share of Barrage.	Central Rice Canal with share of Barrage.
(a) Total cost of work—Direct				
(b) Total cost of work—Indirect				
(c) Total Direct and Indirect				
(d) All works completed in year from commencement.				
(e) Work becomes productive in year from commencement.				
(f) Accumulated arrears of interest in year (e).				
(g) Total capital invested in year (e)				
(h) Net revenue due to improvements in year (e).				
(i) Interest paid in year (e)				
<i>10th year after completion.</i>				
(j) Total capital invested				
(k) Net revenue due to improvements				
(l) Interest paid				
<i>20th year after completion.</i>				
(m) Total capital invested				
(n) Net revenue due to improvements				
(o) Interest paid				
<i>30th year after completion.</i>				
(p) Total capital invested				
(q) Net revenue due to improvements				
(r) Interest paid				
(s) All accumulated arrears of interest will be wiped out in year from commencement of work				
(t) All capital wiped out in year from commencement of work				
<i>Cultivation.</i>				
	In acres.			
(u) Present cultivation				
(v) Cultivation in year (e) when work becomes productive.				
(w) Ultimate anticipated cultivation in 30 years after completion				
(z) Total culturable area				
(y) Total gross commanded				
(z) Lift area				

Statement showing net Financial results of Rohri Canal Project.

	Rohri Canal Khairpur State Feeders with share of Barrage 1920 Project.	Financial revised estimates.
	Rs.	
(a) Total cost of works—Direct ..	5,18,48,797.	
(b) Total cost of works—Indirect ..	17,65,455.	
(c) Total Direct and Indirect ..	5,36,04,252.	
(d) All works completed in year from commencement of work.	Eleventh.	
(e) Work becomes productive in years from commencement of work.	Twentieth.	
(f) Accumulated arrears of interest up to the year (e).	1,19,77,486.	
(g) Total capital invested in year (e) ..	6,55,81,738.	
(h) Net revenue due to improvement in year (e).	34,14,823.	
(i) Interest paid in year (e) ..	5.2 per cent. 9th year after completion.	
<i>10th year after completion of work.</i>		
(j) Total capital invested ..	6,42,54,041.	
(k) Net revenue due to improvements ..	39,20,393.	
(l) Interest paid ..	6.1 per cent.	
<i>20th year after completion of work.</i>		
(m) Total capital invested ..	5,36,04,252.	
(n) Net revenue due to improvements ..	57,41,258.	
(o) Interest paid ..	10.7 per cent.	
<i>30th year after completion of work.</i>		
(p) Total capital invested ..	5,36,04,204.	
(q) Net revenue due to improvements ..	73,37,563.	
(r) Interest paid ..	13.6 per cent.	
(s) All accumulated arrears of interest will be wiped out in year from commencement of work.	End of 27th year.	
(t) All capital wiped out in year from commencement of work.	End of 39th year.	
(u) Present cultivation in acres ..	657,000	26 per cent.
(v) Cultivation in year (e) when work becomes productive.	1,232,500	45.5 „
(w) Ultimate anticipated cultivation in 30 years after completion.	2,053,300	81 „
(x) Total culturable area ..	2,535,020	100 per cent.
(y) Total gross commanded ..	2,956,518	
(z) Lift areas ..	Nil.	

Rohri Canal Project

Contents.	1920 Project.	Revised latest figures.	
		Total.	Up to date i.e. end of September 1928.
	(1) Principal works		
(a) Main Canal	198 miles.		
Escapes	33 miles.		
Main branches	206 miles.		
Distributaries and Minors	2,300 miles.		
(b) Drainages—Main	398 miles.		
Drainages—Branch	371 miles.		
(c) Discharge at head of Main Canal.	10,992 cusecs.		
(d) Total cost of the project with accumulated arrears of interest till work becomes productive with year from commence- ment.	6,55,81,738 (20th year)		
	(2) Cultivation		
Kharif in acres	6,98,662		
Rabi	13,54,682		
Lift	Nil		
	(3) Earthwork and Rate		
Main Canal	11,400 (lacs ?) cft. at Rs. 5-14 to 8-15		
Branches Main	200 lacs cft. at Rs. 5-14 to 6-13.		
Drainages	3,000 lacs cft. at Rs. 5-14.		

Abstract of total cost of Sukkur Barrage.

No. and Items.	Cost 1920 Project.	Latest Revised cost.	Total expenditure till end of September 1928.
<i>Direct Charges</i>			
	Rs.		
A Preliminary Expenses	1,95,550		
B Land	2,96,885		
C Works—			
Permanent works .. 17,196,283			
Service works.. .. 4,746,298			
Total .. 21,942,581			
K Buildings	10,99,584		
Tools and Plants	55,98,506		
Establishment	43,82,176		
Total, Direct charges ..	3,35,15,282		
<i>Indirect Charges</i>			
Pension and leave allowances 14 per cent. on Rs. 43,84,176.	6,13,505		
Capitalization of abatement of land revenue of Rs. 2,651 per annum at 25 years purchase.	66,290		
Total, Indirect charges ..	6,79,794		
Grand Total ..	3,41,95,076		

COST OF PERMANENT WORKS OF BARRAGE.

Summary of Estimates of Main Heads of Permanent Works.

Serial No.	Items	Cost 1920 Project.	Latest revised cost
		Rs.	
1	Main Barrage	1,14,12,272	
2	Left Bank Regulator	25,09,735	
3	Right Bank Regulator	19,42,434	
4	Right Guide Bank and Bunder Wall ..	2,13,493	
5	Left Guide Bank	2,99,478	
	Total cost ..	1,63,77,412	
	Add—5 per cent. Contingencies ..	8,18,871	
	Total cost of permanent works ..	1,71,96,283	

ABSTRACT

Cost of Excavation for Barrage

Items.	Rate 1920.	Per Project.	Amount.	Latest revised rates
<i>Excavation by Dredger.</i>			Rs.	
1,18,99,450 cft. 1st year	8	1,000 cft.	95,196	
83,10,800 cft. 2nd year	8	"	66,486	
83,10,800 cft. 3rd year	8	"	66,486	
59,98,900 cft. 4th year	8	"	47,992	
<i>Excavation by hand.</i>				
9,81,200 cft. 1st year	15	"	13,968	
9,99,920 cft. 2nd year	15	"	14,999	
9,99,920 cft. 3rd year	15	"	14,999	
8,82,400 cft. 4th year	15	"	13,236	
Total ..	....	....	3,38,862	
<i>Cost of excavation for regulators.</i>				
<i>Right Bank Regulator.</i>				
<i>Excavation by dredger.</i>				
24,26,285 cft. 1st year	8	1,000 cft.	19,410	
24,61,530 cft. 2nd year	8	"	19,693	
30,64,000 cft. 3rd year	8	"	24,520	
<i>Excavation by hand.</i>				
1,07,918 cft. 1st year	15	"	1,620	
8,59,400 cft. 2nd year	15	"	5,391	
Total ..	....	....	70,626	
<i>Left Bank Regulator.</i>				
<i>Excavation by dredger.</i>				
20,79,158 cft. 1st year	8	1,000 cft.	16,633	
36,22,446 cft. 2nd year	8	"	29,011	
44,49,800 cft. 4th year	8	"	35,598	
<i>Excavation by hand.</i>				
1,07,918 cft. 1st year	15	"	1,620	
5,38,436 cft. 2nd year	15	"	8,076	
Total ..	....	....	90,938	

ESTIMATE OF SERVICE WORKS

Summary of Estimates of different items of Service Works

Serial No.	Items.	Estimated cost, 1920 Project.	Latest revised cost.
		Rs.	
1	Railways	13,00,400	
2	Service roads and Bunds	53,000	
3	Water supply	1,24,000	
4	Electric power (charged in rates) ..	Nil.	
5	Alignment towers	40,000	
6	Pile driving and withdrawing	4,77,664	
7	Wharves	40,400	
8	Cofferdams	48,000	
9	Pumping	17,00,000	
10	Stores depot	57,000	
11	Carriage of stores	2,93,000	
12	Lighting and fans	1,39,000	
13	Telegraphs and Telephones	33,820	
14	Dredging (charged in excavation) ..	Nil.	
15	Core boxes and mould for Block Yard ..	2,14,000	
	Total ..	45,20,284	
	<i>Add—Contingencies @ 5 per cent.</i> ..	2,26,014	
	Grand Total ..	47,46,298	

SUKKUR BARRAGE PROJECT

Schedule of rates (Barrage Proper)

		Rates 1920 Project	Per 100 cft.	Actual working rates at present
		Rs. s. p.		
1	Loose stone pitching and chips ...	8 0 0	Per 100 cft.	
2	Lime concrete	17 8 0	"	
3	Cement concrete	45 0 0	"	
4	Concrete blocks (Composite) large size .	30 0 0	"	
4a	Concrete Blocks (Composite) small size.	25 0 0	"	
5	Random rubble masonry in floors ..	27 0 0	"	
6	Masonry cement pointed 3" deep ..	32 0 0	"	
7	Coursed rubble in pier and abutment ..	40 0 0	"	
8	Extra rate for dressing curved stones for ease and cut waters.	20 0 0	"	
9	Masonry in pilasters, string courses, parapets, caps, etc., coursed rubble in lime with chisel hand dressing in large blocks.	90 0 0	"	
10	Pavement	70 0 0	"	
11	Arching centering, etc.	100 0 0	"	
12	Special hand stone masonry	80 0 0	"	
13	Road metal	4 0 0	"	
14	Reinforced concrete slab	120 0 0	"	
15	Reinforced concrete beams	150 0 0	"	
16	Rolled steel beams	160 0 0	ton	
17	Cast iron	150 0 0	"	
18	Bolts, etc.	180 0 0	"	
19	Iron work in gates	555 0 0	"	
20	Iron work in girders and trusses ..	480 0 0	"	
21	Excavation with dredger	8 0 0	per 1,000 cft.	
22	Excavation by hand in foundation ..	15 0 0	"	
23	Embankment in Guide Banks down- stream side, mean lead 350' and 12' Lift.	14 0 0	"	
24	Embankment in Guide Banks upstream side, mean lead 110' and lift 20'.	11 0 0	"	
25	Excavation not used in banks lead 100'.	6 0 0	"	
26	Steel sheet piling (cost of piles) ..	4 0 0	1 Sft.	

Contents	1920 Project	Final Revised Project	
		Total	Actually completed by end of September
<i>(a) Supply Channel and Eastern Nara.</i>			
1. Excavation by hand ..	186,256,000 cft.		
2. Do. ..	@ Rs. 8-15-0 lead 200-250' per 1,000 cft. . .		
3. Excavation by dredger ..	87,497,300 cft.		
Do. ..	@ Rs. 8 per 1,000 cft.		
<i>(b) Cultivation.</i>			
1. Rice acres ..	240,500		
2. Other kharif acres ..	381,900		
3. Rabi acres ..	928,550		
4. Lift area ..	Nil.		
<i>(c) Revenue.</i>			
1. Present revenue ..	1,038,847 (1919).		
2. Net revenue due to improvements in 10th year from commencement, i.e., in 1933.	3,089,580.		
3. Do. 20th year, i.e., in 1943.	5,190,910.		
<i>(d) Main Canals and Branches.</i>			
1. Length of main canal ..	263 miles.		
2. Branches ..	162 „		
3. Distributaries ..	819 „		
4. Do. of drains ..			
5. Do. cost of water-courses chargeable to Zamindars.			
6. Cost of drains ..			
7. Lift area ..	Nil.		

Eastern Nara Improvement Project

Contents	Amount in 1920	Final revised estimate 1929	
		Estimated amount	Actual expenditure till September 1928.
	Rs.		
Abstract cost	3,33,88,950		
1. Abstract of cost of Eastern Nara Supply Channel	40,67,342		
2. Do. A. Preliminary Expenses.	1,48,549		
3. Do. B. Land	1,71,748		
4. Do. G. Bridges	5,48,250		
5. Do. K. Buildings	22,500		
6. Do. L. Earthwork	31,64,570		
7. Do. M. Plantations	6,720		
8. Do. O. Miscellaneous	5,059		
9. Containing Banks	12,18,973		
10. Flood Diversion Banks	40,00,000		
11. Mithrao Canal Remodelling	60,71,689		
12. Khipro Canal	26,71,199		
13. Thar Canal Remodelling	4,16,000		
14. (5) Special Tools and Plants	5,29,828		
15. II Establishment	38,85,407		
16. III Tools and Plants	3,53,218		
(B) Total, Indirect Charges	10,46,587		
Accumulated arrears of interest till works become productive in 11 years.	15,99,962		
Total	3,49,88,922		

Mr. HAJI MIR MAHOMED BALOCH: When will the figures be ready?

The Honourable Sir GHULAM HUSSAIN: Soon, I hope.

POLITICAL PRISONERS: CLASSIFICATION.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) what their orders are in the matter of the treatment of political prisoners;

(b) whether they will place on the Council table a statement setting out the decision of the Governments of India and Bombay about the classification and treatment of political prisoners as a result of the enquiries conducted lately after the hunger strike and death of some accused in the Lahore Conspiracy case;

(c) what the distinctions in treatment are between ordinary criminals, viz., felons, thieves, dacoits and murderers and revered leaders of people who go to jail for the cause of, in their opinion, the freedom of the country;

(d) whether Government have classed the convicted Satyagrahi volunteers and workers as political prisoners or as common thieves ;

(e) whether the convicted political leaders are political prisoners and if so why they are being classed as B and C class prisoners, just like common thieves and felons ;

(f) whether all political prisoners are under the rules entitled to "A" class treatment ; if not, the reasons therefor ;

(g) the reasons for classing Satyagrahi prisoners, viz., Messrs. Manilal, Krishnanand and Sharma as "C" class ; Mr. R. K. Sidhwa and Prof. Malkani as "B" class and Messrs. Lokaram and Narsinglal as "C" class prisoners ?

The Honourable Sir ERNEST HOTSON : (a) to (f) The honourable member is referred to the reply given to the question asked by the honourable member Mr. Gunjal printed on page 593 of the Debates of the Bombay Legislative Council, Volume XXVIII, Part IX, and to the Press Note on the classification of prisoners introduced by the recent changes in the system of jail administration which was issued on April 17th, 1930, and a copy of which is placed on the Council table.

(g) All the seven prisoners referred to have been placed in B class.

The Government of India recently announced the principles on which they desired that the jail rules in force in the several Provinces for the classification of prisoners should be revised. In pursuance of the principles there laid down the Government of Bombay have now issued instructions for the separation of all convicted prisoners into three classes.

Class A will include only a limited number of exceptional cases. Prisoners may be admitted to class A if :

(1) they are non-habitual prisoners of good character ;

(2) they, by reason of their education, occupation and superior mode of living, are clearly of high social status.

They will not be eligible for Class A if they have been convicted of :

(1) offences involving—

(a) elements of cruelty, moral degradation or personal greed ;

(b) serious or premeditated violence ;

(c) serious offences against property ;

(2) offences relating to the possession of explosives, firearms and other dangerous weapons with the object of committing an offence or of enabling an offence to be committed ;

(3) abetment or incitement of offences falling within these sub-clauses.

Class B will include prisoners who, while not qualified for admission to Class A, have, by social status, education or habits of life, been accustomed to a mode of living superior to that of the ordinary jail population.

The ordinary jail population will constitute Class C.

Prisoners in Class A will have, as far as may be practicable, separate cell accommodation, a few useful articles of furniture, reasonable facilities for association and exercise and suitable sanitary and bathing arrangements. They will be given a diet superior to that of the ordinary jail population and will be permitted to supplement it at their own expense. They will be permitted to wear their own clothes. They will be given increased facilities for reading and will be allowed to write and receive one letter and have one interview, a fortnight. They will also be permitted to use their own cooking and feeding utensils. A lamp, or electric light, when available, will be provided for use up to 10 p.m.

Prisoners in Class B will be given the same diet as that in Class A, but will not be permitted the privilege of supplementing it. They will wear prison clothing, modified in certain respects and of a better type than that worn by C Class prisoners, due regard being paid to their health and to the mode of living to which they are accustomed. They may write and receive one letter and have an interview, once a month. Where cellular accommodation is available a lamp, or electric light, will be provided for their use up to 10 p.m. or where they are living in association barracks one or two good general lights will be provided for the common use of the prisoners in each barrack.

Similar arrangements will, as far as conditions may require or permit, be made for the special treatment of undertrial prisoners of these classes.

Mr. H. V. KOLHATKAR (East Khandesh District): Have the instructions been issued to trying magistrates?

The Honourable Sir ERNEST HOTSON: These instructions have been sent to all magistrates.

Mr. H. V. KOLHATKAR: Are these instructions being carried out by the magistrates?

The Honourable Sir ERNEST HOTSON: Some of them do and some do not.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): May I know why have Messrs. Sidhwa and Professor Malkani been put under class "B" when their status entitled them to Class "A"?

The Honourable Sir ERNEST HOTSON: Since this answer was issued, the classification of Mr. Sidhwa has been altered to "A". As regards the others, they remain under "B". That classification is considered to be in accordance with the instructions issued by Government.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (In Urdu): I want to know why Mr. Sidhwa and Professor Malkani have been treated as "B" class?

The Honourable the PRESIDENT (In Urdu): The reply has been given that Mr. Sidhwa is being treated as "A" class prisoner.

Mr. NOOR MAHOMED (Hyderabad District): Are Government aware that an old lady of 65 years is not treated as "A" class prisoner?

The Honourable Sir ERNEST HOTSON: Regarding the sentence of the old lady of 65 years, orders have already been issued to alter her sentence to simple imprisonment and to treat her as an "A" class prisoner.

SYED MIRAN MAHOMED SHAH (Hyderabad District): Is it a fact that Government do not enforce the rules framed by Government of India but go on issuing orders according to their own will?

The Honourable Sir ERNEST HOTSON: No answer.

FISHERIES.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City):

(a) Do Government realise that the importance of fisheries in the Presidency is much greater than in the Punjab, Bihar and Orissa and Travancore and is equal to that of Madras and Burma, each of which provinces has a Fisheries Department?

(b) If so, why do not Government start a department of fisheries or at least a fisheries section of the Department of Industries or Agriculture?

(c) Is it a fact that the Director of Industries submitted a scheme to the Government in October, 1929 for the survey of fisheries by an expert?

(d) What has been the fate of the scheme mentioned above?

(e) Do Government realise that an expert is necessary for the survey? If not, what are their reasons therefor?

(f) Will Government be pleased to place on the Council table a copy of the scheme of the proposed survey which the Collector of Salt Revenue is going to carry on ?

(g) Did Government make any effort to secure the services of a systematic fisheries technologist for carrying on the proposed survey ?

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

(b) Government have asked the present Collector of Salt Revenue to make a fresh survey of the fishing industry in this Presidency in order to bring Mr. Lucas' report up to date in the light of the changes which may have occurred in the last 20 years. The question raised by the Honourable Member cannot be considered till this report is received.

(c) Yes.

(d) and (e) The Director of Industries submitted a scheme for an entirely fresh survey of the fishing industry. Government however considered that an entirely fresh survey was unnecessary in view of Mr. Lucas' report of 1910.

(f) Government are not prepared to do so.

(g) No.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : (In Urdu) : May I know what qualifications and knowledge the Collector of Salt Revenue has regarding the fisheries system ?

The Honourable Mr. B. V. JADHAV : He has the qualifications required for this purpose.

SYED MIRAN MAHOMED SHAH (Hyderabad District) : Has he acquired any knowledge outside India ?

The Honourable Mr. B. V. JADHAV : I cannot say.

LLOYD BARRAGE : CONDUCT OF MR. HAZARIMAL.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether they are aware that I had written several letters to the Chief Engineer in 1929 about Mr. Hazarimal, Head Clerk, Rohri Canal Circle, to make enquiries into his conduct in respect of certain matters of alleged official misconduct ;

(b) whether they are aware of any enquiries having been made by the Chief Engineer ;

(c) if replies to (a) and (b) are in affirmative, whether they will place all the papers in the matter and the result of the enquiry on the Council table ?

The Honourable Sir GHULAM HUSSAIN : (a) No.

(b) No.

(c) Does not arise.

DISTRICT LOCAL BOARD, SATARA : SUIT EXPENSES.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

(a) whether it is a fact that in the Civil Suit filed by Sardar R. R. Panditrao against the (1) District Local Board, Satara, (2) Mr. P. N. Adhav, Ex-President, and (3) Khan Bahadur D. B. Cooper, the District

Local Board, has paid all the fees for itself and also for the other defendants ;

(b) if so, the amounts paid, separately and the names of the pleaders to whom these fees have been paid ?

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

(b) Rs. 101-14-0 paid to Mr. S. S. Parulkar, pleader, Satara, engaged on behalf of Mr. Adhav and Khan Bahadur Cooper.

Rs. 115-8-3 paid to Mr. D. N. Nabar, Government pleader, engaged on behalf of the Board.

ASSISTANT MASTERS : CONFIRMATION.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): (a) Will Government be pleased to state with reference to their reply to a question of Rao Bahadur R. R. Kale, M.L.C., in the 2nd Session of 1929, published in Volume 26, page 792-83, Bombay Legislative Council Debates that "Recently, however, the Auditor General has ruled that the acting service rendered prior to 1st January 1922 will count for increment when confirmation takes place on or after 1st January 1922. Steps are being taken to give effect to the ruling," when the ruling was given ?

(b) Is effect being given to the ruling ? If not, why is there delay ?

(c) What is the meaning of confirmation in the above ruling ? Does confirmation include probationary appointment ?

(d) If it does not include probationary appointment is it intended that acting service prior to 1st January 1922 or probationary Assistant Masters will be counted for increment only after their confirmation ?

(e) Is the increase in pay of these teachers due from 1st January 1922 ?

(f) How many graduate Assistant Masters that have passed the B.T. Examination are still probationary in each division ?

(g) When do the Government intend to confirm them ?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) In February 1924; but it was communicated to the Government of Bombay in December 1925. The point in the Auditor General's Ruling was not specifically made clear till June 1928 when a specific instance was referred to him.

(b) Yes.

(c) Confirmation means permanent appointment to a post ; it does not include probationary appointment unless the incumbent is appointed on probation to a post which is permanently vacant.

(d) No. Officiating service in such cases will count for increment even when the Assistant Masters are on probation.

(e) The teachers will get their increments after they have completed each year of their officiating service.

(f) Bombay Division and Central Division ..	15
	plus 6 (women).
Northern Division	10

Southern Division	.. .. .	5
		plus 1 (woman).
Sind .. .. .	.. .. .	13
		—
		43
		plus 7 (women).

(g) Orders for the confirmation of 61 teachers were issued last April. The question of confirming others is under the consideration of the Director of Public Instruction and the necessary orders will be issued as soon as possible.

ELECTRIC LIGHTING, NASIK.

Mr. A. C. OWEN (Presidency): (a) Will Government be pleased to state if a licence for supply of electric current to Nasik City has now been issued?

(b) If so, to what firm and when will work be commenced?

(c) If not, what is the reason for the long delay?

The Honourable Mr. J. GHOSAL: (a) Yes.

(b) The licence has been granted to Messrs. H. M. Mehta and Company. Under the terms of the licence, the licensees are required to commence the execution of the works in the compulsory area within three months from the commencement of the licence, viz., from 27th May 1930.

(c) Does not arise.

Mr. A. C. OWEN: May I know if any period has been fixed within which they must complete the work?

The Honourable Mr. J. GHOSAL: Yes.

Mr. A. C. OWEN: Is there any penalty for non-completion of the work within the prescribed period?

The Honourable Mr. J. GHOSAL: Yes.

PUBLIC WORKS DEPARTMENT SUB-CHARGES.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(a) whether it is a fact that they have ordered the formation in the Presidency proper of "regular sub-charges" in the sub-divisions of the Public Works Department;

(b) if so, whether the order has been fully and strictly given effect to;

(c) if so, whether they will lay on the Council table a statement showing—

(1) the names of sub-charges in each sub-division,

(2) the names of works comprised in each sub-charge,

(3) the name of the holder of each sub-charge;

(d) whether the duties of a holder of a sub-charge in a sub-division of the Public Works Department have been defined; if not, the reasons therefor; ..

(e) whether steps have been taken to give holders of sub-charges independence and freedom in performance of their duties, corresponding to that enjoyed by officers holding sub-charges in other departments, e.g., by the sub-inspectors in the Police, Excise and Forest departments ?

The Honourable Sir GHULAM HUSSAIN: (a) Yes.

(b) The orders have been given effect to in all Circles except in the Southern and Public Health Circles.

(c) The requisite statement* is put up on the Council table.

(d) The duties of a holder of a sub-charge are not strictly defined but they generally comprise the following:—

- (1) Supervision and execution of works in his charge.
- (2) Taking measurements and drawing requisitions for materials required for works in his charge.
- (3) Preparation of record plans and estimates for petty works.
- (4) Checking of muster rolls maintained by karkuns and maistries employed under him.
- (5) Any other miscellaneous duty, which the Sub-divisional Officer may entrust him with.

(e) Holders of sub-charges in the Public Works Department have reasonable freedom and independence in their respective beats within the limit of the duties entrusted to them as detailed in reply to clause (d) above. No comparison can however be made between the holders of sub-charges of the Public Works Department and those in other Departments as their duties are entirely different.

SCHOOL BOARD, NASIK DISTRICT: TEACHING OF OPTIONAL MUSIC AND DRAWING.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state whether any arrangement has been made by the District School Board, Nasik, for teaching optional subjects, such as music and drawing, for the Vernacular School Final Examination for girls, in the Girls' Schools under the control of the Board ?

The Honourable MOULVI RAFIUDDIN AHMAD: The District School Board, Nasik, have recently made arrangements for teaching optional subjects such as Music and Nature study in their first grade girls' schools.

SCHOOL BUILDINGS: BIJAPUR LOCAL BOARD.

Sardar S. A. SARDESAI (Bijapur District): (a) Will Government be pleased to state whether it is a fact that special repairs to the local board school buildings in Bijapur district were not carried out even some years before the transfer of control ;

(b) if so, is it a fact that money is not sanctioned for these repairs even though schemes for repairs were sent to Government long ago by the district school board, Bijapur ?

* Kept in the Secretary's office.

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) No. The Board asked the Director of Public Instruction for a non-recurring grant of Rs. 4,000 under rule 115 of the Bombay Primary Education Rules, 1924, towards special repairs to 12 schools. The President of the Board was informed that the question of a grant would be considered subject to provision of funds and compliance with the conditions mentioned in rule 116 of the Bombay Primary Education Rules, 1924, on receipt of a regular application (separate in each case) with the necessary information, after the execution of the works. No such application for building grant towards the works has so far been received by the Director.

FERRY BOATS : DABHOL SPECIAL LINE.

Mr. A. N. SURVE (Bombay City, North) : (a) Will Government be pleased to state the hours of the day when the Ferry boats of the Dabhol Special Line touch daily at Hareshwar (Janjira State) on their inward and outward journeys ;

(b) what is the height of the water at the said hours on the days when the tides are lowest on the Bankot and Hareshwar sides at the places where ferry boats can anchor ;

(c) is it a fact that some years ago the steamers called at Bankot and not at Hareshwar as at present ;

(d) why and since when the steamers began to touch at Hareshwar instead of at Bankot ;

(e) what is the draft (*i.e.*, how many feet of water are required for floating) of the type of steamers that are sent on the Dabhol Special Line ;

(f) is it a fact that though the height of water on low tide days is less at Dabhol than at Bankot, still they call at the former and not at the latter port ;

(g) is it a fact that some time in 1924 or 1925 the steamers of the Indian Co-operative Steam Navigation Company did touch at Bankot continuously for some days together ;

(h) is it also a fact that the Bombay Steam Navigation Company's steamers touched at Bankot instead of at Hareshwar continuously for one month in the year 1925 or 1926 ;

(i) under what circumstances the steamers touched at Bankot instead of at Hareshwar for one month in the year 1925 or 1926 ;

(j) is it a fact that a Royal Indian Marine steamer was at anchor for a month during the year 1928 or 1929 at Bankot ;

(k) have Government ever made any departmental inquiry about the possibility or otherwise of steamers anchoring at Bankot ;

(l) is it a fact that the bulk of passengers who embark and disembark at Hareshwar belong to the Bankot side ?

The Honourable Mr. J. GHOSAL : (a) The Dabhol Special Line steamer calls at Hareshwar on her down voyage between 1-30 p.m. and 2 p.m.; she does not touch this port on her up voyage.

(b) According to the chart surveyed in 1925 by Lieutenant-Commander Milne Henderson, R.I.M., there would be on the Bankot bar about

8 feet of water at dead low water at the shallowest place, deepening to 18 feet; while off Hareshwar the depth of water is 15 feet at the point laid down as a safe position to anchor.

(c) Yes, prior to 1905.

(d) The port of Bankote has been abandoned by coasting steamers since 1905 for want of sufficient water, at all stages of the tide, at the bar at the entrance of the river.

(e) It is understood that the draft of the vessels which enter the Dabhol creek is not more than 8 feet.

(f) According to the chart, there is more water on the Dabhol Bar than at Bankote. Steamers time their arrivals according to the tides, so that they never call at Dabhol at dead low water.

(g) Yes; for about a fortnight in 1925, during day time.

(h) Yes, for about a month from 16th December 1926, during day time.

(i) Steamers then touched at the port at the request of the local residents, and also probably as an experimental measure.

(j) No.

(k) Yes, in 1925. The honourable member is in this connection referred to the reply to clause (d) of Question No. 1 by Mr. Haji Ebrahim Haji Mahomed Jitekar, printed at page 547 of Volume XXII, Part VII of the Bombay Legislative Council Debates for the February-March session of 1928.

(l) Yes.

Mr. A. N. SURVE (Bombay City, North): It is mentioned in the first part of the reply that steamers reach the port at noon and according to answers (g) and (h) that they called at the port of Bankote during day time continuously for a fortnight in 1925 and for about a month in 1926. What then prevents their calling at the port during day time at all the period of the year?

The Honourable Mr. J. GHOSAL: These steps were taken as an experimental measure only and apparently the experience gained suggested that the steamers could not safely go there all the year even during day time.

Mr. A. N. SURVE: If the steamers have touched Bankote for about a month, it clearly shows that steamers can go there. If that is so, why the passengers are put to trouble and expense of time and money by the steamers not calling there?

The Honourable Mr. J. GHOSAL: After all, Government has nothing to do in this matter. It all depends on the Steamship Companies. If they do not want to take steamers there, Government cannot compel them.

Mr. A. N. SURVE: I may just refer to the answer given by Honourable Mr. J. L. Rieu to a question put by Mr. Haji Ibrahim Haji Mahomed Jitekar and published in Bombay Legislative Council Debates, Vol. XXII, page 547. It is stated there thus:

"The people of Bankote were informed that the entrance to the creek is too dangerous for Bankote to be used as a port of call after dark and that even

by day the entrance is only safe for coasting steamers up to half tide spring and neap alike. Orders were accordingly issued prohibiting steamers from calling there after sunset and the masters of coasting steamers were warned through their respective steamer companies of the dangers of attempting to make the port by day."

If the prohibition extended only to calling at night time, may I ask why the steamers should not call at Bankote during broad daylight?

The Honourable Mr. J. GHOSAL: The steamer companies do not want to take risk.

Mr. A. N. SURVE: Will Government be pleased to place a copy of the Re-Survey Report of the R. I. M. Survey Officer of 1925 on the Council Table?

The Honourable Mr. J. GHOSAL: I will have to look into the report and the correspondence underlying it and then decide. I have not yet seen it.

Mr. A. N. SURVE: Notwithstanding the dangers mentioned in the report the steamers continuously touched at Bankote in the year 1926 for one whole month?

The Honourable Mr. J. GHOSAL: Yes.

Mr. A. N. SURVE: Do Government then still rely on the correctness of this report?

The Honourable Mr. J. GHOSAL: Yes.

JUDICIAL DEPARTMENT STAFF: ADVANCE INCREMENTS.

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state—

(a) whether it is a fact that Mr. Sarkhot and Mr. N. J. Munshi were transferred from the Salt Department to the Revenue and Judicial Departments respectively;

(b) whether while counting their services in the Salt Department for the purpose of granting increments in their respective salaries, they were treated as the juniormost hands in the new departments to which they were transferred;

(c) whether Messrs. Sarkhot and Munshi were granted advance increments;

(d) whether as per Government Resolution the salaries of all the members of the staff superior to them in their respective departments have been enhanced because the salaries of Messrs. Sarkhot and Munshi came to be higher than those of their seniors in the respective departments;

(e) whether with a view to avoid the payment of increased salaries to those senior to Mr. Munshi, Government have recently instructed the District Judge to consider Mr. Munshi, senior in service to those 34 persons who have served for a longer period in the Judicial Department than he and have withdrawn the orders granting increments to the clerks senior to Mr. Munshi;

(f) whether it is a fact that in the similar case of Mr. Sarkhot those senior to him in the Revenue Department are still allowed to enjoy the advance increments;

(g) if the answer to (f) is in the affirmative, the reasons why the clerks in the Judicial Department are not being given the same concession as is granted to those in the Revenue Department ?

The Honourable Sir ERNEST HOTSON : (a) Yes.

(b) and (c) Yes.

(d) and (e) The salaries of Mr. Sarkhot's seniors in the Revenue Department were enhanced. The same concession was also allowed to Mr. Munshi's seniors in the Judicial Department in March 1926, but a few months later it was observed that his seniority had been incorrectly calculated, since he had already more than 9 years' service in the Salt Department, which he was entitled to reckon towards increments and pension. He was therefore given seniority on the basis of his total Government service, and the increments which had been granted by mistake to the clerks originally treated as senior to him were withdrawn.

(f) Yes.

(g) The concession was allowed to the Revenue Department clerks by the Collector of Ratnagiri, and Government did not consider it desirable to withdraw it after a lapse of nearly 4 years. In the Home Department, however, the impropriety of the concession came to notice within 6 months of the date of the concession, and Government therefore decided to reverse the orders granting enhanced pay to the Judicial Department clerks.

EDUCATIONAL INSPECTOR, BOMBAY DIVISION AND CENTRAL
DIVISION : TRAVELLING ALLOWANCE.

Mr. V. A. SURVE (Ratnagiri District) : Will Government be pleased to state—

(a) the date on which Mr. Kadri took charge of the office of the Educational Inspector, Bombay Division and Central Division ;

(b) the number of days on which he was present at Poona since that date ;

(c) the number of days on which he was at Poona, but for which no travelling allowance was charged ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) 1st February 1929 ; forenoon.

(b) 114, of which 41 are days of return journeys to Poona and of journeys made out of Poona and back.

(c) 73.

Mr. V. A. SURVE (Ratnagiri District) (In Marathi) : In the reply given to (a) it is stated that the Educational Inspector took charge of the office on the 1st February 1929 and in (b) it is stated that he was present in Poona for 114 days and for 73 days he was in Poona without charging any travelling allowance. May I know in how many months he spent these 114 days in Poona ?

The Honourable MOULVI RAFIUDDIN AHMAD : The reply is given to the question asked for.

Mr. V. A. SURVE : I know that the Honourable the Minister knows Marathi and it will be better if he replies in Marathi.

The Honourable MOULVI RAFIUDDIN AHMAD: No, I cannot reply in Marathi. I will reply in Hindustani, if the honourable member asks me the question again.

Mr. V. A. SURVE (In Hindustani): May I know if the Educational Inspector spent 114 days in six months or five months or in how many months?

The Honourable MOULVI RAFIUDDIN AHMAD: He spent these days during the period from 1st February 1929 to 1st February 1930.

Mr. V. A. SURVE: It is stated that 41 days were spent in return journeys. May I know whether he spent these days in coming to Poona at 10 o'clock in the morning and going away at 4 o'clock in the evening?

The Honourable MOULVI RAFIUDDIN AHMAD: It is regretted that I do not know about it. I want notice.

LLOYD BARRAGE CLERKS: PAY ON TERMINATION OF SERVICE.

SYED MIRAN MAHOMED SHAH (Hyderabad District): Will Government be pleased to state—

(a) how many clerks resigned and how many were dismissed from Lloyd Barrage Service in Division No. V of Rohri Canal during the five years from 1925-26 to 1929-30;

(b) the names of these clerks, and how many of them were Hindus and how many Mussalmans;

(c) what were the reasons for such dismissal and resignations;

(d) how many of those who resigned gave notice and for what period;

(e) how many of them forfeited their pay;

(f) what is the period of notice required of a clerk who wishes to resign his job from the Barrage service so as to be entitled to receive his pay for the period he served;

(g) whether it is a fact that one Chataram resigned his service during 1926-27, gave immediate notice and left service in No. V Division of the Rohri Canal;

(h) whether he was given the pay due to him for the period he served;

(i) whether it is a fact that a Mahomedan clerk Hussain Bux serving in the same Division left his service during the same year and gave ample notice;

(j) whether it is a fact that he was refused the pay due to him;

(k) if the replies to (g), (h), (i) and (j) are in the affirmative the reasons for giving pay to the former and refusing the pay to the latter?

The Honourable Sir GHULAM HUSSAIN: (a) 8 resigned and 1 dismissed.

(b) 3 Hindus and 6 Mahomedans.

Names as under:—

Hindus.

1. Mr. Tikamdas Dwarkadas.
2. Mr. Chattomal Gobindram.
3. Mr. Atmaram Nanikram.

Mahomedans.

1. Mr. Mohamed Ashraf.
2. Mr. Ahmed Bux.
3. Mr. Arain Maula Bux Ally Bux.
4. Mr. Hussain Bux.
5. Mr. Hamirani Vali Mahomed.
6. Mr. Ghulam Mahomed.

(c) The reasons for resignation were house-hold affairs, ill-health, etc. The reason for dismissal was disobedience.

(d) Out of the 8 resigned, six had given sufficient notice of resignation as required by rules. The remaining two did not give notice of one calendar month as required in their case.

(e) Two.

(f) Previously one Calendar month's notice was required, but recently orders have been modified and one month's notice is accepted from the date of issue.

(g) There was no such man by name Chataram who resigned during 1926-27 but there was one Mr. Chattomal Gobindram Jiandani who resigned his post during the year 1925. He gave notice on 16th December 1925 and was relieved on 20th December 1925.

(h) Yes.

(i) The clerk concerned resigned but he did not give the required notice.

(j) Yes.

(k) Mr. Chattomal Gobindram Jiandani was given his pay because he was on probation and he had not signed the declaration which required one month's notice to be given. Mr. Hussain Bux was refused his pay as he failed to give one calendar month's notice required of him.

SYED MIRAN MAHOMED SHAH : Is it a fact that most of these Mahomedan clerks had resigned on account of the treatment meted out to them by the head clerks who are mostly non-Muslim ?

The Honourable Sir GHULAM HUSSAIN : No.

SYED MIRAN MAHOMED SHAH : Is this declaration in (k) binding on all the clerks or only on some and not on others ?

The Honourable Sir GHULAM HUSSAIN : Not on the probationers.

SYED MIRAN MAHOMED SHAH : Was Mr. Hussain Bux not prepared to sign the declaration ?

The Honourable Sir GHULAM HUSSAIN : All permanent clerks had to sign the declaration, but this clerk had not given notice as required.

INDUSTRIES : STATE AID.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether they are aware that the Madras Legislative Council has passed Acts to regulate State Aid to industries (Madras Act No. V of 1923 and Madras Act VIII of 1928) ;

(b) whether a similar legislation has been passed for Bombay Presidency ;

(c) if not, why such legislation has not been passed up till now;

(d) whether Government propose to legislate on the subject in the near future ?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Yes.

(b) No.

(c) The policy of Government is to consider individual applications on their merits. Special legislation does not appear to be necessary.

(d) No.

Mr. SYED MUNAWAR: With reference to reply to (c), when there is legislation to give State aid to industries in Madras and when the policy of the Bombay Government is the same as that of Madras Government of granting aid to individual industrialists on their merits, why is not special legislation like the Madras State Aid to Industries Act considered necessary in this province ?

The Honourable MOULVI RAFIUDDIN AHMAD: We can give grants, I suppose.

SYED MIRAN MAHOMED SHAH: Do Government give grants without legislation ?

The Honourable MOULVI RAFIUDDIN AHMAD: Grants have been given very often without legislation.

SYED MIRAN MAHOMED SHAH: Can you mention some ?

The Honourable MOULVI RAFIUDDIN AHMAD: Yes, if the honourable member will give me notice.

Mr. SYED MUNAWAR: Cannot the Honourable Minister give me a single instance off-hand ?

The Honourable MOULVI RAFIUDDIN AHMAD: The Belapur Syndicate got six lakhs.

MEDICAL ASSISTANCE IN VILLAGES.

The THAKOR OF KERWADA (Northern Division): Are Government aware that there are hundreds of villages in this Presidency situated in the far interior which do not get any medical assistance in most urgent cases ?

The Honourable MOULVI RAFIUDDIN AHMAD: Yes.

The THAKOR OF KERWADA: Does the Honourable the Minister mean that even if Government is aware of the absence of medical assistance in most urgent cases in the far interior, still they do not want to take any action in the matter ?

The Honourable MOULVI RAFIUDDIN AHMAD: The answer is in reply to the question asked by the honourable member.

SYED MIRAN MAHOMED SHAH: Have Government made any arrangements to supply medical assistance to the far interior ?

The Honourable MOULVI RAFIUDDIN AHMAD: That is not the question asked. We are of course making arrangements as far as possible as funds permit.

SYED MIRAN MAHOMED SHAH : What sort of arrangements have been made so far ?

The Honourable MOULVI RAFIUDDIN AHMAD : The prathamopa charakas in the Sholapur district.

The THAKOR OF KERWADA : What arrangements have been made in Gujerat ?

The Honourable MOULVI RAFIUDDIN AHMAD : I cannot give the information off-hand, but I will try and find out if notice is given.

The THAKOR OF KERWADA : I gave notice months ago.

The Honourable the PRESIDENT : This question asked for certain information and that has been given.

SMALL-POX, BOMBAY PRESIDENCY.

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

(a) whether they are aware of the increase of small-pox which continues with unabating virulence in certain parts of the Western India State Agency ;

(b) what preventive measures were taken by them in the adjoining British districts ;

(c) whether they are aware that small-pox prevails in almost all parts of the Presidency except Sind ;

(d) whether they are aware that small-pox is on the increase in Surat, Kaira, Ahmedabad, East Khandesh, West Khandesh, Nasik, Thana, Kolaba and Poona ;

(e) what steps were taken by them to meet the urgent demands from the municipalities and the medical officers for the supply of lymph and special vaccinators ;

(f) whether it is a fact that there was a great demand from the Poona and Nasik municipalities for special vaccinators and that they were not given in time ;

(g) whether it is a fact that the Nasik Municipality had approached the Assistant Director of Public Health for the necessary permission to allow their Sanitary Inspectors qualified in vaccination to undertake vaccination, and that the Assistant Director of Public Health could neither give any special vaccinators nor grant the necessary permission for vaccination ;

(h) whether any precautionary and preventive measures were taken by the Health Department before the outbreak of small-pox in British districts ;

(i) whether any efforts were made to prevent the outbreak in the above districts ;

(j) whether any help was given to the municipalities, the medical officers and the medical practitioners ;

(k) whether it is a fact that Bombay City has also been infected with small-pox ?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Yes.

(b) No special preventive measures were taken but usual vaccination against small-pox is practised in these parts as in other districts in the Presidency.

(c) Yes; small-pox is prevalent in all districts of the Bombay Presidency except Kaira and in Sind.

(d) Small-pox is declining practically throughout the Presidency. The incidence in East and West Khandesh, Surat, Ahmedabad, Nasik, Thana, Kolaba and Poona districts which were severely affected is gradually falling since May 1930. It is stationary in the Karnatak and Ahmednagar districts. In Gujarat and Sind, the disease is lingering in a mild form.

(e) Instructions were issued to the Director, Vaccine Institute, Belgaum, to supply lymph immediately on telegraphic orders to all municipalities and medical officers applying for it up to any quantity. As regards Poona, lymph supply was stocked in the office of the Assistant Director of Public Health, Central Registration District, in a Frigidaire installed for the purpose and local demands were immediately supplied at all hours of the day. Other municipalities were advised to install similar Frigidaires of Ice Chests to store up lymph which was likely to be required for their purpose. The Director, Vaccine Institute, was instructed to despatch lymph on all days, not excepting Sundays and Holidays, and the Staff of the Institute was increased temporarily for this purpose. In order to meet the expenditure on account of the unusually heavy demand for vaccine lymph, Government sanctioned an additional grant of Rs. 12,500 for the Belgaum Vaccine Institute. The demand for special vaccination was met from the reserve cadre of trained vaccinators which is maintained in the office of each Assistant Director of Public Health.

(f) There was a great demand for special vaccinators and lymph from the Poona and Nasik municipalities but it is not true that these were not supplied in time.

(g) The Nasik Municipality did ask for permission to allow their Sanitary Inspectors to undertake vaccination but it is not true that the Assistant Director of Public Health refused permission.

(h), (i), (j) and (k) Yes.

EDUCATIONAL DEPARTMENT: MUSLIM HONOURS
GRADUATES AND M.A.'S.

Khan Saheb G. A. D. WASIF (Central Division): Will Government be pleased to state—

(a) how many Muslim Honours graduates and M.A.'s have joined the Educational Department during the last ten years;

(b) what encouragement has been given to them by the Government in order to attract other highly qualified graduates to join this department?

The Honourable MOULVI RAFIUDDIN AHMAD:

(a) Honours graduates . . . 9
M.A.'s 10

- (b) (1) Deputation of some to the Secondary Training College in preference to other senior Assistant Masters ;
- (2) Direct recruitment of one to the Bombay Educational Service with five advance increments ;
- (3) Sanction of higher initial pay in the case of two other graduates ;
- (4) In their rules constituting the new Bombay Educational Service classes I and II Government intend to make provisions which will enable them to attract candidates with special qualifications.

Mr. HAJI MIR MAHOMED BALOCH : Sir, may I point out that these question lists occupy but very little time out of the one hour reserved for questions and that there are so many questions remaining unanswered, that I think Government should try and do something to expedite replies to the outstanding questions as early as possible ?

The Honourable the PRESIDENT : I have to make a statement in connection with questions this session and that may answer the question put by the honourable member Mr. Baloch.

This is the last session before the dissolution, and it is just possible that there may be some questions outstanding to be answered, I mean of those that have been asked during this session. The answers received so far have gone to the press and as they come in, the office will place them expeditiously before the House. But if the printed replies do not come in time, they will of course remain unanswered. That is one set of questions. The other set is that which is outstanding from past sessions and are still to be answered by Government.

As regards both these, following the example that was followed last time, I come to this conclusion that as far as possible in this session answers will be placed before the honourable members ; but if any remain over in the Council Office they will be printed in a book form and sent on to honourable members to their respective addresses. I am sure Government will do the same, as was done last time, as regards those outstanding questions which they have to answer. I am glad to inform the House that on the Government being informed of the situation, most of the outstanding questions have been answered and have been received by the office and they are in print. But if any remain over, they will be printed in book form by Government and sent to honourable members. That was the decision arrived at after consultation with the Honourable the Leader of the House at the last closing session. I wonder if the Honourable the Leader of the House has anything to say this time on the question.

The Honourable Sir ERNEST HOTSON : Mr. President, I should like to have an opportunity of consulting the other Honourable Members and Ministers. On the whole, I certainly think that Government will be prepared to accept your view, Sir, but I think I have noticed, at least among the questions which I have had to answer, a most abnormally large number of questions, the answering of which would entail the compilation of a great deal of information which it will necessarily take a very long time to get and which very often would not be worth while

[Sir Ernest Hotson]

getting, and I am not at all sure that we shall be able to undertake the collection of that information except in cases where there is some definite advantage to be gained from it. I do not know whether my honourable colleagues on my right have had the same experience. If I am given a further opportunity of discussing the matter with you, Sir, then I will make a final statement.

The Honourable the PRESIDENT: Now we shall proceed with Resolutions.

(Discussion on Dr. Nariman's Resolution resumed.)

Rao Saheb R. V. VANDEKAR (Nasik District): Sir, I rise to support the resolution before the House. I do so with a full sense of responsibility as a member of the Non-Brahmin Party, although our creed is quite different from the one for which the Congress is agitating and although their methods are such as are unacceptable to a body who still believe in the constitutional agitation. Sir, I feel that Mahatma Gandhi has a deep hold on the masses, that his presence out of prison would be a powerful influence in creating a favourable atmosphere for the forthcoming Conference. Though as I said, we differ from him in many respects, all of us have a high regard for his personality, and further that a resolution that may be arrived at would have no sanction or is not likely to be accepted by the country unless Mahatma Gandhi approves of it. Hence it is from this point of view, I earnestly appeal to Government to accept this resolution.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed in Urdu): While supporting wholeheartedly the resolution brought forward by my honourable friend Dr. Nariman, I wish to say that the personality of Mahatma Gandhi is one which is respected not only in India but in the whole of the world, and every one recognises that he is so to say, the father of non-violence, that he is the one man who will be able to put down violence, and he has got the capacity to put down violence wherever it may exist. Sir, in the year 1920, when Mahatma Gandhi started a similar movement, he found that there was violence in the country, and therefore he called off the movement and said, "To put such a man in jail is the surest method of giving encouragement to violence among the 32 crores of Indians, and it is therefore that my honourable friend has moved this resolution in this Council. I go a step further than the honourable mover, and say that not only should the Government release Mahatma Gandhi, but they should co-operate with him, and that will be for the benefit not only of the Government but of the country also. Everywhere in the country Government are repressing the people by the use of the *lathi*, the gun, and the jail. I wish to say this also, that if there are any advisers of Government who say "Let the business of the Round Table Conference be over, and then the movement will subside", they are entirely mistaken. It must be fairly clear by this time that the public do not care for and have no confidence in leaders like Mr. Setalvad, Mr. Jinnah, Mr. Sethna and Dr. Sapru, but the people are

CORRECTION SLIP.

In Volume XXIX of the Bombay Legislative Council Debates, at page 393, after the speech of Rao Saheb Vandekar, insert the following :—

Sir SHAH NAWAZ BHUTTO (Larkana District): Sir, we all realise the delicacy of the question before us to-day. There can be no two opinions so far as Mahatma Gandhi's personality is concerned. We have all got respect for him. He is the pioneer of the civil disobedience movement started by him, but the Mussalmans were not consulted before he launched on his movement. No doubt, the results of this movement have been dreadful. At the same time, it is the duty of Government to maintain law and order. The Mussalmans as a community have condemned the civil disobedience movement. We Mussalmans are in a very difficult position. We are fighting for our existence between two really strong powers, the British Government and the majority communities. None of them has so far taken any notice of our demands. Among the Hindus, if there is any person in whom we have not lost our confidence altogether, it is Mahatma Gandhi. He might yet be able to bring about a reconciliation between the two major communities, in the interest of India as a whole. Under these circumstances, we the Mussalman members of the Council have decided to keep out of this controversy by remaining neutral.

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MO NO 88

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[Mr. Haji Mir Mahomed Baloch]

prepared to give up their life for the sake of Mahatma Gandhi. If Government think that the influence of the Moderates will help them in tackling with this movement, they are mistaken. If Government want to satisfy India, they must release Mahatma Gandhi.

To my Mussalman friends also I wish to make an appeal. They say they have great respect for Mahatmaji, but because the Mussalman problem has not been so far solved by him, therefore they wish to remain neutral on the present occasion. I was a Congressman for a time, and in some respects I now remain neutral, but it is difficult for me to remain neutral, when I see and read what is going on in the country. It would be ill-advised for us Mussalmans to remain neutral on such an occasion. I wish to say to my Mussalman friends that they have everything to gain nothing to lose by the release of Mahatma Gandhi. They need not be afraid of their Hindu brethren and for their rights. The history of Islam teaches us that from small beginnings it has grown up to be such a mighty power in the world solely on account of its intrinsic worth. So, why should the Mussalmans be afraid of Government or the Hindus. Do we not remember how God protected helpless Meccans against the memorable invasion by Abreha the Christian Viceroy of the king of Abyssinia at Yemen—Simply because their cause was righteous.

الم تر كيف فعل ربك باصحاب النيل ۞ الم يجعل كيدهم فى
تصليل ۞ و ارسل عليهم طيرا اهابيل ۞ نرجمهم بصجارة من سجيل ۞
فجعلهم كصف ماكول ۞

“Have you not considered how your Lord dealt with possessors of the elephant? Did he not cause their war to end in confusion, and sent down to prey upon them birds in flocks, casting them against hard stones, so he rendered them like straw eaten up?” Mussalmans, do not be afraid. When such large armies were vanquished by a handful of Meccans, can we eight crores of Mussalmans of India not trust in future? If we stand on our own legs, no power on earth can make slaves of us. This is not the time for us to sit down with folded hands. I an. rry our leader has said “We do not care whether Government release Mahatma Gandhi or not”. By remaining neutral the Mussalmans will be neither here nor there. I wish to ask them, what has Government done for the Mussalmans? It is not the Hindus who have been against the Mahomedans, but it is the Government. We were rulers in this land and it is Government who have deprived us of it.

My honourable friends the Mahomedan members also say that they are not for the civil disobedience movement. But, after all, what is the aim of the movement? It is for having a new system of Government in the country. But before you can have something new, is it not necessary to get rid of the old? Have not all reasonable methods been tried so far for the people to get their rights? Need I say to what extent they have succeeded? Take the case of a building which has grown very old.

[Mr. Haji Mir Mahomed Baloch]

What would a man naturally do to set up a new building in its place? Is it not the most natural thing for him to pull down and demolish the old one and then build a new one in its place? I wish to say to the Government that if they do not release Mahatma Gandhi, violence in the country will increase, and the country and Government will be the worse off for it. So, I have every hope that Mahatma Gandhi will be released. I trust the resolution will be unanimously passed by this House.

Sardar Davar T. K. MODI (Surat District): Sir, when Mr. Gandhi commenced his march from the banks of the Sabarmati to Dandi and preached and disseminated the seeds of sedition and discontent from village to village, sensible people turned to one other and asked why Government did not arrest him. When he reached Dandi and commenced to pick up contraband salt, the whole affair was looked upon as ridiculous and childish. And when Mr. Gandhi announced his intention to raid the Dharasana depot and commit robbery there, Government arrested him. At that time also most of the sensible people said that Government had acted with undue slowness and that they should have arrested him even before he started his propaganda of civil disobedience. In this hall to-day we hear a different story. They say: "Why don't you release Mr. Gandhi so that the present trouble may end?" They want to release him unconditionally, though he is at the bottom of the whole trouble.

Government must maintain law and order; and to function effectively and properly, it must put limitations against the preaching of the man who advocates the defiance of law and order. He has inaugurated this movement. Mr. Gandhi's immense personality has given a tremendous impetus to this movement. If he is released and allowed to preach his doctrine of civil disobedience, it can never be to the interest of the country. He should not be allowed to go on with his propaganda. If Mr. Gandhi agrees that, as soon as he is released, he will suspend the civil disobedience movement, there is no harm in releasing him and certainly order will quickly be restored. Therefore, I beg to move an amendment. I wish to add the following proviso at the end of the resolution:

"Provided that Mr. Gandhi agrees to suspend immediately the civil disobedience started by him."

Question proposed.

Mr. THAKURSING LALSING (Karachi City): Sir, I know for a fact that Mahatma Gandhi, according as I have read him, is an apostle of peace. I cannot hesitate to call him the second Christ looking to his creed of non-violence. He is that great soul in the world whose principle of non-violence has received a response from all quarters of India. A time might come when the Indian world would recognise him as the incarnation of God, as Rama, Krishna and the like. He is a friend of every human being in the world and he is the enemy of none. He has always looked upon the Englishman as his best friend whom he has ever loved. He is selfless superhuman who has not been slow in sacrificing

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himself and all that is near and dear to him for the good of his people, viz., the Indians.

However, I would point out that his creed of non-violence has not been properly understood by those who followed him with the result that in some places like Sholapur, Mymensing, Peshawar and Karachi disturbances arose owing to the alleged violence on the part of the mobs which resulted in human beings having been lost. The Karachi City Non-Muhammadan Constituency which I have the honour to represent in this House, lost two innocent and pure Hindu lives, I would call very sacred lives. Had the mobs which collected at the court of the city magistrate on the day of the trial of Mr. Narayandas Anandji Bechar, an ex-member of this honourable House, adopted the creed of non-violence, the loss of two sacred lives would not have occurred. The mob lost control and resorted to violence by throwing stones and brickbats on the police on duty causing them serious injuries, with the result that Mr. Richardson, the City Magistrate of Karachi, himself had to leave the court house to restore order personally. But when all his attempts failed he himself having been struck with stones and brickbats at the hands of the mobs, he could not but order the dispersal of the mobs by fire for the purpose of restoring peace and order. As a result of this firing two innocent sacred lives were lost to the entire grief of Karachi. Since then, by the able administration of Mr. Thomas, the Commissioner in Sind, Mr. Hood, the Collector of Karachi, and Mr. Richardson, the City Magistrate of Karachi, law and order in the city is being maintained by conciliatory policy of these officers. But it cannot be denied that the present movement, though said to be of the non-violent creed, has nevertheless not been without violence and the Karachi city has not welcomed it. By non-violence, it must be understood that word, deed and thought have got to be non-violent, but not only the deed. The present movement has brought into being such violent slogans, which are sung by men, women and children of tender years which bring into hatred the present Government and create disaffection in the Indian mind against Englishmen, which is quite against the creed of Mahatma Gandhi. I may for instance quote the first lines of the slogans which when translated into English, will show that the said slogans are against the creed of Mahatma Gandhi :

"We do not want, we do not want, this tyrannical Government which perpetrates and commits murders."

And this movement has made our children disobedient to us. Instead of going to schools and colleges on some days in the week, they join mass processions, where they learn slogans of the following type. Another slogan means "Giving up schools and closing colleges, let us go to jail". I submit that if our children to-day who are going to be the citizens of the Empire to-morrow deny to themselves the advantages of education by being members of the present movement, what is our fate going to be? The Karachi city, which is a cosmopolitan city, being inhabited by Hindus, Mussalmans, Parsees, Jews, Christians, Anglo-Indians, Europeans, Sikhs, Jains, Iranis, etc., is

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therefore not in harmony with the present movement. It requires that law and order should be maintained and respected, without which there would be chaos and the safety as to the person and property of the people would be at stake. The occurrence of violence at Karachi city I witnessed myself, but the disturbances which occurred at Sholapur, Peshawar, Mymensing and other places have also been alleged to be due to the violence on the part of the masses. Having been dreading by the results of the occurrences which ended in the loss of several sacred lives and loss of public and private property, Karachi city stands for the maintenance of law and order. I personally feel that Mahatma Gandhi is an apostle and incarnation of peace. His being released would be conducive to the maintenance of peace in the country without any prejudice to Government, since a word of peace from him to the masses, if they are out of peace at any time and at any place, would quieten them forthwith; his release would also result in his attendance at the Round Table Conference at which he undoubtedly would be a great asset and without him the Round Table Conference would be a failure. But I know that my feeling alone has not to weigh with those in whose hands the administration for maintenance of law and order is.

The maintenance of law and order is an all-India question and every member of this honourable House would be for the maintenance of law and order. There can be no society, no government, no constitution worth the name which is without law and order. As it is, the Government officers in whose charge the maintenance of law and order is are in possession of the entire details of the present situation and as such officers are responsible to the people for the maintenance of law and order; it is to their good, fair, just and equitable sense that the Karachi city non-Muhammadan constituency to which I belong leaves this motion of the honourable member Dr. Nariman for consideration.

Khan Bahadur H. P. CHAHEWALA (Ahmedabad District) : Sir, I rise to support the amendment which has been moved by my honourable friend representing Surat District (Sardar Modi). If a favourable atmosphere for the Round Table Conference is to be obtained, as the honourable mover of the resolution wants to obtain, then efforts should be made from both sides and not from one side only. I would like to know how many of those members of this honourable House who stood one after the other to support the resolution have made attempts outside to meet the leaders of the civil disobedience movement in their own town or in Bombay and to persuade them to call off the movement. Have they made that attempt? Have they taken any steps in that direction? Now, it is very easy to stand up in the Council Hall and to make certain recommendations to Government. We all realise the immense difficulties of Government. While it is easy to make a recommendation, it is not appreciated, under the special circumstances prevailing in the country, how difficult it would be for this Government or any other Government in the world to accept such a recommendation. Sir, if favourable atmosphere for the Round Table Conference is to be obtained, then it is absolutely necessary that the civil disobedience movement

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should be called off. And there are no signs of that being done for the present.

Several honourable members have spoken about the creed of Mr. Gandhi. We know how that creed is being followed up and also know how his righthand man, Mr. Vallabhbhai Patel, has been putting into effect that creed through the speeches which he has made recently in Bombay and elsewhere. The movement has been doing dreadful harm to this country. It is, therefore, absolutely essential that there should be a change of heart on the part of those who have started this lawless movement. I yield to none in my respect for the character of Mr. Gandhi in very many respects. I, with many people appreciate his great work for the removal of untouchability and for social reform and in the cause of temperance and we all know that he would do immense good to this country if he worked in these directions. But we cannot forget that he is the author of a conflagration which has enwrapped this country and which has forced the Government to employ special measures to put it out. How could Government accept a recommendation for Mr. Gandhi's release without any move on the part of those who have started the conflagration, any move on the part of those people who are feeding this conflagration day by day. To expect that any favourable atmosphere would be obtained by the release of Mr. Gandhi alone is too much to expect. I think that the honourable mover is very optimistic about the resolution. He has admitted that he is not a politician; he has admitted, that he is no statesman. He has never taken any part in politics. It is also surprising that not one member of this honourable House belonging to the majority communities has brought such a motion. It is only left to a representative of what is described to be a microscopic minority to bring this motion before this House. The civil disobedience movement should be first called off. It may then be well to request the Government to consider the release of Mr. Gandhi and others. As I have said, the effort should be made from both sides for the creation of a favourable atmosphere. It cannot be left only to one side in the present circumstances.

Mr. V. A. SURVE (Ratnagiri District) (In Marathi) : Sir, a resolution has been moved asking Government to release Mahatma Gandhi. To this resolution an amendment has been brought forward which I oppose. Before bringing the amendment before this Honourable House the honourable Parsi member who moved it ought to have thought twice. I may submit, Sir, that Mahatma Gandhi had given a warning to Government before starting the movement of Civil Disobedience. He informed Government about his intention to start this movement, but as he did not get a satisfactory reply from Government, he started this non-violent movement. But there are hundreds of persons in the country who have given the colour to this movement calling it a violent movement. It has been said that before Mahatma Gandhi is released the Civil Disobedience movement should be stopped. I say instead of asking Mahatma Gandhi to stop his movement, Government should cease issuing further Ordinances and that they should give us a

[Mr. V. A. Surve]

promise of granting Dominion Status. Till this is done, Mahatma Gandhi's movement cannot be stopped and if anybody thinks that it will be stopped, it is his wrong impression. By this resolution, Government has got a golden opportunity to release Mahatma Gandhi. And such an opportunity, if missed now, will be missed for ever by Government. Mahatma Gandhi's movement is non-violent but it is the Government men that turn this movement into violence. The police officers are breaking the heads by lathis of the non-violent volunteers; they drive the motor-cars over the bodies of the volunteers. So, the Government servants are behaving in a violent manner. Mahatma Gandhi has not told them to do these violent acts and everybody knows that Mahatma Gandhi's movement is non-violent. It is not Mahatma Gandhi who should be blamed but it is the fault of the Home Department of Government from whom the bombs in the shape of Ordinances, etc., are thrown at the non-violent followers of Mahatma Gandhi. If Government think that for their own prestige they cannot release Mahatma Gandhi, they can at least say that because of the Council resolution they are releasing Mahatma Gandhi. In this Council even there are six Indians compared to one European member; it is known on all hands that there is no force on the non-official side. I, therefore, hope that the main resolution will be unanimously supported by this House and even the Government members will not oppose it. Mahatma Gandhi should be released and then he should be consulted as regards his future action. If you desire that the Round Table Conference should meet with success, then it is the duty of Government to release Mahatma Gandhi and take his consultation on the subject. With these few words, I support the main resolution and oppose the amendment.

Rao Bahadur G. H. DESAI (Kaira District): Sir, I rise to oppose the amendment. The resolution moved by my honourable friend, Dr. Nariman, is for the purpose of creating an atmosphere favourable for the success of the Round Table Conference and that is, in a way, possible, if Mahatma Gandhi is released. I, therefore, wholeheartedly support the spirit underlying the resolution. I think that it is not sufficient to simply release Mahatma Gandhi, but it is also necessary to release other political prisoners by declaring a general amnesty. If Government declare general amnesty to all political prisoners, I believe that there may be a favourable atmosphere for holding a Round Table Conference. In addition to this, I quite agree that it is necessary that Civil Disobedience movement should also be called off. But how is it to be called off? In the first instance, Government should release Mahatma Gandhi and the other leaders now in jail and then he will be in a position to say whether the Civil Disobedience movement can be called off or not. Instead of that, the honourable member, the mover of the amendment, asks that the Civil Disobedience movement should be called off first. How is it possible for Mahatma Gandhi or anybody in jail to call off the Civil Disobedience movement, when he has no opportunity to consult his colleagues, and most of whom are also in jail? I think it is necessary, therefore, that he should be given a chance as a free man, to consult his

[Rao Bahadur G. H. Desai]

colleagues and take stock of the present situation ; and I am sure he will, with his usual frankness and open-mindedness, help to create a favourable atmosphere for discussion and the further advance in responsible Government which we all desire. It is necessary in the first place therefore to release Mahatma Gandhi and then request him to call off the Civil Disobedience movement. As we learn from the speech of the Honourable the Leader of the Assembly, Sir George Rainy, published in the day's papers, Government also desires to have the co-operation of all the parties for the success of the Round Table Conference. Therefore, Government would do well first to release Mahatma Gandhi and then ask him to call off the Civil Disobedience movement. If he does not do so, and if Government do not approve of his movement after his release, then, there is the Regulation of 1827 under which he can be re-arrested. With these words, Sir, I support the original resolution and oppose the amendment.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts) : Sir, I will take the permission of the House to point out in the first place that this resolution has been brought with a view to recommend certain things to Government. The first part of the resolution is to declare that whatever shade of opinion there may be in the country and to whatever caste one may belong, everybody holds Mahatma Gandhi in great reverence. That is the first part of the resolution. But I am sorry to find that in spite of his greatness two of my Parsi friends should describe him as an ordinary and common convict. Of course, they have much to learn as yet. Let me tell them distinctly that Mahatma Gandhi is not to be judged by them but he is to be judged by all the world. He is teaching you all that great lesson, the lesson of non-violence which is to be followed by humanity. Are not the Western nations trying to approach this question by means of the question of disarmament, by means of the question of the League of Nations ? What is it but the nearest approach to non-violence of which even they see the benefit ? One of the world's greatest persons—I mean Dr. Beasant—has declared that although she was very bitter against Mahatma Gandhi on many occasions, if anybody has cultivated the spirit of non-violence, it is Mahatma Gandhi himself. He has given proofs and indications that if he were to be beaten down on the road, the next moment he will stand up and shake hands with the man who has beaten him. That is his characteristic. The cult of non-violence which he has been preaching will be to the benefit of humanity. That is a question which has to be decided yet, but the fact remains that he has been attempting to bring about that solution which solution the world has never arrived at and that is, the mailed fist, that is the sword power. Nations have risen and nations have been destroyed by the very sword power and so the world is going on for ever and for ever. Are we then yet to believe in that sword power or are we to believe in that one thing that was preached centuries ago—love and sacrifice by the Son of God ? So I appeal to you all that if the release of Mahatma Gandhi is to be brought about, it must be brought about in the spirit in which I am talking to you. His release

[Mr. M. M. Karbhari]

in the present circumstances to my mind is to hand him over to the altar of violence to be crucified. His release at the present moment I think will not be justified under any circumstances unless I think there is a change of heart between the people and the Government. I would therefore most humbly and earnestly suggest to the honourable mover that he may at this stage at least, after having declared the reverence and greatness in which he holds him, ask the permission of the House to withdraw his resolution because I do not think that we will be doing justice to Mahatma Gandhi himself. If you believe in his greatness, if you believe in his non-violent movement even though you are met with violence, then proceed and proceed further till you reach victory. Why do you wish Mahatma Gandhi to be released at this stage? If you have faith in him, if you believe in his preaching, then by all means carry it out, but at the present moment, to release him is only in my opinion to offer him to the altar of violence.

Mr. P. J. TALEYARKHAN (Surat District): Sir, with your permission, I would like to move the following amendment:

Substitute the words "to offer release to Mahatma Gandhi to enable him to decide whether he should call off his campaign and take part in the Round Table Conference" for the words "to release Mahatma Gandhi".

Sir, we all know that before launching his campaign, Mr. Gandhi had asked His Excellency the Viceroy for an assurance that the British Government would support the demand for dominion status. For obvious reasons, His Excellency the Viceroy could not give any such assurance. If at that time Mr. Gandhi had asked for an assurance from the British Government that they would support any scheme formulated at the Round Table Conference by agreement among the members and if such an assurance had been given by His Excellency the Viceroy, all the miseries of the last three months would have been avoided. But perhaps the bitter experiences of those unhappy months were ordained, to make all of us, including Mr. Gandhi, wiser. And it is very possible that Mr. Gandhi may now accept the assurance which His Excellency the Viceroy has recently given. I refer to His Excellency's declaration that the British Government will support any scheme that is reached by agreement at the Round Table Conference. But we cannot expect Mr. Gandhi to accept that assurance sitting in jail. He would naturally want to confer with his confreres as well as with Government. He would also need a lot of persuasion from his friends in the Liberal Party. At this moment the one paramount consideration for us all is the success of the Round Table Conference, and I do not think anybody can doubt that the chances of success would be greatly enhanced if Mr. Gandhi's co-operation to it could be secured. The success of the conference largely depends upon the unity of the Indian delegates, and nobody is likely to be so successful as Mr. Gandhi in bringing about that unity. If Mr. Gandhi accepts the offer stated in my amendment, he is too honourable a man to take any undue advantage of his liberty, and he may be trusted to call a truce while he is making up his mind. Anyway, the risk, if there is any risk in the matter, is in my humble opinion well

[Mr. P. J. Taleyarkhan]

worth taking. For these reasons, I hope that this honourable House will accept my amendment. Of course, if Mr. Gandhi accepts the offer and is released, he will want certain of his leading confreres to be also released, but I cannot include in this resolution a prayer for their release in similar terms as I have suggested in the case of Mr. Gandhi.

Question proposed.

Mr. D. J. C. WALLACE (Bombay City): Mr. President, I rise to oppose both the resolution and the amendments, since I do not think they can possibly hope to achieve what the honourable mover wishes. Most of the honourable members who have spoken before me have referred to the great virtues of Mr. Gandhi, but they all appear to have disregarded the one virtue which concerns this particular resolution. Whatever one may think of Mr. Gandhi's actions, there is no doubt whatever that he is not in the slightest degree actuated by self-interest. That being so, it is impossible to conceive that he would remain at liberty while his colleagues are languishing in jail. It seems to me, therefore, that the solution desired cannot be found by the release of Mr. Gandhi. But, to my mind, the solution lies to a great extent in the hands of the Indian business men, and I would appeal to them to come out into the open. Let them state that they definitely disapprove of the civil disobedience campaign, and let them tell the Congress that they are not prepared to support a movement which has caused such dire distress and created such havoc throughout the whole country. It is no use talking of repressive measures. One must go behind and find out the cause. The cause is undoubtedly the civil disobedience campaign, and I feel quite sure that if this cause is removed Government will not be slow to remove the effects. Sir, there is another resolution on the agenda in favour of granting an amnesty to all political prisoners which seems to me to be more consistent with the object which the honourable mover of this resolution hopes to achieve. I do not say that I would support that resolution; in fact it would be highly improper for me to divulge how I would vote. But, at any rate, it seems to me to be a more consistent one than the resolution now being discussed, and I would strongly urge the honourable mover to withdraw this resolution. I ask this House not to be led away by any false sentiment for individuals, but to consider the hard facts of the case, and I would warn any honourable members who vote for this resolution that they will be doing a very grave injustice to Mr. Gandhi himself, since to do so would mean nothing more or less than that they consider that Mr. Gandhi can be actuated by self-interest, and there is nothing more foreign to the nature of that great personality.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi): Sir, I rise to oppose the amendment proposed by the honourable member Sardar Modi. I have referred to the qualities of Mahatma Gandhi in the course of my speech on the original resolution. That a national leader like Mahatma Gandhi should be in jail shows the character of the Government. I should like to compare the worth of the administrators of this country with that of Mahatma Gandhi. There is an old

[Mr. N. R. Gunjal]

saying in Marathi which is "The Raja speaks and army moves". With regard to Mahatma Gandhi it can be said "Mahatma Gandhi speaks and the whole nation moves". That there should be an amendment moved on a motion for the release of such a man is no matter of great credit. My honourable friend Sardar Modi is a member of this Council now, but that is because the real representatives of the people, on account of the imprisonment of Mahatma Gandhi, have left their places in this House. If, on account of the efforts of Mahatma Gandhi the people of this country get their rights, I have my doubts whether members like my honourable friend would ever have a chance of being returned to this Council till the existence of the British Government. This resolution is in the interest of Government and of the country. Mahatma Gandhi is a man who is revered by people of all religions. Some of my honourable friends may think that the release of Mahatma Gandhi depends on the resolution or the amendment being passed. But it is not necessary to tell the people of this country on what it depends. As my honourable friend Mr. Surve said, the release of Mahatma Gandhi will be in the interests of the administration of this country and the rights of the Government will thereby be respected. If Government have the evidence, they should come forward and say whether there has been one single individual among Mahatma Gandhi's followers who has not acted strictly according to his principle and teaching of non-violence. Government are aware of all this, and yet they are determined to do wrong. When this resolution was first moved, and had to be continued for discussion till today, I had my doubts about the matter. It is quite impolitic to move amendments of this type. The Mussalman members say that, though they very much appreciate the merits of Mahatma Gandhi, they will remain neutral. What will Government do? They sit with folded hands looking at the happenings every day. Whether these actions are just or unjust Government go on with their terrible repression. Government think that their prestige will be lost? Where is that prestige, I want to know. The whole population defy them to their face. Where is that prestige? Under the present pretence of maintaining law and order, they kill a number of people every day. Can they justify this? India will never forget the terrible repression that is followed by Government. It is unbecoming that honourable members who call themselves representatives of the people in this House should bring forward amendments of this nature stipulating conditions for the release of Mahatma Gandhi. Mahatma Gandhi is revered in this country as much as the King-Emperor. He alone will be able to control the situation. You want to make the Round Table Conference successful. Are you sure that you will make it so, without Mahatmaji? It is all a shame to say that the British have ruled the country for the benefit of India. The movement that is going on at present is the result of that unjust rule. Do Government think that they can keep the Mahatmaji in jail indefinitely, because they have got their unjust laws and their strong prison walls? People will one day demolish these

[Mr. N. R. Gunjal]

strong walls and release Mahatmaji. I appeal to my honourable friend as a people's representatives to withdraw the amendment.

As regards the Mussalman party, their leader said that though they revere Mahatmaji, they would stand neutral, because they have got certain matters to be adjusted between the Hindus and themselves. If they have any difference to be adjusted between themselves and the Hindus, they can do so afterwards. How does the release of Mahatmaji affect the adjustment of our own differences? They must remember what all Mahatmaji did for the cause of Mussalmans in India. If they remain neutral, sometimes it may happen that we may also have to do the same thing, when there is a question affecting the Mussalmans. I do not think that it would be fitting on their part that they should remain neutral on a question like this. It would look very queer to the world that we should have differences like this on so vital a question. We are permanent residents of India. We are not foreigners. I appeal to them to consider the present situation all round and vote for the resolution moved by the honourable member Dr. Nariman.

The Honourable the PRESIDENT: The honourable member's time is nearly up.

Mr. N. R. GUNJAL: As this is a very important matter, I would earnestly request my Muslim brothers not to remain neutral but to support this resolution whole-heartedly. I also request my honourable friend the Sardar Saheb to withdraw the amendment which he has tabled.

Sir VASANTRAO DABHOLKAR: Mr. President, after hearing the speech of my honourable friend from Poona (Mr. Gunjal) I am forced to make a speech in order to point out to this House how the speech of the honourable member was not in consonance with the creed of Mr. Gandhi. Mr. Gandhi has been preaching with all the influence at his command that every citizen of India should express his views according to the dictates of his conscience. My honourable friend from Surat (Sardar Modi) moved an amendment to the resolution which was quite fit for the occasion; but my honourable friend Mr. Gunjal is holding out a threat to those who have moved the amendments. I should like to know from him whether the holding out of a threat is respecting Mr. Gandhi. Not only has he failed to respect Mr. Gandhi, but his very appearance in this Council at this juncture is an insult to Mr. Gandhi (Laughter). Mr. President, he has of late discarded his Gandhi cap and has adorned himself with a cap which is selected by some vernacular paper of Poona or Bombay and which is more or less against Mr. Gandhi. Mr. President, I treat the remarks of the honourable member Mr. Gunjal with the contempt which they deserve.

Mr. President, nobody will be more delighted than myself if Mr. Gandhi is to be released. But, even if this resolution is passed, what would Mr. Gandhi say? He will say "Save me from my friends". Mr. Gandhi has taken a certain oath that unless he and the citizens of India get complete independence, he is not going to budge an inch

[Sir Vasanttrao Dabholkar]

from the policy that he has laid down. Sir, is the flattery of the honourable members who have moved and supported this resolution going to appeal to Mr. Gandhi? It was remarked by the honourable member for Satara (Rao Bahadur Kale) that Government should undertake a new policy whereby there would be no repression and there would be conciliation. I should like to know from that very honourable member whether he has seen all the Government files on the subject. He certified that Government policy has failed and Government have become incompetent to form any policy in this respect. I do expect from the honourable member from Satara to enunciate such a policy whereby there may be conciliation and harmony in the country. Instead of that, what has been the tendency in this Council? They are putting all the burden on the Government. They call all sorts of names to Government.

Rao Bahadur R. R. KALE : You are there to defend them.

Sir VASANTRAO DABHOLKAR : Certainly when Government is right. I would appreciate if the honourable member would speak boldly if he wants a reply from me. He should not be a coward.

The Honourable the PRESIDENT : Order, order. That is a very unparliamentary word.

Sir VASANTRAO DABHOLKAR : I am sorry about it, Sir. The honourable member wanted to interrupt me, and he is not brave enough to take up my challenge.

Mr. President, honourable members have several times expressed that Government had failed to give sufficient education to the Indians, hence their illiteracy. That very Government has appointed Indian Minister in charge of educational portfolio. What do we find to-day? All the colleges and schools have been deserted. School-going children are making demonstrations in the city which was never heard of in the past. May I ask the honourable members whether there were demonstrations like these when they were school-going children? And also whether they would like that their children should insult them? Sir, we are coming to that crisis. I, therefore, do not know what is going to happen as long as the campaign of the civil disobedience is being carried on.

Mr. President, I would certainly have admired all the honourable members who have supported this resolution and shown their sympathy to Mr. Gandhi, but what do I find to-day? I find that it is nothing but merely lip sympathy. They want to show their existence in the Council. The majority of the members who have spoken in favour of Mr. Gandhi are clad from the crown of their head to the sole of their feet in foreign goods. Mr. President, if the honourable members have got so much respect for Mr. Gandhi, if they want to do what Mr. Gandhi wants them to do, the best course for them would be to leave this Council hall and go to jail along with Mr. Gandhi. If I had been an admirer of Mr. Gandhi, I would never have failed to do this. I admire him for his honesty; but that honesty is wanting in the supporters of this resolution here.

[Sir Vasant Rao Dabholkar]

Mr. President, the resolution as worded would never appeal to Mr. Gandhi. When this resolution was brought before this House, the honourable mover (who is now at a long distance from me) never thought that Mr. Gandhi would be so very selfish that he would agree to have his release. This is what Honourable Dr. Ruttonshaw knows about Mr. Gandhi. Mr. Gandhi, if he is to be released by Government to respect this resolution of this honourable House, he as a disinterested man would like his followers in jail to be released first before he comes out of the jail. Mr. President, if it is the desire of this Council to take the side of Mr. Gandhi, they should have done something towards what Mr. Gandhi wants. They should have brought in a resolution asking this Government to recommend to the authorities concerned to do what Mr. Gandhi wants for India, but not a single member on the opposite side had courage to do so. If such a resolution was tabled, I would have been the first to support such a resolution, but I cannot be a party to the farce that has been going on in this honourable House. Mr. President, it was absolutely a waste of time. It is simply a sort of manoeuvring. They know that this Council will be over very soon, there is not going to be any more session of this Council and they will have to go to electors. They also know that at that time the electors will question them as to what work they had been able to do in the Council and then they would tell them that they had brought a resolution in the Council for the release of Mr. Gandhi. Mr. President, in conclusion, I advise the honourable the mover of this resolution that he would do well if he withdraws this proposition. If he does not, I am going to oppose the main resolution as well as the amendment. Coming to the question of the amendments the honourable the mover of the amendment has set in a proviso. But the mover of the amendment does not know that Mr. Gandhi will not be prepared to accept any proviso for his release. I would say that instead of putting all these conditions it is much better to ask Government straightaway to release Mr. Gandhi. But the matters are made worse by the amendments. If I were to favour the release of Mr. Gandhi, I would have preferred the main resolution to the amendment. I know perfectly well that if this resolution is passed and Government releases Mr. Gandhi, he is sure to carry on his movement immediately he comes out of the Yerowda jail within a furlong from it. I, therefore, oppose everything that is before this house.

Mr. P. R. CHIKODI (Belgaum District): Sir, I move the closure.

The Honourable the PRESIDENT : I accept the closure.

Dr. R. T. NARIMAN (Bombay City, South) : Sir, I thought of bringing this resolution on the understanding that many people in this Council would like to see Mr. Gandhi released and thus good and friendly feelings between the Government and the people would be restored. But I do not find any unanimous opinion on this question. Mr. President, we all know that Mr. Gandhi would not under any circumstance agree to be released under any conditions. And as it is the wish of some of the

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members of this House that I should withdraw my resolution. I ask the permission of the House to withdraw it.

Question put.

An Honourable MEMBER : No.

The Honourable the PRESIDENT : If there is a single "No", the resolution cannot be allowed to be withdrawn. It should be the unanimous opinion of the House.

Question again put and leave granted.

RESOLUTION RE : COMMITTEE TO ENQUIRE INTO SHOLAPUR RIOTS.

Rao Bahadur R. R. KALE (Satara District) : Sir, the resolution which stands in my name runs as follows :

"This Council recommends to Government to appoint a committee of three members presided over by a High Court Judge, the remaining two members being non-officials, to make a thorough and independent inquiry into and to report on :—

- (a) the origin and the causes of the recent happenings in the city of Sholapur since the 6th May 1930 ;
- (b) the extent of loss of or injury to life and property caused thereby ;
- (c) the steps taken by Government to deal with the situation ; and
- (d) any other matter germane to the above and that pending such inquiry, to direct that no death sentences be executed."

Sir, the appointment of a committee in the way I have suggested is essential both in the interest of Government and the people, especially at this time when we are faced with a serious situation all over the country and when His Excellency the Viceroy has made an earnest appeal to all parties including the Congress party to participate in the proceedings of the Round Table Conference. It is not possible to create an atmosphere of peace and goodwill unless the confidence of the people in the good intentions and good faith of Government is secured by acts preceding to the holding of the conference. And one of such acts is the appointment of a committee to enquire into the various allegations that have been made in regard to several incidents that happened in Sholapur during the last two months. With regard to the composition of the committee I think it must be such as will give satisfaction to public. With this point in view, I have suggested that there should be two non-official members and the third should be a High Court Judge. There is already a move to have a committee appointed by the Bombay Provincial Congress Committee and a committee appointed by Government will not give complete satisfaction and will run the risk of being boycotted in some directions as we have seen in the case of Peshawar, Lucknow, Maharaja of Patiala and Dacca Enquiry Committees. It is our common knowledge that very serious allegations have been made not by irresponsible persons but persons whose reasonableness and responsibility the Government themselves acknowledge. As regards the manner in which the police and military in Sholapur have acquitted themselves in connection with the various incidents that have happened during the last two months, I may say that the confidence of the people can be established only by the appointment of a committee as suggested by me and that committee ought to be as strong as it is in the power of Government to make. It is, therefore, obvious that in order to command the

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confidence of the public, the committee of inquiry in this case ought to be as strong as it is in the power of Government to make it. Further, in order that the people may co-operate with it, it is essential that the inquiry must be public, the press representatives must be allowed to report the proceedings in full, the witnesses appearing before the committee must be afforded full facilities and protection and the lawyers should be allowed to be present and lead evidence. I know that there is a tendency to cry down all inquiry committees as useless and not deserving public co-operation. This is so, because committees which are appointed are more or less for a departmental inquiry, but if the committee is constituted in the way I have suggested, it will not fail to inspire full confidence and serve a most useful purpose in the interest of the Government itself and Government should not hesitate to make a bold effort in appointing such a committee which has been demanded by various bodies including the Council of the Liberal Federation.

So far we have only seen reports in the press and also press notes issued by Government, but when there are allegations against the subordinate officers themselves, we cannot look for a complete and truthful account of the happenings at Sholapur in mere statements in press notes which have the value of a case propounded by one party.

And it is to be hoped that the report of such a committee will result in unfolding to the Government and the people in this country, the true state of what took place in Sholapur which paralysed the life and trade of an important city for a month and a half by the continuance of martial law which seems to me entirely uncalled for and unnecessary.

I do not wish to go into any detailed narrative of events which happened at Sholapur from May 7th onwards. Suffice it to say that serious allegations have been made as to the indiscriminate firing on May 8th by the police, without the authorisation of the District Magistrate or the District Superintendent of Police.

As an instance, I may quote the open letter, dated 10th May, contributed to the *Dnyanaprakash*, and published in that paper on 13th May under his own signature by one K. G. Ranade, a pensioned Government servant, who has bitterly complained about this indiscriminate firing by the police as a result of which the brains of his son aged 14 were knocked out by a bullet, while he was standing in the gallery of the second storey of the Jain Boarding. This gentleman has given a very pathetic account of this tragedy, which happened at 4 o'clock when according to him there was complete quiet in his locality and the street was entirely deserted.

It is said that owing to the happenings in the earlier part of the day the local authorities completely lost their balance and they resorted to a wholesale and indiscriminate firing out of vengeance.

Here let me tell this honourable House that I have got prepared a map of the Sholapur city and pointed out the localities which were disturbed and also pointed out the places where firing took place on that memorable day, and I have shown it to the honourable member from Sholapur who is present to-day in this House so that he may be in a

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position to reply. I have shown the places where firing took place in the later part of the day which certainly were places which were entirely free from any disturbance whatsoever. The disturbance took place on the way leading from the direction of the place of the toddy cutting to the police chowki and also to the judge's court. That road is marked yellow and there, there was one firing in the morning before the 2nd firing in the afternoon. No doubt that gave cause to the crowd for getting furious and which led to subsequent events, but in other places where there are red spots marked out on the map, there was absolutely no disturbance and this Mr. Ranade was occupying a locality where it was absolutely quiet and peace was reigning at the time when this particular occurrence took place. This gentleman, as I have said, again wrote and.....

Mr. H. F. KNIGHT: As the question of Mr. Ranade's son is raised.....(the honourable member's remarks were inaudible).

Rao Bahadur R. R. KALE: I do not discuss the merits of that case. I am pointing out that he has repeatedly complained that he has got no justice up to now.....

Mr. H. F. KNIGHT: That is a reflection on myself. As the District Magistrate, I enquired into the statements complained of and I must entirely deny the statement that he could get no justice.

Rao Bahadur R. R. KALE: It is a statement which is published under his signature in the newspaper, the *Dnyanaprakash* of Poona in this month. He has repeated his grievance twice or thrice. He says he went to Mr. Bristow (who succeeded the honourable member Mr. Knight) in the city as District Magistrate and laid his case before him and yet he has got no redress in the matter. It may be that it has been before him as a criminal case, but so far as he is concerned, he has got no redress. I do not wish to take time of the House. I have got the papers with me. The complaint has been made by him publicly in a public newspaper and not privately.

Then, Sir, it is said I think perhaps rightly that by the happenings in the earlier part of the day, the local authorities had completely lost their balance and the Police resorted to wholesale and indiscriminate firing out of vengeance absolutely when there was no occasion for it in the latter part of the day in localities where there was no disturbance. How this was done has been described in the extra issue of the local paper called *Karmayogi* dated the 10th May, only two days after, and that paper gives 23 specific instances of some 25 people having been killed and 50 wounded, which also points out that the *Times of India*, while describing the wild atrocities of the people in a glaring manner does not give any indication of the atrocities committed by the police. I have tabled certain questions in regard to matters of Sholapur, but I am sorry I have not been able to get any replies so far; because if I had got them, perhaps my task would have been facilitated further. However, the same pensioner Ranade, as I said, again wrote a letter on 31st May and published in the *Dnyanaprakash* of the 7th June, in which he has been

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pointing out that he has been complaining to the authorities and how he is seeking to have justice done to him.

Next, a similar case of Ratilal Shah. That also is an instance of a life being lost of a boy of fifteen years of age standing on the third storey of his house and in a locality which I understand was free from any disturbance where he was also shot down.

After mentioning these two instances, I now turn to the proclamation of martial law. Let us turn to see what justification there was for this. The substitution of ordinary civil administration by martial law is an extraordinary step in every civilised government and it can only be justified by circumstances of an exceptional character, and we have to see whether there existed in Sholapur on that particular day such circumstances. On the one hand it is an admission of failure of the civil administration and on the other hand it also implies some reflection on the population of that place because it suggests that in Sholapur there is an element of lawlessness and hooliganism in such proportions that it cannot be checked except by military or martial law. There are so many things regarding Sholapur about which I submit there is a cloud of suspicion, and naturally there is the legitimate public curiosity. There is a kind of suspicion that the serious situation which had arisen has not been properly handled, or rather mishandled, and these suspicions can only be removed by an enquiry such as this resolution seeks. Mr. Lalji Naranji, who was an honourable member of this House and a leader of Bombay has given an interesting account of the condition of things in Sholapur when he visited it soon after the news of the disturbances was made public, along with Mr. Walchand Hirachand, also another esteemed citizen and a business man who has business connections with the city of Sholapur, and who therefore was deeply interested in finding out the condition of things and the real position in the city. When he went there on the 12th of May, he found that things were settling down to normality, and he was able to persuade people to resume business, and it was agreed that this should be done from the morning of the 13th.

The Honourable MOULVI RAFIUDDIN AHMAD : Are you reading from the account given in the *Times of India* ?

Rao Bahadur R. R. KALE : No.

The Honourable MOULVI RAFIUDDIN AHMAD : From what is the honourable member reading ?

Rao Bahadur R. R. KALE : From a letter which I possess, and which has been subsequently published in a paper called *The Indian States Journal*. There he says that he was able to persuade the people to resume business, and it was agreed between himself and the authorities including the Commissioner Mr. Mackie so far as I am able to read the letter, that this should be done from the morning of the 13th. It is difficult to understand then, why after that martial law was still proclaimed, and also the reasons for continuing martial law. First of all, there is the initial proclamation of it, and secondly its continuance for such an inordinately long time, in spite of the fact that even the Council

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of the Liberal Federation which met on the 14th and 15th of May in Bombay had declared that it was not satisfied that civil authority had so completely broken down in Sholapur that the situation could not be handled except by the introduction of martial law, and it urged that the martial law administration should be discontinued.

Now, we come to the actual administration of martial law. That itself requires to be scrutinised. There were two stages in the administration of martial law. There was a notification in the *Gazette of India* of the 15th of May declaring Martial Law and it was published in the *Bombay Government Gazette* on the 18th of May, but it seems that martial law was already proclaimed before these ordinances were published. It seems that martial law was actually proclaimed on the 12th May at night; that is what I am told, and I am concerned with the cases which were dealt with regarding acts which took place between the dates of the 12th of May and the 15th of May. I think those cases do require careful scrutiny. I know that in the ordinance published by the Viceroy and Governor General, there is a provision that offences against the martial law regulations should be tried by ordinary courts, and I am told that out of the cases pending before those courts some have been disposed of and others are pending. But I am referring to instances where the cases were tried summarily by a military officer who was appointed under the martial law regulations, and there it is that the utmost scrutiny is required, because there is no appeal against the proceedings which ended in the conviction of persons by a military court. I might give the instances of one or two cases. A leading pleader of Sholapur, one Mr. Rajwade, was arrested under a warrant issued under an ordinance under the martial law promulgated, as I said, on the 15th and published on the 18th of May, but for an act which is said to have been committed by him by publishing on the 10th of May an account of the happenings of the 8th of May. This Rajwade was convicted, after a most summary trial lasting a few minutes, for publishing false information in his paper and also for the offence of evading arrest. He was just quietly entering a room in his residence, and this has been held to be the offence of evading arrest, and for these two offences, he was sentenced to seven year's rigorous imprisonment and a fine of several thousands of rupees. Now, Sir, if the responsible editor of a newspaper publishes some news, how could it be ascertained in so short a period that he had published false stories? Was there any enquiry made as to what really happened? There was the instance of the son of the Government pensioner, Ranade, being shot, and so also other instances were quoted in the paper, and the opinion was expressed that there was indiscriminate firing and so many people had suffered. Now, Sir, how can it be said that it was a false story, or that the news given were false? And he is at once convicted and, as I said, sentenced to such heavy punishment. Another instance is that of Mr. Manekchand Shah, who was president of the Sholapur municipality, and his fault, if fault it was, is said to be that he reported to the officer commanding the forces at Sholapur about a complaint made to him by his tenants. This gentleman has a large compound in which he has

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houses which are let to about 60 tenants, and on one side of the compound there are the latrines and water taps. He has given a statement while in jail at Bijapur, and I am in possession of that statement. Therein he says that the compound is absolutely his own property, that he has got about 60 tenements there, that the tenants in the early morning have to go to the latrines to answer calls of nature, and that women and children have to go to the water taps in the morning. He says that some pickets were posted at the entrance of his compound, and these military pickets prevented the tenants from going to the latrines and water taps because there would be more than four persons going at the same time. The tenants complained to him, and he represented to the military officer that his tenants were being put to inconvenience and he should instruct the pickets not to prevent the people from using the latrines and water taps. He also represented that it was not a public road, but his private property. And because he made a complaint against the military pickets, he is sentenced. I think he was convicted under regulation No. 11, but, as a matter of fact this sort of offence is not contemplated by regulation 11 at all. Regulation 11 is directed against the display of the Congress Flag. It may perhaps be that he was sentenced on account of some action of his as municipal president. The National Flag was hoisted by the municipality not when Mr. Shah was president—that is what I understand—but when Dr. Mulay was the president. When the military came to Sholapur they removed the flag. Mr. Shah was then in his house. The chief officer of the municipality reported to him that the flag was removed. He at once telephoned to the Collector giving him this information. The Collector asked Mr. Shah to report the matter to the military authorities. I am told that he did not make this report, but left matters there. His only fault appears to be that he reported the incident to the Collector. If he had been president of the municipality from the beginning it would have been a different matter, but he was not only no-President but was even absent when the flag was fixed by the municipality. I am told that the person who was president before Mr. Shah was Dr. Mulay. Mr. Shah is one of the most loyal persons and belongs to the opposite party, and that there are two parties in Sholapur, and from my experience of the working of these institutions, I think it is the party feeling which has been exploited to bring certain persons into trouble. That opportunity was availed of by certain busybodies in the place. There are lots of instances where such things have occurred in other places, but I am not going to narrate them here. However, that is Mr. Shah's connection with the flag, and for that he was sentenced to six months rigorous imprisonment and a fine of Rs. 10,000. Now, Sir, these punishments seem to me to be simply out of all proportion to the offences. Even in the Punjab, in the year 1919, when Martial Law was proclaimed, the regulations that were made said that for trivial offences the Martial Law commissioners might proceed to try the highest punishment was only two years. The Martial Law administration and the happenings in the Punjab were of a magnitude which is well known, and it cannot be compared with this tiny affair in Sholapur. For

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such small little things, punishments are awarded by the military courts, which seem to me to be certainly such as to call for an enquiry to find out whether there was any justification at all.

Then, Sir, the boy, a nephew of Mr. Shah, was shot. I am informed on good authority that when the boy was shot, he asked the sergeants and the District Superintendent to hold an inquest on the body of the boy. It was refused. Then, he complained to the Collector. The Collector ordered his Mamlatdar to make a *Panchnama*. A *Panchnama* was made and I do not know where it is lying. The police came and threatened him why he had complained against the police to the District Magistrate. That is what has happened. There is a curious coincidence between these two incidents, namely, his nephew being shot down in an atrocious manner and his proceeding to complain about it to the District Magistrate. This somehow or other brought him into the bad books of the police. Otherwise, I do not see why Mr. Shah who was occupying a high position as president of the municipality and who was in communication with the Collector, should have been chosen as a person fit to be proceeded against for such a paltry thing that he carried the complaints of his tenants to the Collector. As a landlord he had to look to the grievances of his tenants, who found it difficult even to go for answering calls of nature. Then, what wonder is there that many people left Sholapur in terror! Otherwise we cannot understand the exodus that was taking place from Sholapur. The boy's father Mr. Ranade, in spite of his intense desire to have an enquiry held, had to leave Sholapur. He came some time after, when he would not attract the attention of the police.

Then, we come to other matters. Numerous shops dealing in various articles, had their articles stolen. I wrote to the Director of Information to supply me information that he had got. I received a reply only this morning. These press-notes which are issued are not unfortunately received by members. In the notes that I received this morning, it is only repeated that the allegations made in the newspapers are false. I was looking for some specific complaints which have been made and to see whether and what further steps have been taken to remove them. The honourable official member from Sholapur told me that the complaint about the boy being shot was being investigated. But, there is no information till now on that point.

Then, there is another aspect of the case. I was rather amused to read from the *Evening News of India* of the 15th June that there was a question asked in the House of Commons as to whether any of the Europeans lost their property during the riots. The question was very general; "Whether any destruction of European property has been caused?" I do not find a single case of destruction of European property. The only foundation for this seems to be that the kit of one sergeant was burnt. This has been made a pretence for the extension of Martial Law. It is stated in a newspaper: "The D. S. P. intended to see how many shots were fired by this and other sergeants on that particular day". When that kind of enquiry was contemplated, it is a curious

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coincidence that the sergeant's kit was burnt. We are not in a position to ascertain what was the exact position. The miscreant has remained undetected. Especially when the martial law was in force, nobody would dare to set fire to the kit of a sergeant in his habitation. The case is still remaining undetected. There is a great deal of suspicion hanging round this affair.

There is another reason given for the continuation of Martial Law. When the martial law was about to be withdrawn, they have put forth another excuse, *viz.*, the throwing of stones on the soldiers, as a reason for the continuation of it. Respectable citizens and merchants have been sentenced to long terms of imprisonment and heavy fines. Comparing with that a small punishment of Rs. 50 fine was inflicted on persons who were guilty of throwing stones on the troops. This case aroused suspicion and an allegation is made that this was not the work of any outside agency. There is a statement to this effect.

Another reason given is to facilitate getting evidence in the riot case. It is a very dangerous thing in itself, because you want by means of threat or terror of martial law to get evidence. By means of terror, they may be induced to say anything. This is a bad precedent. I do not know whether this is a reason. It is stated that this is one reason for extending the period of martial law. In this way it is just likely false evidence may be got for the conviction of people who have been accused of some alleged crime. The existence of a faction at Sholapur in municipal matters and the facts relating to it may be in possession of the Honourable Minister for Local Self-Government. There is a party against the president of the municipality of Sholapur. Especially they say that witnesses were got from that party for the conviction of the president of the municipality. A curious coincidence is that in the late Hindoo-Mahomedan riot some of those men who had been convicted by the Magistrate had been acquitted by the Sessions Court. The Sessions Judge made stringent remarks against the police. It is curious that these very persons should have been found to be persons who are receiving sentences in the martial law time. That is one circumstance which requires an explanation.

The Honourable the PRESIDENT: The honourable member has spoken for 30 minutes.

Rao Bahadur R. R. KALE: I shall finish soon.

(*After recess.*)

Rao Bahadur R. R. KALE: Sir, I was dealing with the continuance of Martial Law at Sholapur. As I said the prosecution were able to secure evidence owing to the prevalence of Martial Law. On the other hand, so far as the accused were concerned, the complaint is, and as a matter of fact they so stated in the trying court, that owing to the prevalence of Martial Law, there was such a terror prevailing throughout the area that it was impossible for these people to come forward to give evidence. Martial Law is no law. It is perfectly clear that it creates

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a terror among people. Nobody knows; tomorrow he may be hanged. Anybody would naturally be hesitating to come forward and it was obvious that the defence witnesses in the four cases tried in the sessions court were not able to give evidence. The reason given was that in the first instance there was not sufficient time to prepare their case....

The Honourable Sir ERNEST HOTSON: Is the honourable member talking about the case which is now before the High Court?

Rao Bahadur R. R. KALE: I have just received a telegram saying that the High Court has confirmed the sentence on one accused. There is difference of opinion about the others.

The Honourable Sir ERNEST HOTSON: I submit that the case is *sub judice* and should not be referred to.

Rao Bahadur R. R. KALE: I am only referring to the want of evidence in that judicial trial. I want an independent enquiry because I say that after the Martial Law has ceased, evidence would be forthcoming in an enquiry such as I am claiming—evidence which could not be brought then. The result may be one way or the other. I am not commenting upon the decision of the court of trial or the High Court arrived at and the evidence recorded already in the case. They can go on the evidence that is before them. I may point out as to why this enquiry is necessary even from that point of view. I submit, Sir, that this is absolutely necessary.

The Honourable the PRESIDENT: I may inform the honourable member that the merits of the cases are under no circumstances to be dealt with.

Rao Bahadur R. R. KALE: No, Sir, I am not dealing with the cases that are before the High Court. I simply want to point out the handicap that was placed upon the accused because of the Martial Law. I wish to emphasise the fact whether the Martial Law was necessary. In my opinion it was not at all necessary. The accused persons did not get an opportunity to defend themselves, there was no evidence taken and on account of the terror nobody came forward to give evidence. I, therefore, say that the authorities were not justified in continuing the Martial Law. Lastly, I wish to point out that there was no code of regulations dealing with the Martial Law. I beg to submit that when the Hunter Committee's report was out, it was stated that His Majesty's Government had issued orders to the Government of India to the effect that there should be a code drafted as regards regulations, etc. I wish to know whether such a code was prepared or not. But I may point out that people like Maneklal Shah and others hardly knew under what regulations they were tried. There were no regulations available. Such was the difficulty experienced by the accused persons. What has happened is this. Accused persons did not know what was the charge brought against them or under what rule or order they were charged. And further when they were convicted under the Court Martial, there was no appeal at all. Then, what is the remedy for this? There ought to be some remedy. I, therefore, submit that if an enquiry is made then it is certainly possible

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to have more evidence to come to a correct judgment. By doing so, Government may get an opportunity to see if they can remit or reduce sentences. They cannot do so unless they have got material before them and this material can be gathered by an enquiry. A copy of a judgment was asked for by Maneklal Shah from Bijapur but in it only mention was made as regards the regulation, findings and sentence, but nothing further in the judgment. That was only a summary judgment. Supposing Government want to revise the judgment, what material have they before them? If they at all want to collect any material, they will call for information or a report from the very Martial Law Officers who tried the cases. But I submit, Sir, that this material will be of no use. Therefore, I do think that an enquiry such as I have suggested is absolutely necessary. Sir, I shall only conclude by repeating what I said at the outset that now is the time to show some sympathy on the part of Government, some overt act if they do want to create a feeling of ease and goodwill. The time is very limited and I do not wish to dilate much on this subject. But I may assure Government that peace and goodwill can be secured by the appointment of an enquiry committee.

Khan Bahadur H. P. CHAHEWALA (Ahmedabad District): Sir, I rise to a point of order. I submit, Sir, that the latter part of the resolution is not in order. In view of the fact that it affects judicial decisions and the course of justice, I submit that the words "to direct that no death sentences should be executed" should be omitted from the resolution.

The Honourable the PRESIDENT: How is it out of order?

Khan Bahadur H. P. CHAHEWALA: It is out of order, because it interferes with the decision of a Judicial Court. That portion asks for the postponement of the death sentences.

The Honourable the PRESIDENT: The Judicial Court ceases to function after giving its judgment. The question of executing that judgment is a matter in the hands of the Executive Government.

Khan Bahadur ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities): Sir, before I proceed to discuss the resolution on its merits, I crave the indulgence of the honourable House to allow me to give a summary of the unfortunate happenings at Sholapur.

The members of the Congress Committee, and their sympathisers, took part in Mr. Gandhi's movement in one way or another and there being no coast line, in these parts, no occasion for breaking the Salt Act arose.

A few of the Congress volunteers started for Poona, Ville Parle, Ratnagiri and Bombay to break one law or the other.

Contraband salt was imported from Bombay and was freely sold.

During the month of April meetings were convened almost daily and fiery and inflammatory speeches were delivered. Processions big and small were daily led by volunteers clad in khaddar with the "National" flag. It can be said that much latitude was shown by the authorities in these respects with the result that there grew a tendency amongst the

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population of defiance. The agitators got hold of the mentality of the people.

The spirit of defiance rose to the highest pitch. People got defiant and hot-headed. Here the work of the agitators was done. The ground for mischief was prepared. At this moment, news of Mr. Gandhi's arrest reached Sholapur. On Tuesday, the 6th May, Hartal was observed in the mills and the bazaar. On Wednesday, the 7th of May, when other mills started working, millhands from the Sholapur mills, instigated by the Congress, struck work and forced other mills to close down. A large crowd of some thousands assembled. A small party of police with the sergeants and the District Magistrate and the District Superintendent of Police arrived on the scene. The police tried to disperse the mob, stones were hurled at them, even the District Magistrate and District Superintendent of Police were stoned, who very calmly and cautiously pacified the mob, notwithstanding the wounds they received from the stones. The mob then burnt the tubs, barrels and also the contents of the liquor and the toddy shops in the city, and burnt the thatched roof of the municipal naka. In the afternoon the District Magistrate was assured by the leaders that there would be no further trouble. On Thursday, the 8th May, a crowd went to cut the toddy trees about a mile from the city. The District Magistrate and the District Superintendent of Police received news of the cutting of toddy trees and they arrived on the scene with available force of armed police. Here I cannot but mention the fact that the strength of the armed police is comparatively so insufficient as would bring the District Magistrate, the District Superintendent of Police and other Government servants and the public peace and property in the greatest danger. The District Magistrate and the District Superintendent of Police continued to be attacked on the waterworks road. Though two shots were fired, half an hour or more elapsed before the crowd had to be finally dispersed by firing. Although the District Magistrate very calmly and cautiously managed the mob, which increased to about 10,000, both the District Magistrate and the District Superintendent of Police were in danger of being assaulted and done to death, had the District Magistrate not ordered firing. The mob then killed two policemen and burnt them, and then set the Civil Judges' courts on fire. I do not want to relate the pathetic story of the burning of the policemen. It further went on destroying police chowkies and beating the unarmed police. The stone throwing on the civil and railway line bungalows was not stopped, and the lives of children and the wives of Europeans and Anglo-Indians seemed to be in danger. A small party of railway auxiliary force came to the help of the armed police but that too was found insufficient. The mob seemed to be calm for some time, but the calmness was not real. Taking the situation into consideration, the District Magistrate wired for a strength of military troops. Although, 400 troops arrived, the mob seemed to defy them, and section 144 of the Criminal Procedure Code was promulgated by the District Magistrate.

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People gathered in numbers and burnt the clothes and furnitures from the police chowkies. The detachment doing patrol duty tried to disperse the mob. There seemed to be no other alternative but to ask for some more military strength. Civil administration was paralysed. Even traffic was controlled by the Congress volunteers, and it seems that the *panchnama* of a dead body was signed by the president of the Congress Committee. All civil authority was assumed by the Congress Committee. They had appointed their own executive officers such as District Magistrate and District Superintendent of Police, Inspectors, Sub-Inspectors and so on. They had also hoisted their National Flags on almost all the police chowkies. People began to think that a new Raj had supplanted the British Raj. These riots appear to be the outcome of a deliberate and well organised plot. An atmosphere was produced which not only made it essential to remove the European women and children, but also made it impossible to employ the ordinary police to restore control under civil administration, and when the civil authorities were unable even with military aid to restore order and peace, they had to request the military authorities to undertake the duty of restoring law and order. The most important feature is that the Mahomedan community as a whole have not taken any part in the movement and have kept aloof from these riots.

It is quite true that the Hindu community made strenuous efforts to persuade the Moslems to join them but without success. The Bakri-Id and Mohurrum festivals had fallen during the martial law regime, and had passed off peacefully. Looking to the seriousness of the situation, the leaders of the Moslem community decided voluntarily to sacrifice their rights in regard to the holding of the usual processions, and so these were not held.

I wish now to refer to one or two points in connection with the enquiry proposed by the honourable member. Personally, I have no objection to the enquiry being held but after the thorough and searching investigation made by Government into the causes of the riots, no fresh enquiry is necessary. Indeed, I am one of those who believe that a fresh enquiry immediately after the removal of martial law is calculated to do more harm than good. An inquiry at present would interfere with the cases arising out of the riots. Government could not put up evidence which it may be going to bring into court. So also, the defence could not disclose the defence evidence before the time comes for defence in court.

If the House will allow me, I propose to recite a few facts which ultimately made the introduction of martial law an imperative necessity and which will throw a good deal of light on the mentality of the Sholapur mob. After the arrest of Mr. Gandhi, what was called a non-violent civil disobedience movement was skilfully turned into a violent, lawless and defiant attitude on the part of the mob. The spirit of defiance rose to such a pitch that not only the mob brutally murdered two policemen on duty, but set all the civil court buildings on fire. On the 8th of May not only was the whole police force on duty all too insufficient, and the District Superintendent of Police and District Magistrate were in danger

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of being assaulted and cruelly done to death, but all the European residents were in danger of losing their lives. Honourable members can themselves imagine what the tension of the public feeling was when I assure them that the mob led by the Congress people were not only not afraid of the military that was brought to the aid of the police to keep life and property safe from the hands of the hooligans, but they actually began to control the traffic, thinking that the civil administration had been completely paralysed. It was at this juncture that the martial law was introduced, which had the desired effect, i.e., the violent and defiant spirit of the mob was checked, and peace and quiet began to reign. After the martial law was introduced, almost all the culprits absconded into the neighbouring territories and are still at large. Investigation is going on and only a few of the culprits have been caught hold of.

Now, if you pass the resolution, one of the effects will be that the sentences in the cases of murders of the policemen will have to be held up for a considerable time. The trial of these people has been gone through in the usual systematic procedure, and if the present sentences are confirmed by the High Court, there is no earthly reason why the culprits should not have the punishment meted out to them. If the sentences are withheld for a considerable time or postponed, the culprits who have absconded will read into such a procedure a slackening of the control by the authorities which will prove disastrous to the best interests of the peace of the town. No one can say with certainty at this stage that the spirit of defiance and hooliganism which was once checked by martial law has yet disappeared and there is no knowing when it may relapse if a slackening of control is shown by the authorities. Is the honourable member from Satara who proposes the resolution prepared to take the responsibility for such a course? And I do not think the House will take that responsibility.

Speaking for myself—and I speak with a full sense of responsibility—I am not inclined to give my assent to a course which is fraught with such awful possibilities.

I would seriously urge upon the attention of the Government and this honourable House, with all the emphasis at my command the urgent need of bringing the police force at Sholapur up to the safety level without any further delay. I request the Honourable the Leader of the House to move the Government of India that the town of Sholapur should be made a small military station. My honourable friends of the Nationalist party who were ever ready to support any cut in the police grant have a lesson to learn from these incidents.

Without sufficient police force, no law and order can be maintained, which is the first and foremost indispensability. When once respect for law is allowed to be pooh-poohed no constitutional Government is possible in any country, much less in a diversified continent like India.

Before I conclude, I cannot but refer to the admirable way in which the officials of Sholapur have handled the situation. I wish particularly to express my sense of appreciation of the tact and coolness of head shown by Mr. Knight, the Collector of Sholapur, under very trying

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circumstances. Those of us who were eye-witnesses to the events of the critical days prior to the introduction of martial law can testify to the high sense of duty and the utter disregard of self he has shown on the occasion. He has worked day and night and never spared himself.

My honourable friend Mr. Salgar who represents Sholapur city Non-Muhammadan constituency and Mr. Ligade, the representative for Sholapur district also hold the same view as I have just now stated.

Thus you will see, Sir, that all the members of the Sholapur constituency unanimously oppose the resolution.

I oppose the resolution.

Mr. R. G. PRADHAN (Nasik District): Sir, I rise to support this resolution. I am somewhat surprised to hear from my honourable friend who has just sat down that the honourable members representing the City and District of Sholapur are opposed to this resolution. It no doubt makes the position of those who do not represent those constituencies awkward. Nevertheless, the matter has got to be considered not from the point of view only of the City or District of Sholapur, not from the point of view of my honourable colleagues who represent those constituencies, but from the point of view of the public at large, and I should have thought that, having regard to the very great importance of the happenings at Sholapur, the Government would have forestalled this resolution and of their own accord appointed a committee of enquiry to investigate and report on all that took place in the City of Sholapur. There can be no doubt whatever—even my honourable friends who think that they are justified in opposing this resolution will agree with me—there can be absolutely no doubt whatever as regards this point, viz., that all that took place in Sholapur was of such high importance that an impartial and thorough enquiry is absolutely called for in the interest of the general public. In the first place, we all know that different versions have been given to the public as regards what actually took place in connection with this matter. Some papers give one version; other papers give another version; a third version is given by some other paper. You have got these different versions with different variations amongst them. Therefore, does it not follow from this that we, this legislature and the general public are entitled to know what the facts are? The first essential thing is the ascertainment of facts. My honourable friend to my right may be right. My honourable friend the Leader of the House may be right, absolutely right, in what he is going to tell us. I am glad to see that my honourable friend Mr. Knight is here, and probably he may be able to enlighten this House, though I do not know how he can approach the matter from a detached point of view and give us his version from an absolutely impartial point of view. All the same, he may be right in what he has got to say. Nevertheless, these different versions and these different stories make it all the more necessary that the truth and nothing but the truth and the whole truth ought to be known, and this House and the public and the country must be in full possession of the facts and nothing but the facts. Therefore, from this point of view that, in the first place, we must know the facts, it is absolutely

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necessary that an independent and thorough enquiry should be made as has been suggested by my honourable friend.

Sir, naturally, I have been trying to find out what has actually happened in connection with this matter, and though I speak subject to correction and subject to reconsideration in the light of any facts that may be hereafter adduced or in the light of the result of the enquiry, assuming that such an enquiry is instituted by Government, I have formed certain impressions, and some of those impressions I want to place before this honourable House, in order to justify my contention and the contention of my honourable friend from Satara that such an enquiry is absolutely necessary. Sir, I speak with every respect for the District Magistrate and the District Superintendent of Police who were there at the time. But they will excuse me if I venture to express my opinion that, to me at any rate, they seemed to have lost nerve, to have lost their coolness, their courage, which they ought to have shown as District Magistrate and District Superintendent of Police, and I shall illustrate what I say. I understand that some people went to cut toddy trees to a place at some distance from the residence of these officers, and that the District Magistrate and the District Superintendent of Police went there. In the first place, I have my own doubts as to the wisdom of the District Magistrate accompanying the District Superintendent of Police at that time to that place. Well, they go there; some people are arrested. I have my own doubts as to the wisdom of those people having been arrested at that time. The District Magistrate and the District Superintendent of Police ought to have anticipated that if those people were to be arrested large crowds of people who would be opposed to that action would be there, and particularly in view of the fact that the District Superintendent of Police and the District Magistrate had not been accompanied by large numbers of police, the situation might become so serious that they would find it extremely difficult to extricate themselves from it. Very well. These people are arrested. They come back. Then, while they are coming back, a large crowd collects, and some local leader makes a request that these people who are arrested should be released, and then the trouble will be over, the crowds would disperse, and so on; and, to my extreme surprise, the District Magistrate and the Superintendent of Police agreed to release these arrested people. I would say subject to reconsideration of the result of the enquiry in this important matter, that the District Magistrate and the District Superintendent of Police were not justified in releasing those people at that time. That shows that they did not rise to the occasion; that they did not show that amount of courage which they ought to have shown. Either these people ought not to have been arrested at that time or, having been arrested, they should not have been released at that time. The result was that the people thought that the local officers were getting weak and unnerved. When the mob found that the local officers responsible for the maintenance of law and order were losing nerve, were getting unnerved, they felt emboldened to commit excesses. With all due deference to the honourable member Mr. Knight and the District

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Superintendent of Police, I do not think that the steps they took were proper. My impression has been that they lost their nerve with the consequence that the people thought that the local authorities were becoming weak, and they took into their heads to set fire to the office of the District Judge and committed excesses which I am sure every honourable member of this House will strongly condemn. I will make a present of what happened at Sholapur to those who are responsible for this civil disobedience movement. I will tell them that in the name of non-violent civil disobedience excesses of an extremely violent character have been committed. I will place this as an illustration before Mahatma Gandhi, if I am given an opportunity by Government to meet him. My point is that these officers did not show that nerve and that courage which the situation demanded.

Then, Sir, another point which has got to be considered is this: whether the transfer of authority from the civil to the military was at all justified. That is a point which must be investigated. My own impression is that if these district officers had not lost their nerve and had shown a greater sense of courage, probably the situation would not have become so serious as to necessitate the transfer of authority to the military. Personally I think, as I have stated, from the facts as they have appeared in the newspapers, that it would not have been necessary, and that the transfer of authority to the military was not justified.

Then, Sir, we also read in the papers that unjustifiable excesses were committed after the promulgation of martial law. That is also a matter which may be investigated. All these are things which require an independent and impartial enquiry. I do not see any reason at all whatsoever why anybody, either on this side or on the side of the House, should take the slightest objection to the enquiry being made. On the other hand it appears to me that it is the primary duty of Government themselves in such an important matter to institute an enquiry, to find out the actual facts and place them in possession of the public. If as a result of the enquiry the facts are that the local officers have done nothing wrong, then it would be clear that the local officers were justified in asking the Government to transfer the authority from the civil to the military. I submit, therefore, that every argument of reason is in favour of such an enquiry being made. I am surprised to find that my honourable friend Khan Bahadur Abdul Latif though he commenced his speech by saying that he personally had no objection ended his speech by opposing this resolution. (*Khan Bahadur Abdul Latif Haji Hajrat Khan*: It is my personal view.) Certainly we want your personal views and not your inspired views. Personally he has no objection to such an enquiry. I do not understand his attitude at all. I am bound to say that I strongly request honourable members on this side to look at this matter from the broad point of view of the public. I submit, therefore, that my honourable friend from Satara (Rao Bahadur Kale) has made out a strong case for the institution of this enquiry and I do hope my honourable friend the Leader of the House will willingly and gladly consent to the enquiry.

Khan Bahadur H. P. CHAHEWALA (Ahmedabad District): Sir, anybody that opposes the enquiry is likely to put himself in an awkward box and is likely to be misunderstood. The Government may oppose the enquiry with the best of motives and yet they may find themselves in an awkward box, because there would be always evil-minded people ready to say that Government have got something to conceal from the enquiry and therefore they are opposing it. There is another aspect of the matter. The consequences of such an enquiry are likely to do more harm than good. Take for instance the Bombay Riots Enquiry Committee.

An honourable MEMBER: It is no parallel.

Khan Bahadur H. P. CHAHEWALA: No doubt it was communal. But it did more harm than good. Therefore, in view of the fact that several cases in Sholapur are pending, in view of the fact that many criminals are absconding and have yet to be arrested, if an enquiry is to be instituted, the committee will be hearing evidence on one side and the police will be investigating and marshalling evidence on the other side. These two things cannot be done side by side. It seems that things are likely to be mixed up with no advantages to either side, either the enquiry tribunal or the investigating officer.

I would refer to another thing. I would like to picture the honourable member Mr. Pradhan as either the District Magistrate or the District Superintendent of Police at Sholapur. I would then expect him to show the courage and the responsibility which it is easy to speak about under electric fans in this Council Hall. It is very easy to criticise Government. The officers at Sholapur were placed in most difficult circumstances. Mr. Pradhan says that the cutters of toddy trees should not have been arrested. They were doing an unlawful act; they were defying authority. Even if they were arrested, if the crowd was turbulent, if a certain tactful attitude was assumed for the time being and they were released, then he considers this as a lack of nerve. I think these are the most uncharitable remarks I have heard in my life directed towards officers who did their duty so well in most difficult circumstances. As I said, it is quite possible that anybody who opposes this enquiry is likely to be misunderstood, but there are certain consequences which would ensue if an enquiry was held and which would be more harmful to Sholapur and the country and no advantage would be gained.

Mr. H. F. KNIGHT: Mr. President, I realise that I am practically on my trial to-day and propose to be frank in dealing with the recent happenings at Sholapur, except, of course, in the cases of persons who have already been accused or at some future date may be accused in criminal proceedings in connection with the recent happenings. That means that a large number of the charges that have been made by the honourable member from Satara (Rao Bahadur Kale) I cannot answer as the matters are *sub judice*. Any expression of opinion, one way or the other, would be most unfair to both people who are complainants and also to people who are complained against.

It might perhaps be well to repeat to-day briefly as far as I remember them, events in Sholapur from the 7th May and the House will perhaps

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forgive me if I say that my recollections are not as detailed and accurate as I could wish. The reason perhaps is obvious.

On the morning of the 7th May I found a large crowd of millhands assembled outside one of the mills and throwing stones at the District Superintendent of Police and a small body of armed police. After a considerable time the crowd eventually went away. No force was used at all. The reason given me for the crowd going was that their leaders had come at the other end of the road. After we had had our injuries treated at the mill hospital I went back to my own bungalow and sent for various non-officials, and then a liquor shopkeeper came and told me that the crowd had wrecked his shop. I went down to the shop, found it wrecked and issued orders for a valuation of the damage to be made and then went back to see the non-officials again. The District Superintendent of Police then informed me that the crowd was destroying the liquor and toddy shops in the city. I went out with the police but we arrived too late at the liquor shops except in one case where the crowd was dispersed by the police. Incidentally we had to rescue one man in a Gandhi cap who was being attacked by persons who objected to their liquor shop being burnt and I think a communal clash was very narrowly averted. That afternoon local leading gentlemen assured me (one of them was a trade union leader) that there was absolutely no chance of any trouble occurring the next day.

At half-past ten the next day the District Superintendent of Police informed me that a crowd of about 200 people with ropes and axes had set out to cut toddy trees. The District Superintendent of Police and I with a few police went out to the place a mile or more north of the city.

Rao Bahadur R. R. KALE: May I know whether the toddy trees belonged to private persons or Government?

Mr. H. F. KNIGHT: Practically all toddy trees round Sholapur are rented by Messrs. Boyce, but some of those cut belonged to an Estate under the Court of Wards.

We then arrested some people. On our return we found the road blocked by a large crowd, including a lorry full of men armed with lathis coming up. Well, I tried to get back to Sholapur but the crowd began to stone us heavily. After continually warning the crowd I ordered 2 rounds to be fired. One wounded man was picked up and we got on a short distance but the crowd—about 10,000 strong—still continued to stone us and blocked the road with large water pipes three feet in diameter. It was only when it was quite clear that they were not going to let us through that I had to order fire again. And then fire had to be effective. After we had got into the lorries, we had to stop to prevent the crowd murdering the excise inspector, who was following us. Again the crowd had to be dispersed by firing. I then got back to the station, sent two wounded rioters to the hospital and went to my bungalow. I had hardly got there when I received news that the police were being attacked in the city. We then went to the city but found no crowd. We found the partially burnt body of a Head Constable on the road at the main

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cross roads of the city. We could do nothing there and followed the route the crowd was said to have gone in the hope of preventing further outrages, and found the sessions court on fire. I am thankful that there was no crowd there. Then I believe the rioters were as a matter of fact hiding in the cactus hedges. I had with me armed police who had just seen the corpse of the murdered Head Constable and 3 men of the A. F. I. with a Lewis gun. Had the crowd then attacked us, there would have been very considerable bloodshed. After this it appeared to me that it was desirable to take steps to protect other inhabitants and I began to take the necessary measures. During the afternoon the police were again attacked when on patrol. The District Superintendent of Police on 3 separate occasions had to order firing by the police with him, at the Session Court Naka, in Chatte Galli, and at the Pinjrapole. The Inspector of Police found the road in the retail grain bazar blocked by bags of grain and the police were stoned when removing the bags and the Inspector had to order firing. Also during the afternoon on that day the Police had to remove police guard from the Imperial Bank and the police from the City Police Station, as I did not consider I should be right to risk a repetition of Chawri-Chawra or Malegaon.

Rao Bahadur R. R. KALE: I hope the honourable member will speak a little louder. I cannot hear him.

Mr. H. F. KNIGHT: I now come to the period which it appears that the reports in the newspapers refer to. I must admit that I am convinced that on one occasion—near the Maconochie theatre—on the afternoon of the 8th some policemen fired without orders, and also that such was possibly done on two other occasions at other places. Regarding the case of Mr. Ranade's son, who undoubtedly was shot on this day, I am extremely sorry that Mr. Ranade lost his son. But the letters complaining that he could get no inquiry made are not correct. The delay was due to Mr. Ranade's refusal to come to lodge a complaint with the District Magistrate and it was only after an ultimatum from the District Magistrate that if he did not appear, his statement would be assumed to be without foundation that Mr. Ranade came to Sholapur on the 29th of May. Since then I have seen Mr. Ranade about twice a week and I am still in communication with him on the matter as the matter is under inquiry under section 202, Criminal Procedure Code, I can say no more about it. As regards other persons mentioned in the local newspaper, I have taken or had taken statements from everyone whom I could get hold of. Some of the statements appear to be correct, others appear to be false. But as I have already stated I am still making enquiries into these cases, and it will take some time to get all the evidence. If necessary I shall ask for a special officer to investigate into the matter. If the honourable mover of the resolution will not mind my saying so, I may tell him that we are far more likely to collect reliable evidence in this way than by the appointment of a public enquiry committee. I will give my own experience in inquiring into these cases. There are many

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persons who are not willing to admit anything at all, when asked about the matter and I do not think that they will be willing to appear and give true evidence about the facts in the open enquiry committee. As far as I am concerned, I may say that I am enquiring into the matter and am trying to get whatever information I can. There is one case to which perhaps I should refer. The nephew of Mr. Maneckchand Shah was undoubtedly shot dead, but he was not shot by any Government ammunition.

Rao Bahadur R. R. KALE: Is there any *panchnama* made about his death?

Mr. H. F. KNIGHT: The Mamlatdar made a *panchnama* and sent the body to the hospital.

In the afternoon of that day I sent another Magistrate to hold an inquest on another body, but he was threatened by the crowd and had to return and I was not prepared to risk the lives of Government officers on the very next day of the policemen's murder. This is the reason why no more *panchnamas* were held.

I must refer to another matter as much has been made of it. That is the rumour that European sergeants were responsible for many atrocities. No revolver bullets were found among the bullets taken from the bodies of injured or killed. In the case of Maneckchand Shah's nephew, on the morning of the 9th, telegrams were sent to the Viceroy, to the Governor of Bombay, to the Commissioner, etc. that he had been murdered by a police sergeant. At six o'clock that evening the boy's uncle and his friends came for me to take their evidence, but none of them made any suggestion that they knew who fired the shot or that it was a sergeant who had killed the boy.

That is the position as far as I am concerned. I have described the position as well as I could. Things at present are settling down and I am doing my best to get justice done.

Perhaps I should explain why I thought it necessary that martial law should be put in. As I saw the position on the 12th of May, it was clear that an organisation existed which was capable of raising a mob several thousands strong, prepared to attack me and my 25 armed policemen, to murder unarmed police and to burn the courts and as yet nothing had been done to deal with this organisation. In view of the murders I could not put unarmed police back into the town without their having adequate protection. As the District Magistrate, I was not prepared to take the responsibility for their lives unless I could protect them. That is a matter of opinion. But the existence of an organisation capable of murdering policemen is a matter of fact.

Further, the behaviour of the crowd between the 8th and the 12th May made it abundantly clear that despite the presence of the military the crowds were prepared to defy the orders made under section 144 of the Criminal Procedure Code. That is also a matter of fact and there is no question about it.

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The fourth point is that motor patrols would not prevent the formation of crowds. This also is a matter of fact and not one of opinion.

On the 11th, a police station within 200 yards of a military post, was looted and its contents were burned on the road. That again is a matter of fact.

It appeared to me desirable that the murders and rioting should be investigated as soon as possible, and it was obvious that the police could not make this investigation safely or carry on their ordinary work safely, in such a state of affairs. On the 11th I was told there was a meeting outside the Congress House in Sholapur where threats were made to kill policemen.

In the circumstances then existing, I was not prepared to risk the lives of the unarmed police who were in my charge, and I am not prepared to change my opinion that I was right not to risk the lives of my subordinates. Not only was there the trouble at Sholapur, but I had had to withdraw the police from Walsang village because a crowd threatened their lives and I had had to warn the Police at Barsi to be prepared to evacuate, because I could not reinforce them,—a mob at Barsi had threatened to kill all the Police and Magistrates—at Pandharpur there were certain agitators whose prosecution had been decided upon, but owing to lack of police action could not be taken. The police force at my command not only had to look after Sholapur town, their services were also needed at Valsang, Barsi and Pandharpur. I had only some sixty armed police to do all this.

Could it have been done? That is a matter of opinion. The military officer commanding required 600 men before he could take over charge of the town; we had sixty. Certainly they were not enough to deal with three outlying towns in addition to Sholapur. Further the military could not be used to take the place of police or for patrols. They can be used only when the police can no longer control the situation. It was impossible to keep military posts in the city unless and until I, as District Magistrate, was prepared to admit that the Civil authorities could not carry on. It was not a very pleasant decision to make. Now, the reasons which helped me to decide my action were these. I considered for some time whether I might not be able to carry on with the police force at my disposal, but I came to the conclusion that to do so would be only endangering the lives of my subordinates. I do not know, Sir, whether you ever have had to follow up a wounded tiger. I assure you, Sir, that following a wounded tiger is nothing to going round the town of Sholapur with a small body of police never knowing when you might not have to fire against a crowd. If you were following a wounded tiger, you could at least shoot at it as soon as you saw it. When, however, you are going round the town with an inadequate weapon of police, you have to wait and wait patiently before you can take any effective action at all. Now, if you have a small police force and it is attacked from four sides, no officer could control their firing on all sides, and there is not the slightest doubt that there

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would have been a very large number of people killed. Even if I had put in a police post, they could only have controlled a very small area. As regards my honourable friend Mr. Pradhan, we have known each other some years and I admit I should pay more attention to his criticisms if he had accompanied me in Nasik when I went to shoot panthers among the hills of Satana and he had learnt what a ferocious animal a panther may be. My honourable friend Mr. Pradhan perhaps may not know how difficult it is for an ordinary man to give the order to the police to fire on a mob; it is extremely difficult. It is not a thing that any officer undertakes lightly. Any one who had seen the situation would appreciate my intense desire to avoid any further firing in Sholapur. If the inadequate police force had been put in the town, there is no doubt they would have been attacked, and there is no doubt that firing would have been necessary. Therefore, unpleasant as it was for an officer to have to admit that he could not control his district with the inadequate police force he had at his command, the only course was to consider both the lives of the police and the lives of the inhabitants of Sholapur. If I handed over control to the military, the military would be in sufficient force to make it unnecessary for them to take any action that involved shooting the inhabitants. It was for this reason that I handed over control to the military. People say, "The District Magistrate ought to have kept control with the aid of the police." I do not agree with that view. If I had not handed over to the military, then I consider I should have run the risk of killing far more people than have been killed. Whether my decision was right or wrong, every one of course is entitled to form his own opinion. Personally, I have still no doubt that, in the interest of Sholapur City, there was no alternative course to take. Remember that many people have been sentenced, imprisoned and fined by the Military Court, but that not a shot was fired by the military nor any one killed by the military. To my mind, it is better to be imprisoned than to be dead; but that again is a matter with regard to which every one is entitled to form his own opinion. If I may go on still further.....

The Honourable the PRESIDENT: The honourable member may continue. It is an important matter to be placed before the House.

Mr. H. F. KNIGHT: After the military force was brought in, there have been allegations of rape, assault and robbery. As District Magistrate, I should be failing in my duty if I did not investigate any such allegations made to me. I have not received a single complaint of rape or assault. I am unable to find any grounds for these allegations. I have not heard of a single name, a date or place. Thefts I am not prepared to deny there were. There is one case I know of, which was put down to the military, but it was discovered that a Chamar was committing the theft. In another case, a shop was deliberately broken into from the inside by the owner or some one else, to give the impression that theft had been committed by the troops. Remember, on account of the events of the 8th of May, it was impossible for the police to resume their ordinary duties until the 20th; and, at any rate, a certain amount of

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local opinion ascribes these thefts to the fact that the owners of shops left the city leaving the shops in charge of their servants. But I may assure honourable members of this House that if any complaint of theft has been made by anybody, it has been investigated.

Sir, the honourable member's resolution touches another subject, viz., the extent of the damage caused to property and the extent of loss of life. Government have already published the numbers of killed and wounded, and returns were submitted to me from all medical practitioners and the chief Vaidis of the town, and as far as I am able to get them, the figures are accurate. As regards the damage to property—under the District Police Act, that is enquired into by the District Magistrate and the District Magistrate is not responsible for the extravagant claims put in by members of the public—the claims amount to Rs. 55,00,000. Of course, after investigation they will undoubtedly be reduced a great deal. When, under the District Police Act the District Magistrate has to hold the enquiry into these claims, it is a question how far the High Court Judge, who is to be the President of the Commission demanded in the resolution, would appreciate the District Magistrate delegating to him the duty of the District Magistrate under the District Police Act. I merely mention this to point out that the matter of damage to property is already under enquiry in the ordinary course of business. But the investigation of 277 claims is going to take some time.

The resolution further wants an enquiry into the origin and the causes of the happenings in the city of Sholapur on the 7th of May and onwards. Again, I am hampered by the fact that the matter is *sub judice*. A case involving conspiracy starts for trial to-day in Sholapur. I cannot comment on that, except I think that I am entitled to say that if the evidence is correct, it will prove that there was an organisation at the bottom of the disturbances of the 7th of May and the subsequent actions of the mob, and that there was nothing spontaneous about them. I cannot say anything more than that. I may now just briefly deal with some of the remarks made by honourable members hitherto.

The honourable member from Satara complains that serious allegations have been made by responsible persons. That is quite typical—serious allegations by responsible persons. There were "serious allegations" by one person who also relates how I myself went round with a machine gun shooting people like birds on trees! The only serious allegations I can find are from people who have been injured in the riots. I should be very grateful as District Magistrate if the honourable member Rao Bahadur Kale or any one else can put me in possession of any other evidence which would show what actually happened. Doubtless it is a point for criticism, that in the first communique, it was stated that there was no firing by the police without orders in the afternoon of the 8th of May. Until I got back to Sholapur at the end of May, I certainly believed this was true, and investigation has taken time. Even the day before yesterday I got evidence as to one such instance. I have already admitted that on one occasion the police probably fired without orders in the afternoon of the 8th, and quite possibly on two others. The

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honourable member further stated that the trade of Sholapur was paralysed for a month and a half by the continuance of martial law. If the honourable member had come to Sholapur and seen things for himself, he would have found business going on as usual and the mills working with their normal numbers. I admit that a good many people have not yet returned to the city. I should hesitate to attribute their absence to guilty consciences.

Rao Bahadur R. R. KALE: Many traders that had left the city have not yet returned back.

Mr. H. F. KNIGHT: As I say, I should hesitate to attribute their absence to guilty consciences.

Now, I come to some minor inaccuracies in the statements made by honourable members. Persons were not tried summarily by a military officer. The Additional District Magistrate was a member of the military court.

Rao Bahadur R. R. KALE: As an officer or as a regular member of the court?

Mr. H. F. KNIGHT: As a civilian officer with judicial experience who was a member of the court.

Rao Bahadur R. R. KALE: Who is that?

Mr. H. F. KNIGHT: Mr. Kothavala.

Though I was not at that time in Sholapur, so far as I know, the conviction of Mr. Shah has nothing to do with national flag.

Rao Bahadur R. R. KALE: Regulation No. 11 deals with that.

Mr. H. F. KNIGHT: The regulation No. 11 reads as follows:—

No person shall display the congress or so called national flag or similar emblem, commit any act or be guilty of any omission—

(a) which is to the prejudice of good order, or of the public safety, or

(b) which is calculated to mislead or hamper the movements or imperil the success of His Majesty's Forces, or

(c) which is likely to be interpreted as meaning as that person is performing or pretending to perform any duty or duties normally performed by persons appointed by constituted authority, himself not being appointed for the performance of that duty.

Maximum punishment 10 year's rigorous imprisonment and fine.

Rao Bahadur R. R. KALE: It includes the hoisting of national flag also.

Mr. H. F. KNIGHT: Section 11 does not entirely deal with it. He was convicted, I was told, for giving false information to the military authorities.

Rao Bahadur R. R. KALE: It is under section 8.

Mr. H. F. KNIGHT: This is what I was told had happened.

I absolutely do not believe that the police took action against Mr. Shah because he came and complained to me about his nephew. Mr. Shah came and told me, and I made enquiries that very afternoon.

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Then, the honourable member urges that a non-official body should revise the decisions of the honourable High Court. I was particularly surprised to hear that suggestion from an honourable member of such legal experience.

Rao Bahadur R. R. KALE : Non-official judicial members who may be chosen.

Mr. H. F. KNIGHT : To sit in judgment over the decisions of the High Court and interfere with their powers seems to be unusual to me.

My honourable friend Khan Bahadur Abdul Latif has told the House that the people of Sholapur do not want an enquiry. The honourable member representing Sholapur District says that the people of Sholapur do not want an enquiry.

Then the honourable mover referred to flaws in my own action. He is perfectly entitled to have his own opinion. I am prepared to stand by my own.

Rao Bahadur R. R. KALE : What about Mr. Lalji's negotiations and the agreement reached on the 12th ?

Mr. H. F. KNIGHT : Mr. Lalji never came to see me.

Rao Bahadur R. R. KALE : Perhaps he saw Mr. Mackie.

Mr. H. F. KNIGHT : I know nothing about it.

There are various stories of Mr. Lalji's visit. The honourable member Mr. Pradhan referred to "unjustifiable excesses after the promulgation of martial law." Will the honourable member point to one concrete instance in detail which I can investigate ?

Mr. R. G. PRADHAN : I referred to the general statements which are made in the press as to martial law not being enforced properly. I am not prepared to say they are correct. They are what appeared in the papers.

Mr. H. F. KNIGHT : Will the honourable member give me any date, any name, any time of any instance which will justify the charge that unjustifiable excesses had been committed ?

Mr. R. G. PRADHAN : I stated that these statements appeared in the papers and therefore it was necessary to examine them and find out what the facts were. I never made any allegation. I do not know personally what the facts are.

Mr. H. F. KNIGHT : Then, the honourable member made charges, but he will not quote any concrete instance, which I may investigate.

Mr. R. G. PRADHAN : I was trying to make out a case for an enquiry. My statement was that there were good arguments in favour of an independent enquiry. I stated that the result of the enquiry would remove the incorrect impression created in the mind of the public and they would be in possession of facts.

Mr. H. F. KNIGHT : I have only one other remark to make. I would most earnestly request the Council to think carefully before it criticizes the conduct of the police. I would request each honourable member to

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imagine himself in the position of a police constable in Sholapur on that afternoon. I would ask him to think over how he would have felt. The police had been stoned for an hour the day before, again attacked that morning, had seen the murdered body of their comrade lying half burnt in the public street, and had again been attacked during the afternoon. What happened at Sholapur may reflect no credit on my administration, but having seen the conditions that day, I am surprised that the casualties were not many times greater, and I congratulate the police of Sholapur on their conduct during a most difficult period.

Rao Bahadur S. T. KAMBLI: Is it true that a boy was shot by the Superintendent of Police on the first day of the riots?

Mr. H. F. KNIGHT: Not a single shot was fired on the first day.

Mr. P. R. CHIKODI (Belgaum District): Sir, I rise to support the resolution moved by my honourable friend Rao Bahadur Kale. The facts mentioned by the honourable member the Collector of Sholapur are a clear evidence why the enquiry is necessary. I would put it to the Government whether an enquiry held by the officer who was directing the police actions would ever be successfully and without any impartiality conducted. Is there no difference between the two enquiries,—an enquiry held by the Government who is itself on its own trial and an enquiry conducted by a non-official body? The latter would be in the interests of Government and their officers. I would therefore request Government to allow an enquiry to be held and have the matter cleared up. It is a fact well known throughout the Presidency that serious allegations have been made secretly or openly. Whether they are justified or not is another matter. It is absolutely necessary, in the interests of Government themselves, that such an enquiry should be held. We are not here to say either that the actions of the Collector and District Magistrate or of the other officers were wrong or that the actions of the crowd were right. The crowd might have been in the wrong or the Collector or Government might have been in the wrong. It is to find out what the true facts are that this enquiry has been demanded. It is a modest demand and therefore I appeal to Government that they should forthwith accept the resolution. The resolution may be modified. For example, clause (b) requiring the committee to ascertain the loss to life and property may be omitted. But all the same it does not mean that the enquiry should not be held. An enquiry is absolutely necessary. I therefore support wholeheartedly the resolution moved by the honourable member from Satara (Rao Bahadur R. R. Kale).

The Honourable the PRESIDENT: The position is that if honourable members insist on addressing the House on this subject, I shall have to stop all discussion at 7 o'clock and adjourn the House as the period of private business must stop at 7 to-day. The honourable mover must have a minute or two if he has got to say anything; then the Honourable the Leader of the House may have to reply. All that has to be done before 7 o'clock. That must be understood.

Mr. H. V. KOLHATKAR : The closure might be applied and the honourable mover may be allowed to reply.

Khan Bahadur ABDUL LATIF HAJI HAJRAT KHAN : An honourable member representing Sholapur wishes to address the House, Sir.

The Honourable the PRESIDENT : Very well.

Mr. S. P. LIGADE (Sholapur District) (Addressed the House in Marathi) : Mr. President, I rise to oppose the resolution. The honourable mover of the resolution has based his demand on the reports appearing in newspapers. He has never visited Sholapur personally.

Rao Bahadur R. R. KALE : Newspaper reports are not always without foundation.

The Honourable the PRESIDENT : Such interruptions would cause more loss of time.

An Honourable MEMBER : Let the honourable member for Sholapur give his own experience.

The Honourable the PRESIDENT : Will the honourable member proceed ?

Mr. S. P. LIGADE : Sir, I object to these newspaper reports being made the basis of allegations against the officials. Even the *Kesari* had published wrong reports about the happenings at Sholapur. That a trained soldier missed three shots and had to run after his victim to kill him is a lie. Can any one believe that the soldiers would miss three shots consecutively ?

Sir, you have heard the speech of my honourable friend, Khan Bahadur Abdul Latif, regarding the recent riots in Sholapur. That will convince you about the real situation that existed there. I know that some of the irresponsible followers of Mahatma Gandhi came to Sholapur and advised the people there to do certain acts which in the end resulted in riots. During the time of riots, the Collector of Sholapur called many people to his office and gave them a good advice in sweet words not to behave in a manner which will give rise for riots. Seeing this, the people thought that Government got afraid of the situation and therefore they were called for the advice by the Collector ; they also thought that there was a complete success for the Gandhi Raj. I may tell my honourable friend, Rao Bahadur Kale, that it is not the Government who have given reasons to the people for creating troubles, but it is the followers of Gandhi who are to be blamed for these riots. Taking over—advantage of the Collector's calmness the rioters became violent, and they spread the idea, that the British Raj had been done away with, and that the Gandhi Raj commenced. Then they began violence, which culminated in the burning of courts and Police chowki.

Even before these violent riots some irresponsible followers of Mahatma Gandhi established their own courts at Valsang near Sholapur, proclaiming, "so to speak thereby to have established Gandhi Raj." Under such circumstances I ask Rao Bahadur Kale as to what, he or Mahatma Gandhi would have done. I therefore think, that it is not the Collector, but the violent mob that deserves to be condemned. I may tell this House

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that my daughter's marriage was to come off on the 9th, but as the riots commenced on the 7th, I could not secure any foodstuffs and other requirements, as the bazaar was closed. I was myself sick afterwards and the guests who had come to Sholapur for marriage had to be safely sent off back to their own houses. Many people who had to come for marriage from Pandharpur could not come on account of the riots. Such was the state of affairs in Sholapur. I had an occasion to ask a few of the agriculturists in Sholapur for their opinion about the riots, when they told me that they could not understand the real meaning of what the Gandhi people told them and they being ignorant fell a victim to these people. I may therefore request Rao Bahadur Kale not to press for an enquiry by standing on the branches of a tree; if he does so, he is sure to fall down along with the branches. By the appointment of a committee, there will be an additional expense. I would have not cared much if we would have got any fruit out of this enquiry, but I know it fully well that it will be quite useless to have an enquiry made and open again the old sores. I, therefore, oppose the resolution and request Rao Bahadur Kale to withdraw it.

Rao Bahadur R. R. KALE (Satara District): Sir, I am glad to find from the speech of Mr. Knight that he has appointed an enquiry officer who is making enquiries into the matter. But I am sorry to point out that by doing so, he is himself a complainant, himself a judge and himself a witness. Is that the way of making an enquiry? I say it is not the way of doing it. He says that there are no complaints about the firing. But I say there was an indiscriminate firing on the 8th of May. That is the crux of the whole matter. There is no question whether this man is killed or that man is killed. The question is whether there was an indiscriminate firing or not. There is no question whether Mr. Ranade's son was killed and any other man's son was killed. It is a broad question. We have to decide whether there was considerable firing or not. This is the one point which I want to make enquiry into. I do submit that there was some vengeance shown to the accused. That is what I gather from the statement of Mr. Knight. I admit that there may be perfect standard of correctness from the Government point of view, but we have to see and judge all the cases by collecting some material which will help us in solving the question. It is, therefore, desired to have a committee of enquiry whereby both the Government and people will stand to gain in the end. So, I do submit that my resolution should get the support of this House.

The Honourable Sir ERNEST HOTSON: Sir, in two or three minutes that are left I cannot answer in full all that has been said this afternoon, but there is one point on which I must speak. I am sure that every honourable member of this honourable House listened with admiration and respect to the manly and frank speech of the honourable member Mr. Knight, the Collector of Sholapur. (*Cheers.*) I am equally certain that every right-minded member of this House listened with indignation to the charges made against him by an honourable member who knew nothing of the facts, who has himself admitted before us that he knew

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nothing about the situation, and yet in spite of this accuses the officers of Government of cowardice. Any one who knows or has read about what happened during these days in Sholapur knows that Mr. Knight, Mr. Playfair and the other officers, non-commissioned officers and men of the police stood for hours together on two consecutive days under a hail of stones, before they fired a single shot in reply. Every one of them suffered injuries. Nearly all of them had to be treated by the doctors for their wounds. Does any one, with the knowledge of these facts, dare to say that those officers were guilty of cowardice? (After a pause) No one. I should be very glad to hear these charges withdrawn (Hear, hear).

Now, the honourable mover of the motion, I should just like to point out, seems to have, for a lawyer, extraordinary ideas about the powers which could be conferred upon the committee which he desires to have appointed. He seems to be under the impression that a committee appointed by this House could revise decisions of the High Court, could enquire whether the High Court had sufficient evidence for the decisions which they have arrived at. He seems to think that a committee appointed by this House could go into the decisions of the courts of Sholapur, decisions against some of which there is no appeal even to a legal tribunal. He seems to think that a committee appointed by this House could enquire whether the courts of Sholapur, in the month of May, were entitled to find certain persons guilty of offences or not entitled.....

Rao Bahadur R. R. KALE: They will not be handicapped.

The Honourable Sir ERNEST HOTSON: It is not a question of handicaps; it is a question of legal powers. The thing cannot be done; even if this House appointed ten committees, they could not do it. The sooner that is recognised the better. Every decision that has been lawfully arrived at is immune and no committee appointed by this House can reopen it; no committee appointed by this House can say whether those decisions were justified or not justified.....

Rao Bahadur R. R. KALE: Government could appoint a committee.....

The Honourable Sir ERNEST HOTSON: Whether the House appoints the committee, or Government does so at the instance of this House makes no difference. Government cannot appoint a committee to revise legal decisions.

I think my honourable friend Mr. Knight made it perfectly clear to everybody that in the circumstances that existed in Sholapur, the choice before the responsible officers was to continue the regime of civil law, with the certainty of a heavy deathroll among the police and among the civilians, or to hand over to martial law. They decided to hand over to martial law, and since they did so not one single shot has been fired in Sholapur. I ask any impartial person, was that decision justified? Two honourable members from Sholapur have spoken to-day. It is clear from their speeches that the people of Sholapur do not want any enquiry. They have very good reasons. They remember—everybody in

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this House remembers—that only last year there was a request that there should be a committee of inquiry appointed to go into the Bombay disturbances. An inquiry was held. What good did it do to anybody? Mud was thrown by one side against the other side. It is said that that was a communal dispute and this is a question of Government against the people. Is that so? Why, we have been told several times to-day that the cases that have been brought before the Courts are the result of party feelings in Sholapur, that one party is fighting against another. Then shall we not have exactly the same result as we did in Bombay if we have an inquiry into Sholapur affairs? We shall again have mud thrown not only at Government officers but upon members of one party of Sholapur town by members of another party in that town. What good is that going to do to anybody? Even if some advantage was hoped for, it has to be remembered that a number of important cases are proceeding. They are now before the committing magistrates. Other cases are nearly ready and are being investigated by the police. They are shortly coming before the magistrates. These cases must be regarded as *sub judice* and cannot be enquired into by any committee. Even if we have a committee, it will be weeks, probably months, before these cases are settled. Who would want to rake the whole affair up again after months?

I think this motion has been practically talked out and I suppose there is really no question of a division, but I must say on behalf of Government that this motion is not one which they could in any circumstances accept.

Question put and lost.

The Honourable the PRESIDENT: I am very sorry to inform the honourable House that His Excellency is reported to be indisposed to-day. Let us hope that he will recover very soon. In consequence of his illness, His Excellency will not be able to hold the conference which he has called to-morrow. It is possible—I am sure that it will be possible—that His Excellency will be able to hold the conference on Wednesday at 11 a.m. instead of to-morrow, and I am asked to announce this fact to the House; and it is suggested that the Council should meet to-morrow and that Wednesday should instead be a holiday. His Excellency will address the Council on Thursday as already arranged. I suppose this meets, under the circumstances, with the wishes of the House and they are agreeable, I suppose, on both sides, because the circumstances are peculiar and very unfortunate.

The Honourable Sir ERNEST HOTSON: The work that I think we shall be able to take up to-morrow is:

In the first place there is the University Bill which has been through the Select Committee. That can be taken up. After that we go to a certain number of supplementary demands that have already been passed by the Finance Committee. They can be taken up. After that, come a certain number of Government bills. None of them, I have to admit, have been actually distributed to the honourable members for the full seven days required by the rules, but several of them are, I think, quite

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non-contentious, and I think, if the Honourable the President would in the circumstances allow any deficiency in the notice to be waived, at all events these non-contentious bills could be taken up to-morrow, and we could then see whether the House is prepared to go on with any other bills. That is the best that we can do to give a full day's business for to-morrow.

The Honourable the PRESIDENT: I could do this much that, when the bills are reached after the supplementary grants, I suppose that is the suggestion.....

The Honourable Sir ERNEST HOTSON: Yes, Sir.

The Honourable the PRESIDENT: When the bills are reached after the supplementary grants, each bill will be announced and it will be left to the honourable House to say whether it is contentious. If it is not contentious, I will agree to waive the period of notice. If the bill is a contentious one and if the honourable House insists that sufficient notice should be given, that will be considered. Under any circumstances, the House will adjourn when there is no business to go on with.

The House is now adjourned to 2 p.m., to-morrow, Tuesday, the 15th July 1930.

Tuesday, the 15th July 1930.

The Council re-assembled at the Council Hall, Poona, on Tuesday, the 15th July 1930, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
 ABERCROMBIE, Mr. J. R.
 AHMAD, the Honourable MOULVI RAFIUDDIN
 ALLAHBAKSH, Khan Saheb
 AMBEDKAR, Dr. B. R.
 ASAVALE, Rao Bahadur R. S.
 BECKETT, Mr. R. H.
 BELL, Mr. R. D.
 BHATT, Mr. RAMCHANDRA M.
 BHURGRI, Mr. J. W.
 BHUTTO, Sir SHAH NAWAZ
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
 BOLE, Rao Bahadur S. K.
 BRANDER, Mr. J. P.
 BULLOCKE, Mr. A. GREVILLE
 CHAHEWALLA, Khan Bahadur H. P.
 CHANDRACHUD, Mr. N. B.
 CHIKODI, Mr. P. R.
 COLLINS, Mr. G. F. S.
 CONTRACTOR, Khan Saheb M. F.
 DABHOLKAR, Sir VASANTRAO
 DESAI, Rao Bahadur GOVINDBHAI H.
 DESAI, the Honourable Dewan Bahadur HARILAL D.
 DESAI, Mr. J. B.
 EWBANK, Mr. R. B.
 FREKE, Mr. C. G.
 GARRETT, Mr. J. H.
 GHOSAL, the Honourable Mr. J.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GIRIYAPPANAVAR, Mr. V. C.
 GREEN, Mr. S. A. C.
 GUNJAL, Mr. N. R.
 HABBU, Mr. A. G.
 HAJI MIR MAHOMED BALOCH, Mr.
 HARRISON, Mr. C. S. C.
 HOTSON, the Honourable Sir ERNEST
 HUDSON, Sir LESLIE
 ISRAN, Khan Bahadur GHULAM MUHAMMAD ABDULLAH KHAN
 JADHAV, the Honourable Mr. B. V.
 JAN MAHOMED KHAN, Khan Bahadur

KALE, Rao Bahadur R. R.
 KAMAT, Mr. Y. M.
 KAMBLI, Rao Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUHO, Khan Bahadur M. S.
 KOLHATKAR, Mr. H. V.
 LANE, Mr. C. M.
 LIGADE, Mr. S. P.
 MACKIE, Mr. A. W. W.
 MODI, Sardar Davar T. K.
 MORAES, Mr. A. X.
 MUJUMDAR, Sardar G. N.
 NANAVATI, Mr. D. D.
 NARIMAN, Dr. R. T.
 NAVLE, Mr. N. E.
 OWEN, Mr. A. C.
 PATANKAR, Sardar B. N.
 PATHAN, Mr. A. F. I.
 PATIL, Mr. R. L.
 PAWAR, Mr. G. B.
 PRADHAN, the Honourable Mr. G. B.
 PRADHAN, Mr. R. G.
 RANJITBHAI KALABHAI, Rao Bahadur
 SALGAR, Mr. R. G.
 SARDESAI, Sardar S. A.
 SHAIKH ABDUL AZIZ, Mr.
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SUBVE, Mr. V. A.
 SYED MIRAN MUHAMMAD SHAH
 TALEYARKHAN, Mr. P. J.
 THAKOR OF KERWADA, the
 THAKURSING LALSING, Mr.
 THORAT, Sardar S. B.
 THORNER, Mr. J. P.
 TRIVEDI, Mr. M. C.
 VAKIL, Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WASIF, Khan Saheb G. A. D.
 WILES, Mr. G.

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

Mr. A. X. Moraes and Mr. M. C. Trivedi took the prescribed oath of allegiance to His Majesty the King-Emperor and took their seats in the Council.

The Honourable the PRESIDENT: Questions.

ENGINEERING COLLEGE, POONA : PROFESSOR OF MECHANICS.

Mr. N. R. GUNJAL for Mr. N. B. CHANDRACHUD (Poona City) :
 (a) Will Government be pleased to state whether it is a fact that Mr. Pearce has been appointed a Professor of Mechanics in the Engineering College at Poona ?

(b) If so, what are the University qualifications of Professor Pearce ?

(c) Is it a fact that he holds no degree of any University ?

(d) What is the pay of Professor Pearce and how long has he been serving this Government ?

(e) What allowances he gets as Professor of Mechanics in the Engineering College ?

(f) What are the special qualifications which justified the Government in appointing him ?

(g) Is it a fact that the students resolved not to attend his lectures alleging that he was quite incompetent to teach the subject in his charge and that it was only on the intervention of the Principal who took the subject in his charge that the students attended the lectures ?

(h) Is Professor Pearce still acting as the Professor of Mechanics and getting the allowances of the post without teaching the subject for which the allowances are sanctioned ?

(i) How long is he to get these allowances ?

(j) Has the attention of Government been drawn to the grievances mentioned by the correspondent of the 'Kesari' at page 12 of the issue dated the 23rd July 1929 ?

(k) Have Government made any inquiry as to whether the grievances are real or not, and if they are real, have any steps been taken to remove them ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) No. The substantive appointment held by Mr. Pearce is that of Instructor in Engineering Drawing and Design. During the absence on leave of the Professor of Structural Design from 15th June 1929 to 4th October 1929 only, the work of that officer was distributed among the members of the staff of the Engineering College and a portion of it relating to the teaching of mechanics was allotted to Mr. Pearce.

(b) Does not arise.

(c) Yes.

(d) The present pay of Mr. Pearce is Rs. 600 per mensem. He has been serving under this Government since 1st January 1920.

(e) For the extra work referred to in reply to clause (a) of the question above, Mr. Pearce was paid an allowance of Rs. 65 per mensem.

(f) The extra work referred to was given to Mr. Pearce because in the Department under the control of the Professor of Structural Design he was the next senior officer to the Professor of Structural Design in whose absence on leave the extra work was to be done, and the Principal considered him (Mr. Pearce) competent to carry out the work.

(g) The students of the S. E. Class complained to the Principal that they could not follow the lectures in mechanics given by Mr. Pearce and did not attend the Applied Mechanics classes. On this the Principal

took over a part of the work which had been entrusted to Mr. Pearce and since then the attendance was very good.

(h) and (i) No. Mr. Pearce ceased to receive the special pay with effect from 5th October 1929, the date on which the Professor of Structural Design returned from leave. The allowance was paid to him for the extra work which was entrusted to him during the absence of the Professor of Structural Design. Mr. Pearce was relieved of very little of this extra work by the Principal and he continued to do the work which justified the allowance until the Professor of Structural Design returned from leave.

(j) Yes.

(k) Government have made enquiries into the matter. Such grievances as existed were immediately remedied by the Principal.

GOVERNMENT SERVANTS AND OFFICE ORDERLIES.

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

(a) whether Government undertake to provide any Government officers with a menial staff for doing their private and domestic work ;

(b) whether Government are aware that office orderlies, Government peons and bailiffs are employed by the superior officers for doing their private work of cooking, washing, motor-driving, gardening, etc. ;

(c) whether there are any rules defining the duties and the conditions of employment of the menial staff by the heads of offices ?

The Honourable Mr. G. B. PRADHAN : (a) No.

(b) Government are aware that such Government servants are occasionally asked by their superior officers to do, in addition to their regular duties, small jobs of a private nature in return for which it is customary for the officers to give them additional remuneration.

(c) No.

Rao Bahadur R. S. ASVALE : Government say that peons and bailiffs are used for certain household work. Is it fair that officers should engage these servants for such purposes as mentioned in the question ?

The Honourable Mr. G. B. PRADHAN : The answer is there, that they are given an additional amount for the work.

Rao Bahadur R. S. ASVALE : Is it not that they being the subordinates of the officers are obliged to do such work ?

The Honourable Mr. G. B. PRADHAN : They are very glad to have additional money and to have a little additional work.

VINAYAK DAMODAR SAVARKAR.

Mr. N. R. GUNJAL for Mr. N. B. CHANDRACHUD (Poona City) : (a) Will Government be pleased to state since what date Mr. V. D. Savarkar has been interned at Ratnagiri ?

(b) For what further period is he to be so interned at Ratnagiri ?

(c) Is Mr. Savarkar at present confined in the Ratnagiri jail and are his movements further restricted ?

(d) What are the reasons for taking this action ?

(e) Was Mr. Savarkar getting any allowance from the Government ?

(f) If so, how much and for what period ?

(g) Is any allowance being paid to him at present ?

The Honourable Sir ERNEST HOTSON : (a) Since the 6th January 1924.

(b) to (d) The attention of the honourable member is invited to the answer given to clauses (a) to (c) of a similar question put by Mr. Jairamdas Doulatram during February-March sessions of 1929 and printed at page 577 of the Council Debates, Volume XXV, Part VIII.

(e) to (g) No allowance was made to him before the 1st August 1929. Since that date he is being given an allowance of Rs. 60 per mensem.

TOWN PLANNING SCHEME, BHAMBURDA, POONA.

Mr. N. R. GUNJAL for Mr. N. B. CHANDRACHUD (Poona City) : (a) Is it a fact that the town planning scheme in Bhamburda, Poona City, has been under the consideration of Government for the last twelve years ?

(b) What further time is likely to be taken before the scheme is finally sanctioned ?

(c) Is it the intention of Government to sanction the scheme or do the Government intend to abandon the scheme altogether ?

(d) Is it a fact that the Government are hesitating to sanction the scheme on account of the contribution the Government would have to pay ?

(e) Are Government aware that on account of the delay and uncertainty in sanctioning the scheme the public are put to a great loss and inconvenience ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes, but the final scheme submitted by the Arbitrator was received by Government only in January last.

(b) to (e) The scheme is under the consideration of Government. It is expected that it will be possible to pass orders shortly.

BOMBAY GAZETTEER : REVISION.

Rao Bahadur GOVINDBHAI H. DESAI (Kaira District) : Will Government be pleased to state—

(1) whether they are aware—

(a) that the Bombay Gazetteer series published over fifty years ago, is now out of date, and

(b) that the supplementary volumes issued to bring the statistical information up to date are also not up to date ;

(2) whether it is a fact that they intend to have the whole series revised and brought up to date, and, if so, when ?

The Honourable Sir GHULAM HUSSAIN : (1) (a) and (b) The Bombay Gazetteers are printed in two sets—Volumes A and B. Volume A contains descriptive, historical and similar *permanent* matter while Volume B contains statistical information. The former has not been revised while the latter is revised after each Census.

(2) There is no such intention at present as regards Volume A. The revision of Volume B will be undertaken after the decennial Census is over.

Rao Bahadur GOVINDBHAI H. DESAI : Is not Volume A out of date ?

The Honourable Sir GHULAM HUSSAIN : I would draw the attention of the honourable member to the reply, which states that Volume A contains descriptive, historical and similar permanent matter. We cannot change historical matter.

Rao Bahadur GOVINDBHAI H. DESAI : It is not merely historical. It contains information about commerce and so on.

The Honourable Sir GHULAM HUSSAIN : Whatever happened in those days is recorded there.

Rao Bahadur GOVINDBHAI H. DESAI : That is not the point. We have to be up-to-date, and of course the portions out of date must be revised.

The Honourable Sir GHULAM HUSSAIN : Then it is also a question of money. In revising the work, money will be spent unnecessarily.

POLICE EXCESSES : CIVIL DISOBEDIENCE MOVEMENT.

Rao Bahadur GOVINDBHAI H. DESAI (Kaira District) : Will Government be pleased to state—

(a) whether they have inquired into the newspaper complaints regarding police excesses at (1) Dholera, (2) Dhandhuka, (3) Viramgam, (4) Borsad, (5) Dharsana, (6) Bombay and other places in connection with the present civil disobedience movement ;

(b) if so, what has been the result and what disciplinary action has been taken against those found guilty of such excesses ?

The Honourable Sir ERNEST HOTSON : (a) Yes.

(b) The result of the enquiries has been to show that the police conducted themselves with admirable restraint and moderation in most difficult circumstances.

Rao Bahadur GOVINDBHAI H. DESAI : May I know who conducted these enquiries ?

The Honourable Sir ERNEST HOTSON : Government have received reports from the officers responsible to them.

LOCAL BODIES : RESIGNATION OF MEMBERS.

Rao Bahadur GOVINDBHAI H. DESAI (Kaira District) : Will Government be pleased to state—

(a) how many members of the district and taluka local boards and municipalities have resigned from each district of the presidency during the last four months ;

(b) how many of these resignations were given owing to sympathy towards the non-co-operation movement and how many for other reasons ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Government regret that the time available before the dissolution is too short to enable them to obtain the material for a full and correct reply.

POLICE EXCESSES: SATYAGRAHI VOLUNTEERS.

Rao Bahadur R. R. KALE (Satara District): (a) Is it a fact that certain policemen have used instruments such as knives in dealing with Satyagrahi volunteers since April 1930?

(b) Has the attention of Government been drawn to the tale of the excesses alleged against the police by Mirabai alias Miss Slade in the issue of "Young India," dated 12th June 1930?

(c) Have Government made any inquiry into this matter?

(d) What steps do Government intend to take as a result of such inquiry?

The Honourable Sir ERNEST HOTSON: (a) No. The honourable member probably refers to several cases which occurred at Viramgam where volunteers were found with bags of illicit salt bound to their arms with wire. In such cases, the wire was cut with clippers or the bags were cut open with a penknife.

(b) Yes.

(c) and (d) The honourable member's attention is requested to the Press Notes of the 11th and 13th June issued by the Director of Information, copies of which are placed on the Council table. Government are satisfied that the allegations Nos. 2, 3, 4, 5, 8, 9 and 10 which appeared in the statement have no foundation whatsoever and that the remainder are exaggerations and perversions of facts.

With the compliments of the
Director of Information, Bombay.

P. 196—11-6-30

THE DHARASNA ATROCITIES.

For some time past considerable prominence has been given in the Press to accounts describing atrocities alleged to have been perpetrated by the Government officers whose duty it has been to defend the Salt Works at Dharasna from the raids of the Satyagrahis.

These stories have given graphic descriptions of the alleged atrocities; volunteers have been beaten unconscious with lathis, their bodies have been dragged along the ground, pierced with thorns and flung into ditches and almost unmentionable deeds performed upon them. They have been charged with cavalry armed with sticks, ridden down and trampled upon by mounted European officers, numbers of them sustaining wounds which could only have been caused by horses' hoofs.

To obtain first hand information concerning these atrocities the following gentlemen, Messrs. G. K. Devadhar, President of the Servants of India Society, Hussain Tyabji, Ex-Judge of the Small Causes Court, Bombay, Amritlal Thakkar of Dohad and K. Natarajan visited Dharasna and have issued statements recording what they have seen and heard. These statements well repay examination, more especially with a view to seeing how much was actually seen and how much was heard by their authors.

One statement made by Messrs. Devadhar, Tyabji and Natarajan, which appeared in the Press on the 5th instant, says that these gentlemen, presumably on the 3rd June, "went round the Congress hospitals at Untadi and Bulsar and discovered that the proportion of wounded and injured was comparatively large though deaths and serious cases were few." That statement does not take us very far; it suffers from a certain vagueness as to what is meant by the proportion of the casualties but it admits that the number of serious cases was few—little evidence of the atrocities was therefore obtainable at the hospitals. Then, in order to see the way in which a salt raid was repulsed, "they proceeded to a private field which was at such a distance so as not to be a hindrance to the authorities and make their presence unobjectionable." From there "they saw the raids stopped at a great distance from the salt depot and could see how the volunteers were

made to stop and were brought back towards Untadi after they had been informed that they were all arrested." So much they saw but the account then goes on to say "one of the complaints repeatedly heard was that after being arrested the volunteers were not led but were beaten with lathi blows and lathis were poked into their ribs." This would not appear to indicate that such deeds were actually witnessed nor would it appear to substantiate the foul atrocities attributed to the police. The report then goes on to say that "it appeared" that the volunteers were allowed to do this, then ordered to do that and then on their refusal belaboured with lathis and chased by galloping sowars and so on.

One thing it does say the authors saw and that is that "after the Satyagrahis were driven out of the salt boundary mounted European sowars rode at full gallop with lathis in their hands beating indiscriminately everybody they saw anywhere between the spot where the Satyagrahis had reached for the raid and the village itself. They actually galloped at full speed through the streets on the village scattering men, women and children and terrorising them. The villagers ran into the lanes and closed themselves in the houses. But if by accident they were unable to escape they were beaten with lathis." What, however, was the sum total of the damage done by this dreadful charge? In the words of the report "one man received serious injuries by the galloping of a horse. Another man received lathi blows and his Gandhi cap was forcibly snatched away." If such a charge as described above had been actually carried out, surely its effects would have been more visible and more serious. Mr. Amritlal Thakkar did say that he was informed that "the Commissioner, Mr. Garrett, has added a new force, viz., trampling of Satyagrahis under horses' hoofs ridden by European sergeants and officers" and that he saw several wounded in hospital trampled under horses' feet and Mr. Waman Mukadam also said that he was told that horses were run over the volunteers' bodies.

It is now but fair to examine the reports of the Commissioner, Northern Division, and of the Deputy Inspector General of Police, Northern Range, both of whom were present throughout and in a position to give an accurate account of what they actually saw happen.

These reports state that on the 31st May last there were three raids on the Salt Works. One of these was dispersed by the employment of a corporal and four mounted signallers belonging to the wireless section stationed at Dungri. This "troop" had come to Dharaana to exercise their horses and to satisfy a natural curiosity to see the Salt Works which were the scene of so much trouble. The Deputy Inspector General of Police suggested to the corporal that he might take his men right round the maidan in order to see whether the volunteers would thus be dissuaded from attacking. This was done and the horses halted at the Sar Karkun's quarters for a rest before returning to Dungri. A party of volunteers was then seen advancing on the Nava Zilla and the corporal and his four men went to cut them off. Some half a dozen of the attackers got into the salt pans where they were easily caught, but the remainder on seeing the horses turned tail and fled with the horses running after them. The whole affair was over in a few minutes and no casualties whatsoever resulted as the mounted men did not get into contact with the volunteers nor had they sticks or other weapons in their hands. An attack on the Bungalow Zilla materialised soon afterwards; the raiders were stopped by the police and set down on the ground. They had to be forcibly moved back. Half an hour later a third attack developed and the volunteers again squatted when held up by the police. By this time the mounted signallers were en route for Dungri but they came up again and at the sight of them, the majority of the raiders got up and ran off, the remainder being removed by the police. The Deputy Inspector General of Police reports that in all these attacks there were no serious casualties but an abundance of feigning and shamming. The Commissioner, Northern Division, says that the tactics of the volunteers were to lie down when met by the police in the prohibited area. When ordered to go, most of them responded but some had to be carried off and dumped outside. Those who obeyed orders escaped scot-free, the obstinate ones received a moderate amount of lathi beating. Here it must be remembered that these volunteers were in an area in which gatherings had been forbidden under the law and that the police were therefore fully justified in using force to disperse them.

The 1st June was the occasion for two more raids made in each case by batches about 50 strong. They were met and warned by the police with the result that some of the volunteers fell out and removed themselves, the remainder being dispersed by force. It is here interesting to note that on this occasion a proportion of the raiders appeared very disgruntled at finding themselves in the firing line; it seems that they had been induced to 'join up' on condition that they would not be used as attacking troops but would be given odd jobs about the camp, etc. They had not bargained for an active part in the operations while their leaders were occupied elsewhere in more pleasant positions.

June the 3rd had been expected to be the occasion of a large demonstration. It was not but three minor raids were made. The first made by a batch of about 80, was led by Mr. Waman Mukadam. It was halted by the police, warned that it was an unlawful

assembly and plainly told that if it did not go away it would be dispersed. The head of the column wheeled about and led the way back to the village. Mr. Mukadam was detained, given a talking to and allowed to go. He wended his way back to Untadi but not before he had denied leadership of the batch and agreed to catch the noon train for Godhra. The two remaining batches were dealt with in much the same way but some force had to be used to disperse the more obstinate of their members. This was the day on which Messrs. Tyabji, Thakkar and others were present to watch the atrocities. The obvious futility of the raids appeared to have so depressing an effect that the next day witnessed a wholesale exodus of volunteers for Bulsar.

During all these raids in which all dispersals have been witnessed by such responsible officers as the Commissioner downwards, the officers present and head constables carried light canes instead of the more cumbersome lathis. These canes proved very effective and as whenever it became necessary to employ force, their use was restricted to the minimum and as far as possible to the beating of the volunteers on the legs and buttocks, caused very little damage.

These are the two sides of the stories of the raids. It is necessary to judge between the accounts of the atrocities and the cavalry charges given by gentlemen who were present at some time or other and those given by the Government officers in charge of the operations who were present, and who day by day were submitting detailed accounts concerning each raid and the measures taken to defeat it. It is admitted that bodies of volunteers who persisted in remaining within the prohibited area, were dispersed by the police carrying lathis and light canes and that in some cases they had to be lifted and dumped outside the boundary. No evidence at all has been produced in support of the stories of testicle squeezing and other such outrages and they are totally denied.

One would have thought that the best evidence as to the way in which these and earlier raids have been repulsed would have been found in the hospitals. It must, therefore, be noted that on the 26th May, when the Dharasna camp was being cleared up, only 2 cases were alleged to necessitate removal on stretchers. These cases were removed on stretchers to Untadi but later in the day were seen walking about with no medical attendant at Dungri Station. Again on the 4th June, a party consisting of the Deputy Inspector General of Police, Northern Range, the Acting District Magistrate, Surat, and others, paid a visit to Bulsar in order to inspect the hospitals there. They entered the first Congress hospital formerly a boys' school and were shown round by a Red Cross attendant. There were four patients in the first room who were suffering from lathi bruises. A fifth patient walked in while the inspection was in progress but no wounds on him were shown to the visitors. In the next room were two patients with similar bruises from lathi blows. In the third room was one patient with a bruised shoulder. In not a single case was it suggested to the visitors that horses' hoofs were responsible for the injuries. By the time the party was ready to inspect the second hospital, which from its size could not have accommodated more than 50 patients, a shouting hostile crowd had gathered and in consequence the second hospital was not visited. It would appear that a visit of inspection from Government officers was not exactly welcome. On the same day the hospital at Untadi was found to contain one patient. Mr. Waman Mukadam was said to be lying injured in the second hospital at Bulsar but the officers in charge at Dharasna are positive that he sustained no injuries whatsoever. If, as has been alleged, Satyagrahis lying passively on the ground had been ridden over by galloping mounted troops would there not have been plenty of casualties showing unmistakable signs of hoof marks available, for inspections and, as it has been admitted that the chief object of the later raids was propaganda, would not care have been taken to ensure that the evidence was utilised to its full value?

To turn from the more serious side, the raids have not been without their lighter touches. The organisers have had apparently of late to spread a very wide net to catch their conscripts and the Satyagrahis have included old men who when reaching the "line" have thankfully accepted a lift back to Untadi in a bullock cart, cycle scouts who on arrest have prayed to be allowed to go home, warriors who have asked to be beaten so that they could return and on receipt of a tap or two on the back of the legs have done so after some complaint that they are not sure that they have been beaten, sufficiently to earn their meal tickets, and, best of all, a "leader" who denied his leadership after reaching the fringe of the battle.

One feature of the raids, however, calls for more serious comment and that is the decidedly unorthodox use made of the Red Cross. It had been noticed during the later raids that the number of Red Cross workers was out of all proportion to the number of attackers: in one case there were 25 Red Cross attendants to 50 raiders, in another 75 such non-combatants to 125 active participants, and in consequence careful watch was kept on their activities. Red Cross helpers were seen discarding their Red Cross badges when they had achieved a position near the salt works, some of them were recognised as men who had been raiders on previous days, and it would appear that the Red Cross

has been regarded and used as a rest corps. One volunteer was actually found in possession of a volunteer's badge No. 1810 but wearing a Red Cross, a publicity agent was seen wearing a Red Cross, and a well-known lady "general" on being warned by the police for actively directing operations re-appeared shortly afterwards with a large Red Cross pinned to her sari. Such practices are, of course, nothing but an abuse of the privileges invariably accorded to the Red Cross.

With the compliments of the
Director of Information, Bombay.

P. 202—13-6-30

In today's issue of the *Bombay Chronicle* Dr. Sathaye wonders whether after my visit to the Congress Hospital yesterday, I shall issue a revised Press Note on Dharasna.

In this connection I should like to say that, although I was not then aware that I had been invited to do so, I visited the Congress Hospital yesterday afternoon in company with Mr. F. W. Wilson, Editor of the *Indian Daily Mail* and Mr. V. A. Desai. Mr. Wilson and I were received at the Hospital with every courtesy and asked to make a complete inspection. We did so.

To begin with we went carefully through the admission and discharge register to ascertain how many Dharasna casualties had been admitted and the nature of their injuries. Dharasna entries were very few in number and in no case was it on record that a patient was described as suffering from wounds caused by blows from horses' hoofs.

We then proceeded to inspect the wards. We saw all the patients there, examined their history sheets and saw their injuries. We questioned them as to the way in which these injuries had been received. The Dharasna patients were quite prepared to tell us their stories and not one of them laid any claim whatsoever to having been injured in any way by a horse. One patient said he saw the horses but did not see anyone trampled upon and another said he saw horses being urged forward to tread on the volunteers but that they would not do so. The injuries we saw were the result of blows with sticks and lathis.

As we were returning I remarked to Mr. Wilson that what we had seen at the hospital did far more to corroborate the official version of the events of the raid than it did to substantiate the remaining versions. He agreed but said he would have liked to have seen a larger number of injured.

I regret that Dr. Sathaye was not present during our inspection of the hospital.

C. B. B. CLEE,

Acting Director of Information.

PRIMARY TEACHERS : LOCAL ALLOWANCE.

M. M. KARBHARI (Thana and Bombay Suburban Districts) :
(a) What action do Government propose to take in response to the demand of the primary school teachers of the Thana district for "Special Local Allowance" on the ground of unhealthy climate, scarcity of water and high general cost of living owing to its proximity to Bombay ?

(b) When do Government propose to give effect to Surve Committee's recommendation to grant local allowance at Bassein and Kalyan ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) Government consider that the maxima scales of pay indicated by them in the Press Note No. P-197, dated the 5th August 1929 are adequate and no action appears to be necessary.

(b) The Kalyan Municipality, which is a local authority, is competent to fix the scales of pay and allowances for its teachers with the approval of Government. It has adopted the scales of pay and allowances prescribed by Government and has not raised the question of the grant of any local allowances for its teachers. Regarding Bassein, *vide* reply to clause (a).

EDUCATIONAL EXAMINATIONS : PRIVATELY COACHED STUDENTS.

Mr. H. V. KOLHATKAR (East Khandesh District) : (a) Will Government be pleased to place on the Council Table all the resolutions

and rules which regulate the admissions to Government or aided and recognised middle or high schools of boys and girls who have been privately coached up as also such resolutions and rules as allow such privately coached up boys and girls to offer themselves for the annual examinations held at such schools ?

(b) Is it a fact that Government are of opinion that the practice of coaching up children at home and presenting them for annual examinations as outsiders is objectionable ? If so, on what grounds is this opinion based ?

(c) Are Government aware that the usual course in schools is too long and that, in the case of brilliant students who have prospects of foreign education or who wish to appear for the I.C.S. or other competitive examinations where there is an age limit special training is possible only by private coaching ?

(d) Is it a fact that Government think that boys who are able to finish the prescribed studies in a shorter period are simply rushed up ? If so, what is the basis for this opinion ?

(e) Is it a fact that one Vinodchandra son of Mr. Ratilal Bhaidas Daftari, B.A., of Jalgaon, was not allowed by the Educational Inspector, Central Division, to appear this year at the annual examination of the G. S. High School, Jalgaon, for Standard IV but was asked to appear for the examination of Standard III ?

(f) Was any enquiry made before this permission was refused as to what arrangements were made by the guardian of the boy for his education and coaching ?

(g) Is it a fact that the permission was refused on the ground that no useful purpose was likely to be served by rushing up the boy ? On what grounds was this reasoning adopted by the Educational Inspector, Central Division ?

(h) Are such permissions refused as a matter of course or is any discretion used in granting or refusing such permission ?

(i) Is it a fact that in this very year permission was granted to another boy at Jalgaon and he was at once admitted to the English Standard IV in the G. S. High School though he was privately coached up and though he had not even passed the Vernacular fourth standard ?

(j) What are the particular reasons which prompted the Educational Inspector, Central Division, to grant permission in the case of this boy and how he made a distinction in the case of these two boys ?

(k) Is the power to grant or refuse such permissions solely vested in the Educational Inspectors ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) Government have not issued any special orders or rules regulating the admission to Government or aided and recognised middle or high schools or pupils who have studied privately. The question of the admission of such pupils is, like the question of the admission of pupils coming from unrecognised schools, governed by Rules 11 and 27 of the Grant-in-aid Code copy of which would be found in the Council library. The annual examinations held at such schools are not intended for testing the capacity of boys or girls coached by private tutors.

(b) This is a matter of opinion and Government are not prepared to lay down any general principle.

(c) No. Boys who are really brilliant, have no difficulty in passing the competitive examinations within the prescribed age-limit, if they follow the prescribed curriculum.

(d) The tendency to overburden pupils with work beyond their capacity is not in the interest of the pupils themselves. The one-year-one-standard is a healthy rule for the vast majority of boys.

(e) Yes.

(f) The reply is in the affirmative ; but it may be added that the Head Master of the G. S. High School, Jalgaon, was directed to test the fitness of the boy.

(g) Yes : *Vide* reply to (d) above.

(h) Each case is decided on its merits.

(i) Yes. The necessary certificate of passing the Vernacular Standard IV examination was produced by him.

(j) The two cases are not similar. The boy referred to in clause (i) above sought admission to the High School and was examined to find out for what standard he was fit, while in the case of the boy referred to in clause (e), the guardian requested that the boy should be allowed to appear for the annual examination of the school, which, as stated in the reply to clause (b) above, is not intended for testing the capacity of boys who have been coached by private tutors.

(k) Yes. An appeal to the Director of Public Instruction is, however, admissible.

FIRING AT BHUSAWAL, 6TH APRIL 1930.

Mr. H. V. KOLHATKAR (East Khandesh District) : (a) Are Government aware of the firing that took place at Bhusawal on the 6th April 1930 in consequence of which one man died and two others were wounded ?

(b) Was the firing authorised or ordered by any responsible officers and, if so, by whom ?

(c) If the firing was not done under any orders, have Government ordered the prosecution of the person or persons who fired ?

(d) If a prosecution has not still been launched, do Government intend launching any ?

(e) If not, what are the reasons for not doing so ?

(f) Was any investigation made into the matter ?

(g) If so, will Government be pleased to place on the Council table the report of the investigating officer ?

(h) Has it been ascertained on inquiry how many shots were fired on 6th April 1930, and, if so, whether the shots were fired by means of revolvers or rifles ?

(i) Will Government be pleased to state the names of the persons who fired the shots ?

(j) Were the three wounded persons examined by medical officers and was it ascertained whether their wounds were caused by revolver shots or rifle shots ?

(k) Were any parts or portions of such bullets extracted from the bodies of any of the wounded persons ?

(l) If so, when and where ?

(m) Have the injured persons been given any compensation ?

(n) If not, do Government intend to do so ?

The Honourable Sir ERNEST HOTSON : (a) Yes.

(b) No.

(c) No.

(d) No.

(e) The firing was accidental, and even if it had been deliberate, it would in the circumstances have been justified by the right of self-defence.

(f) Yes. A full enquiry was made by the District Magistrate.

(g) A copy of the finding of the District Magistrate is placed on the Council table.

(h) to (l) The information is contained in the District Magistrate's finding.

(m) No.

(n) No, for the reasons given in the answer to clause (e) and because the deceased and the injured persons were taking part in an unlawful assembly.

Finding on the firing incident that took place at Bhusaval on April 6th, 1930 :—

On the evening of Sunday April 6th, at Bhusaval one man was killed and two men were wounded in a crowd on the road outside the Railway Police Office. The man killed Arjunsing Andalsing had his chin shot away : a second man Murha Nathu had his arm below the elbow perforated apparently by a bullet, together with a second wound in the same arm : a third man Purshottam Sakharam Phalak had a large wound in his thigh, together with a smaller wound over the stomach. All three were taken to hospitals on the Sunday night. The object of the present inquiry is to find out who was responsible for the five wounds on the three men, and whether the person or persons should be prosecuted.

I have before me as evidence :—

(1) A written statement of the dying man, Arjunsing Andalsing : he says he was shot by a black sepoy.

(2) *Post-Mortem* report on Arjunsing Andalsing dated April 7th.

(3) X-ray photographs of the two wounded men : (received on April 19th and returned to the Hospital).

(4) A flattened bullet extracted from the thigh of Purshottam which I received on April 23rd.

(5) and (6) Statements of the two wounded men Murha Nathu and Purshottam Sakharam dated April 7th.

(7) Statements of constable Waziruddin Abdul Rasid, Buckle, No. 24/530, dated April 7th and 8th.

(8), (9) and (10) Statements of police officers Inspector Mahajan, Sub-Inspector Nirmal and Sergeant Smith recorded on April 8th.

(11) Statement of Mr. Dolan, Transportation Inspector who saw the affair from the south side of the road recorded on April 9th.

(12) to (17) Statements of Driver Perkins, Mr. Turner, Loco Foreman, recorded on April 10th, of Mr. Pettingal, Fuel Inspector, recorded on April 11th, of Mr. Nariman Kasid recorded on April 11th, and of Driver Adams and of Driver Johnson recorded on 12th : all of whom saw the affair from the north of the road.

From the medical evidence, and from an examination of the bullet produced and from the X-ray photographs, it is sufficiently clear that all the wounds were caused by one bullet ; this bullet resembles those used in a 475 carbine. It was flattened against the jaw bone of the first man it hit, and some small fragments broke off from it, and travelled on in the same direction as the flattened bullet itself. The flattened bullet passed through the arm of Murha ; some of the minute fragments were left embedded in the arm. The flattened bullet then came to rest in Purshottam's thigh, while other minute fragments penetrated the skin over his stomach.

Sepoy Waziruddin on the day after firing reported to his superior officers that he could not account for one of his ten cartridges, because it had been fired the night before. His

account is that while armed with a carbine he was in the front of a group of police trying to force a crowd back which was obstructing the progress of a motor bus containing prisoners. He was struck by two stones, one of which split the nail of the third finger of his left hand and the other struck his left cheek. He muffled his face in his puggarree. Eight or ten of the crowd surrounded him, and two seized his gun. To protect himself he slipped a cartridge into the breech. The crowd tried harder than before to snatch the gun from him. He was trying to fire in the air, when in the confusion the gun went off and a man was hit. The man who was hit was not one of those who were trying to snatch the gun from him.

There is sufficient evidence to test the truth of this statement. Nine persons had been arrested and brought to Bhusaval Station for repeatedly pulling a communication cord in a train. They refused to give bail, so the District Superintendent of Police directed that they should be taken in a motor bus to Jalgaon. He then left Bhusaval Station and went to his quarters for dinner. All was quiet then.

The accused persons were put in the Railway lock-up, to the south of the station. This lock-up and police office is separated from the railway lines by a road, probably some six yards across. There are iron railings separating the road from the railway lines. The motor bus would have to proceed along this road towards Jalgaon on the west. Next to the police station on the west came the Indian Institute, and next to that Mr. Dolan's quarters. Mr. Dolan watched the whole affair from a wicket gate rather back from the road while the other railway employees whose statements have been recorded were watching from much nearer, being on the railway line just inside the railings.

Inspector Mahajan went ahead of the police; Sub-Inspector Nirmal, Sergeant Smith and Sepoy Waziruddin followed him, with the radiator of the bus immediately behind them. Sepoy Waziruddin was to the extreme right, close to the railings, next to him was Sergeant Smith and rather in front of them was Mr. Nirmal. Mr. Mahajan was still further in front.

After the bus had proceeded some thirty yards they found that the people obstructing were sitting and lying on the ground. The policemen in front tried to drag them out of the way; each seems to have been rather cut off from his neighbour and to have been acting independently. Stones were flying about; Mr. Nirmal was struck on the temple, besides the two blows which Sepoy Waziruddin says he received.

It was at this moment that Sepoy Waziruddin's gun went off. None of the witnesses actually saw him fire—they seem to have been watching Sergeant Smith. But Driver Perkins was only a yard and a half from the sepoy at the moment and has given a full account of what he saw. He appeared to me a reliable witness. The sepoy, a moment before had been pushing the crowd back with his carbine, holding it transversely across his body, with the butt in his right hand and the muzzle in his left. When Driver Perkins looked again on hearing the shot, the muzzle of the gun was still pointing upwards towards the left. The sepoy was looking very much surprised, and made no attempt to reload. Driver Perkins thought the firing clearly accidental. The crowd was so close up against the sepoy that he could not have aimed unless he had fired from his hip, in which case the shot would have gone upwards. The Medical evidence shows that the man hit was hit on the left side of the face, and that the shot was apparently level from the shoulder and not upwards from the hip. Driver Perkins thought that the only conclusion one could draw from that was that somebody in the crowd pulled the muzzle down, and the gun went off just when it was pulled down level.

The man hit first was not facing the sepoy at the time, and appears not to have been one of his assailants. He must however have been obstructing the passage of the car. The other two men must have been further away still from the railings, in the direction of Mr. Dolan's house. It is apparent from their statements that they were members of the crowd.

No evidence has been forthcoming from any other members of the crowd: nor indeed was any to be expected. Driver Perkins alone describes the events immediately before and after the shot: all the other evidence corroborates the main details of the story that only one shot was fired and that the police were being stoned at the time.

My conclusions are therefore that:—

(1) Sepoy Waziruddin disobeyed orders in that he loaded without getting orders: but he had reason at the time to apprehend that he might suffer grievous hurt from the stones that were being thrown.

(2) The crowd saw him load and tried to get the loaded weapon away from him, and the carbine went off accidentally in the melee.

If therefore the sepoy is prosecuted, the only evidence which can be produced against him is his own statement, and the fact that a cartridge is missing. For the defence there is Driver Perkins' evidence to support the sepoy's statement that the firing was accidental, and there is plenty of other evidence that had the sepoy fired on purpose, he might have

pleaded the right of private defence as laid down in section 100, Indian Penal Code. On the whole therefore I am not inclined to recommend that the sepoy be prosecuted. If either of the persons injured likes to prosecute, I would propose to ask the Public Prosecutor to defend the case.

Mr. H. V. KOLHATKAR: Were these two persons, Purshottam and Murha Nathu, included in the list of the accused persons?

The Honourable Sir ERNEST HOTSON: That is not alleged anywhere here.

Mr. H. V. KOLHATKAR: The answer given is that no compensation can be given to these persons, because they were taking part in an unlawful assembly. There was a case against certain persons for having taken part in an unlawful assembly. Were these people included among the persons proceeded against?

The Honourable Sir ERNEST HOTSON: It is highly improbable that a deceased person could be included in the list of persons proceeded against.

Mr. H. V. KOLHATKAR: I am not talking of the deceased person. Was the wounded person included in that list?

The Honourable Sir ERNEST HOTSON: He has already had his punishment, poor man. It would have been rather vindictive to prosecute him as well as to wound him.

Mr. H. V. KOLHATKAR: Certain persons were proceeded against for being members of an unlawful assembly. Why was the case subsequently withdrawn?

The Honourable Sir ERNEST HOTSON: I have no information about that. I do not even know that the case was withdrawn.

Mr. H. V. KOLHATKAR: It was withdrawn.

BOYCOTT IN PAROLA AND JAMNER TALUKAS.

Mr. H. V. KOLHATKAR (East Khandesh District): (a) Will Government be pleased to state the reasons which led Government to make Chapter II of the Prevention of Intimidation Ordinance, 1930 (V of 1930) applicable to the talukas of Parola and Jamner in East Khandesh District?

(b) Did Government receive any report from the District Magistrate, East Khandesh, in the matter?

(c) If so, will Government be pleased to place the report on the Council table?

(d) Were there any other reasons except those in the report of the District Magistrate, East Khandesh, which led Government to take this action?

(e) Will Government be pleased to state the instances in which boycott was practised in the two talukas?

The Honourable Sir ERNEST HOTSON: (a) The reasons were that Government servants and others were being boycotted to a serious degree in some villages in those Talukas and there was reason to believe that the trouble was likely to spread.

(b) Yes.

(c) No.

(d) The District Magistrate's reports were confirmed from other sources.

(e) It is not desirable to publish details of these unlawful practices. They were unfortunately common at Parola itself and in other villages of that taluka, and a bad case occurred at Neri in Jamner Taluka.

Mr. H. V. KOLHATKAR: Did these cases occur before the ordinances were applied or after?

The Honourable Sir ERNEST HOTSON: Before, of course.

Mr. H. V. KOLHATKAR: How many of them, may I know?

The Honourable Sir ERNEST HOTSON: I could not tell the honourable member offhand, I am afraid.

DHULIA JAIL: PRISONERS.

Mr. H. V. KOLHATKAR (East Khandesh District): (a) Will Government be pleased to state whether Ramkisan Mojiram, Shanker Tilokchand, Ganpati Chhagan, Gulah Nathuram, Bansi Kethmal and others who were convicted by the First Class Magistrate at Erandol on 20th May 1930 were recommended for the "B" class?

(b) If so, are they being treated as such?

(c) If not, is it true that they are now being treated as "C" class prisoners in Dhulia Jail?

(d) If so, will Government be pleased to state the reasons for the change of class?

(e) Was it through a mistake that they were being treated as "C" class prisoners?

(f) If so, have Government taken any steps to correct the mistake?

The Honourable Sir ERNEST HOTSON: (a) Yes, except prisoner Shamrao Bhagwan who was recommended for classification in class C.

(b) and (c) All were placed in class C.

(d) In the opinion of Government the prisoners did not satisfy the conditions qualifying for admission to class B.

(e) and (f) do not arise.

Mr. H. V. KOLHATKAR: With regard to the reply to (d); may I know whether they belong to the ordinary jail population or they are well-to-do people belonging to the Maheshwari Marwadi class?

The Honourable Sir ERNEST HOTSON: They were persons living according to the ordinary standard of the agriculturist.

Mr. H. V. KOLHATKAR: Class B includes persons who are ordinary people but not belonging to the ordinary jail population. Do they belong to the ordinary jail population?

The Honourable Sir ERNEST HOTSON: Class B includes persons accustomed to a superior style of living; these are not.

Mr. H. V. KOLHATKAR: But the Magistrate recommended them to be included in class B?

The Honourable Sir ERNEST HOTSON: That is in the answer.

Mr. H. V. KOLHATKAR: He knew the facts better?

The Honourable Sir ERNEST HOTSON: He understood the rules less well.

Mr. H. V. KOLHATKAR: May I know the reason for not admitting these prisoners in the B class?

The Honourable Sir ERNEST HOTSON: The reason is given in (d).

TEXT BOOK COMMITTEE, SIND.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

- (a) the names of the members of the Text Book Committee in Sind ;
- (b) the qualifications required by Government for being eligible for membership of the Committee ;
- (c) the number of books sanctioned or approved by the committee as (i) text books, (ii) prize books during the last seven years ;
- (d) the number of Muslim and Non-Muslim authors of the Text and Prize Books sanctioned or approved ;
- (e) whether any book written by the present Secretary of the Committee is in use in Mulla schools ;
- (f) whether any members of the public have expressed their dissatisfaction with it ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a)

Names of the members.

- | | | |
|--------------------|------|-------------------------------------------------------------------------------------|
| Ex-officio members | 3. < | 1. Educational Inspector in Sind. |
| | | 2. Inspectress of Girls' schools in Sind. |
| | | Principal, Training College for Men, Hyderabad. |
| | | 4. Lady Superintendent, Training College for Women, Hyderabad. |
| | | 5. R. B. Premchand Awatrai, Retired Principal, Training College for Men, Hyderabad. |
| | | 6. Mr. Lilaram G. Bhojwani, Head Master, N. J. High School, Karachi. |
| | | 7. K. S. Mahomed Bux, Deputy Collector, Kandhkot. |
| | | 8. Dr. U. M. Doudpota, Principal, Sind Madrasah, Karachi. |
| | | 9. Mr. Nadirbeg K. Mirza, Bar-at-Law. |
| | | 10. Dr. H. M. Gurbuzani, Professor, D. J. Sind College, Karachi. |

(b) No special qualifications have been prescribed by Government for the membership of the Committee.

(c) (i) 98.

(ii) 188.

(d) Muslims—96 ; Non-muslims—190.

(e) Yes.

(f) Government is not aware of any dissatisfaction expressed by any one. However, further enquiries will be made.

ADMINISTRATIVE OFFICERS : LOAN OF GOVERNMENT OFFICERS TO DISTRICT LOCAL BOARDS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

- (a) the number of district local boards that have taken up Government servants as their administrative officers ;

- (b) the nature of the facilities if any granted to the district local boards which have so taken up Government servants ;
 (c) the names of the officers lent ;
 (d) the dates on which and the period for which they were lent ;
 (e) whether any local boards have moved the Government to continue the same officers for a further period ;
 (f) whether any Government officers have expressed their unwillingness to continue under the board ;
 (g) if the answer to (f) is in the affirmative, the reasons given by them for their unwillingness ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) 21.

(b) If an officer offered by the Government Educational Department is taken over by a Local Authority for appointment as School Board Administrative Officer a grant equal to the whole cost incurred by the Local Authority on his account is given by Government for 3 years.

(c) and (d) Please see the attached statement.

(e) Yes.

(f) Yes.

(g) One asked to be reverted to the Government Educational Department owing to ill-health, another did not give any reasons.

Statement showing the names of officers of Government lent to local authorities for appointment as School Board Administrative Officers.

Serial No.	Name of District.	Name of the officer lent.	The date on which and the period for which lent.	
			Date.	Period.
<i>Bombay Division</i>				
1	Bombay Suburban District.	Mr. K. T. Mantri ..	16th October 1929.	One year.
2	Kolaba .. ..	.. H. K. Gokhale ..	8th September 1927.	Three years.
3	Ratnagiri .. ..	.. N. R. Bagwe ..	24th April 1927.	Do.
4	Nasik .. ..	.. K. S. Dikshit ..	28th July 1928.	Do.
<i>Central Division.</i>				
5	Poona .. ..	.. Mr. B. S. Dikshit ..	1st September 1926.	Up to 25th August 1931, i.e., date of superannuation.
6	Satara .. ..	.. E. S. Chunekar ..	27th September 1927.	Temporary appointment.
7	Sholapur .. ..	.. V. V. Sathaye ..	14th December 1927.	Three years.
8	Ahmednagar .. ..	.. V. D. Ghate ..	12th April 1927.	Two years.
9	West Khandesh .. ..	.. D. D. Taskar ..	23rd March 1929.	Permanent.
<i>Northern Division.</i>				
10	Panch Mazals .. ..	.. Mr. M. D. Dalal ..	24th October 1928.	25th June 1930, i.e., date of superannuation.
11	Surat .. ..	.. G. R. Desai ..	1st February 1930.	Three years.
12	Broach .. ..	.. N. A. Kadri ..	1st May 1930 ..	Temporary.

Serial No.	Name of District.	Name of the officer lent.	The date on which and the period for which lent.	
			Date.	Period.
<i>Southern Division.</i>				
13	Bijapur	Mr. N. T. Jagtap ..	9th September 1927.	Permanent.
14	Kanara	„ V. D. Navaigund ..	8th March 1928.	Three years.
<i>Sind.</i>				
15	Karachi	Mr. A. A. Shaikh ..	1st March 1927.	Do.
16	Hyderabad	„ M. S. Memon ..	17th March 1927	Do.
17	Sukkur	„ M. I. Sumro ..	14th December 1928.	Do.
18	Upper Sind Frontier ..	„ A. G. Kazi ..	21st February 1927.	Three years.
19	Thar and Parkar	„ A. W. Musavi ..	23rd October 1927.	One year.
20	Nawabshah	„ K. L. Hingorani ..	4th March 1927.	Three years.
		„ J. A. Kazi ..	26th July 1929	One year.
21	Larkana	„ G. N. Kazi ..	21st February 1927.	Three Years.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): May I know whether the man in item No. 20 refused to come back to Government service?

The Honourable MOULVI RAFIUDDIN AHMAD: I am afraid I cannot answer offhand.

Mr. HAJI MIR MAHOMED BALOCH: (*Inaudible.*)

The Honourable MOULVI RAFIUDDIN AHMAD: If the honourable member gives notice, I will give the answer.

MUNICIPAL ACT FOR KARACHI.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (a) Are Government aware that the City Municipality of Karachi is still being worked under Bombay Act III of 1901?

(b) Has the Karachi Municipality applied for a separate Municipal Act for Karachi; if so, when?

(c) Has a Bill for the purpose been framed by Government and the opinion of the Municipality obtained thereon; if so, when was the latter received?

(d) What further action have Government taken to introduce the bill in the Council?

(e) When do Government intend to introduce the Bill in the Council?

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

(b) Yes, in August 1919.

(c) Yes. The considered views of the Municipality on the provisions of the draft Bill were received by Government through the Commissioner in February 1929.

(d) and (e) The draft Bill is still under the consideration of Government. It is a long one and the examination of its provisions in detail in light of the criticisms received from the Municipality and other local bodies and the Commissioner requires time. The case is in hand but there is no possibility of the introduction of this Bill during the term of the present council.

Mr. HAJI MIR MAHOMED BALOCH: When does the Honourable Member propose to introduce the Bill?

The Honourable Dewan Bahadur HARILAL D. DESAI: It will be introduced within a short time.

SCHOOL BOARD, NASIK DISTRICT: BOOK DEPÔT MAINTAINED BY
A MEMBER.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state whether it is a fact (a) that a member of the District School Board, Nasik, has maintained a book depôt of school books;

(b) that teachers in the district are asked to purchase books therefrom?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Yes; one of the members of the District School Board, Nasik, has a stock of school books for sale.

(b) Government have no information regarding this. The Chairman has been asked to investigate and report. I may add that the Chairman has since reported that no such request was made by his office.

JUHU MUNICIPALITY.

Mr. A. N. SURVE (Bombay City, North): (a) Will Government be pleased to state whether their attention has been drawn to the several complaints that have recently appeared in the public press regarding the insanitary condition of the sea beach at Juhu? If so, what action have they taken in the matter?

(b) What are the annual income and expenditure and the assets of the Juhu Municipality? Does it receive any grant from the Government?

(c) Does the Juhu Municipality maintain any roads, schools, libraries, dispensaries or water works or any drainage system?

(d) What is the system of street lighting in Juhu and how many street lamps does it maintain?

(e) Have Government received any proposal from the Juhu Municipality or any scheme or schemes from any other source for road making within its area? If the answer be in the affirmative, what do Government propose to do in the matter?

(f) Do Government propose to take any, and if so, what steps in the matter of taxing picknickers at Juhu for the sanitary services rendered free to them at present by the Juhu Municipality?

(g) Have Government received any proposals for bringing the whole of Juhu Island under one Municipal Administration? If so, what steps do Government propose to take in the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) Yes. The Juhu Municipality has appointed a beach guardian on Rs. 40 per mensem.

(b) The figures for the year ending 31st March 1930 are as follows:—

				Rs.
Income	..	..	..	11,033
Expenditure	..	..	..	3,337
Assets	..	..	..	6,600

The Municipality does not receive any grant from Government.

(c) The Municipality maintains kacha roads within its limits but not libraries, dispensaries, water works or drainage. Primary Education in this area is under the control of the District Local Board to which the Municipality pays a contribution in accordance with the Primary Education Act.

(d) There are twelve kerosine oil lamps at present. Twelve more such lamps will be provided in the current year.

(e) The Municipality has submitted to Government a proposal to construct a metalled road with an asphalt surface running along the whole length of the island which is estimated to cost Rs. 1,75,000. The proposal which involves the imposition of a toll is under the consideration of Government.

(f) and (g) The questions referred to are under the consideration of Government.

Mr. A. N. SURVE: With reference to part (d) the income is shown as Rs. 11,000 while the expenditure as Rs. 3,000 odd. May I know how the balance is being utilised?

The Honourable Dewan Bahadur HARILAL D. DESAI: So far as I know that balance is not utilised.

Mr. A. N. SURVE: With reference to parts (c) and (d) if this body maintains only kacha roads and lights only ten lamps, then may I know why it has been raised to the status of a municipality?

The Honourable Dewan Bahadur HARILAL D. DESAI: It is long since it has been raised to that status. It is intended to add a certain other portion also to that municipality. Then it will be a self-contained unit.

Mr. A. N. SURVE: Will the Honourable Minister please take a note that the residents of Juhu are taxed and its benefits are being enjoyed by outside picnickers without contributing anything in return for the hospitality they receive?

The Honourable Dewan Bahadur HARILAL D. DESAI: I do not know of any hospitality being enjoyed by the picnickers at the expense of the residents of Juhu. But I have noted that some arrangement for the amenities of the picnickers is necessary and Government are considering in what way to fix them.

LOCAL BOARD, RATNAGIRI DISTRICT : SCHOOL BUILDING, CHIPLUN.

Mr. HAJI MIR MAHOMED BALOCH for Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether it is a fact that the President, District Local Board, Ratnagiri, in his memorandum, dated 8th February 1930, to the Chairman, School Board, Ratnagiri, requested him to pay Rs. 1,000 to the President, Taluka Local Board, Chiplun, as an advance against the Khadpoli school building and stated therein that the amount of Rs. 1,875 was already sanctioned by the District Local Board for the school building in question ;

(b) whether the President, District Local Board, Ratnagiri, supplied incorrect information to the Chairman of the School Board, in stating on 8th February 1930 that Rs. 1,875 were sanctioned for the school building of Khadpoli ;

(c) whether it is a fact that the President, District Local Board, had clearly stated in his memorandum of 8th February 1930 to the Chairman, School Board, that the President, Taluka Local Board, Chiplun, was required to go to Bombay for the purchase of the required material ;

(d) whether the amount was paid to the President, Taluka Local Board, Chiplun, on the understanding that the works in question were to be carried out departmentally ;

(e) whether the President, Taluka Local Board, Chiplun, arranged to carry out the work departmentally with the advance of Rs. 2,000 taken by him from the President, District Local Board, or gave the work on contract and retained the amount of advance with him unaccounted for, for a considerable time from 8th February 1930 to 19th March 1930 ;

(f) whether the District Local Board President was aware of the retention of the advance with the Taluka Local Board President, and if so when ;

(g) whether it is a fact that before giving the works on contracts, no tenders were called for, for these works by the President, Taluka Local Board, Chiplun ;

(h) whether one of the contractors to whom these works have been given by the President, Taluka Local Board, Chiplun, is his relative ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) The reply to the first part of the question is in the affirmative. The reply to the second part is in the negative.

(b) In view of the reply given above the question does not arise.

(c) No. The President, District Local Board, Ratnagiri, says that he informed the Chairman, District School Board, Ratnagiri, that the President, Taluka Local Board, Chiplun, was to go to Bombay to attend the Local Self-Government conference.

(d) The work was entrusted to the Taluka Local Board as the agent of the District Local Board and the Taluka Local Board was fully competent to execute it, either departmentally or by piece-work or contract.

(e) The President, District Local Board, Ratnagiri, reports that the purchases were made by the President, Taluka Local Board himself, while the execution of the work in question was done by piece-work. The purchases were made immediately and charges for freight, etc., were also paid. A small sum for retail payments was kept as the work was going on.

(f) Yes; for about a month and a half.

(g) As the purchases were made departmentally and the work was executed on piece-work system no tenders were called for.

(h) None of the contractors is the relation of the President.

EDUCATIONAL DEPARTMENT: MUHAMMADANS.

Khan Saheb G. A. D. WASIF (Central Division): Will Government be pleased to state—

(a) the number of Muslim clerks in the Northern, Central and Southern Divisions in the Educational Department;

(b) how many of them are permanent and how many of them are acting;

(c) the number of applications received from all communities for clerks' posts in the Educational Department since the year 1922 and how many of the applicants were given appointments;

(d) how many applications were received from Muhammadan candidates and how many of such candidates were given appointments;

(e) whether it is a fact that clerks having more than 5 years' service in the Educational Department have not yet been confirmed;

(f) If so, the reasons therefor and when they are likely to be confirmed?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Northern Division—3, Central Division—6, Southern Division—Nil.

(b) Northern Division—1 permanent, 2 acting, Central Division—1 permanent, 5 acting, Southern Division—Nil.

(c) 1,424 and 316 respectively.

(d) 95 and 38 respectively.

(e) Yes.

(f) In view of the probable reduction in the number of posts in the clerical branch owing to the reorganisation of the inspecting and clerical staff of the Educational Department consequent on the transfer of control of Primary Education to District Local Boards, only officiating appointments have been made. The question of the confirmation of as many clerks as possible is under the consideration of the Director of Public Instruction.

Rao Bahadur S. K. BOLE: Sir, Messrs. Stewart & Sons propose to have a photograph of the honourable members of this House on the 17th instant. Honourable members of this Council have given their consent to it.

The Honourable the PRESIDENT: I suppose that would take about 15 minutes. I personally have no objection. I presume it is the general desire of the House that that should be arranged.

SUPPLEMENTARY GRANTS.

Token grant of Rs. 10 for entertainment of temporary additional clerical staff in the office of the Commissioner of Police, Bombay.*

The Honourable Sir ERNEST HOTSON: Sir, I make a demand for a token grant of Rs. 10 under 26, Police, for the entertainment of temporary additional clerical staff in the Office of the Commissioner of Police, Bombay. The facts are fully given in the statement, which has been printed and circulated. The Finance Committee has approved of this grant. It is perhaps not necessary to say anything further.

Question put and carried.

Scarcity Works in Bijapur District.

Token grant of Rs. 10 in connection with the scarcity works in the Bijapur District.†

The Honourable Dewan Bahadur HARILAL D. DESAI: I make, Sir, a demand for supplementary grant by way of token grant for Rs. 10 to be added to 41, Civil Works, partly reserved and partly transferred. This token grant refers to the scarcity work in the Bijapur District and out of the three items shown in the printed statement, the expenditure on the first item is a new service, and this token grant has to be made. The money is to be found from the grant to 41, Civil Works, Provincial, and consequently this honourable House will allow the grant in view of the fact that the Finance Committee has also approved of it.

Question put and carried.

Taloda-Shahada Road, Sections I and II.‡

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I make a demand for a supplementary token grant of Rs. 10 to be added to the provision under "41, Civil Works—partly reserved and partly transferred". It refers to expenditure on the Taloda-Shahada Road, Sections I and II. To meet these liabilities, as the statement says, and to proceed with unavoidable items the Superintending Engineer asked for an allotment of Rs. 9,000 and at the same time suggested a reappropriation to that extent out of the provision for another road work. The matter is urgent and the money has to be found by reappropriation. As it is a new service, I submit that the honourable House will allow the grant. The Finance Committee has approved of it.

Question put and carried.

Grants to meet excesses under certain heads.

The Honourable Mr. G. B. PRADHAN: Sir, in the Appropriation Reports for 1928-29 certain excesses were pointed out by the Accountant General and they have got to be cured. So I make a demand§ for the following grants:—

	Rs.
(1) 5, Land Revenue—Reserved	5,025
(2) 7, Stamps—Reserved	55,733
(3) 22, General Administration—Transferred	848
(4) 27, Ports and Pilotage—Reserved	296
(5) 32, Medical—Transferred	47,225
(6) 45, Superannuation Allowances and Pensions— Reserved	1,57,981

* Vide Appendix 11.

† Appendix 13.

‡ Appendix 12.

§ Appendix 14.

[Mr. G. B. Pradhan]

	Rs.
(7) 55, Construction of Irrigation Works—Reserved ..	1,37,152
(8) 60-B, Payment of Commuted Value of Pensions	
Reserved	19,456

The reasons are explained in the note and all the grants have been sanctioned by the Finance Committee.

Question proposed.

Rao Bahadur R. R. KALE (Satara District): With regard to this demand I have to say, first of all, that it is not properly a supplementary grant. In the body of the explanation it is stated that in the report on the Appropriation Accounts of the Government of Bombay for the year 1928-29 the Accountant General has pointed out excess expenditure in the final accounts under the several heads. So, this should really be not a demand for a supplementary grant, but a demand for an excess, because rule 31 of the Bombay Legislative Council Rules (page 234 of the Council Manual) says:—

“When money has been spent on any service for which the vote of Council is necessary during any financial year in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Council by the Finance Member and shall be dealt with in the same way by the Council as if it were a demand for a grant.”

Rule 32 refers to supplementary or additional grants.

From the statement itself it seems that the Accountant General pointed out excess expenditure in the final accounts under certain heads. This demand should, therefore, have been under rule 31 which I have just quoted. It is not merely a technical objection, but it has some substance in it. It was pointed out in the last report of the Public Accounts Committee that whenever excesses are found and a demand has to be made before the Council to cover these excesses, the proper procedure should have been as pointed out by Sir Frederick Gauntlett who gave a sort of statement on how such excesses should be met. On page 32 of the Report and Proceedings of the Public Accounts Committee for 1929 you will find the procedure laid down by Sir Frederick Gauntlett:—

“I might explain that there is a procedure whereby the report of the Public Accounts Committee is presented to the Legislative Council and one or more days set aside for its discussion in the Legislative Council. I think it takes place in the following form, that the Local Government asks the Legislative Council to vote certain excess grants to which attention has been called by the Public Accounts Committee. That lays the matter before the Legislative Council and then it proceeds to discuss any points which various members of the Legislative Council wish to raise on the report of the Public Accounts Committee as a whole.”

My submission is that the report of the Public Accounts Committee for the year under consideration should have been placed before this House first before making the demands for excess grants. As a matter of fact, Sir, neither the report of the Accountant General nor of the Public Accounts Committee was available to honourable members of this Council until a few days ago. I found the report of the Public Accounts Committee placed in the pigeon holes only to-day. When I received this statement of demand for grants (item 4) by post at my head-quarters I wrote to the Secretary of the Legislative Council saying that I had not received either the report of the Accountant General

[Rao Bahadur R. R. Kale]

or of the Public Accounts Committee and that therefore I was not in a position to say what I had to say about this matter.

The Honourable Mr. G. B. PRADHAN : May I interrupt the honourable member for a moment, Sir ? Is the honourable member anxious that this grant should be discussed at the time when the Public Accounts Committee's report is presented to this House ? That will be done on Friday. I have no objection to put this off. The honourable member himself is a member of the Finance Committee. When these demands were put before that body nobody raised any objection. If it is the wish of the House that this demand should be put off till the presentation of the report of the Public Accounts Committee, I have no objection.

Rao Bahadur R. R. KALE : I take objection to one thing. When the matter was discussed in the Finance Committee, the report was not available. I then spoke to the Finance Secretary (Mr. Wiles) who promised that he would see that the report was made available as soon as it was printed.

The Honourable Mr. G. B. PRADHAN : In the circumstances, I will place this demand on Friday.

Construction of a second tube well at Sakrand.*

The Honourable Mr. B. V. JADHAV : Sir, I make a demand for a supplementary grant of Rs. 6,001 under "34, Agriculture—Transferred". This House knows the circumstances under which the demand was sanctioned last year under this head. But owing to the promise given to this House, a fresh scrutiny had to be made and therefore the work could not be finished within that year. For this reason the work has to be completed this year for which this additional demand is made.

Question put and carried.

The Honourable Mr. J. GHOSAL : Sir, I make a demand for Rs. 5,200 under the head "37-Miscellaneous Departments—Reserved."† This is only a formal transfer from "Miscellaneous Transferred" to "Miscellaneous Reserved." At the Finance Committee meeting, I promised to explain the two independent items for valuing papers. The Accountant General laid down that whatever fees for valuing papers are paid to the permanent staff should be shown under "Allowances" and the fees paid to outsiders should be shown under "Contingencies". Therefore, it was necessary to make provision under two heads. As to the clerk though he is on the temporary establishment, he is on a time-scale of Rs. 60 rising to Rs. 160, and is now actually drawing Rs. 100.

Question proposed.

Rao Bahadur R. S. ASVALE (Bombay City, North) : Sir, I find that no explanation has been given by the Honourable the Revenue Member as regards allowances which have been shown at two places. I find that under the head "Allowance" an item has been shown for Rs. 1,100 for fees for setting and valuing papers and again under the head of "Contingencies" there is the same item for Rs. 600. Why is it so ?

*Appendix 15.

†Appendix 16.

The Honourable Mr. J. GHOSAL : I thought I had explained that the amount paid for the fees for valuing papers to the permanent staff is shown under "Allowances" and that paid to outside employees is shown under "Contingencies".

Question put and carried.

The Honourable Mr. B. V. JADHAV : Sir, I make a demand for a token grant of Rs. 10 under "6-Excise District Executive Establishment".* The Retrenchment Committee recommended that the rates of Travelling allowance to menial servants in the Excise department were very liberal when compared to those paid to the police and that the Travelling Allowance rates and rules for the Police should be made applicable to Excise menials also. The Commissioner protested; but in the interest of economy Government sanctioned the change tentatively for a year in 1926. In 1927 the Commissioner pointed out that the work had suffered as the travelling done by the menial staff was below the mark. There was a saving of some thousands. Government waited for another year. Next year the conditions did not improve and in the third year matters came to a crisis and protection work suffered to a very great extent causing loss of revenue.

Government have, therefore, come to the conclusion that as the conditions of work in the two departments of the Police and Excise differ so materially, it is not just to make the police rules applicable to the other department. The new system works unjustly in the case of the Excise menials, who have to go on touring in the jungles where there are no roads and other amenities and when the police rules are applied they do not at times get enough to cover out of pocket expenses.

Government therefore approach the Legislative Council for their approval to the reversion to old scale by asking a token grant of Rs. 10.

Question put and carried.

The Honourable MOULVI RAFI UDDIN AHMAD : Sir, I ask for a token grant of Rs. 10 under "31-Education Transferred" for the creation of a post of Deputy Director at the Sir J. J. School of Art, Bombay. The circumstances are fully explained in the note.† I may remind this House that in April 1929 the post of the Personal Assistant to the Director was created but that has now ceased to exist. It has been considered necessary to provide for a Deputy Director, as the Director has much work to do. As the post of the Personal Assistant will be abolished, there will be economy in this direction. I may tell this House that there will be no additional expenditure but this token grant of Rs. 10 is demanded as is required by the rules. I may add for the information of the House that we shall advertise the post of the Deputy Director both in England and India and if possible we shall try to get an Indian for the post.

Question put and carried.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I make a demand for a token grant of Rs. 10 under "22-General Administration Reserved."‡ The Bombay Municipal Boroughs Act came into force in 1926, but its provisions differed from the provisions of the District Municipal Act. Rules and bye-laws were framed by Mr. Orr several years

*Appendix 17.

†Appendix 18.

‡Appendix 19.

[Dewan Bahadur Harilal D. Desai]

ago, but they are not consistent with the provisions of the Municipal Boroughs Act. It is therefore requested that there should be revised rules and by-laws to suit the new Act for the guidance of the Municipal Boroughs. It is the intention of Government that Mr. N. D. Mehta who was for some time Deputy Commissioner in the Bombay Corporation and also Chief Officer at Bandra and Ahmedabad be appointed to take up this work. He has particularly great experience in drafting rules and bye-laws. For this purpose I say that this demand is absolutely necessary and I may inform you that the Finance Committee has approved of it.

Question put and carried.

Additions and Alterations to the Excise Buildings behind the "Times of India" Offices, Bombay.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I make a demand for a supplementary grant by way of token grant of Rs. 10 to be added to 341-Civil Works, partly reserved and partly transferred.

The facts are very concisely stated in the statement placed before the House*. There are certain premises opposite the Victoria Terminus Station which belonged to the Auxiliary Force but the military authorities having not wanted that building, Government purchased it for the office of the Bori Bunder Excise Preventive station, and in order to make it suitable for use by the Excise Preventive station some repairs are necessary. For that purpose estimates were made and, among those estimates, there is an item of Rs. 5,589 for electric installation to be put in this building. Without lights the excise office cannot possibly work there and it was not possible to include this work in the budget when it came up. Consequently, it is found absolutely necessary to find money for it and as it is a new service, this demand is made before this honourable House. This money is to be found by re-appropriation.

At the time when this matter came up before the Finance Committee, the Finance Committee wanted to know why such a large amount was required for electric installation. I beg to submit that I have gone into that question and after the estimates were made, tenders were invited and the rates of tenders were found to be higher than those estimated in the original estimates. Consequently, this amount is considered to be necessary, but I will submit to the House that we come to the House because this is a new service but it does not mean that we will be spending the whole amount. We will be trying to curtail as much as possible out of this amount, and therefore I will assure this honourable House that while the House will be good enough to sanction this demand, it will be sanctioning it because it is a new service and the department will be taking care to see that only as much as is absolutely necessary will be spent on the electric installation of the excise station.

Question proposed.

Rao Bahadur R. S. ASAVALE (Bombay City, North): Sir, in the Finance Committee I had raised the objection as regards the electric installation in the excise building costing Rs. 5,589. I also wanted to know how many points were to be taken in that building when the build-

* Appendix 20.

[Rao Bahadur R. S. Asavale]

ing was bought for Rs. 9,730, the cost of repairs alone was going to be Rs. 22,831 which I believe is exorbitant. Taking into consideration the cost of the old building and that of repairs, which would amount to Rs. 32,000, it will be better and profitable to rebuild the same instead of repairing the old building and spending over Rs. 22,000. The whole building should be re-built. The cost of premises Rs. 9,730 includes the land value, I believe. No doubt the bargain was good as regards the purchase. At present, if we buy only land near the Bori Bunder station, it will cost more than the price paid for the building. I am glad that we have secured building for Rs. 9,730, but I have doubts as regards the correctness of the amount of repairs to be spent and expenditure incurred for the installation of electric lighting in the excise building as it seems to be excessive. Unless I am satisfied on these two points I am not going to support the demand. I also do not think that the House will be well advised to pass such a big amount for repairs and for electric installations.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I submit that Government has succeeded in making a bargain in having secured this building for about Rs. 9,000. The site under it itself is very valuable and the Public Works Department would not be spending money unnecessarily if the building were unfit for being improved and added to. The whole demand for the original estimate of Rs. 28,000, of which, Rs. 5,589 forms a part for electric installation, is not before the House. Rs. 22,000 have not yet been found. We are not demanding any sanction in this demand for Rs. 22,000. That will stand by itself as a work in progress. The only question at present is about the electric installation. There are certain additions to be made and as it is found that all this could be made and the building could be made sound by a further expenditure on it, the question has been brought up. The only question before the House is that of electric installation and for that purpose, I submit that while as it is a new service we are making this demand, we are not going to spend the whole amount for which we have put the figure because we would be trying to economise as far as possible. The another question on spending Rs. 22,000 on repairs to the building or the additions to the building is not directly before the House.

Rao Bahadur R. S. ASVALE (Bombay City, North) : Sir, I am not at all satisfied with the explanation given by the Engineer, so may I know from the Honourable the Minister that the whole thing will be placed again before the Council when the money is to be spent if the demand is sanctioned now ; I believe no scheme will come forward and that no estimates will be shown to the House. The other day in the Finance Committee I asked this to the Engineer in charge, when he specifically told me that he would inform the Committee how many points would be taken in that building but the information is not forthcoming. If the information had been given we might have considered and examined whether the estimate actually made by the executive engineer is to our satisfaction.

Mr. A. X. MORAES : Sir, there are not merely points, but there are several other items. For the inspector's office there are about 33½ points; then there are lights, fans, table fans, boxes, brackets and several other items. We have gone very carefully into this matter. We have received tenders for work. The Electrical Engineer has got these rates and specifications, and he will see that in competition these quotations are reduced and so we will be able to economise. That is the reason why the Honourable Minister is promising the House that there will be economies in the actual execution of the work.

Question put and carried.

Formation of a new Division known as the Research Division on the Lloyd Barrage and Canals Construction Scheme—55, Construction of Irrigation, Navigation, Embankment, and Drainage Works.*

The Honourable Sir GHULAM HUSSAIN : Sir, I move for a token grant of Rs. 10, as this is a new service. This demand has the approval of the Finance Committee.

Question put and carried.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I make a supplementary demand for a grant of Rs. 10 to be added to 41-Civil Works, Provincial—Partly Reserved and Partly Transferred.† It has been decided to open a new district on the Right Bank of the Indus with effect from the 1st of April 1931, and the buildings required therefor have to be completed by 31st March 1931. Therefore a temporary sub-division for constructing several Revenue and Police buildings for this district has to be created, and for that purpose this demand is made. It is a new service, and therefore it has been brought before the honourable House. The amount has to be found by reappropriation. I therefore hope that the House will grant the demand made.

Question put and carried.

The Honourable Sir GHULAM HUSSAIN : Sir, I move for a token grant of Rs. 10 for the formation of a new Construction Sub-Division for Kalri and Narichach improvements in the Karachi Canals Division. The object of the demand is mentioned in detail in the statement.‡

Question put and carried.

BILL No. XXI OF 1930 (A BILL FURTHER TO AMEND THE BOMBAY UNIVERSITY ACT, 1928).

(As amended by the Select Committee.)

The Honourable MOULVI RAFI UDDIN AHMAD : Sir, I present the report of the Select Committee on Bill No. XXI of 1930 (a Bill further to amend the Bombay University Act, 1928).§

Mr. A. N. SURVE : I rise to a point of order, whether the Bill.....

The Honourable the PRESIDENT : Order, order. I must put the question to the House first, and then the point of order may be raised.

The report of the select committee is presented.

Mr. A. N. SURVE (Bombay City, North) : Sir, I submit that the report of the select committee cannot be presented to this House.

* Appendix 21.
† Appendix 23.

‡ Appendix 22.
§ Appendix 24.

[Mr. A. N. Surve]

I request your attention to page 246 of the Council Manual. Standing Order VIII, 7 (4) says :

"The Secretary shall cause every report of a Select Committee, with any minutes of dissent thereto and the Bill, if amended, to be printed, and copies thereof shall be made available for the use of each member of the Council."

My first point is that the words used are very definite and they are that the report of the select committee shall be printed. The report as it is presented to us is only cyclostyled ; it is not printed.

The second point is that the report, with the minutes of dissent, if any, and the Bill, if amended, shall be published in the Gazette in such language as the select committee may direct. So, the second requisite is that the report must be published in the *Government Gazette*. These are the two requisites before the report can come for consideration before this House. I do not press the second point at this stage, because I am going to raise another objection afterwards, but at this stage I submit that, as the report is not printed, it cannot be submitted for consideration to this House.

Mr. D. D. NANAVATI : I would like to bring to your notice, Sir, that the Advocate General has ruled in another connection that cyclostyling is included in printing.

The Honourable the PRESIDENT : I hope the honourable member has followed that. Another thing is that this is done with the general consent of the House, and I agreed to that under the special circumstances which are explained by the Honourable Minister that, as the next elections were pending, and as this Bill should be passed before that and placed in the hands of the University, and as this was going to be the last session, I was to waive the provisions of the Standing Order affected, and I agreed to it with the consent of the House. Therefore, these become merely technical objections.

The Honourable MOULVI RAFI UDDIN AHMAD : Sir, I move
second reading. that Bill No. XXI of 1930 (A Bill further to amend the Bombay University Act, 1928) be now read a second time.

Question proposed.

Mr. A. N. SURVE : Sir, the second point that I want to raise is this, that when the bill was discussed, we discussed only the matter of principle, and the bill was submitted to the select committee on the distinct understanding—I mean as far as the principle is concerned—that the election by a single transferable vote was to continue, because the University Act has adopted that mode of election. Now we find that the select committee has added another clause to the bill, viz., clause 8, which adopts quite another mode of election in contravention of the mode prescribed by the University Act and I submit that as that has been done without the permission or knowledge of the House the select committee has exceeded its powers. It has incorporated some fresh matter which was not at all considered by the House at the time of the first reading. I submit that it amounts to a clear departure from the principle followed by this House in the matter of legislation. This report cannot, therefore,

[Mr. A. N. Surve]

be considered by this House, as the select committee has exceeded its powers.

The Honourable the PRESIDENT: The point of order raised is of significance, but the honourable member has probably noticed an amendment tabled to delete clause 8. Possibly, very technically speaking, the select committee is not entitled to exceed its powers, but the House has the general powers, the larger powers to correct it. That would not throw any difficulty in the progress of the bill at all.

Mr. A. N. SURVE: We are not at present considering the amendment. We have before us only the report of the select committee. The amendment is to follow.

The Honourable the PRESIDENT: When clause 8 is reached, the honourable member would be perfectly justified in raising that point, but in view of the amendment of which notice has been given, the point is met.

Rao Bahadur R. R. KALE (Satara District): Sir, while we are on the second reading of the bill, I should like to say that the bill was referred to a select committee, and as I was the member perhaps so much responsible for getting the bill referred to a select committee, it is due to the House to state that as we have already stated the matter about the amendment of section 48 of the Act was discussed in the select committee, and we find that over the heads of the members of the select committee there have been dissenting minutes from certain honourable members. While according my support to the second reading of the Bill, I have to make a few remarks as to the reasons why I support the second reading of the Bill together with the amendments which have been proposed on the dissenting minutes of the honourable members. In view of the urgency of the matter, it would be necessary to get through this Bill in this session. No doubt, the question of proportional representation was raised as one of the obstacles to the working of the Act as it is framed. In order to get over that obstacle a small amendment was suggested to section 48. As my honourable friend on the right (Mr. A. N. Surve) has said, it is an amendment of principle—proportional representation—which is laid down in the Act. Any amendment of such a principle it is said would not be justified, unless we have had the opinion of the Senate on it. It is not appropriate to amend the Act itself without the consent of the Senate. That has been the difficulty. As there is no time to do that, it seems to me that the present amendments which have been incorporated into it in the select committee and the amendments which have been tabled by me and my honourable friend the Legal Remembrancer, if they are adopted, they will serve the purpose of getting over the difficulty, and make quite workable the Act as it at present stands, without encroaching on section 48 of the University Act. I must say that I have given my consent to the second reading of the Bill as it has now emerged from the select committee not permanently but as a temporary device. I hope and trust that in future the amendments which are now sought to be made will have to be considered

[Rao Bahadur R. R. Kale]

along with the question of proportional representation, which is rather a complicated and difficult matter.

I wish to point out for the information of honourable members that the original intention of the Act no doubt is to have all elections by means of proportional representation. The question is whether the principle of proportional representation is suitable to small constituencies, where the number of electors as well as the number of seats elected by such small electorate is also small. Here by reason of reservation and splitting up of groups the seats and electorates are both rendered very small and therefore proportional representation is not effectual. Not that it is impossible; but the object cannot be fulfilled. Hence it is necessary that sooner or later we will have to amend section 48 after the Legislative Council or the Government receives a request from the Senate on that question. I hope that the Senate will, as I understood in the discussion with the members of the Senate, consent—as I found there is a feeling to that effect—to submitting definite proposals for the amendment of section 48, in such a way that it will suit only certain elections and not all elections. So, as a sort of temporary device I support the second reading of the Bill.

Mr. A. N. SURVE (Bombay City, North): Sir, I do not know whether I shall be in order. The point is this. The motion at present is to read the Bill clause by clause. I am going to move that the Bill be recommitted to the select committee. I shall explain the purpose for which I am doing this. I formally move that the Bill be recommitted to the select committee without limitation.

The Honourable the PRESIDENT: What is the reason?

Mr. A. N. SURVE: In support of my amendment I beg to mention that throughout the stage of the select committee various members appear to have been labouring under a misapprehension and they have been misunderstanding one another. It is quite apparent from the dissenting minutes that have been appended to it. The honourable member Mr. D. D. Nanavati makes it quite clear that the amendment made is not one of form merely. He says:

"I wish to make it clear that the words introduced into section 48 of the Act by new clause 8 of the Bill make a departure of principle by doing away with the system of proportional representation by the single transferable vote in the case where only one member is to be elected. The assumption that the amendment is one of form only is not correct except in the specific cases where there are only two candidates for the one seat. I feel bound to make this note as I think that I did not make the position quite clear in the select committee meeting, and it is possible that some members may have been misled by this."

The Honourable Dewan Bahadur HARILAL D. DESAI: There is an amendment to this clause. It can be taken up when we come to that clause.

The Honourable the PRESIDENT: The honourable member is trying to make out that the whole select committee was in a state of stupor, members misunderstanding each other all along. Therefore, he says that the select committee's work should not be considered in this House and that it should be recommitted.

Mr. A. N. SURVE : That is so, Sir. The second argument is that there is no guarantee that there would be only two candidates for any election. There may be three or four or any number. And the whole discussion seems to have turned on this one point that as only one seat was to be filled up, therefore, the election by a single transferable vote was not workable forgetting all along that there may be many candidates for a single seat. The other aspect of the question was not at all given attention to to the extent which it deserved. Of course, if there are only one or two candidates, then one can understand that the principle of single transferable vote may not come into full operation. But if the candidates are three, then of course that principle will operate. Unfortunately it appears that the Select Committee was under the impression that as only one seat is to be filled up, the principle of election by the single transferable vote is altogether inapplicable and that on the very ground, Sir, this clause 8 came to be added. That clause was not in the original Bill. You just mentioned to me, Sir, that the clause is going to be deleted. I do not think that refers to clause 8. The deletion refers to clause 2, as it appears to me from the notice of amendment tabled by the honourable member Mr. Nanavati.

Another matter may be seen from the dissenting minute of the honourable member Rao Bahadur Kale. He says :

"I sign the report with a slight alteration in the amended slip, viz., dropping the word "Arts" which I think has come to be inserted through mistake or misapprehension in the slip."

That is his impression. But the word "Arts" is still in the Bill. I drew his attention to the fact that it is not going to be omitted.

You will see, Sir, that as matters stand at present there are very good grounds for recommitting this Bill to the Select Committee. I could see the force of the argument that this is the last session and the seats will have to be filled up in the month of August. Still the question is whether we should allow such state of affairs to proceed further. I submit that it would not be in the interest both of the University as well as in the interest of law-making.

Another point is that though a departure of principle has been made, the University is not being consulted and it is that body whose interests are going to be affected and that too without its knowledge. For these reasons I submit that there are sufficient grounds why the Bill should be recommitted to the select committee.

The Honourable Sir GHULAM HUSSAIN : Sir, I rise to oppose the amendment. The honourable the mover of the amendment has himself admitted the necessity of this Bill. He knows that the elections in the Senate will shortly take place. The only other objection that he has raised, is that the University has not been consulted. But my honourable friend opposite to me has replied to it. But if he is not satisfied with that reply, I would submit that this Council is the final authority in regard to all legislation that is brought before this House. It is only through courtesy that we consult the bodies concerned when legislation is introduced. The proposed Bill has the approval of the Syndicate,—an important body of the Senate. Therefore, my honourable friend's

[Sir Ghulam Hussain]

idea for referring back the Bill to the select committee does not hold water.

His remarks about the members of the select committee may be partially true. But if he takes all the amendments that are placed before this honourable House, I am afraid that he will find that his mind is more confused than the minds of members of the select committee. He said that there was a good deal of misunderstanding. But the misunderstanding is more in his mind than in the minds of other members. I am sorry he has not read the amendments to be moved by my honourable colleague Dewan Bahadur Desai and others. If he had read them then all misunderstanding would have been removed; and instead of being opposed to the Bill, he would have supported it.

The Honourable the PRESIDENT: I had not put the amendment to the House at all. I thought that was just an explanation. I will take that as an explanation.

I would like to ask the honourable member whether he still wishes to press his amendment by asking this House to send the Bill again to the select committee. The circumstances under which the Bill has to be considered are well-known to him and if he reads all the amendments and the minutes of dissent, he will see that all or most of the members of the select committee rose to the occasion and wrote their minutes of dissent before signing the report and have tabled amendments to put the Bill in its proper form. Under these circumstances, I may say that the Bill is going to be looked into presently and the amendments will be examined before it can pass on to further stages.

I would, therefore, again ask if the honourable member persists in pressing his amendment. With regard to the word "Arts", there is an amendment that the word "Arts" be omitted from the place where it interferes in the matter of the electorate.

Mr. A. N. SURVE: Sir, as a member of this House I felt it my duty to place the shortcomings, as they appear to me, before the House. It is for the House to overlook them.

The Honourable the PRESIDENT: Correct them, not to overlook them.

Mr. A. N. SURVE: The consequences of hasty legislation are apparent. The very fact that this Bill has been brought in is the most convincing reply that the policy of rushing through the Bill has this evil consequence: Whether I have studied the Bill or not is of no consequence at all. After studying the bill in the manner of which I am capable I have placed the fruit of study in the form of the amendment before the House. If the House is in favour of passing over the omissions that I have brought to its notice, it is its pleasure. I have done my duty; therefore, I shall withdraw the amendment and ask for leave to do so.

Question put and leave granted.

Question, "That the Bill be read a second time," put and carried.

The Honourable the PRESIDENT: I will now take the Bill clause by clause.

(Bill read clause by clause.)

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

Clause 2 (Amendment of section 13 of Bom. IV of 1928.)

In Part (A) under the heading "II-Ordinary" in sub-section (1) of section 13 of the Bombay University Act, 1928, hereinafter called the said Act,—

(a) in entry (i) the words "one electorate of" shall be deleted;

(b) for entry (i) (a) the following shall be substituted, namely:—

(a) Principals of arts colleges as follows:—

(1) one principal elected by separate elections by the Principals of arts colleges in all the groups as hereinafter defined, to represent the principals of arts colleges in each such group.....5.

(2) three principals elected by the principals of arts colleges in all the groups as hereinafter defined.....3.

(c) After entry (vi) the following provisos shall be inserted, namely:—

"Provided that,—

(1) every person elected under any of the entries (i), (ii) and (iii) shall hold the office of a Fellow only so long as he occupies the office or comes under the designation which entitled him to be so elected; and

(2) the Fellows representing the Legislative Council of the Governor of Bombay shall hold office for the duration of the Legislative Council electing them and thereafter up to the date on which new Fellows are elected by the next Council.

Mr. D. D. NANAVATI: My amendment, Sir, reads thus:—

"In clause 2 of Bill No. XXI of 1930 (A Bill further to amend the Bombay University Act, 1928) as amended by the Select Committee—

(1) Delete sub-clause (a)

(2) For sub-clause (b) substitute the following:—

(a) for entry (i) (a), the following shall be substituted, namely:—

(a) principals of arts colleges as follows:—

(1) one principal elected by separate elections to represent the principals of arts colleges in each group as hereinafter defined;5.

(2) three principals elected by a separate election to represent the principals of arts colleges in all the groups as hereinafter defined.....3.

(3) Reletter sub-clause (c) as sub-clause (b).

That practically redrafts clause 2 of this Bill.

Although the point of the amendment is small, the drafting has to be entirely overhauled, because, as you will see, it is a very elaborate and complicated provision in which the words "Principals of Colleges" occur several times. Principals of Colleges are of several kinds and we have to make it clear that this election of eight Principals is an election by one electorate consisting of all the Principals of Colleges who send students to the degree examinations of the University. That is the first point. The second point is to achieve the object with which this Bill has been brought forward. The object is to get over the difficulty of combining a proportional representation system of election with the system of reservation of seats in the University. And this Bill has been brought to remove that difficulty by providing that the Principals who are to represent the various groups of colleges in the University will have to be elected by separate elections. Those principals have to represent five groups and they will be elected by five separate elections by a single electorate and when those five principals have been so elected,

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the remaining three seats will be filled by the principals of Arts Colleges elected by another separate election by the same electorate on the system laid down in the Act. That, Sir, is the object of the amendment and I hope it will be acceptable to this honourable House.

Question put and carried.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 (*Amendment of section 15 of Bom. IV of 1928*) ordered to stand part of the Bill.

Clause 4 (*Amendment of section 20 of Bom. IV of 1928*) ordered to stand part of the Bill.

Clause 5 (*Amendment of section 21 of Bom. IV of 1928*) ordered to stand part of the Bill.

Clause 6 (*Amendment of section 25 of Bom. IV of 1928*) ordered to stand part of the Bill.

Clause 7 (*Amendment of section 45 of Bom. IV of 1928*) ordered to stand part of the Bill.

Clause 8 (*Amendment of section 48 of Bom. IV of 1928*).

In section 48 of the said Act at the beginning the words "Except when only one member is to be elected" shall be inserted.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I move an amendment as follows:

"The new clause 8 in the Bill be deleted."

Question put and carried.

The Preamble ordered to stand part of the Bill.

The Honourable MOULVI RAFIUDDIN AHMAD: Sir, I shall move the third reading of the Bill the next day.

**BILL No. XXVII OF 1930 (A BILL FURTHER TO AMEND
THE INDIAN STAMP ACT, 1899, IN ITS APPLICATION
TO THE PRESIDENCY OF BOMBAY).**

The Honourable Mr. G. B. PRADHAN: Sir, I beg to introduce Bill No. XXVII of 1930 (A Bill further to amend the Indian Stamp Act, 1899, in its application to the Presidency of Bombay).*

The Honourable the PRESIDENT: The Bill is introduced.

The Honourable Mr. G. B. PRADHAN: Sir, I beg leave of the House to read the Bill No. XXVII of 1930 for the first time. It is only a formal amendment. When

the original Act was amended, in schedule I of Article 62, sub-clause (c) (ii), the stamp duty was revised from Rs. 5 to Rs. 10, but through an oversight a correction was not made in sub-clause (i) by changing the figure of Rs. 5 to Rs. 10. The result was that when documents were stamped between Rs. 5 and Rs. 10 the Registrar asked for Rs. 10 stamp duty. Therefore, an application was made by the public

* Appendix 25.

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pointing out the anomaly in this clause. This mistake having been brought to the notice of Government, Government have brought this Bill before this House to make the necessary correction.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Sir, I beg to oppose the first reading of the Bill. The House is aware that the Bombay Amendment of Indian Stamp Act so far as it is applicable to the Bombay Presidency is a temporary enactment and it will lapse after a short time. My point is that if this anomaly or mistake, call it anything, has remained for eight years, there is no reason why during the intervening period which is short an amendment should be brought forward. For this reason I think it is not necessary to amend the Act at present. I, therefore, oppose the first reading of the Bill.

The Honourable Mr. G. B. PRADHAN: Sir, I have not been able to understand my honourable friend Mr. Surve. The public is made to pay the stamp duty unnecessarily more than what is due. They have to pay Rs. 10 for a transfer and, therefore, the Government thought as there was an anomaly, this amendment should be made. An application was received to make the correction in clause (1), as the public has to pay stamp duty for a document which requires a duty between Rs. 5 and Rs. 10.

The Honourable the PRESIDENT: The honourable member's point is that when the public has paid this duty for eight years, why should they not pay it now? (*Laughter.*)

Mr. A. N. SURVE: My point was this that the bill is to go out of operation shortly.

Bill read a first time. Question put and carried.

The Honourable Mr. G. B. PRADHAN: Sir, I move 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 (*Extent and operation*) ordered to stand part of the bill.

Clause 3 (*Amendment of article 62 of Schedule I to Act II of 1899*) ordered to stand part of the bill.

The Preamble ordered to stand part of the bill.

The Honourable Mr. G. B. PRADHAN: Sir, I move that the bill be read a third time.

Bill read a third time. Question put and carried.

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

**BILL No. XXX OF 1930 (A BILL FURTHER TO AMEND
THE CITY OF BOMBAY MUNICIPAL ACT, 1888).**

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I beg to introduce Bill No. XXX of 1930 (A Bill further to amend the City of Bombay Municipal Act, 1888).

The Honourable the PRESIDENT: The bill is introduced.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I move that the bill be read a first time. I may say, Sir, in support of it that there was before this honourable House a Bill No.

First reading. XXVII of 1929 and it was referred by this honourable House to a select committee. The select committee reported on it and while we were discussing the matter in the select committee, the question came up whether members who were interested in leasing property to schools should not be disqualified, but we could not add that provision in the select committee because it would have enlarged the scope of the bill. Therefore, it was agreed then that Government should bring a bill with these provisions and incorporate the other provisions on the lines of the report of the select committee. Consequently, this bill has been brought. Bill No. XXVII of 1929, which was in charge of the honourable member Mr. Hoosenally Rahimtoola, was, after presenting the report of the select committee, not moved in view of Government moving this particular bill. So, the provisions here are the same as have been reported upon by the select committee except the provisions in clause 2 (1) (b). Consequently, I submit that as the matter has been once gone through by the House at the first reading of Bill No. XXVII of 1929 and also gone through by the select committee on that bill and as this provision has been inserted because the select committee wanted it and yet it could not be inserted in the original bill by the select committee, this bill has been introduced.

The Honourable the PRESIDENT: The Honourable Minister has referred to a select committee's report.

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes, of the Bill No. XXVII of 1929.

The Honourable the PRESIDENT: That is not before the House.

The Honourable Dewan Bahadur HARILAL D. DESAI: I only gave it as history, that this bill is not quite the same. As the House knows, that bill passed the first reading, went to a select committee which reported on it but which wanted certain other provisions to be added. The select committee, however, could not add and therefore Government have brought this bill including all the provisions which were there in that bill, *plus* the provisions with reference to the disqualification of members who are interested in any movable property let to schools committee for schools.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Sir, when a similar bill was under consideration of this House, I had given notice of an amendment and, as this bill is in substitution of that bill, I repeat my amendment. My amendment is as follows :

After the word "committee", add the words "The Schools Committee which shall include at least two representatives of each of the following three groups, namely, the Mahomedan, the Backward (Hindus) and the Depressed Classes."

The schools committee is not representative of all the interests, especially the interests of the backward communities, the labour and the depressed classes and on account of their absence from the committee, the education of the masses suffers very greatly. Therefore, it is necessary that there should be some representatives from these three communities, the Muhammadan, the Depressed Classes and the Backward Hindu Classes.

Sir, primary education has been made compulsory in the F and G wards of the city of Bombay since nearly five or six years ago, but practically very little good is coming out of that. We attribute the lack of progress in spread of education to the amount of interest that the schools committee is bestowing upon this matter. It is our impression that if members of the particular section of the population mentioned by me were there, they would apply themselves to this question with greater interest and see that the progress of primary education is made more rapid not only in the two wards but in the other wards of the city also where primary education is not yet made compulsory. For this reason it is my submission that this bill should have this provision made. I might just say a word as to how the elections to the schools committee are made. It consists of 16 members, out of whom 12 are elected by the Municipal Corporation out of their own number, and 4 are elected from outside, but by the Corporation itself. The 4 outsiders include 2 ladies. Now, coming to the 12 councillors, these elections go more or less on party lines. There were admissions and denials of the existence of parties in the Corporation. Some members said that there are parties, some deny it. But the fact is there, that there are parties in the Municipal Corporation, and those parties practically try to put in their own nominees to the exclusion of members belonging to the backward and the depressed classes. The backward class members are very few in number, and they are never in a position successfully to put in their own candidates in the schools committee, because their number is so small. As for the depressed classes, let me mention that there is not a single elected member in the Bombay Municipal Corporation belonging to the depressed classes. There is only one nominated member. Therefore, it is no wonder that there is no member representing the depressed classes in the schools committee. It is the proud boast of some of the corporators, who have the honour to be in this House, that the transactions of the Bombay Municipal Corporation are conducted not on communal lines, but if you examine the things more minutely, you will find that matters are conducted on communal lines, which has no parallel at all anywhere. The election of the President of the corporation is based on communal lines. So also the other communities try to see that their proportional numbers are

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kept up in the different committees of the Corporation. In these circumstances, unless some statutory provision is made, no member of the depressed classes or of the backward communities will have a fair chance of coming into the schools committee, and consequently their interests are likely to suffer. I might just mention that the honourable member Dr. Solanki was a candidate for membership of the schools committee, but in spite of his qualifications he was not elected, simply because the elections are conducted on partly lines. So, for all these reasons I submit that it is necessary that the interests of the backward communities and the depressed classes should be safeguarded. I therefore propose my amendment, which is as follows :—

In clause 2 (a) (1-A), after the word "committee" the following words be added :—
"among whose members there shall be included at least two members each of the following three groups, viz., the Mahomedans, the backward Hindus and the depressed classes."

Question proposed.

The Honourable the PRESIDENT: I take that as an amendment of principle, because that would be an amendment to the original bill in a way.

The Honourable Dewan Bahadur HARILAL D. DESAI: How does clause (1A) read with the amendment?

The Honourable the PRESIDENT: After sub-section (1) the following sub-section shall be inserted, namely:

"The schools committee, among whose members shall be included.."
Here come the members mentioned in the amendment.

".....shall be appointed by the Corporation at their first meeting in the month of April after each general election."

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I oppose this amendment, for several reasons. The first is that in the Bombay Corporation no communal elections have at all been allowed to enter, and it would not be proper to introduce communal elections in a committee like the schools committee, when even the Corporation itself is constituted without there being any communal elections.

The second objection is that the various provisions of the bill were referred to the Corporation, and they have been agreed to by the Corporation. It is usual always, when Government intend to make any amendment to the existing provisions of the City of Bombay Municipal Act, that they in the first place consult the Corporation. In this case, Sir, this question of the amendment of a very important principle has been raised by my honourable friend, about which there is no time for consultation with the Corporation, and I submit therefore that it is not right for this honourable House, without consulting the Corporation, to allow this amendment to be made in clause 2 (1A). There could be no objection, at a later stage, to my honourable friend, after consulting the Corporation and giving it an opportunity to express an opinion on his amendment, bringing out a bill for that purpose. As a private member he can do it in the next Council. But as at present advised, I must

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oppose this amendment being inserted in this bill without consulting the Corporation.

Rao Bahadur S. K. BOLE : Sir, I rise to support the amendment. I know that the Honourable Minister is always opposed to the interests of the backward and depressed classes, also of the Mahomedans, and it is no wonder that he has opposed this amendment. He says that there are no communal elections in the Corporation, but I may point out to him that, when the president's elections are taking place, they are held on communal lines. One year a European is elected president, another year a Mahomedan, the next year a Hindu, and so on.

An Honourable MEMBER : No, no.

Rao Bahadur S. K. BOLE : What is the use of saying that there is no communal election in the Corporation in the face of these facts ? Then again, when elections take place for appointing members on certain committees, they are carried on more or less on communal lines. Members vote for candidates of their own communities, and as members of the backward classes, the depressed classes and the Mahomedans are in a minority there, they are not able to hold their own. So, I submit that this amendment should be accepted by the House.

THE THAKOR OF KERWADA (Northern Division) : Sir, I oppose the amendment. I was really surprised that my honourable friend Rao Bahadur Bole, who is always having the interest of the depressed classes at heart and who poses himself as the champion and leader of the untouchables and backward classes in this House, should support this amendment. The Corporation of Bombay is a very important body and I quite agree with the Honourable Minister for Local Self-Government that that body should be consulted before an amendment of this nature could be passed by this House. For this reason I oppose the amendment.

Dr. P. G. SOLANKI : Sir, I support the amendment. The Honourable Minister for Local Self-Government mentioned that communalism should not be introduced. My honourable friend Rao Bahadur Bole has already pointed out that communalism is rampant in Bombay Corporation. The president is elected on communal lines ; and members to the different committees are returned more or less on communal lines. There is always understanding among members at the bottom of each election. All persons try to vote for their community and the result is that the backward, depressed classes and even Mahomedans have got no chance of getting into the committee unless this amendment is introduced. It has been the bitter experience of the backward and depressed classes that though they are highly educated, and well-deserving yet they do not stand a chance of getting into this committee. As the honourable member Mr. Surve pointed out there are a number of parties and a particular party has a particular man already in view for whom it votes. Under these circumstances, it should be clear to the Honourable Minister for Local Self-Government that it is already high time that this evil should be removed and some reservation must be made for depressed class members.

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Last time or even before that, persons from the depressed and backward classes must have tried to get into the schools committee. It is a matter of regret and despair that they could not get in. It is very reasonable that the representatives of the depressed classes should come in the committee in view of the fact that compulsory education is extended to F and G wards, which are mostly populated by the depressed and backward classes. There are thousands and thousands of children of these classes who attend schools, for whose facility no attention is paid by members of the advanced Hindoo community on the schools committee. It happens always that more attention is paid to the children of the advanced classes in the southern and northern parts of the city. If this amendment is not inserted I think it will be a great hardship on the backward and the depressed classes children. I cannot rest in good hope for the better education of the children of the backward and the depressed classes, although I may give credit to one or two Parsi members of the committee who are always anxious and solicitous to promote the education of these children. But such instances are few and far between. The majority of members belong to the advanced Hindoo classes. It is stated in this House that it is not time yet for them to come in, as has been stated by the Honourable Minister. The Starte Committee which was appointed to inquire into the conditions of the depressed classes and aboriginal tribes, whose report is put in the hands of honourable members, recommend, I believe, that these classes should have greater representation in all public bodies and all committees for education. The Honourable Minister asked the honourable member Mr. Surve to bring in a private Bill of his own in next Council. It is doubtful whether Honourable Mr. Surve will be returned to this Council next time. (An Honourable Member: What about the Honourable Minister?) It is also doubtful whether the Honourable Dewan Bahadur will be in the next Council. Perhaps he may not seek election. If the Honourable Minister is really serious and earnest about the advancement of the depressed classes, as I know he is, he should be prepared to give these facilities to the members of the depressed and backward classes, which they deserve. It is very necessary that such provision must be provided in the Bombay Municipal Act.

The Honourable Minister told us that such an amendment should not be accepted without the consultation of the corporation. I may remind the Honourable Minister that many a bill have been passed by this House, without consulting the Corporation even on vital points. This is simply an excuse to throw this amendment out. I request the Honourable Minister for Local Self-Government who is anxious to have dominion status for us to be more generous and liberal-minded and get in his younger brothers in the committee, so that we shall not have any ground to raise any such complaint on the floor of this House. At the same time the Starte Committee has recommended that there must be adequate representation of the members of these classes in committees which are

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for the education of these people. With these words I strongly support the amendment moved by the honourable member Mr. Surve, which I request the Honourable Minister Dewan Bahadur Harilal not to oppose it but to support it and thus promote the cause of the depressed classes.

Rao Bahadur R. S. ASVALE (Bombay City, North): Sir, I have to point out to the Honourable Minister for Local Self-Government that it is a fact that the election of the president and chairman of the standing committee is on communal lines.....

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I rise to a point of order, if it could curtail discussion. The amendment is outside the scope of the Bill. Section 39 which is sought to be amended you will find, makes it very difficult for the constitution of the schools committee as provided therein for rotation purposes during the prescribed term. You will find from the statement of objects and reasons.....

Rao Bahadur S. K. BOLE: I rise to a point of order.

The Honourable the PRESIDENT: There is already a point of order raised.

Rao Bahadur S. K. BOLE: I rise to a point of order to the point of order that has been raised. When once the President has admitted the amendment, can a point of order be raised to that?

The Honourable the PRESIDENT: Any good point of order can be raised at any stage.

The Honourable Dewan Bahadur HARILAL D. DESAI: It is stated in the statement of objects and reasons:

"...The election of the schools committee as a whole never takes place. Four members retire every year and their places are filled up. When there were twelve members on the committee a member once elected had a life of three years whilst now when there are sixteen members his life is of four years, i.e., one year more than the life of the Corporation."

In order to remove this anomaly the honourable member Mr. Hoosenally brought this Bill. That being the only scope of the Bill the disqualification clause could not be inserted. It was on that account that this Bill has had to be brought by Government in order to insert sub-clause (1-B). In view of this, I submit that the introduction of the principle of communal representation in this Bill is outside the scope of the Bill as explained in the statement of objects and reasons, so also in the case of the original Bill itself. We are here to see that the anomaly is removed and that the disqualification clause may be inserted. To seek to introduce the communal principle is outside the scope of the Bill and I submit that it is a point of order which you should consider.

Mr. A. N. SURVE (Bombay City North): Sir, we are told that the point raised by me does not fall within the principle of this Bill. I am afraid that I am not in a position to admit what the Honourable Minister has said. To my mind it appears that this principle can be debated upon because this is the first reading of this Bill. Here we are concerned with the schools committee. The provision lays down that the municipal

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corporation shall proceed to appoint the schools committee. The schools committee consists of a certain number of members. So far the description is quite general. I fail to understand how my amendment departs from the principle of the Bill. Instead of saying that so many members shall be appointed, I say that out of those members so many will be of such and such a character. So, I submit that the amendment which I have suggested falls within the scope of the principle.

Another point which I want to bring to the notice of the House is this. When Bill No. XXVII was discussed I had given notice of a similar amendment. In the speech I then made I also had raised the same point and when that Bill came before the House for second reading, I also tabled an amendment. The Honourable Minister has admitted that the present Bill is substantially the same Bill with certain additions as was moved by the honourable member Mr. H. M. Rahimtoola. So, if my amendments were in order so far as Bill No. XXVII of 1929 were concerned, I submit that they would be equally in order and admissible at the first reading of this Bill. This is the proper time when I can raise it because we are now discussing questions of principle.

About the question of consulting the Municipality, I might bring to the notice of this House the incident which has happened only about half an hour ago. When I raised in my last speech the objection that the University was not consulted, the Honourable the General Member told me "Oh, we consult these bodies only out of courtesy; it is not at all necessary. We have full power to pass any legislation." Now the Minister of Local Self-Government says "Oh, we have not consulted the Municipal Corporation and how can we entertain this proposal?" You see the contradiction and the way in which arguments are used. At one time it is not necessary to consult the body affected by the legislation, but at the very next time it becomes necessary to do so in order to suit the convenience of the Member of the Government. For all these reasons I submit that the amendment which I have tabled is within the principle of this Bill.

The Honourable the PRESIDENT: The point of order raised, as I understand it, is this: that the present Bill aims at getting over a difficulty and fixes the time as to when the schools committee should be appointed. It proposes that the schools committee shall be appointed by the Corporation at their first meeting in the month of April after each general election and so on. The honourable member, therefore, argues that he is in order in proposing the insertion of the amendment (which is the old amendment as I find from the office papers) which he had moved to the last Bill, namely, that in clause 1 (a) the schools committee shall consist of so many groups and so forth. The Honourable Minister, who has raised the point of order, says that the amendment is not strictly within the scope of the Bill. But this Bill attempts to amend section 39 of the original Act and reshuffles the whole constitution of the Schools Committee. The section runs thus:—

"It shall be the duty of the Corporation to appoint a schools committee of 16 members for the purpose of giving effect to the provisions.....etc."

[The President]

With the amendment that the honourable member proposes the section would read :—

“ It shall be the duty of the Corporation to appoint a schools committee of 16 members consisting of etc.”

That would really be more proper than to insert the words in the clause of an amending Bill, which appears more like being a surreptitious insertion in an amending Bill. But an amendment which raises the principle of introducing communal representation on a particular committee when a Bill is before the House for the first reading, cannot be out of order. But the honourable member would be better advised if he proposed to amend section 39 of the principal Act by putting these words in their proper place. But I cannot hold the amendment out of order.

Mr. A. N. SURVE: May I put in a word of explanation, Sir? When a particular section is under amendment, the part which is not included in the Bill is also liable to modification.

The Honourable the PRESIDENT: That is just what I said.

Mr. A. N. SURVE: And at this stage we are only discussing the principle. You have conceded, so far, Sir, that the point raised by me is within the principle of the Bill. Therefore, I beg leave that at the second reading I might be given an opportunity of introducing an amendment on the lines suggested by you. At present we are only concerned with the principle, and the principle is admissible. So, at the second reading, I might be given permission to move my amendment to that particular clause.

Rao Bahadur R. S. ASVALE (Bombay City, North): Mr. President, I have stated that the elections of president of the Corporation and chairman of the standing committee are made every year on communal lines. As regards the statement made by the Honourable Minister of Local Self-Government that until we get the consent of the Corporation it would be very difficult for the Council to make any change in the Act, I may point out to him, Sir, that the consent of the Corporation will be received by this Council on doomsday if the Corporation is as at present constituted. Sir, you know very well that for the last four years we have tried our best in this Council to lower the franchise of the Municipal Corporation to five rupees or to even greater length and what was the result? It was thrown down every time. It has now been recommended by the Simon Commission that the franchise for the legislatures should be trebled, still the Bombay Corporation will not be in a position or in a state of mind to reduce the present franchise and the Honourable the Minister for Local Self-Government wants to wait for the sanction of the Corporation.

Sir, the Corporation as it consists at present is of the members who belong mostly to the landlord class and the forward communities. It would be very difficult for the Corporation to send in their consent for any improvement, as long as the present corporation consists of these members of the forward communities. Sir, there is no doubt that there

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are many members who always go by communities. There are parties in the Corporation and party candidates are supported by them *minus* a candidate from the backward community and Depressed classes. Though some members of advanced classes such as Europeans and Parsis have a mind to support a candidate belonging to the Backward and Depressed classes when there is no candidate belonging to their communities, they are in minority. We have also some honourable members in this House who have a sympathy for the agriculturists, labourers and depressed classes but they are hopelessly in the minority. It was just said by some honourable members the other day that if a suggestion is brought here for amending a certain Act in the interest of the poor it will be supported. But I say, Sir, such suggestions will never be carried out unless they get the support of the Government members. But such is not the case with the Corporation. There is no Government side in the Corporation that we shall get their support. There is only a class of people who will never be able to support the Backward and Depressed classes. Sir, I would only give my own example. I stood for election as a member on the Schools Committee about a few months ago, that is, in the month of March last. What happened there? Some members of the advanced communities such as Parsis and Hindus who had promised to support me were not present that day, because they knew that if they remained present that day they would have to vote for a representative of the labouring classes even when there were candidates from the forward community. Therefore, I say, Sir, the elections there take place on the communal lines. There is no doubt about it. I may submit, Sir, that the election of members on the three-committees, viz., Improvement Trust Committee, Schools Committee and the Standing Committee, takes place on communal lines. I may, therefore say, Sir, that there should be a provision for the reservation of a seat for Mahomedans also. The Mahomedans are there, no doubt, but they are not in the majority. I have no opinion like the honourable member Dr. Solanki that they are in the majority. If there is such a provision, I am sure that the Mahomedans' claims for the election to the Schools Committee will also be safeguarded. Now I will come to the question which is most important. The Corporation of the Bombay City has to look after the primary education of the children of the citizens of Bombay. You know, Sir, that the children of the masses are backward in education and unless and until there is someone who has got some knowledge as regards the condition as well as has some connection with the Backward communities and poorer classes, it is very difficult to do much good to them as regards their education. As long as these illiterate classes—these labouring classes—are not educated, they are dangerous not only to the city but to the Government also. Because any literate man may make any sort of agitation and drive these illiterate people to take part in that agitation. With these few remarks, I hope better counsel will prevail and the amendment will be accepted by Government. It is not a thing which will result in bad consequences. It has been demanded that only three seats should be reserved out and 16 seats, one seat for our

[Rao Bahadur R. S. Asavale]

community, one for the depressed and one for the Mahomedans. That is not too much nor would they do any harm, because the committee consists of 16 members and out of them only three members will be belonging to communities concerned. They will never be in the majority to do any harm to the schools committee. They want to secure their position there in order to safeguard the interests as regards sanitary facilities, water supply, lighting, etc., and the education of the children of their community. After giving this explanation, I hope the Honourable the Minister for Local Self-Government will make up his mind and accept the amendment, which is a simple and harmless one. I do not hope that at this stage he will again get up and oppose the amendment. He will consider it again and support it.

Sir VASANTRAO DABHOLKAR: Sir, the honourable member who preceded me has given an explanation in this House which is very poor and is on communal lines. I rise to oppose the amendment. Mr. President, I am glad that the honourable member, who has just resumed his seat, said that the Mahomedans deserve a separate seat on the Schools Committee. He also said that the Mahomedans are not in the majority in the Corporation. That is not so. I stand corrected by the Honourable the Minister for Agriculture. (*After a pause*). He is silent on the question and his silence is the evidence of my correctness. The Schools Committee has at several times placed two members representing the Mahomedan community and one Mahomedan lady by co-option on the Schools Committee. Out of 16 members there are three members representing the Mahomedan community. Still the Hindu Backward community says that Mahomedans are not in a sufficient number. (AN HONOURABLE MEMBER: No, they are not). Last time when six members were to be co-opted on the Corporation a member from the Brahmin community topped the list with the support of the members of the Backward community. Why cannot these Backward classes whose members are more than six in the Corporation co-opt a member from their own community? It is a most shameful thing.....

Rao Bahadur R. S. ASVALE: Sir, I want to say a few words by way of explanation. There are only two elected members. I am one of those four representatives of labour, and as I am representing labour, I have no right to vote for a backward class candidate without the consent of the Labour Unions who elected me on the body. There are three other members who were elected along with me in the Corporation. They also cannot co-opt a member without the consent of the constituency.

Sir VASANTRAO DABHOLKAR: I again say that the explanation is poor. I am not concerned whether they represent labour or backward classes. I am talking generally about the backward classes.

Rao Bahadur S. K. BOLE *rose*.

The Honourable the PRESIDENT: The honourable member does not yield.

Sir VASANTRAO DABHOLKAR : I may like to yield, if one is reasonable.

Rao Bahadur S. K. BOLE : How can the honourable member say that I am not reasonable before hearing me? The honourable member is mixing matters. This debate is in connection with the election of the Schools committee members. It has nothing to do with the co-optive election on the Corporation. That is quite a different subject and so I say it is irrelevant.

Sir VASANTRAO DABHOLKAR : Mr. President, I am sorry that I have to come to the same point again. If there are more than six elected members of the backward community and if they cannot help themselves in co-opting one from them, then I say it is hopeless for them to elect anybody on the Schools Committee; because the community is divided. It was said by the honourable mover of this amendment and even by the honourable member who preceded me that education of the backward classes is neglected because the majority on the schools committee consists of members of the advanced classes. May I know what attempts were made by the honourable member to point out to the Corporation that the schools committee had failed in its duty towards the backward communities?

Rao Bahadur R. S. ASAVALE : Yes, I did. I was a member of the schools committee once.

Sir VASANTRAO DABHOLKAR : If he had done so, he must have done so privately and not publicly, at least I have never heard him doing so in the Corporation. Mr. President, in order to give facilities of primary education on a compulsory and free basis, the Corporation first gave it to two wards in which the population of these communities was the largest, namely, the F and G Wards.

Rao Bahadur R. S. ASAVALE : What about B and E Wards?

Sir VASANTRAO DABHOLKAR : As regards that, let Government give the money and we will do it and let the dispute be over. Mr. President, there is no question as regards the existence of parties in the Corporation. It is communal in this case, namely, the election of the President. There are traditions extending over thirty years that in order to satisfy every community, every year a member of that community is to be elected as president. That is the only communal spirit which we observe....

Rao Bahadur R. S. ASAVALE : What about the standing committee?

Sir VASANTRAO DABHOLKAR : The same applies to the election of the Chairman of the standing committee. This is the principle we observe in order to satisfy all communities.

It was said by the honourable member, Dr. Solanki that he congratulates the Parsis for looking to the education of the depressed classes as far as the Schools Committee is concerned. May I know, Sir, whether he can give any instances in which members of communities other than the Parsi community in the schools committee of the Corporation have ever done anything which was adverse to the interest of the

[Sir Vasant Rao Dabholkar]

depressed classes? The only defence of the honourable members Dr. Solanki and Rao Bahadur Asavale is that I have got no Municipal records with me at this moment.

Mr. President, it is said that the question of lowering the franchise was opposed by the Corporation. Even the Government was not in favour. When the bill of the honourable member Rao Bahadur Bole was before this House, it was at the third reading that Government took a somersault and threw the bill out. Why then blame the Corporation alone? Even Government is not in a position to help the Backward community.

Furthermore, it was remarked by the honourable member Rao Bahadur Asavale that it is only the Government that can rectify the mistake. Government is here and if there is a will, there is a way. When Government can nominate members to the Corporation, when Government can nominate members to the Standing Committee, why could not Government, in bringing a bill, have a clause to nominate such members as are not returned on the Schools Committee? From that point of view, I feel that it should be the Government who have got the right of nominating on the Standing Committee and on the Corporation; they should make a provision, for such nomination on the Schools Committee, but when it suits the convenience of Government they say that the Corporation must be consulted. just to put off the evil day. I hope the House has not forgotten the time when the Honourable the Minister for Local Self-Government would not allow the Corporation to raise loans for giving help to intending builders on the lands of the Improvement Trust. What was his attitude then? He defied the Corporation, and now when he wants to do nothing for the Backward Classes, he says he will consult the Corporation. It is my honest advice to the members representing the Backward Communities that they should leave the Honourable the Minister alone. We shall do our best. The honourable members Rao Bahadurs Bole and Asavale know that I have helped them as far as their candidatures on the Committees of the Corporation were concerned. So, in order to show next time how far the Honourable the Minister respects the Corporation's feelings we will submit such a Bill from the Corporation to Government.

An Honourable MEMBER: The Minister may not be Minister next time.

Sir VASANTRAO DABHOLKAR: He may not be the Minister next time and I may not be here too, but we will be in the Corporation for some time more, we shall frame a bill and submit it to the Corporation and I sincerely hope that the Honourable Minister will then be the Minister for Education and respect the views of the Corporation. With these words, I request the honourable mover to withdraw his amendment.

Khan Bahadur H. P. CHAHEWALA (Ahmedabad District): Sir, I am in favour of reserved seats for the depressed and backward classes on the school board of the Corporation. But I do feel that the Honourable Mr. Surve's amendment is entirely out of place to-day. This

[Khan Bahadur H. P. Chahewala]

amending bill is for a particular purpose only and, as has been already observed, this is a surreptitious way of trying to revolutionise the principle of the original bill. It is just a "sneaking" amendment without notice of affecting a revolutionary change and this is why I oppose it.

The Honourable the PRESIDENT: As I have pointed out to the honourable member, the proper place for the amendment would be in the section itself, but that we shall consider after tea.

(After recess.)

Mr. A. N. SURVE (Bombay City, North): Sir, I shall request your permission to move the following amendment:

In clause 2, add the following new clause before sub-clause (a) and reletter the existing sub-clause (a) as (b):

"Insert the following words at the end of sub-section (1) of section 39:

'Among the members so appointed there shall be included at least two representatives each of the following three groups, namely, the Mahomedans, the backward Hindus, and the depressed classes.'

Question proposed.

The Honourable the PRESIDENT: It is the same amendment which was moved before. The words proposed to be added, instead of coming in after the word "committee" in 2 (a) (1-A), are to be added as sub-clause (a) to clause 2 and sub-clause (a) is to be relettered as (b). That is the proper method of doing it.

The Honourable Dewan Bahadur HARILAL D. DESAI: Does the first amendment survive, or this amendment.

The Honourable the PRESIDENT: The amendment is the same, but the position is changed.

The Honourable Dewan Bahadur HARILAL D. DESAI: The amendment is taken out of clause 2, sub-clause (a) (1-A).

The Honourable the PRESIDENT: The first amendment, as the honourable member had proposed was to clause 2 (a) (1-A), after the word "committee".

The Honourable Dewan Bahadur HARILAL D. DESAI: Instead of to clause 2 (a) (1-A), it comes before 2 (a) as an amendment of section 39 (1).

The Honourable the PRESIDENT: He has proposed a new clause before clause 2, sub-clause (a), and he wants to reletter sub-clause (a) as (b).

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I am sorry I cannot allow the amendment to pass, and I was therefore opposing it. The scheme of the City of Bombay Municipal Act excludes communal representation both from the Corporation and from the various committees, particularly from the three committees, viz., the schools committee, the standing committee and the committee of the

[Dewan Bahadur Harilal D. Desai]

Improvement Trust, and I am not prepared, without consulting the Corporation, to consent to any amendment of this character. And if my honourable friend or any other members of this honourable House wish to press that amendment, then I may warn them that I would rather drop the bill than allow that amendment to this bill.

Question put and lost.

Bill read a first time. Question, "That the Bill be read a first time", put and carried.

Second reading. The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I now move that the bill be read a second time.

Bill read a second time. Question put and carried.

(Bill read clause by clause.)

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

Clause 2 (*Amendment of section 39 of Bom. III of 1888*).

In section 39 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act,—

(a) after sub-section (1) the following sub-section shall be inserted, namely:—

"(1-A) The schools' committee shall be appointed by the corporation at their first meeting in the month of April after each general election.

(1-B) A person shall not be eligible for appointment as a member of the schools' committee if he is directly or indirectly interested in any immoveable property on or in which any municipal school or office is located, or, in any institution or school which receives a donation or grant-in-aid from the schools' committee or the corporation.

Explanation.—A person shall be deemed to be 'interested' within the meaning of this sub-section if he derives or has been promised, directly or indirectly, any pecuniary gain from or in respect of such property, institution or school, whether by way of a price or rent or premium or other thing of value, whether of the like nature or not.

(1-C) If any person having been appointed to be a member of the schools' committee becomes subject to the disqualification mentioned in sub-section (1-B), he shall be disabled from continuing to be a member of the schools' committee and his seat shall become vacant.

(1-D) In the event of non-acceptance of office by a person appointed to be a member of the schools' committee or of the death, resignation or disqualification of a member of the said committee or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the appointment by the corporation of a person thereto, who shall hold office so long only as the person in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

(1-E) If any question or dispute arises whether a vacancy has occurred under this section the orders of the corporation shall be final for the purpose of deciding such question or dispute.

(1-F) The schools' committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new schools' committee is appointed under sub-section (1-A), notwithstanding that the members of the said committee or some of them may no longer be councillors."

(b) For sub-sections (3), (4) and (5) the following shall respectively be substituted, namely:—

"(3) (a) The schools' committee shall at their first meeting in each official year appoint one of their own number, being a councillor, to be their chairman until the first meeting of the said committee in the next following official year.

(b) The retiring chairman shall be eligible for reappointment.

(c) If any casual vacancy occurs in the office of chairman, the schools' committee shall, as soon as they conveniently can after the occurrence of such vacancy choose one of their number, being a councillor, to fill such vacancy and every chairman so chosen shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

(4) (a) One-half of the councillor members and one-half of the other members of each schools' committee shall retire from office at noon on the first day of April next following the date of their appointment. The members to retire shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the chairman shall determine :

For the purpose of this sub-section the first day of April 1930 shall be deemed to be the date of their appointment in the case of such members of the schools' committee as may be holding office on the date of commencement of the City of Bombay Municipal (Amendment) Act, 1930.

(b) The remaining members of the schools' committee shall retire from office at noon on the first day of April next following the first day of April aforesaid.

(c) The corporation shall at their ordinary meeting in the month of March appoint fresh members of the schools' committee to fill the offices of those previously appointed by them who retire from time to time as aforesaid.

(d) Any retiring member of the schools' committee shall be eligible for reappointment.

(5) The schools' committee shall meet for the despatch of business in the chief municipal office and may, from time to time, make such regulations with respect to meetings and to the management of schools under their control subject to the following conditions :—

(a) there shall be a meeting of the schools' committee once a month and at such other times as shall be found necessary ;

(b) the first meeting of each schools' committee shall be held on a day and at a time to be fixed by the president, and if not held on that day shall be held on some subsequent day to be fixed by the president ; and every subsequent meeting of the schools' committee shall be held on such day and at such time as the said committee from time to time determine ;

(c) the chairman of the schools' committee may, whenever he thinks fit, and shall, upon the written request of not less than four members, call a special meeting ;

(d) no business shall be transacted at a meeting of the schools' committee unless at least eight members are present ;

(e) every meeting of the schools' committee shall be presided over by the chairman, if the chairman is present at the time appointed for holding the meeting, and, if the chairman is absent, by such one of the councillor members present as may be chosen by the meeting to be chairman for the occasion ;

(f) every question shall be decided by a majority of votes of the members of the schools' committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes ;

(g) a minute shall be kept by the secretary to the schools' committee of the names of the members present and of the proceedings at each meeting of the schools' committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting after confirmation by the committee at such meeting ;

(A) a member of the schools' committee shall not vote or take part in the discussion before the said committee or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner any share or interest such as is described in clauses (g) to (l) both inclusive, of sub-section (2) of section 16, or in which he is professionally interested on behalf of a client, principal or other person."

Mr. D. D. NANAVATI : Sir, I beg your leave to move the amendment of which I have given notice, which is to the following effect :

[Mr. D. D. Nanavati]

In sub-clause (b) of clause 2 of Bill No. XXX of 1930—

(1) after clause (a) of sub-section (3) of section 39 the following clause shall be inserted, namely:—

“(b) The term of office of the Chairman retiring first after the commencement of the City of Bombay Municipal (Amendment) Act, 1930, shall continue until such time as a new Chairman shall have been appointed under clause (a) of this sub-section and shall have taken over charge of his duties”, and

(2) Clauses (b) and (c) shall be relettered (c) and (d) respectively.

The object of this amendment is to make provision for the period elapsing between the expiry of the term of office of the Chairman who shall be in office when this Act comes into force and the period when a new Chairman is to be elected, as provided for in this Bill. I was informed a few days ago by the honourable member Mr. Hoosenally Rahimtoola that, under the system at present in force, the Chairman of the schools committee is elected as from the 1st of January to the 1st of January for one year, and the Chairman at present in office is elected for that term, so that his term of office will expire on the 1st of January 1931. But as provided herein, a new Chairman is to be elected in April, so that a transitory provision was necessary in order to make this Act workable. That is the simple object of this amendment, and what it does is to continue the Chairman who shall be in office when the present Bill becomes an Act until the time when a new Chairman is to be elected, as provided in this Bill. I hope, therefore, that there will be no opposition to this simple amendment, as it is necessary to make the provisions workable.

Question put and carried.

Clause 2, as amended, ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I request you to suspend the Standing Orders and I move that the Bill be read a third time and passed.

Third reading. Bill read a third time. Question put and carried.

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

BILL No. XXIV OF 1930 (A BILL FURTHER TO AMEND THE BOMBAY UNIVERSITY ACT, 1928).

The Honourable MOULVI RAFIUDDIN AHMAD : Sir, I introduce Bill No. XXIV of 1930 (A Bill further to amend the Bombay University Act, 1928).* I request you, Sir, to waive the period of notice.

The Honourable the PRESIDENT : This Bill was distributed on the 10th instant. Under our Standing Orders, it should have come for discussion on the 17th instant. As this is a non-contentious Bill and there are no amendments, I waive the period of notice. The Bill is introduced.

The Honourable MOULVI RAFIUDDIN AHMAD : Sir, I move that the Bill be read a first time. The University of Bombay desires that it should be given jurisdiction over the territories which were within its territorial limits under

*Appendix 27.

[Moulvi Rafiuddin Ahmad]

the old Act of 1904, which were defined by a notification under the Government of India Act of 1857 defining the jurisdiction of the University as the province of Bombay and Sind and the Baroda State, etc. That Act has now been repealed. The Act of 1928 is without it. The University desires that there should be legislation defining the powers of Government to do so. This Bill is, therefore, needed to give power to the Government of Bombay to issue the notification defining the jurisdiction.

Bill read a first time. Question put and carried.

The Honourable MOULVI RAFIUDDIN AHMAD: Sir, I move that the Bill be read a second time.

Second reading. Bill read a second time. Question put and carried.

(Bill read clause by clause.)

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

Clause 2 (*Insertion of a new section after section 4 of Bom. IV. of 1928. Territorial limits of the University*) ordered to stand part of the Bill.

Clause 3 (*Amendment of section 13 of Bom. IV of 1928*) ordered to stand part of the Bill.

Clause 4 (*Amendment of the Schedule to Bom. IV of 1928*) ordered to stand part of the Bill.

The preamble ordered to stand part of the Bill.

The Honourable MOULVI RAFIUDDIN AHMAD: Sir, as there are no amendments with your permission, I move that the Bill be read a third time.

Third reading.

Question proposed.

Mr. D. D. NANAVATI: Sir, I have got two verbal amendments to move. We have already passed one Bombay University Amendment Act only very recently. This is another Bill amending the same Act for the purpose of defining the territorial limits. In order to avoid confusion, I should like to change the title in clause 1 as (Territorial Limits—Amendment) Act. The other amendment is to add zero after the figures "193" in clause 1.

The Honourable the PRESIDENT: The amendment is to insert the words "Territorial Limits" in clause 1 after the word "University". The other amendment is to add zero after the figures "193".

Question put and carried.

Question, "That the Bill as amended be read a third time and passed," put and carried.

BILL No. XXV OF 1930 (A BILL FURTHER TO AMEND THE BOMBAY DISTRICT MUNICIPAL ACT, 1901).

The Honourable Dewan Bahadur HARILAL D. DESAI: I introduce, Sir, Bill No. XXV of 1930 (A Bill further to amend the Bombay District Municipal Act, 1901).*

The Honourable the PRESIDENT: Before I put the question I should like to inform honourable members that it is up to them to raise any

[The President]

objection against the Bill which is not ready under the notice period to be introduced, and to state what their objection is. As there are no amendments to this Bill, and as it is of a non-contentious character, I waive the period of notice. The Bill is introduced.

Rao Bahadur R. S. ASAVALE: May I enquire whether the seven 'days' rule has been adhered to in the case of this bill?

The Honourable the PRESIDENT: I have waived it.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I move that Bill No. XXV of 1930 (A Bill further to amend the Bombay District Municipal Act, 1901) be read a first time.

First reading.

In support of this motion, I submit that several points had come up to Government relating to difficulties which were experienced in the working of the District Municipal Act; and the original idea was to incorporate all of them in the minor Municipalities Bill which was to be brought up. But as it was not possible to bring up that Bill for want of a second session, it was thought necessary that some of the important points which required immediate introduction in the Act might be culled together. They have been brought up into this Bill for the purpose of amending the various sections of the Act. Honourable members must have noticed that the various sections which are sought to be amended are intended to be brought in line either for the proper working of the Act or in line with the decisions on certain points which have been arrived at in judicial courts.

Clause 2 refers to the amendment of section 17 of the District Municipal Act which relates to the extension of the term beyond three years of a municipality and it provides that the Commissioner shall invite and consider objections from the voters before extending the period.

Clause 3 relates to the amendment of section 23 of the Act and is intended for the purpose of allowing the president and vice-president to carry on the duties after the term is over, until the new municipality's first meeting is held.

Section 40 is sought to be amended for the purpose of introducing the words "of every lease or sale of land under sub-section (1) of section 90 and" in order that where a municipality thinks that to lease a certain plot instead of its sale would be to the interest of the municipality, then it should have the power to do so. Consequently, these words are sought to be introduced in the interests of the municipalities.

Section 45 is sought to be amended for the purpose of declaring municipal servants to be public servants within the meaning of section 21 of the Indian Penal Code. Similarly, section 90 is sought to be amended by clause 6 and clause 8 seeks to amend section 96 of the District Municipal Act in municipal interests.

These are amendments which have been found to be necessary for the proper administration of the Act, and I trust, for the reasons explained

[Dewan Bahadur Harilal D. Desai]

in the Statement of Objects and Reasons, that the honourable House will pass the first reading.

Question proposed.

Rao Bahadur R. R. KALE: Sir, perhaps it will be necessary to have an explanation with regard to the words "lessee of the levy of any municipal tax" used in clause 5.

The Honourable Dewan Bahadur HARILAL D. DESAI: That is in respect of cases, for example, where taxes are farmed out. In that case the person enjoys the same power as the municipality does. It is proposed that he also should be placed on the same footing as an ordinary municipal servant under section 21 of the Penal Code.

Bill read a first time. Question, "That the Bill be read a first time," put and carried.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I move that Bill No. XXV of 1930 (A Bill further to amend the Bombay District Municipal Act, 1901) be read a second time.

Second reading. 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 17 of Bom. III of 1901*) ordered to stand part of the Bill.

Clause 3 (*amendment of section 23 of Bom. III of 1901*) ordered to stand part of the Bill.

Clause 4 (*Amendment of section 40 of Bom. III of 1901*) ordered to stand part of the Bill.

Clause 5 (*Amendment of section 45 of Bom. III of 1901*) ordered to stand part of the Bill.

Clause 6 (*Amendment of section 90 of Bom. III of 1901*) ordered to stand part of the Bill.

Clause 7 (*Amendment of section 91-A of Bom. III of 1901*).

Rao Bahadur R. R. KALE: With regard to this clause, it is stated here that:

"Except under the provisions of section 113, no person shall construct or re-construct any portion of any building within the regular line of the public street without the permission of the municipality under section 96."

As far as I remember, section 96 does not say that a man has to obtain the permission; but he has to give notice before commencing to build. Section 96 reads thus:—

"Before beginning to erect any building, or to alter externally or add to any existing building,"

Clause 2 reads:

"A Municipality may issue such orders not inconsistent with this Act as they think proper may either give permission"

[Rao Bahadur R. R. Kale]

The word "permission" appears there. But my point is that if the man has to build or repair or rebuild the house, he has merely to give notice before he begins to erect or repair such building. He has to give notice of his intention and after that the municipality has to issue an order and give the permission. My point is that a man has to give notice and wait for some time for the reply. I do not know exactly what the time limit is. I believe it is a month. If after that period nothing is heard, he may proceed. That is the provision. I would refer to section 4 of the Bombay District Municipal Act, 1901, which says :

"A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice as is not inconsistent with any provision of this Act or of any by-law for the time being in force thereunder in the following cases, that is to say :—

(a) in case the municipality, within one month from the receipt of the notice given under sub-section (1), have neither—

(i) passed orders under sub-section (2) and served notice thereof in respect of the intended work ; nor

(ii) issued under sub-section (3) any provisional order or any demand for further particulars ;

(b) in case the municipality having issued such demand for and having received in accordance with the by-laws in force in this behalf, such further particulars, have issued no further orders within one month from the receipt of such particulars."

But here the Bill contemplates that permission should be obtained in each case. A man is not empowered to do anything without the permission of the municipality.

The Honourable Dewan Bahadur HARILAL D. DESAI : May I draw the attention of the honourable member to section 118 (d) of Bombay Municipal Boroughs Act, 1925 ? This is sought to be amended on the lines of the provisions of that Act. That Bill has already been passed by this House.

Rao Bahadur R. R. KALE : The question is that permission is required. That impression is not correct. My point is that you should be given a notice but the man has not to ask for permission. He has only to inform the municipality that he is going to carry out certain work. Even after 30 days he has a right to go on with the work.

The Honourable Dewan Bahadur HARILAL D. DESAI : In that case a prohibitory order is issued.

Rao Bahadur R. R. KALE : I know there are cases in which municipality does not take such a step. There is no doubt about it. If they do not do it, then this permission is not necessary. That is what the original Act lays down. Here by introducing this provision it looks as if it contemplates that after 30 days are over, municipality can refuse to allow the man to carry out the work.

The Honourable the PRESIDENT : What section was the honourable member reading ?

Rao Bahadur R. R. KALE : I was reading section 96, clause (4), at page 87. I say that if once a man has given notice and if he does not carry out the work within a year, he has to give a fresh notice. That

[Rao Bahadur R. R. Kale]

does not get over the question of the permission not having been given within 30 days. If it so happens, is the man not entitled under the Act to proceed with the work? If that is so, are not the provisions of clause 7 inconsistent with the provisions of the main Act? Therefore, I say that this should not be allowed to be incorporated in the present Act.

The Honourable Dewan Bahadur HARILAL D. DESAI : This clause 7 seeks to amend section 91-A, sub-section (3) of the Bombay District Municipal Act. Sub-section (3) of section 91-A reads :

“ Except under the provisions of section 113 no person shall construct, or without the permission of the municipality under section 96 re-construct, any portion of any building within the regular line of the public street.”

The words here are almost the same as in the old section. This amendment was brought for one reason. If you compare the clause 7 with the sub-clause (3) of section 91-A you will find that it is worded practically almost word for word except a little word here and there. What the municipality used to do is this. When a man applied for a permission, or to speak in the words of the honourable member, if a person gave notice under section 96, the municipality said that he must leave off so much portion in order to be added to the street. And so they gave him permission except for that portion which he was asked to leave. In some cases it happened that the man said that he wanted compensation for the portion for which no permission was given. If the municipality thought that they required the land there is provision made under section 92, sub-clause (3). Where a municipality refused to give any compensation the above section applies, which says :

“ Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 160, shall be paid by the municipality to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipality under either of the said sub-sections provided that no such compensation shall be payable in cases to which section 119 applies.”

So, the municipality will say that they will not give permission to construct or re-construct that building as they would like to acquire the land. If they say like this, then it will be an arbitrary way of dealing with the question. Therefore, the present provision is made in favour of the rate payers in Sub-clause 3 (c).

Rao Bahadur R. R. KALE : My point is this. There is a difference in the wording of section 91 (b) and the clause 7 of the present Bill. There is also a further provision under section 91-A, sub-section (3) which says :

“ Except under the provisions of section 113, no person shall construct, or without the permission of the municipality under section 96 re-construct, any portion of any building within the regular line of the public street.”

That relates to the permission for construction or re-construction. Whereas in the present section the permission relates only to re-construction.

The Honourable Dewan Bahadur HARILAL D. DESAI : It is, therefore, in clause 8 of this Bill we seek to amend section 96. We can add the word “ construct ” before the word “ re-construct ”.

Rao Bahadur R. R. KALE : Therefore, there is no alternative for me but to oppose this amendment, as I have already stated.

The Honourable the PRESIDENT : The honourable member may move an amendment, if he likes.

Rao Bahadur R. R. KALE : Yes, I do move an amendment. I take it that clause 7 is under consideration. My point is that the question of permission should be restricted to re-construction and not be extended also to construction as in the original Act.

The Honourable Dewan Bahadur HARILAL D. DESAI : If you will kindly turn to page 89 of the Municipal Boroughs Act of 1925, section 118, sub-clause 3 (a), you will find the same words are there, and they substantially do not differ from the words in the original clause even 91 (a) (3).

Rao Bahadur R. R. KALE : I know that this section does not relate to major municipalities, namely, the city municipalities. I am only trying to protect the interest of district municipalities where there is a regular line of streets and the question relates to the widening of streets. Does the Honourable the Minister mean that there is no substantial difference where small towns and municipalities are concerned ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There is none.

Rao Bahadur R. R. KALE : Then, why not adhere to the language as it is ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The point is this. We are going to amend section 96 and to add the words "construct or re-construct" and, therefore, in order to bring it in a line, the same words have been introduced here.

Rao Bahadur R. R. KALE : The amendment I beg to move is :

In clause 7, sub-clause 3 (a), add the words "without the permission of the municipality under section 96" in the second line after the word "or",

so that the clause would read :

"Except under the provisions of section 113, no person shall construct or without the permission of the municipality under section 96 re-construct any portion of any building within the regular line of the public street".

The Honourable Dewan Bahadur HARILAL D. DESAI : I cannot agree to that and I oppose it, because there is no substantial difference which can be made.

Rao Bahadur R. R. KALE : The change in 96 will have to be made later on.

Question put and lost.

Clause 7 (*Amendment of section 91-A of Bom. III of 1901*) ordered to stand part of the bill.

Clause 8 (*Amendment of section 96 of Bom. III of 1901*) ordered to stand part of the bill.

Clause 9 (*Amendment of section 113 of Bom. III of 1901*) ordered to stand part of the bill.

Clause 10 (*Amendment of section 122 of Bom. III of 1902*) ordered to stand part of the bill.

The Preamble ordered to stand part of the bill.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I move
Third reading. that the bill be read a third time.

Mr. D. D. NANAVATI : Sir, I move the following verbal amendment ;
Add the figure " 0 " to the figures " 193 " in line 2 of clause 1.

so that the clause will read :

" This Act may be called the Bombay District Municipal (Amendment) Act, 1930."

Question put and carried.

Question, " That the bill, as amended, be read a third time, " put and
carried.

Bill read a third time.

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

**BILL No. XXVIII OF 1930 (A BILL FURTHER TO AMEND THE
INDIAN REGISTRATION ACT, 1908, IN ITS APPLICATION
TO THE PRESIDENCY OF BOMBAY).**

The Honourable Mr. B. V. JADHAV : Sir, I introduce Bill No. XXVIII
of 1930 (A Bill further to amend the Indian Registration Act, 1908, in its
application to the Presidency of Bombay).*

The Honourable the President : The bill is introduced.

Mr. P. R. CHIKODI (Belgaum District) : Sir, may I point out that
this bill is rather a contentious one ? It had been entered on the agenda
and taken out from it twice before. The understanding yesterday was
that no contentious bill should be taken up to-day and this is one of the
contentious bills and, therefore, should not be taken up now.

The Honourable the PRESIDENT : A little while ago I asked honour-
able members to raise objections, if they so desired, to any bill which they
thought was contentious. But so far I see no amendment coming in.
The bill, according to the strict interpretation of the Standing Order,
would be ready for introduction to-morrow. It was distributed on the
9th instant and to-morrow is the 16th.

Mr. P. R. CHIKODI : With due deference, I may say that absence of
amendments does not mean that the Bill is not of a contentious nature.
The whole Bill may be opposed.

The Honourable Mr. B. V. JADHAV : Sir, I beg to move the first
reading of Bill No. XXVIII of 1930 (A Bill further to
amend the Indian Registration Act, 1908, in its
application to the Presidency of Bombay).

Registration has been introduced in India for keeping a permanent record of
important documents. These documents, according to the Act in force,
are to be copied in registers kept in the office. Copying is done
generally by hand, but in this modern age of science it can be done
by scientific methods also, and photography is a better and surer
way of making these copies. Photocopying has been introduced in
this presidency as an experimental measure, and the system has been in
vogue in a number of offices, and it has been found that the system has
given satisfaction. In the beginning when the system was newly intro-
duced, the first copies taken were not very satisfactory. There were

[Mr. B. V. Jadhav]

certain defects. But latterly, all these defects came to be removed and a new process has been discovered. The copies now produced are permanent and perfect, and the cost of photocopying also has been reduced to a material extent. A general invitation was given to the honourable members of this House to inspect the process at the photocopying office, and I am very glad to note, Sir, that a number of honourable members have taken advantage of the invitation and have with their own eyes seen how the process is carried on, how simple it is, and how good it is. This presidency, Sir, has taken the lead in this process, and I am very pleased to announce to the House that one other presidency at all events has decided to introduce the system, and that Presidency is Madras. Madras is going to introduce the photocopying system and has been getting the apparatus and chemicals and getting their men trained.

I need not go into the details of this Bill. Its previous history is well known to this honourable House. The old Bill was introduced in 1927 and the motion to refer it to the select committee had to be dropped on account of certain circumstances which I need not go into. The Bill was ultimately withdrawn, and the first portion of the Bill was introduced as a new Bill, and this honourable House passed it. The present bill is the second portion which is now before the House, and I move that it be read for the first time.

Question proposed.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi): Mr. President, I oppose very strongly the first reading of this bill. There has been a discussion in this House on several occasions during the last five years with regard to the merits and demerits of the photocopying process. This Bill was first brought by the Honourable Dr. Paranjpye when he was Minister in charge of the subject, and successive Honourable Ministers in charge have brought up this bill before this House. On the last occasion, the Honourable Moulvi Rafiuddin Ahmad was the Minister in charge of this Bill, but because there was great opposition to the Bill from all parts of the Presidency, it was withdrawn by him. The Honourable Minister now in charge, in moving the first reading of the Bill, has stated that there has been an improvement in the process, and it has been shown to some honourable members of this House. How it has been improved and whether public opinion in general is in favour of it is not made known to us in any way. When the Honourable the present Finance Member was a non-official member of this Council, he opposed the process. When this Bill was before the House on a former occasion, the opinions of the district local boards, the municipalities, and the Bar Associations were taken with regard to this system, and their opinions were that the process was not at all satisfactory, that there is going to be a large consumption of foreign chemicals, and therefore they did not approve of it. That Bill was then withdrawn, and I do not understand why it is being brought up again under the present circumstances. I say, let the improved system be placed before the public, and in the same way as public opinion was

[Mr. N. R. Gunjal]

elicited on a former occasion, let an opportunity be given to the public to express their opinion with regard to this improved system. That has not been done, and that is the defect of this Bill. I say it is wrong to bring it up in the House under the present circumstances.

Mr. P. R. CHIKODI: On a point of order. It does not seem that Standing Orders VIII, 2 and VIII, 4 (1) have been complied with in connection with this Bill.

The Honourable the PRESIDENT: Is the honourable member referring to the translations of the Bill into the vernaculars?

Mr. P. R. CHIKODI: It has not been translated; that is my contention. The second point I raise under Standing Order VIII, 4 (1). Seven clear days' notice has not been given. There is a proviso there which says:

"Provided that no such motion shall be made before the expiry of seven clear days from the despatch to each Member of a copy of the Bill with the Statement of Objects and Reasons....."

The Honourable the PRESIDENT: I have fully explained the situation. No honourable member raised that point.

Mr. P. R. CHIKODI: I am raising it now.

The Honourable the PRESIDENT: The reply to that would be that the Bill could wait till to-morrow; that is all.

Mr. P. R. CHIKODI: That is exactly what I want.

The Honourable the PRESIDENT: That does not make any difference. Regarding the first point, translation into vernaculars, I have ruled that that clause does not impede the progress of a Bill. The question of translation is independent of the question of the passage of a Bill. The Bill can certainly proceed and the requirements of the law will have to be fulfilled by Government. Because it has not been translated, I cannot stop the progress of the Bill. I have ruled that before when a similar point of order was raised.

Mr. V. A. SURVE: The Bill was translated into Marathi on the 10th July. The Council commenced on the 7th instant. The translation has not been published. Without its being published in Marathi, how will an honourable member of this House, who knows Marathi only, be able to understand it?

The Honourable the PRESIDENT: I should like to know from the honourable member Mr. Gunjal whether he did not take a copy of the Marathi translation from the office in a former session of this Council, when this Bill was before the House.

Mr. N. R. GUNJAL: I did not get it.

Mr. V. A. SURVE: The Bill has been translated into Marathi, Gujarati, Kanarese and Urdu. We have not received the translation.

The Honourable Mr. B. V. JADHAV: This Bill was published in the Gazette on the 8th instant. Immediately after the translations were published.

The Honourable the PRESIDENT : The Bill has been translated.

The Honourable Mr. B. V. JADHAV : The translation has been published and the honourable member has got a copy of it.

Mr. V. A. SURVE : I did not get the copy of the translation. Every member of this honourable House should be in possession of the copy of the translation, before we proceed with the Bill.

Mr. N. R. GUNJAL : It is the method of the Honourable Minister not to distribute copies of translations.

The Honourable Mr. B. V. JADHAV : Will you ask the honourable member, Sir, to withdraw the allegation ?

Mr. N. R. GUNJAL : I withdraw it.

The Honourable the PRESIDENT : The Bill has been translated on the 10th July into Marathi, into Gujarati on the 10th July ; into Kanarese on the 10th July ; and into Urdu on the 11th July. It has been translated in all the languages. There is the technical question that seven days have not passed. Will the Honourable Minister take it up on Thursday ?

The Honourable Mr. B. V. JADHAV : I do not see any necessity for postponing the consideration of the Bill. I am prepared to take it up on Thursday. The present motion is only a dilatory one.

The Honourable the PRESIDENT : The House is privileged to do it.

Mr. H. V. KOLHATKAR : May I know whether these translations of Bills are published for the information of the honourable members or the public ?

The Honourable the PRESIDENT : The honourable member himself knows it. Both of the public and honourable members.

Mr. H. V. KOLHATKAR : I want a reply from the Honourable Minister.

The Honourable the PRESIDENT : Honourable members who wish to go through the translation may do so and the Bill will be taken up on Thursday.

Mr. N. R. GUNJAL : I want a copy of the Marathi translation.

The Honourable Mr. B. V. JADHAV : Copies are kept in the pigeon-holes :

Mr. V. A. SURVE : Not up to now.

Arrangement of Business.

The Honourable Sir ERNEST HOTSON : I think that is all the business we can put before the House to-day. The following business remains and will be put before the House on Thursday and Friday : Bill No. XXVI to amend the City of Bombay Police Act ; Bill No. XXIX to amend the District Police Act ; and another Bill, of which I have not got the number, to amend the City of Bombay Municipal Act ; the Report of the Public Accounts Committee which has been distributed to-day ; and some supplementary grants which will be discussed in the Finance Committee on Thursday. That is all the business that remains,

[Sir Ernest Hotson]

as far as I know at present, besides this Bill which has been postponed to Thursday.

The Honourable the PRESIDENT: Honourable members are aware that His Excellency is going to address the House. As I said yesterday, he is going to address the House on Thursday, the 17th instant, at 2-40 p.m. We will meet as usual at 2 o'clock. I therefore propose to take up the question list for half an hour that day, that is, from 2 to 2-30 p.m. Then we shall adjourn and wait for His Excellency's arrival. After His Excellency's departure, the rest of the business would be taken up.

There being no other business now, the House is adjourned to 2 p.m. on Thursday, the 17th July 1930.

Thursday, the 17th July 1930

The Council re-assembled at the Council Hall, Poona, on Thursday, the 17th July 1930, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
 ABERCROMBIE, Mr. J. R.
 AHMAD, the Honourable MOULVI RAFIUDDIN
 ALLAHBAKSH, Khan Saheb
 AMBEDKAR, Dr. B. R.
 ANGADI, Rao Bahadur S. N.
 ASAVALE, Rao Bahadur R. S.
 BECKETT, Mr. R. H.
 BELL, Mr. R. D.
 BHATT, Mr. RAMCHANDRA M.
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
 BOLE, Rao Bahadur S. K.
 BRANDEB, Mr. J. P.
 BULLOCKE, Mr. A. GREVILLE
 CHAHEWALA, Khan Bahadur H. P.
 CHANDRACHUD, Mr. N. B.
 CHIKODI, Mr. P. R.
 COLLINS, Mr. G. F. S.
 DABHOLKAR, Sir VASANTRAO
 DAWOODKHAN SHALEBHOY, Mr.
 DESAI, Rao Bahadur GOVINDBHAI H.
 DESAI, the Honourable Dewan Bahadur HARILAL D.
 DESAI, Mr. J. B.
 EWBANK, Mr. R. B.
 FREKE, Mr. C. G.
 GARRETT, Mr. J. H.
 GHOSAL, the Honourable Mr. J.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GIRIYAPPANAVAR, Mr. V. C.
 GREEN, Mr. S. A. C.
 GRIFFITH, Mr. F. C.
 GUNJAL, Mr. N. R.
 HABBU, Mr. A. G.
 HAJI MIR MAHOMED BALOCH, Mr.
 HARRISON, Mr. C. S. C.
 HOTSON, the Honourable Sir ERNEST
 ISRAN, Khan Bahadur GHULAM MUHAMMAD ABDULLAH KHAN
 JADHAV, the Honourable Mr. B. V.
 JAN MAHOMED KHAN, Khan Bahadur

KALE, Rao Bahadur R. R.
 KAMAT, Mr. Y. M.
 KAMBLI, Rao Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUHQ, Khan Bahadur M. S.
 KOLHATKAR, Mr. H. V.
 LANE, Mr. C. M.
 LIGADE, Mr. S. P.
 MACKIE, Mr. A. W. W.
 MARZBAN, Mr. P. J.
 MODI, Sardar DAVAR T. K.
 MORAES, Mr. A. X.
 MUJUMDAR, Sardar G. N.
 NANAVATI, Mr. D. D.
 NARIMAN, Dr. R. T.
 NAVLE, Mr. N. E.
 NOOR MAHOMED, Mr.
 OWEN, Mr. A. C.
 PATANKAR, Sardar B. N.
 PATHAN, Mr. A. F. I.
 PATIL, Mr. R. L.
 PAWAR, Mr. G. B.
 PRADHAN, the Honourable Mr. G. B.
 PRADHAN, Mr. R. G.
 RAHIMTOOLA, Mr. HOSENALLY M.
 RANJITBHAI KALABHAI, Rao Bahadur
 SALGAR, Mr. R. G.
 SARDESAI, Sardar S. A.
 SHAIKH ABDUL AZIZ, Mr.
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MUHAMMAD SHAH
 SYED MUNAWAR, Mr.
 TALEYARKHAN, Mr. P. J.
 THAKOR OF KERWADA, the
 THAKURSING LALSING, Mr.
 THORAT, Sardar S. B.
 TRIVEDI, Mr. M. C.
 VAKIL, Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WASIF, Khan Saheb G. A. D.
 WILES, Mr. G.

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

Mr. F. C. Griffith made the prescribed oath of allegiance to His Majesty the King-Emperor and took his seat in the Council.

The Honourable the PRESIDENT : Questions.

POLICE EXCESSES, BOMBAY.

Rao Bahadur R. S. ASAVALE (Bombay City, North) : (a) Are Government aware of the serious allegations made against the Police in Bombay and reported in the public press regarding excesses committed by them (a) during the Bhendi Bazaar Riots, (b) during the Vadala Salt Depôt Raids, (c) on Monday the 16th June 1930 in the Fort area and (d) on Saturday the 21st June 1930 at the Esplanade Maidan and at the Sharebrokers' Procession, when the Police are alleged to have used unnecessary and cruel force against innocent and non-violent members of the public, including women and children ?

(b) If the answer to (a) is in the affirmative, under what section of the Police Act were passers-by who happened to be on the foot-paths and side-lanes attacked by the sergeants and constables ?

(c) Is it a fact that some sergeants were provided with lathis mounted with spikes ?

(d) Will Government be pleased to state whether they are aware that the Sharebrokers of Bombay, while going in a procession on Saturday the 21st June 1930, were first told to march in a file of five and then were attacked from behind by the sergeants and constables with lathis without any provocation ?

(e) If the answer to (d) is in the affirmative, will Government explain the conduct of the police on that occasion ?

(f) Will Government be pleased to state what action, if any, they contemplate taking against the party or parties responsible for these actions ?

(g) Is it a fact that during the attacks by the police on the people, no arrangements were made by Government to carry the wounded to hospitals ?

(h) Is it a fact that no ambulances were provided during the Wadala Raids and Bhendi Bazaar Riots ? And if so, why ?

The Honourable Sir ERNEST HOTSON : The attention of the Honourable Member is invited to the answer to the question of Mr. Hooseinbhoy A. Lalljee on the same subject.*

POLICE EXCESSES, BOMBAY.

Mr. R. M. BHATT (Bombay City, South) : (a) Are Government aware of the serious allegations made against the Police in Bombay and reported in the public press regarding excesses committed by them (a) during the Bhendi Bazaar Riots, (b) during the Vadala Salt Depôt Raids, (c) on Monday the 16th June 1930 in the Fort area and (d) on Saturday the 21st June 1930 at the Esplanade Maidan and at the Sharebrokers' Procession, when the Police are alleged to have used unnecessary and

* Printed in to-day's proceedings.

cruel force against innocent and non-violent members of the public, including women and children ?

(b) If the answer to (a) is in the affirmative, under what section of the Police Act were passers-by who happened to be on the foot-paths and side-lanes attacked by the sergeants and constables ?

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(g) Is it a fact that during the attacks by the police on the people, no arrangements were made by Government to carry the wounded to hospitals ?

(h) Is it a fact that no ambulances were provided during the Wadala Raids and Bhandi Bazaar Riots ? And if so, why ?

The Honourable Sir ERNEST HOTSON: The attention of the Honourable Member is invited to the answer to the question of Mr. Hooseinbhoj A. Lalljee on the same subject.*

POLICE EXCESSES, BOMBAY.

Mr. DAWOODKHAN SHALEBHOY (Northern Division): (a) Are Government aware of the serious allegations made against the Police in Bombay and reported in the public press regarding excesses committed by them (a) during the Bhandi Bazaar Riots, (b) during the Wadala Salt Depot Raids, (c) on Monday the 16th June 1930 in the Fort area and (d) on Saturday the 21st June 1930 at the Esplanade Maidan and at the Sharebrokers' Procession, when the Police are alleged to have used unnecessary and cruel force against innocent and non-violent members of the public, including women and children ?

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(h) Is it a fact that no ambulances were provided during the Wadala Raids and Bhendi Bazaar Riots ? And if so, why ?

The Honourable Sir ERNEST HOTSON: The attention of the Honourable Member is invited to the answer to the question of Mr. Hooseinbhoj A, Lalljee on the same subject.*

WATANDAR FAMILIES : PARAI ADOPTIONS.

Rao Bahadur R. R. KALE (Satara District): (a) Are Government aware—

(i) that a large number of *Parai* (Strangers') adoptions have taken place in Pargana watandar families in the Deccan and Karnatak ;

(ii) that such adoptions of strangers by a Pargana Watandar without the consent of Government or of Bhaubands have been held valid and legal and recognised by the Government, following the principle laid down in the case of *Balaji versus Dattu*, I. L. R. 27 Bom. p. 75, in their several Government Resolutions including Government Resolution No. 7216/24 of 1926 ?

(b) Why was a contrary view expressed by them in their Government Resolution No. 9234 of 1924, which was published only in 1928 ?

(c) Is the publication of the above Resolution of 1924 in 1928 indication of a change of policy on their part in the matter of the recognition of such adoptions ?

(d) Will Government be pleased to place on the Council table a copy of Government Resolution of 1924 ?

(e) Are Government aware that there have been thousands of *Parai* adoptions and that Government will be involved in costly litigation if the Government Resolution is brought into force ?

The Honourable Mr. J. GHOSAL: (a) (i) Yes.

(ii) Not in all cases. Only in a few.

(b) and (c) It is presumed that Government Resolution No. 9234/24, dated 20th November 1928, is meant. It is not a Resolution of 1924. "9234/24" is only the number of the file. The Resolution was not published, but was communicated to the officers concerned in 1928. The orders were issued on the advice of the law officers of Government. Government have in the past recognised such adoptions in a few cases only as compared to the large number of such adoptions that have already taken place in which the approval of Government was not accorded, and hence the present orders cannot be said to be a change of policy.

(d) Government regret that they are not prepared to place a copy of the Government Resolution on the table.

(e) As stated in clause (a) of the question and the reply thereto, such adoptions have taken place in a large number of cases, but Government

have no definite figures as a guide. As to the latter part of the clause, Government do not think so.

Rao Bahadur R. R. KALE (Satara District): The answer given to questions (b) (c) states that the Government have recognised the adoption. May I know whether the Government accept the principle laid down in the case of *Balaji v. Dattu* ?

The Honourable Mr. J. GHOSAL: I do not know how the question arises.

Rao Bahadur R. R. KALE: The question arises in this way. Government say that they have recognised the adoptions in a few cases. I want to know why there should be discrimination between cases where the principle is the same.

The Honourable Mr. J. GHOSAL: The cases have not been recognised because of the ruling of the High Court. Government have recognised adoptees in some cases on account of the inherent power of Government to recognise any adoption they like.

Rao Bahadur R. R. KALE: May I know whether the interpretation placed upon the word "sanad" by the High Court has been departed from on the advice of the legal authority ?

The Honourable Mr. J. GHOSAL: I am not clear on the point. To what interpretation is the honourable member referring? If he will explain it, I can give him an answer.

Rao Bahadur R. R. KALE: The High Court has interpreted that the adoption by a Watandar without the permission of Government is valid so long as they remain in Watandar family. It is only when there is none in the Watandar family, then only the new question of adoption arises. May I know if that interpretation has been accepted by Government ?

The Honourable Mr. J. GHOSAL: Government have not accepted that ruling as interpreted by the honourable member. As regards entry in the Inam register, that ruling does not say anything about such registers.

Rao Bahadur R. R. KALE: May I question whether the Government have put a different interpretation from that put by the High Court ?

The Honourable Mr. J. GHOSAL: The interpretation of the High Court ruling, as interpreted by the honourable member is quite different from our interpretation.

Rao Bahadur R. R. KALE: I simply want to know whether Government have recognised the principle of adoption as interpreted by the High Court or they have got a different interpretation.

(No answer).

Rao Bahadur R. R. KALE: If there is any different interpretation I do not understand why Government is not prepared to place a copy of the Resolution on the Council Table in view of the fact that the Watan-dars are interested in the question. May I know why the Government is

not pleased to place a copy of the Resolution of 1928 on the Council Table ?

The Honourable Mr. J. GHOSAL : It is a confidential Resolution.

Rao Bahadur R. R. KALE : Will Government be pleased to send a copy to a Watandar if he asks for it ?

(No answer).

Rao Bahadur R. R. KALE : Is it not necessary in the interest of the large body of Watandars that they should know what view is being taken regarding their rights by Government ?

The Honourable Mr. J. GHOSAL : Watandars are fully aware of all that they should know, viz., the restrictions imposed by clause 3 of the Sanad.

Rao Bahadur R. R. KALE : I say that the Watandars should be in a position to know what interpretation has been put by Government.

The Honourable Mr. J. GHOSAL : The honourable member is going to the same question.

The Honourable the PRESIDENT : I find that the honourable member is entering into arguments.

Rao Bahadur R. R. KALE : I want to know the reasons why Government is not prepared to place a copy on the Table ?

The Honourable Mr. J. GHOSAL : Copy of what ?

Rao Bahadur R. R. KALE : Copy of the Government Resolution of 1928.

The Honourable Mr. J. GHOSAL : I have already said that the Resolution is confidential and I am sorry I cannot place a copy on the Council Table.

Mr. P. J. MARZBAN (Bombay City, South) : What is the substance of the Resolution ?

The Honourable Mr. J. GHOSAL : That fact is known to everyone. Government have to see that clause 3 of the sanad is strictly adhered to.

BRIDGE ON KRISHNA RIVER AT KARAD.

Rao Bahadur R. R. KALE (Satara District) : (a) Are Government aware that the public suffer a lot of inconvenience and delay, especially during the rains, on the Karad-Chiplun Road on account of the absence of a bridge on the Krishna river near Karad ?

(b) If so, what steps have been taken by Government so far to have the bridge built ?

(c) Will Government be pleased to state the figures of accidents during the last ten years on the Karad causeway ?

(d) Will Government be pleased to state whether they intend to take in hand the work of the Krishna bridge at Karad ?

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

(b) and (d) The question is under the consideration of Government.

(c) Government are not in possession of the information and they regret that the time available before the dissolution is too short to enable them to obtain it.

Rao Bahadur R. R. KALE : Is it not a fact that the matter has been under consideration for a number of years ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes, it may be.

Rao Bahadur R. R. KALE : Are Government aware that many accidents happen there ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There are several such cases and the whole question is governed by the question of finance.

MULLA SCHOOLS COMMITTEE, SIND : RECOMMENDATIONS.

Khan Bahadur M. S. KHUHRO (Larkana District) : (a) Will Government be pleased to state how many years have elapsed since Government appointed a committee to report on the working of the Mulla schools in Sind and to make recommendations regarding their fate in future ;

(b) what action has been taken or is proposed to be taken on the recommendations of this report ;

(c) if no action has been taken, why is there so much delay in arriving at a suitable decision ;

(d) when will Government come to a decision in the matter ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a), (b), (c) and (d) The Honourable Member is referred to the replies given to the question* by Mr. Haji Mir Mahomed Baloch (Karachi City) in the Council on 9th July 1930.

POLICE EXCESSES, BOMBAY.

Rao Bahadur R. R. KALE for Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : (a) Are Government aware of the serious allegations made against the Police in Bombay and reported in the public press regarding excesses committed by them (a) during the Bhandi Bazaar Riots, (b) during the Wadala Salt Depot Raids, (c) on Monday the 16th June 1930 in the Fort area and (d) on Saturday the 21st June 1930 at the Esplanade Maidan and at the Sharebrokers' Procession, when the Police were alleged to have used unnecessary and cruel force against innocent and non-violent members of the public, including women and children ?

(b) If the answer to (a) is in the affirmative, under what section of the Police Act were passers-by who happened to be on the foot-paths and side-lanes attacked by the sergeants and constables ?

(c) Is it a fact that some sergeants were provided with lathis mounted with spikes ?

(d) Will Government be pleased to state whether they are aware that the Sharebrokers of Bombay, while going in a procession on Saturday the 21st June 1930, were first told to march in a file of five and then were attacked from behind by the sergeants and constables with lathis without any provocation ?

(e) If the answer to (d) is in the affirmative, will Government explain the conduct of the police on that occasion ?

(f) Will Government be pleased to state what action, if any, they contemplate taking against the party or parties responsible for these actions ?

(g) Is it a fact that during the attacks by the police on the people, no arrangements were made by Government to carry the wounded to hospitals ?

(h) Is it a fact that no ambulances were provided during the Wadala Raids and Bhendi Bazaar Riots ? And if so, why ?

The Honourable Sir ERNEST HOTSON : (a) Yes.

(b) Action was taken under section 40 of the Bombay City Police Act. In the execution of their duty the police officers were required on the occasions named and on other occasions to disperse unlawful assemblies, and in doing so were compelled by the refusal of the crowds to disperse, to use force. No force of any kind was used intentionally against any mere passer-by, and the Government of Bombay have already expressed in a Press Note their regret that, according to various reports, some innocent persons, who were not members of the unlawful assemblies, should have received injuries. It is, however, common knowledge that a large proportion of the unruly crowds had consisted of persons who, though they may have come out of idle curiosity, joined the originators of the trouble in shouting and screaming, and often in jeering at and abusing the police, and remained standing where they were in spite of orders to disperse. By such conduct they, intentionally or otherwise, broke the law, and are themselves responsible for the consequences. Unfortunately when mobs misbehave themselves, there is always a risk that a few persons, who had come to the spot on lawful business and had been unable to get away in time, should be among the sufferers. To such persons the Government of Bombay offer their sympathy, but they decline to admit that the police are in any way to blame.

(c) No.

(d) and (e). The Director of Information in a Press Note dated the 30th June 1930, has made it clear that there is no truth in the allegations made. The Superintendent and the Inspector of Police present on the spot warned the leaders of the procession that it must disperse. The leaders asked if the processionists could be allowed to go in twos and threes. This was agreed to and some went away, but the remainder squatted on the road and were dispersed by force since they refused to move.

(f) The party or parties responsible for the actions which led to many of the citizens of Bombay suffering injuries are the party or parties responsible for initiating disobedience to the law. As the Honourable Member is aware, many of those are now in jail.

(g) and (h) Government do not possess any ambulances. On previous occasions when there have been casualties as the result of riots in Bombay, the Municipal, St. John's and Hospital ambulances have been sent for, and have done all that was necessary. On several recent occasions the injured are reported to have refused help from any official source and to have preferred to wait for the ambulances provided

by sympathisers with the Congress. The St. John's Ambulance Brigade was actually present on nearly every occasion since the Bhatia Baug incident on April 21st on which there has been trouble in Bombay, and the good work done by it has been acknowledged by the Bombay Provincial Congress Committee and in the Press. The military ambulances were present each time the troops were called out and gave help whenever required.

Rao Bahadur R. R. KALE : The answer to (f) states "The party or parties responsible for the actions which led to many of the citizens of Bombay suffering injuries are the party or parties responsible for initiating disobedience to the law, etc." May I know who are the persons responsible for the initiation ?

The Honourable the PRESIDENT : What is the question ?

Rao Bahadur R. R. KALE : I want to know who is responsible for initiating disobedience to the law, whether it is the labourers or injured men or Mahatma Gandhi ? May I know who are responsible for breaking the law ?

The Honourable Sir ERNEST HOTSON : That is common knowledge.

Rao Bahadur R. R. KALE : What action Government intend to take against that party ?

The Honourable the PRESIDENT : They are in jail.

Rao Bahadur R. R. KALE : They may be in jail. But what action do Government intend to take to stop other sufferings from being caused ?

The Honourable Sir ERNEST HOTSON : In that case, Government, with very great regret, will be obliged to put some more into jail, if disobedience to the law continues.

Mr. P. J. MARZBAN (Bombay City, South) : Will the Honourable the Home Member kindly tell this House whether sufficient evidence was brought before him by any of the doctors who attended the Congress hospital that there were patients whose abdomens were injured by lathis ?

The Honourable Sir ERNEST HOTSON : All this is supposed to have occurred over a month ago, and not one shred of evidence of this sort has ever been produced up to the present moment in support of these allegations.

Mr. P. J. MARZBAN : What is the answer ?

The Honourable Sir ERNEST HOTSON : Up to date not one shred of evidence of any sort has been brought forward in support of this statement. If Government is expected to pay attention to a complaint, it should be brought to their notice immediately and not after the lapse of one month.

Mr. H. V. KOLHATKAR : The action was taken under section 40 of the Police Act. In the marginal note it is said "Use of Civil force to disperse, etc." Does the use of lathi come under the civil force ?

The Honourable Sir ERNEST HOTSON : Certainly.

Rao Bahadur R. R. KALE : An answer has been given by the Honourable the Home Member that if the movement continues, more

persons will be put into jail. May I know if that is the only action Government intend to take or they wish to take further steps ?

The Honourable the PRESIDENT : That is all beyond the question. Particular incident took place and the question refers to that particular incident. Question was asked again as to who were responsible and the reply has been given that those men are in jail. The rest is outside the scope.

Rao Bahadur R. R. KALE : It has been mentioned that a party is responsible for initiating the disobedience of law. Are we to understand that party is the subordinate Officers of the police or some other officers who are responsible for carrying out orders.

(No answer.)

Mr. H. M. RAHIMTOOLA : In answer given to (b) it is stated that the mobs misbehaved themselves. What does the Honourable the Home Member understand by that expression ?

The Honourable Sir ERNEST HOTSON : When a mob is an unlawful assembly and does not disperse, it misbehaves itself.

Mr. H. M. RAHIMTOOLA : That mob takes part in doing what ?

The Honourable Sir ERNEST HOTSON : Such a mob misbehaves for example by jeering at and abusing the police.

Mr. A. N. SURVE : May I know why the police did not arrest the persons concerned instead of taking such drastic measures ?

The Honourable Sir ERNEST HOTSON : Has the honourable member any idea how many persons were concerned ?

Mr. A. N. SURVE : They may be not more than a thousand.

The Honourable Sir ERNEST HOTSON : They may have been about 50,000. I understand that some of the estimates published in the newspapers have run into lakhs. Does the honourable member wish us to arrest lakhs of people ?

Mr. H. M. RAHIMTOOLA : May I know why the procession of share brokers was prohibited ?

The Honourable Sir ERNEST HOTSON : The procession was ordered to disperse and it did not do so.

Mr. H. M. RAHIMTOOLA : Why was the procession asked to disperse ?

The Honourable Sir ERNEST HOTSON : As far as I remember, the organisers had been told that they could go by a particular route and not by another route. They preferred to go by a route by which they were told not to go and therefore they were prohibited from going further.

Mr. H. M. RAHIMTOOLA : Is the Honourable the Home Member sure of his facts ?

The Honourable Sir ERNEST HOTSON : I do not pretend to remember everything. But I think that was the reason for asking them to disperse.

Mr. H. M. RAHIMTOOLA : Was the procession prohibited by the Commissioner of Police, or by the Superintendent of Police or by the officers standing there ?

The Honourable Sir ERNEST HOTSON : It was done under the orders of the Commissioner of Police.

Mr. H. M. RAHIMTOOLA : Did the Commissioner know that there was going to be a procession ?

The Honourable Sir ERNEST HOTSON : The Police Commissioner did know about it.

Mr. H. M. RAHIMTOOLA : After it started ?

The Honourable Sir ERNEST HOTSON : Before it was declared illegal and dispersed.

Mr. A. N. SURVE : The persons were dispersed by the use of lathis. Did the persons dispersed use lathis in return ?

The Honourable Sir ERNEST HOTSON : I do not think they did. I do not think they had any lathis.

Mr. H. M. RAHIMTOOLA : Was the crowd on Monday the 16th violent ?

The Honourable Sir ERNEST HOTSON : They became violent. They refused to disperse when ordered.

Mr. H. M. RAHIMTOOLA : Did they attack anybody or even the police ?

The Honourable Sir ERNEST HOTSON : The crowd was ordered to disperse but they refused to do so and therefore it was necessary to disperse them by force. Whether the crowd was violent or not is not the question.

Mr. H. M. RAHIMTOOLA : What action was taken by Government against the sergeant regarding the dog affair in Bhendi Bazaar ?

The Honourable Sir ERNEST HOTSON : I suppose that arises out of (a) in the first part. A press note has been published to the effect that he was dismissed.

Mr. H. M. RAHIMTOOLA : Was he dismissed for his past offence ?

The Honourable Sir ERNEST HOTSON : Yes. In respect of the Bhendi Bazaar affair there was no complaint by anybody against him. On his own admission, he struck a Pathan, but nobody came forward to make any complaint. Such a blow is not a cognizable offence.

Mr. H. M. RAHIMTOOLA : Are Government aware of the incident that took place ?

The Honourable Sir ERNEST HOTSON : The trouble arose because the Pathan ill-treated a dog. The sergeant struck him and it was for him to make a complaint.

Mr. H. M. RAHIMTOOLA : Is it not a fact that something was brought to the notice of Government ?

The Honourable Sir ERNEST HOTSON : We have to consider what the actual offence committed was. On this occasion a police officer saw a man treating a dog very cruelly. He hit that man. He was quite wrong in hitting that man, as there were other legal courses open to him which he should have adopted. For what happened after that, Government

cannot possibly punish that sergeant. If the man aggrieved had brought a complaint against him, that sergeant would have been tried in a Law Court and given any punishment that the Court thought fit. In point of fact he was an unsatisfactory man. There was already an enquiry into his conduct in progress and he was dismissed on his previous records. There was no further punishment that it was possible to inflict upon him by a departmental order.

Mr. H. M. RAHIMTOOLA : Did he send for help from other police stations before resorting to firing ?

The Honourable Sir ERNEST HOTSON : I am afraid I cannot possibly reply to this question offhand.

Mr. DAWOODKHAN SHALEBHOY : Is it a fact that that sergeant has been re-employed in some other department of Government ?

The Honourable Sir ERNEST HOTSON : I think it is very unlikely. I know nothing about it.

Mr. H. M. RAHIMTOOLA : Is there any chance of his re-employment ?

The Honourable Sir ERNEST HOTSON : I should think not. If other departments knew the man's record it is not at all likely that they would re-employ him.

Rao Bahadur R. R. KALE : On the one hand complaints regarding the excesses committed are denied by Government. May I know the nature of any enquiry that is made, for accounts are published in the press about the excesses committed in the particular area ? May I know whether Government desire to make any enquiry ; what is the nature of the enquiry to ascertain if there were excesses committed ?

The Honourable Sir ERNEST HOTSON : Reports are received from the officers that are responsible to Government. In very many cases there is also the evidence of other officers of Government and other persons who were present.

Rao Bahadur R. R. KALE : I think the real persons would be those who suffered. Are any of these persons asked or the statement taken about the excesses ? Was the body of the injured men examined to see whether there was an excess or not ?

The Honourable Sir ERNEST HOTSON : It is not denied that certain persons have suffered as the result of blows and lathis. That is not the question at all. The only question is whether there is anything wrong in the manner in which the blows were given, and as to that the person suffering cannot be the judge.

Rao Bahadur R. R. KALE : I want to know if the injuries are severe, whether the enquiry was made or not ? Excess means unreasonable use of lathis. I want to know whether an attempt was made to ascertain in this matter.

The Honourable Sir ERNEST HOTSON : I do not really think that the nature of the injuries comes into the question. The instructions are to use the minimum force. Unless there is any reason to suppose that

undue violence has been used, there is no need to enquire further into the matter.

Rao Bahadur R. R. KALE : How is it to be ascertained whether there was undue force used or not ? How are we to know whether the violence was in excess or not ? It was necessary to see the persons who suffered.

The Honourable the PRESIDENT : The honourable member has to draw from all the replies given an inference that the enquiry made was really the reports of the officers responsible and concerned there. On those reports Government have relied and come to the conclusion.

Dr. R. T. NARIMAN : Why did the police interfere with a procession of 200 persons who had with them no weapon and no stick, not even a handkerchief ?

The Honourable Sir ERNEST HOTSON : I suppose the police made them wait while they went to Whiteaway Laidlaw's to get handkerchiefs for them (*Laughter*).

Mr. M. M. KARBHARI : As regards the answers to (d) and (e), may I know if the initiative was taken by the Superintendent of Police under the orders of the Commissioner of Police ?

The Honourable Sir ERNEST HOTSON : Under the orders of the Commissioner.

Mr. SYED MUNAWAR : In one place it is said that "Government do not possess ambulances" and in the other place it is said "military ambulances were present". Is it not contradictory ?

The Honourable Sir ERNEST HOTSON : At the beginning of the answer I should have said "the civil Government."

Mr. H. M. RAHIMTOOLA : Have Government seen the opinion of the jury in the Bhendy Bazaar case ?

The Honourable Sir ERNEST HOTSON : Government have seen that opinion.

Mr. H. M. RAHIMTOOLA : What action do Government propose to take ?

The Honourable Sir ERNEST HOTSON : None.

POLICE EXCESSES, BOMBAY.

Mr. P. J. MARZBAN (Bombay City, South) : (a) Are Government aware of the serious allegations made against the Police in Bombay and reported in the public press regarding excesses committed by them— (a) during the Bhendi Bazaar Riots, (b) during the Vadala Salt Depot Raids, (c) on Monday, the 16th June 1930 in the Fort area, and (d) on Saturday, the 21st June 1930 at the Esplanade Maidan and at the Share-brokers' Procession, when the Police are alleged to have used unnecessary and cruel force against innocent and non-violent members of the public, including women and children ?

(b) If the answer to (a) is in the affirmative, under what section of the Police Act were passers-by who happened to be on the foot-paths and side-lanes attacked by the sergeants and constables ?

(c) Is it a fact that some sergeants were provided with lathis mounted with spikes ?

(d) Will Government be pleased to state whether they are aware that the Sharebrokers of Bombay, while going in a procession on Saturday, the 21st June 1930, were first told to march in a file of five and then were attacked from behind by the sergeants and constables with lathis without any provocation ?

(e) If the answer to (d) is in the affirmative, will Government explain the conduct of the police on that occasion ?

(f) Will Government be pleased to state what action, if any, they contemplate taking against the party or parties responsible for these actions ?

(g) Is it a fact that during the attacks by the police on the people, no arrangements were made by Government to carry the wounded to hospitals ?

(h) Is it a fact that no ambulances were provided during the Wadala Raids and Bhendi Bazaar Riots ? And if so, why ?

The Honourable Sir ERNEST HOTSON: The attention of the Honourable Member is invited to the answer to the question of Mr. Hoosainbhoj A. Lalljee on the same subject.*

Mr. P. J. MARZBAN: The Honourable the Home Member said that after one month the evidence cannot be ascertained. May I ask whether there is any limitation of time ?

The Honourable Sir ERNEST HOTSON: There is no limitation of time. The evidence can be produced now.

Mr. P. J. MARZBAN: I have seen myself the cases personally. Will he take action in the matter ?

The Honourable Sir ERNEST HOTSON: No. If the honourable member produces evidence, I will take action but not on a statement.

PUBLIC WORKS DEPARTMENT: TEMPORARY ESTABLISHMENT.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (a) Will Government be pleased to state the number of men working as draftsmen, assistant draftsmen, tracers, daftaries and others on the temporary establishment of the Public Works Department ?

(b) What is the length of service of each of these employees ?

(c) Is it a fact that many of them have been serving from 10 to 20 years continuously without any break of service ; if so, what is the reason for keeping them still on the temporary establishment ?

(d) What is the strength of the permanent establishment in each of these classes, for which temporary establishment is maintained ?

(e) Is the temporary establishment required only for temporary work or is the arrangement merely intended to avoid the responsibilities of leave and pensions ?

(f) Is it a fact that these temporary men are not given the leave facilities as other Government servants ?

(g) Is it a fact that the temporary services of these men are not counted towards pensions at the time of their permanent appointment ?

(h) Is it a fact that the temporary staffs of the Public Works Department of Sind made a representation in February 1923 for bringing them on the permanent establishment ; if so, with what result ?

The Honourable Sir GHULAM HUSSAIN : The collection of necessary information awaits a reply to a reference made to the Honourable Member.

TATTA MUNICIPALITY : CONTRIBUTIONS FOR ROAD BUILDING.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : (a) Will Government be pleased to state whether any sum of money contributed by the owners of lands in the " Palang Para " at Tatta (Sind) for making roads according to a town planning scheme was received by the Tatta Municipality ?

(b) Has this money been utilized for the purpose for which it was paid by the owners or is it still kept in deposit, or has it been utilized to pay ordinarily municipal dues ?

(c) If the amount has been misapplied, what steps do Government intend to take to restore the same to the legitimate head of accounts and also to utilize the same early for the purpose for which it was contributed ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes, Rs. 2,427.

(b) The amount was at first deposited in the Post Office Savings Bank earmarked for the purpose for which it was meant. But in view of the orders of the Government of India that Municipalities cannot be permitted to deposit their funds in the Post Office Savings Bank, the Municipality withdrew the sum and merged it into their general funds which are lodged in the Government treasury. The amount will be available when required.

(c) Does not arise.

PARAI ADOPTION : RECOGNITION BY GOVERNMENT.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

(a) whether it is a fact that thousands of Parai adoptions have taken place in the families of watandars whose watans have been settled under the Gordon Settlement, in the whole of the Presidency ;

(b) whether it is a fact that to many such adoptions the Government have given their sanction till now ;

(c) whether it is a fact that such Parai adoptions have taken place even before the British advent ;

(d) whether it is a fact that such adoptions have become more popular after the decision in *Datto v. Balaji* in 27 Bom. L. R. ;

(e) whether Government are aware that thousands of Parai Adoptees will be involved in litigation by their Government Resolution No. 9234/24 dated 20th November 1928.

The Honourable Mr. J. GHOSAL : (a) This may be so, but Government have no definite figures as a guide.

(b) No. Government have sanctioned such adoptions only in a few cases.

(c) It cannot be said now whether such adoptions took place or not before the British advent.

(d) Government are not aware of such adoptions having become generally more popular since the ruling quoted.

(e) No. Government do not think so.

Sardar G. N. MUJUMDAR : Are Government aware of the ruling given very recently by the Bombay High Court in favour of or recognizing the adoption of *Parai Watandar adoptees* ?

The Honourable Mr. J. GHOSAL : The Government have considered that ruling.

Rao Bahadur R. R. KALE : In view of that ruling may I know what is the opinion of Government ?

The Honourable Mr. J. GHOSAL : After consideration of that ruling I will be in a better position to answer that question.

WATANDAR ADOPTION, HUBLI.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

(a) whether the adoption of one Krishnarao, a Parai, by one Yamunabai, widow of Bhaskarrao, a representative watandar of Hubli, district Dharwar, was recognised by Government in the year 1870 ;

(b) whether the said parai adoptee has been paying Nazarana in addition to the judi to Government since his adoption ;

(c) whether at the time of the said adoption there were more than ten sub-sharers in the same watan ;

(d) if so, whether the consent of all those sub-sharers was obtained before the recognition of the adoption ;

(e) whether another adoption of the same nature and in the same place took place in 1874 and in the same family with the sanction of Government ;

(f) whether three more similar adoptions have taken place in the same family ;

(g) whether this particular watan has been settled and commuted under the Gordon Settlement ;

(h) whether in an appeal by one Ajamil, a minor parai adoptee of the same family, Government have applied to the High Court to be allowed to be added as a respondent in pursuance of Government Resolution No. 9234/24 of 20th November 1928 ;

(i) whether any of the sub-sharers in the watan have complained to Government till the date of the above Government Resolution with regard to the violation of the third condition of the sanad on the part of Government ?

The Honourable Mr. J. GHOSAL : (a) Yes.

(b) Yes.

(c) It is not now possible to enquire as to the number of the sub-sharers that existed so long ago.

(d), (e) and (f)—Information is not available.

(g) Yes.

(h) Yes, but the appeal was subsequently allowed to be withdrawn on the point of factum of adoption.

(i) No.

POLICE EXCESSES, BOMBAY.

Dr. R. T. NARIMAN (Bombay City, South): (a) Are Government aware of the serious allegations made against the Police in Bombay and reported in the public press regarding excesses committed by them (a) during the Bhandi Bazaar Riots, (b) during the Vadala Salt Depot Raids, (c) on Monday, the 16th June 1930 in the Fort area and (d) on Saturday, the 21st June 1930 at the Esplanade Maidan and at the Share-brokers' Procession, when the Police are alleged to have used unnecessary and cruel force against innocent and non-violent members of the public including women and children?

(b) If the answer to (a) is in the affirmative, under what section of the Police Act were passers-by who happened to be on the foot-paths and side-lanes attacked by the sergeants and constables?

(c) Is it a fact that some sergeants were provided with lathis mounted with spikes?

(d) Will Government be pleased to state whether they are aware that the Share-brokers of Bombay, while going in a procession on Saturday, the 21st June 1930, were first told to march in a file of five and then were attacked from behind by the sergeants and constables with lathis without any provocation?

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(h) Is it a fact that no ambulances were provided during the Vadala Raids and Bhandi Bazaar Riots? And if so, why?

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the 21st June 1930 at the Esplanade Maidan and at the Share-brokers' Procession, when the Police are alleged to have used unnecessary and cruel force against innocent and non-violent members of the public, including women and children ?

(b) If the answer to (a) is in the affirmative, under what section of the Police Act were passers-by who happened to be on the foot-paths and side-lanes attacked by the sergeants and constables ?

(c) Is it a fact that some sergeants were provided with lathis mounted with spikes ?

(d) Will Government be pleased to state whether they are aware that the Share-brokers of Bombay, while going in a procession on Saturday, the 21st June 1930, were first told to march in a file of five and then were attacked from behind by the sergeants and constables with lathis without any provocation ?

(e) If the answer to (d) is in the affirmative, will Government explain the conduct of the police on that occasion ?

(f) Will Government be pleased to state what action, if any, they contemplate taking against the party or parties responsible for these actions ?

(g) Is it a fact that during the attacks by the police on the people, no arrangements were made by Government to carry the wounded to hospitals ?

(h) Is it a fact that no ambulances were provided during the Wadala Raids and Bhendi Bazaar Riots ? And if so, why ?

The Honourable Sir ERNEST HOTSON: The attention of the Honourable Member is invited to the answer to the question of Mr. Hooseinbhoy A. Lalljee on the same subject.*

COLLEGE STUDENTS : SCHOLARSHIP FOR MUSLIMS.

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(a) the number of scholarships reserved for Moslem college students ;

(b) the number out of the above reserved for the students of the Ismail College, Andheri ;

(c) whether it is a fact that almost all have been reserved for the students of the Ismail College and very few for the students of the other colleges ;

(d) if so, whether they realise that this policy will give rise to much discontent among those Moslem students who for various reasons, cannot join the Ismail College, Andheri ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) The number of scholarships awarded to Muhammadan students in all Arts Colleges in the Presidency proper every year is 12.

(b) The number of scholarships reserved for the Muhammadan students of the Ismail College, Andheri, for two years for the present, is only 6.

* Printed in to-day's proceedings.

(c) No. In Addition to the 6 scholarships given to Muhammadan students in other arts colleges in the first year course this year, the scholarships granted to Muhammadan students studying in different arts colleges in the Presidency proper in the 2nd, 3rd and 4th years, as many as 30, are also continued to them.

(d) Does not arise.

EDUCATIONAL DEPARTMENT : NON-BRAHMIN TEACHERS.

Dr. P. G. SOLANKI : (a) Will Government be pleased to state how many non-Brahmins are in the Educational Department as teachers ;

(b) Have all non-Brahmins who have put in over three years' service been confirmed in the department ?

(c) If they are not confirmed do they lose anything pecuniarily such as local allowance, etc., by being still retained as acting or temporary ?

(d) How many non-Brahmin teachers were deputed or sent to the Training College this year (1929) ?

(e) How many non-Brahmins will be deputed and sent to the Training College next year (1930) ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Two hundred.

(b) No.

(c) Yes.

(d) Four.

(e) Six.

POLICE EXCESSES, BOMBAY.

Dr. P. G. SOLANKI : (a) Are Government aware of the serious allegations made against the Police in Bombay and reported in the public press regarding excesses committed by them (a) during the Bhendi Bazaar Riots, (b) during the Vadala Salt Depot Raids, (c) on Monday, the 16th June 1930 in the Fort area, and (d) on Saturday, the 21st June 1930 at the Esplanade Maidan and at the Share-brokers' Procession, when the Police are alleged to have used unnecessary and cruel force against innocent and non-violent members of the public, including women and children ?

(b) If the answer to (a) is in the affirmative, under what section of the Police Act were passers-by who happened to be on the foot-paths and side-lanes attacked by the sergeants and constables ?

(c) Is it a fact that some sergeants were provided with lathis mounted with spikes ?

(d) Will Government be pleased to state whether they are aware that the Sharebrokers of Bombay, while going in a procession on Saturday, the 21st June 1930, were first told to march in a file of five and then were attacked from behind by the sergeants and constables with lathis without any provocation ?

(e) If the answer to (d) is in the affirmative, will Government explain the conduct of the police on that occasion ?

(f) Will Government be pleased to state what action, if any, they contemplate taking against the party or parties responsible for these actions ?

(g) Is it a fact that during the attacks by the police on the people, no arrangements were made by Government to carry the wounded to hospitals?

(h) Is it a fact that no ambulances were provided during the Wadala Raids and Bhendi Bazaar Riots? And if so, why?

The Honourable Sir ERNEST HOTSON: The attention of the Honourable Member is invited to the answer to the question of Mr. Hooseinbhoj A. Lalljee on the same object.*

FIRE, MOUJE WAVEN.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state—

- (a) whether they are aware of the fire in Mouje Waven (मौजे वावे) taluka Khed, district Ratnagiri, on 12th February 1930;
- (b) the amount of the loss which has resulted from it;
- (c) what relief—if any—has been given to the sufferers—
 - (i) by Government;
 - (ii) by private agency or agencies?

The Honourable Mr. J. GHOSAL: (a) Yes.

(b) Rs. 19,000 approximately.

(c) (i) Tagai loans were available for those in need of them but till last April there were no applications for them.

(ii) Corn and grain valued at Rs. 768, clothes at Rs. 80 and Rs. 269-8-0 in cash were received from the adjoining villages and were distributed to the sufferers.

REVENUE ASSESSMENT: DEVGAD TALUKA.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state—

- (a) whether the representation submitted to the Honourable the Revenue Member by the deputation of Devgad Land holders which waited upon him on 17th March 1927 contained a list of Khajan lands the assessment of which was not reduced in 1914;
- (b) whether after the submission of the representation inquiry was made by them into the specific cases mentioned therein;
- (c) the name of the officer who made the enquiry;
- (d) the report made by the officer with regard to each case;
- (e) whether they 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 enquiry was made with regard to these lands;
- (h) if so, whether the papers of the enquiry will be placed on the Council Table?

The Honourable Mr. J. GHOSAL: (a) Yes.

(b), (c), (d) and (e) Government have recently issued orders for such an enquiry.

(f) Yes.

(g) Yes.

(h) The Enquiry Officer's report has not yet reached Government.

KHAJAN LANDS, DEVGAD : CLASSIFICATION AS SWEET LANDS.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state—

(a) whether there are any Khajan lands in the taluka of Devgad ;

(b) whether at the time of the original survey of 1891, any Khajan lands were classified as sweet lands ;

(c) whether any complaints were made by the landholders concerned in the matter ;

(d) whether there was any enquiry in consequence ;

(e) whether the mistakes, if any, were subsequently rectified ;

(f) the date of such rectification ;

(g) whether the papers of the enquiry will be placed on the Council Table ?

The Honourable Mr. J. GHOSAL : (a) Yes.

(b) Yes.

(c) Yes.

(d) Yes.

(e) and (f) Once they were rectified in 1914 and another inquiry has been ordered recently.

(g) The papers of the inquiry in 1914 have already been placed on the Council Table (*vide* pages 586-588 of the Bombay Legislative Council Debates, 1929, Volume XXVI, Part VIII) while the report of the subsequent inquiry has not yet reached Government.

POLICE EXCESSES, BOMBAY.

Mr. A. N. SURVE (Bombay City, North): (a) Are Government aware of the serious allegations made against the Police in Bombay and reported in the public press regarding excesses committed by them (a) during the Bhandi Bazaar Riots, (b) during the Wadala Salt Depot Raids, (c) on Monday, the 16th June 1930 in the Fort area and (d) on Saturday, the 21st June 1930 at the Esplanade Maidan and at the Share-brokers' Procession, when the Police are alleged to have used unnecessary and cruel force against innocent and non-violent members of the public, including women and children ?

(b) If the answer to (a) is in the affirmative, under what section of the Police Act were passers-by who happened to be on the foot-paths and side-lanes attacked by the sergeants and constables ?

(c) Is it a fact that some sergeants were provided with lathis mounted with spikes ?

(d) Will Government be pleased to state whether they are aware that the Share-brokers of Bombay, while going in a procession on Saturday, the 21st June 1930, were first told to march in a file of five and then were attacked from behind by the sergeants and constables with lathis without any provocation ?

(e) If the answer to (d) is in the affirmative, will Government explain the conduct of the police on that occasion ?

(f) Will Government be pleased to state what action, if any, they contemplate taking against the party or parties responsible for these actions ?

(g) Is it a fact that during the attacks by the police on the people, no arrangements were made by Government to carry the wounded to hospitals ?

(h) Is it a fact that no ambulances were provided during the Wadala Raids and Bhendi Bazaar Riots ? And if so, why ?

The Honourable Sir ERNEST HOTSON: The attention of the Honourable Member is invited to the answer to the question of Mr. Hooseinbhoj A. Lalljee on the same subject.*

EDUCATIONAL INSPECTOR, POONA : COMPENSATORY ALLOWANCE.

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state—

(a) the conditions regulating the grant of compensatory allowance to I.E.S. Officers stationed in Poona ;

(b) whether Mr. Kadri, Educational Inspector, Bombay Division and Central Division, gets the compensatory allowance ;

(c) what are the members of his family and are they all dependent on him ;

(d) if the members are not dependent on him, is the compensatory allowance admissible to the officer under the rules ;

(e) if not, what steps do Government propose to take in this connection ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) The Honourable Member's attention is invited to the rules for the grant of compensatory allowance printed in the Bombay Civil Services Rules Manual, Appendix XV, a copy of which is in the Legislative Council Library.

(b), (c), (d) and (e) Mr. J. S. Kadri, I.E.S., to whom the Honourable Member apparently refers, retired from Government service on the 1st March 1930.

Mr. V. A. SURVE (In Marathi) : How many persons were dependent on them ?

The Honourable MOULVI RAFIUDDIN AHMAD : I have no information.

POLICE EXCESSES, BOMBAY.

Mr. SYED MUNAWAR : (a) Are Government aware of the serious allegations made against the Police in Bombay and reported in the public press regarding excesses committed by them (a) during the Bhendi Bazaar Riots, (b) during the Wadala Salt Depot Raids, (c) on Monday, the 16th June 1930 in the Fort area and (d) on Saturday, the 21st June 1930 at the Esplanade Maidan and at the Share-brokers' Procession, when the Police are alleged to have used unnecessary and cruel force against innocent and non-violent members of the public, including women and children ?

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(h) Is it a fact that no ambulances were provided during the Wadala Raids and Bhandi Bazaar Riots? And if so, why?

The Honourable Sir ERNEST HOTSON: The attention of the honourable member is invited to the answer to the question of Mr. Hoosainbhoy A. Lalljee on the same subject.*

The Honourable the PRESIDENT: We will now await the arrival of His Excellency.

His Excellency the Governor was met by the President on his arrival. A procession of chobdars, His Excellency's staff, the President of the Council (The Honourable Mr. A. M. K. DEHLAVI, Bar-at-law) and His Excellency the Governor passed slowly up the Hall on to the dais at 2-40 p.m.

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

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

HIS EXCELLENCY'S SPEECH.

Rising to address the Council, His Excellency said:

MR. PRESIDENT AND GENTLEMEN:

When I last addressed this Council at the opening of the Budget session the date of the General Elections was not then decided. Since then the Government of India have made a very careful study of the question

and, whilst realizing that an early Election was inconvenient to both candidates and voters they were forced to the conclusion that it would be necessary to complete the Elections before the Round Table Conference, a course which involved holding them in September. Had the Elections taken place after the Round Table Conference it might have been impossible for candidates to be back in time for them. I am afraid that September will be a very inconvenient month for many Honourable Members and for the voters generally of this Presidency, but I trust that those of you who may be seeking re-election will not find the difficulties insuperable, and I can assure the House that every possible means will be taken to minimize the difficulties which electors may find in recording their votes at that time of the year.

Mr. President and Gentlemen, in view of the developments which have occurred in the political situation and the momentous issues now before the country, I feel it desirable to say a few words to you as the elected representatives of the people of this Presidency before the final dissolution of this Council. First, however, I wish to welcome the numerous new members who have been elected to fill the vacancies caused by resignations since the last session. It has been a matter of satisfaction to me that so many gentlemen have been willing to come forward to save their constituencies from remaining unrepresented, although this Council has such a short time to run, and I hope that those who have entered the Council for the first time at this session will find it a useful introduction to a more extended political career.

On the eve of dissolution, I wish also to thank the Honourable Members of this House for the manner in which they have discharged their functions during the extended period of the life-time of this Council. In the many important measures which they have placed upon the Statute Book they may justly claim to have safeguarded the interest of their constituents and the welfare and progress of this Presidency as a whole. The coming elections will gain interest and importance from the fact that the successors of the present House will be the custodians of the last stage of this legislature—the stage which will lead on to the new condition of things. The duty of preparing for that transition will mean added responsibility and give scope for the best ability, and I sincerely trust that the result of these elections will be to return to this House a body of men in every way qualified to uphold its traditions and prepared to give their best service to the Presidency.

I know that it is the wish of all members present here that I should express both on behalf of myself and themselves our sentiments of appreciation and thanks to the Honourable the President of this House for the way in which he has conducted business and taken care of their interests. (*Cheers.*)

Before I turn to the weightier matters which I have no doubt are uppermost in the minds of most of you I will take this occasion to refer briefly to one or two important matters affecting this Presidency which have developed since the last session.

I am sure that all Honourable Members will have heard with much satisfaction that the long controversy between this Government and the Government of India regarding the taking over of Block 8 of the Back Bay Reclamation Scheme has now been settled in a manner which entirely vindicates the attitude which this Government has always taken up with regard to the matter. I should like to pay a tribute to the fairness with which the Government of India agreed to submit the matter to arbitration and to abide by the decision of the arbitrator. The details of the award are known to this House, and I need not repeat them. It is, however, a matter of satisfaction that the payment for the land to be taken over will be with effect from the 15th October 1929, and that this Government will therefore be relieved from the burden of interest on a corresponding portion of its Development Loan from that date.

While the finances of this Presidency have been substantially relieved in this way in respect of one of the great engineering projects to which we stood committed, the other—I refer to the Sukkur Barrage—has by the completion of this season's work reached a stage at which its completion according to programme may confidently be expected.

Looking forward as we now do to the completion of the whole Barrage scheme early in 1932 it is a matter of great urgency and importance that all other preparatory work necessary to ensure the success of the scheme when the canals commence to operate in May 1932 should be continuously pressed forward. One step to which I alluded at the last session has been the appointment of the Chief Agricultural Officer for Sind. It may be of interest to this House to know that in response to the widely distributed advertisement no less than 102 applications for this post were received and considered. Of these, 73 were received by the High Commissioner for India in London from all parts of the world, and it is a remarkable testimony to the quality of the expert officers employed under the Government of this country that the selection should have fallen upon Mr. Jenkins, Deputy Secretary of the Indian Central Cotton Committee. His appointment is dated from the 1st June, and it is hoped that many matters essential to the regulated improvement as well as to the extension of agricultural operations in the new areas will shortly be taken up for consideration. In the meanwhile both the Standing and the Advisory Committees appointed to deal with matters arising out of the Barrage project have commenced to function and the Government are regularly receiving and considering their recommendations. As this House is aware, the Advisory Committee consists of non-official gentlemen, eight from Sind and four from the rest of the Presidency, and arrangements have been made to obtain their advice on a very wide scope of subjects both directly and indirectly connected with the Barrage project. It is also provided that they should have occasional joint meetings with the Standing Committee, consisting of officials, and one such meeting has already been held.

The third half-yearly edition of the White Book entitled "Sind and the Lloyd Barrage" will, I hope, be placed in the hands of Honourable Members before the close of the Session with the object of supplying in

a convenient form up-to-date information on all points affecting the future of the Barrage.

The House will remember that in accordance with the resolution moved by Dr. Solanki in 1928 Government appointed a Committee of 10 members under the Chairmanship of Mr. Starte to enquire into the educational, economic and social condition of the depressed classes and of the aboriginal tribes in the Presidency and to recommend measures for their uplift. The Committee have recently submitted their report which has come into the hands of Honourable Members and contains a number of valuable suggestions. As part of the machinery for giving effect to these proposals they advocate the institution of a Backward Class Board composed mainly of members of this House under which a special Backward Class Officer will work. I do not believe that there is any difference of opinion that the time has come to undertake a more generous and energetic policy aiming at the amelioration of the condition of these unfortunate classes. It is the intention of Government to lose no time in examining the proposals of this Committee and taking action so far as circumstances permit, to deal with the problem on the lines indicated by them.

In my last address to this House I referred to the steps which are being taken to scrutinize the machinery of the administration both as a whole and in its various constituent parts. I am glad to be able to state that a comprehensive review of general organization is now well under way. As an initial result a paper covering as far as possible all the problems of the educational field is now ready. An examination of all matters pertaining to local self-government has also already been made and the materials are being reduced to a form in which they will be available for study. Another paper containing suggestions for an improved organization of the areas comprised in Bombay City and the Bombay Suburban District will also very shortly be published. Honourable Members will I think be glad to know that in spite of other distractions some real progress has thus been made in examining the practical problems of this Presidency with a view to future administrative development.

When I referred to the subject of the mill industry at the time of the last Session there seemed every reason to hope that, with an improvement in the relations between employers and labour, the new cotton tariff would soon enable the mill industry of Bombay to rehabilitate itself during the respite from the severest forms of foreign competition which it provided. Such a result was eminently desirable not only from the point of view of the mill-owners but also in the interests of the public generally, including very particularly the agriculturists in the villages and the labouring classes in the cities. These hopes have however been frustrated by two causes—firstly by the world-wide economic depression and secondly by the effect on credit of India's political unrest.

I do not wholly dissociate these two causes, for I believe the second has many of its roots in the first ; but those who are inclined to ascribe

the unrest mainly, if not entirely, to the policy of the Government in managing the financial and economic affairs of this country have probably not realised the extent to which the evils of which they complain are an international experience of the present moment. Elsewhere, where similar depression is at present baffling even expert observers, it is recognized that the malady is not one which can be cured by any political nostrum, or by any monetary theory, or by any of the other devices by which industry can be reorganized for the better. Here, too, it should be recognized that the main causes of depression and distress are world-wide, that their reactions in any one country are inevitable and that they are not to be interpreted by merely local conditions.

But there is one thing which I would say, and impress on this Council as earnestly as I can, and that is, that whereas in present conditions things would in any case have been bad, the present campaign of lawlessness has made them infinitely worse for this Presidency. When business could at least have gone on, this campaign has brought it to a standstill, and the agriculturist, the small investor and the labourer are all alike suffering. The real blame for the economic distress which is overtaking all the poorer classes in this country falls not on the world-wide causes, not on the Government, which cannot prevent India from feeling the effects of these world-wide causes; but on those who have, I am afraid deliberately, sought to paralyse trade and to wreck credit for the sake of a political advantage.

I will now put before this House some general aspects of the civil disobedience movement which I hope all Honourable Members will consider very carefully and explain to their constituents. I am afraid there is a very general confusion of thought in regarding this movement as merely a species of agitation for constitutional advance. I shall say nothing about the latter at this point because in my view it is and should be treated as an entirely separate question. We may all sympathize strongly—as indeed I do myself—with the honourable longing to see India take her equal place among the self-governing peoples of the world (*Cheers*), which, if I may remind this House, has also largely resulted from the influence of the British connexion with India. But such a desire has no legitimate connexion with the determination to secure certain undefined political benefits by force, and that really is what civil disobedience means. There are those who seek to justify that force by the term “non-violence”, but as applied to organized law-breaking or resistance to law that surely is merely a contradiction in terms. Any person who voluntarily takes action in order to provoke a conflict becomes *ipso facto* the aggressor. There is no difference in principle between any such action and armed violence: it is only a question of the weapons chosen. Constructively, therefore, the civil disobedience movement began in violence as in fact it has resulted in violence.

Nor again is it any defence to urge that the motives of the aggressors are justifiable. The argument that the end justifies the means has long

been recognized as mere casuistry. The quality of an action is to be judged by its immediate object, and the immediate object in this case has been to paralyse the administration and to give birth to anarchy, leaving the future to look after itself and regardless of the consequences to the peace and prosperity of all India.

I should like to trace for a moment the methods adopted to carry out this programme of destruction. It was not long before passive resistance to law gave way to an active campaign of plundering and stealing property, both Government and private, which was initiated by the raids on salt depots. This has been followed by open looting of State property. Valuable plantations and timber have been cut down and forest produce has been stolen. I may perhaps draw your attention to the significance of this development. There are some who might still be inclined to regard the breach of the salt law as merely a political gesture, free from motives of gain. But by no stretch of imagination can these other activities be classified as the expression of a political ideal. When uneducated agriculturists loot forest produce they regard the act merely as a means of obtaining free of charge valuable property for which they would have to pay under any system of Government. In appealing to such motives organizers are deliberately using the weapons of the revolutionary. But this is not all. Such actions as the cutting down of telegraph poles, the felling of toddy palms, the destruction of property belonging to excise licensees and the burning of the Courts at Sholapur have been prompted by the sheer desire to destroy. Throughout this campaign the weapon of intimidation has been ruthlessly employed to compel neutral persons to surrender their consciences and their liberties, and even human life has not been safe from aggression.

Let me now call your attention to some of the effects of this campaign of lawlessness and violence and the things to which it is leading us. One startling illustration of the way in which the public morale is being undermined is the fact that since the movement started there have been no less than 18 dacoities in the Kaira district, an unmistakable consequence of the activities of political agitators among the tribe of the Dharalas, who were pacified with much difficulty only a few years ago. And the same people who are knowingly letting loose such forces are at the same time sedulously engaged in trying to seduce the police and the Indian troops from their duty.

I have already referred to the disastrous effects of this movement on trade and credit, and I may remind you of the constant interference with even retail trade which is being caused by the hartals imposed on the shopkeepers by those who, having no stake in the matter themselves, claim the right to control both city and mofussil markets. The agriculturist who now finds no profitable market for his cotton and other crops is similarly an indirect sufferer. I may remind you too of the irretrievable loss caused to numbers of cultivators by the destruction of the toddy palms which supplied them with food, thatching and other commodities, a loss which they have not yet had time to realize. These

poor people are being exploited to their own undoing by the agitators and worse troubles will be brought upon them if these persons, by playing on their susceptibilities, succeed in inducing them to risk their lands by refusal to pay land revenue.

But apart from such direct consequences, the ulterior loss to the whole community is as yet hard to estimate. Besides the immediate loss of public property, a loss of revenue is now anticipated under most of the chief heads, Land Revenue, Excise, Scheduled Taxes and Stamps. At the same time there will be a large excess of expenditure over the budget provision on Police and Jails, and some excess also on Land Revenue and General Administration. In the interests of the Presidency finances the police force had already some years ago been reduced to a minimum. It has now been necessary to sanction a large increase of more than 2,400 men and a number of superior officers, and it cannot be said that this increase will exhaust the needs unless there is a speedy end to the movement. The total cost already involved is at the rate of about 20 lakhs a year. Then on the Jail side the new rules for the classification of prisoners, which were of course framed to meet more normal circumstances, are now involving an extra cost in the neighbourhood of Rs. 1,000 a day owing to the influx of A and B Class prisoners, while the necessity of opening new temporary prisons and increasing the Jail staff will lead to expense on a still larger scale unless the movement ceases.

How serious these facts are for the Presidency can well be imagined. The whole of these extra costs must necessarily fall in some form or other on the tax-payer, and in so far as they cannot be provided for by additional taxation they will have to be met at the expense of other advantages hitherto provided out of public funds. Already steps are being taken to stop all new works and services which can be postponed. It is for the public to say whether they are prepared to pay this price for an unnecessary agitation conducted by an organization which does not represent the whole Presidency.

It is at any rate clear that the Government could not, consistently with its duty to the community as a whole, allow a free hand to an agitation deliberately employing such methods and involving such serious consequences to the peace and prosperity of the country. To meet what was essentially a revolutionary movement it has been necessary to obtain extraordinary powers by means of ordinances which have naturally not met with approval in all directions. In regard to this subject I have only one thing to point out to this House, and that is, that the ordinary criminal enactments of this country, as in all countries where a stable Government exists, have been framed on the assumption of a limited number of offenders and the general co-operation of the public. It is better that this should be so and that emergencies should be met by extraordinary powers held in reserve by the Supreme Authority, than that the country should permanently be saddled with a large amount of restrictive legislation. I have no doubt whatever that the ordinances will be removed as soon as the cause is removed, and that most desirable

consummation is a matter within the volition of those who have deliberately created emergency conditions.

One such ordinance, that applying martial law to Sholapur, has, I am glad to say, already been removed and I am sure this House will join me in the earnest hope that the violent disturbances, which during the last five years have characterized that unhappy city, will never recur.

There is one word which I would add before leaving this part of the subject. In all the measures which the Government have been forced to take in dealing with this movement and its manifestations, there is not and never has been any element of vindictiveness, or any desire to repress activities which were in any way beneficial to India's cause or in which any person had any right to indulge. If, unfortunately, it has been necessary to deprive many persons of their liberty, and if there have been too many regrettable occasions on which the activities of the supporters of this movement have brought them into conflict with the forces of law and order, the blame must rest on those who have deliberately brought about such conditions. They have done so knowing the law that every unlawful assembly is liable to be dispersed by force if it refuses to disperse otherwise. It is in the highest degree unfair to represent the police as the aggressors in such cases when, in the circumstances intentionally created for them, the only alternative would have been to fail in their duty. Another feature of these disturbances which I can only regard as deplorable is the employment of women and children in positions in which they are liable to injury. I am sure that all right-minded people will agree with me that in the many exceedingly difficult situations which have been forced on the police since the commencement of this movement—situations in which they were exposed to every form of insult and provocation, and even to bodily injury—the police force both in Bombay City and in the mofussil has on the whole shown a wonderful restraint and discipline.

But the way to reconciliation is never closed. The Government would be most ready and glad to respond to any tangible evidence of a change of intention on the part of those who have organized this movement. But I would impress on this House that there can be no question of negotiation with persons whose declared object is to make orderly Government impossible. It is for them to create conditions in which a happier state of things can be restored, and I earnestly hope that you, Gentlemen, and the whole public will throw your best influence into the scale to help to secure such a result. All must by now have realized whither this movement is tending: that this way lies not political advance, but a state of things in which any advance becomes well-nigh impossible. In this country, as indeed in all countries, the only guarantee of peace, progress or prosperity is the respect for law. Destroy it, and you let loose forces which may undo the constructive work of centuries and plunge India back into mediaevalism and barbarism. This country is now at the parting of the ways: it has to choose between law and order or murder and arson. It is the duty of all right-minded

citizens at this juncture to withhold their sympathy and support, whether active or passive, from this movement; and not only so, but if they wish to enjoy peace in the future under any form of national Government, to set their faces firmly against it and to rally all their forces on the side of constitutional progress. There is too much tendency to throw the onus on the Government and to say "If Government had given us what we want, there would have been no such movement." I hope everyone will beware of such argument and remember the danger, not only to this Government but to all future Governments and to society as a whole, of setting up blackmail and defiance as legitimate political weapons. And there is yet another fallacy inherent in this way of thinking: for if, as I firmly believe, it is the intention of both the Government of India and of His Majesty's Government to do their utmost to pilot India through its present stage of constitutional evolution in a manner which will satisfy the aspirations of all really patriotic Indians, how can they be helped by striking them from behind, by seeking to distract their energies and attention from the task which lies before them? Those who try to do so are the real enemies of progress. I would almost go so far as to say that, had half the energies and abilities, which during the last two years have been thrown into destructive work, been devoted to work of a really constructive kind, India would have been assured of Dominion Status by now.

Gentlemen, I now turn to the brighter side of the picture—the side on which constructive endeavour will, as I hope, be found to take the place of mere negation, the side where distrust and bitterness yield to confidence and sympathy. You will remember that at the outset I was careful to distinguish the civil disobedience movement, as such, from the genuine nationalist movement which still remains the main issue in India to-day. Indeed the object of my remarks has been to show you clearly that the attempt to identify the two things is at this moment merely clouding the issues which, in the interest of India, should, I feel, be kept as plain as possible, and is in danger of discrediting that wider spirit which all friends of India can, without compulsion, recognize as natural, honourable and a thing to be satisfied. Had the Government ever sought to stand in the way of such real aspirations they would justly have been accused of repression. But there has never been such an intention, and if that impression exists, let us at least hope that the organizers of the movement did not deliberately aim at such a result by creating conflict where there might have been harmony.

There are many—and they include leaders of sane and moderate views—who until recently have urged that there should be an advance statement of the contemplated results of the Round Table Conference. This demand was perhaps due to an impression that there were forces at work which might make that Conference less than a reality. The whole of India now has the Viceroy's word on that subject, and it can surely leave no doubt in the mind of anyone that the Conference will provide the opportunity which Indian leaders have always demanded—that of showing exactly how far and by what means India is prepared to

solve her own problems and of taking a direct part in moulding the actual measure to be placed before Parliament. And there is another thing which the Viceroy's statement has made plain to all: that in this momentous stage of India's evolution the Viceroy and the Government of India are working only to further the most effective expression of the views of India as a whole.

Can anyone doubt that the help and advocacy of the Government of India—and indeed of all Provincial Governments—must make an immeasurable difference in securing a proper presentment of India's case and, still more, the measure of agreement which is so important to it? Can anyone doubt that this task will be far more effectively fulfilled, and will have a much greater influence on the result, if, in approaching it, the Government can feel that they have a united India behind them, trusting them and willing to work with and through them?

But whatever our hopes and intentions may be, I would ask you to remember that a constitution cannot be given to a sub-continent by a mere political phrase. That is, we cannot approach the matter by saying "Let there be Dominion Status", and only afterwards apply ourselves to the task of working out what is meant on the assumption that all the unforeseen problems will prove to fit into that mould. In such a procedure we should, I feel, stake all on a gamble. The building up of the Indian State is a task beside which the complexities of all other self-governing Dominions pale into insignificance. The only safe and responsible way to approach it is first to face all the facts and then, helped by goodwill and the spirit of compromise, to see what shape they can be hammered into with the agreement of all the main interests involved. Then is the time to give it a name in the light of the result. The mere fact that you do not begin with the name does not mean that you do not hope and believe from the first that the result will be of a certain character which India will regard as safe, satisfactory and eminently honourable.

The Viceroy has stated clearly what will be the position of the Report of the Statutory Commission in its contribution to the whole result. I think it would be wrong to regard that report as in any sense an impediment to India's progress. There is no greater aid to the systematic discussion of anything than a concrete scheme, setting out the whole subject in a coherent manner, and it is a greater help that such a scheme should be too cautious than that it should be too ambitious, because it gives scope for more constructive work. I am confident that those who are now to embark on the final stage of devising India's constitution will find that this Report will give most valuable assistance in showing what difficulties and problems have to be solved, what arguments met, in working out a consistent and convincing scheme.

But if India's representatives are to do justice to their great opportunity, at the Conference, I would most earnestly urge that no more time should be lost in arriving at a substantial measure of agreement regarding the

principal outlines of a scheme which will secure the adherence of all the parties and interests represented. I am afraid that much valuable time has already been lost in generalizations which really do not lead us any nearer to the practical details of the scheme which is to be placed before the Conference with the united voice of this country. Such a scheme can only be framed as the result of careful preliminary work and negotiation conducted in the broadest spirit of compromise. For such work it is the most urgent need of the moment that a peaceful atmosphere should be restored as soon as possible, and I earnestly hope that all parties and interests will unite for this end and will organize their endeavours in close collaboration so that those who represent them at the Conference may be able to give an assurance of their agreement. I have just been discussing the subject, as many of you here know, with representatives from all parts of this Presidency and I may, perhaps, allow myself to express the confidence that this Presidency, which is perhaps, we believe, politically the most advanced in India, will succeed in making a contribution to the Round Table Conference which is worthy of its traditions. You and I, Gentlemen, are privileged to be participants in events which may, according to the part we now play in them, stand out for ever in the history of India and the world. Let us all join our forces so that, in all that depends on us, posterity may say that we have helped and not hindered, nor stood idly by, in this vital stage of India's progress to nationhood. (*Cheers.*)

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

The Honourable the PRESIDENT: Order, order. Bills.

BILL No. XXI OF 1930 (A BILL FURTHER TO AMEND THE BOMBAY UNIVERSITY ACT, 1928).

The Honourable MOULVI RAFIUDDIN AHMAD: Sir, I move that Bill No. XXI of 1930 (A Bill further to amend the Third Reading. Bombay University Act, 1928) be read a third time and passed.

Question proposed.

Mr. D. D. NANAVATI: Sir, I beg to move a slight verbal amendment as follows:

In clause 1, add the figure "0" to the figure "193".

This will make the figure read "1930" instead of "193".

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. XXVIII OF 1930 (A BILL FURTHER TO AMEND THE
INDIAN REGISTRATION ACT, 1908, IN ITS APPLICATION
TO THE PRESIDENCY OF BOMBAY.)**

The Honourable the PRESIDENT: Honourable members remember that the first reading of this bill has been moved, and further discussion is to follow. At this stage, I should refer very briefly to the question of translation. I want honourable members specially to notice that the Standing Order—I have read it again—merely says that the bill should be translated into so many languages, etc., but not that the translations should be supplied to honourable members, and the Legislative Council office has never done that. However, in this particular instance, because of the discussion that arose the day before yesterday, the translations have been placed in the pigeon-holes for honourable members, and I am sure they must be in their hands. It is the lookout of the honourable members themselves, when translations are published, to get hold of them.

Mr. N. R. GUNJAL (in Marathi): On a point of order. The translations have been placed in the pigeon-holes for honourable members only to-day. The people of the Presidency have not yet received them. Therefore, the discussion on the bill should be postponed.

The Honourable the PRESIDENT. I have given my opinion about it, and it must be taken as a ruling. The honourable member may proceed with the discussion if he likes.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi): Mr. President, I oppose this bill. In the Statement of Objects and Reasons of this bill it is stated that the system as tried since the year 1921 has been successful throughout the whole Presidency. But we all know that this Bill has been thrown out by the Council on more than one occasion in the past. Without obtaining the opinion of the agriculturists and the local bodies, this bill should not have been brought before this Council. It has been represented to Government in the past that by this process the copies get spoiled quickly and they are not of much use. It has also been represented that the photographs of the documents do not contain all the particulars in the documents. It has been found that in many photo-copies only half the names are photographed, in some the amounts are omitted.

The Honourable Mr. B. V. JADHAV: That may have been so under the old system, but under the improved system those defects do not appear at all.

Mr. V. A. SURVE: But it is stated in the Statement of Objects and Reasons that the previous system has been successful and therefore this Bill is brought forward. Therefore, I say, that unless the public has been given an opportunity to express its opinion on the process,

[Mr. V. A. Surve]

this bill should not be taken into consideration. If the House passes this Bill in the absence of the considered opinion of the public, it would only mean that they have disregarded the interests of the agriculturists. Therefore, my suggestion to the Honourable Minister and to the House is that they should have the Bill circulated for eliciting public opinion, and until that opinion is received the House must not go on with the consideration of the Bill.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi): Mr. President, the system of copying documents by photography has been discussed in this House on several occasions during the course of the last seven years. It is now stated by the Honourable Minister that there is an improved system and it has been approved of by the people. Further he says that this bill should be passed. When the photo system was introduced, the district local boards and other public bodies and the bar associations had given their opinions against the photo-zinco system. Still the Honourable Minister has brought in a bill and says that it is the best system. Perhaps it appears to me that the spirit of Mr. Anderson is still lingering though he has left India. If it is the intention of the Honourable Minister that the materials for this process of registration should be purchased in India and that the sale should be encouraged, let him say so plainly. Already a photo of the registered copy by photo-zinco method has appeared in a English newspaper, in order to show how defective that system is. The Honourable Minister says that he has introduced great changes, because he has newly taken charge of that portfolio. His predecessors also have said the same thing. He says that he is himself a ryot and a representative of the ryots. If it is a fact, has he considered whether this system is in the interest of the ryots? He has got all the records and I have got records to show that the public bodies and the public have expressed their disapproval of the system. The press has condemned it. This system will cause loss to the people; it is highly injurious to the interests of the illiterate ryots. I do not think that the Honourable Minister will think of aggravating the situation by passing this Bill. If he thinks that this system is in the interests of the people and if he takes the trouble to convince the people that it is so, we the representatives of the ryots in this Council will not oppose it. On the other hand, we will welcome it. If the Honourable Minister brings in a measure which will be acceptable to the people and in the interests of the people, we will all support him and no one will oppose him. About two years ago, newspapers published their views and the views of the public about this bill. We have already protested against the procedure introduced by Mr. Anderson. My contention is that the records of the ryots should be safe. The Honourable Minister has not yet shown that they would be safe. I therefore urge upon the Honourable Minister the necessity of withdrawing this bill.

With these words I oppose the Bill and earnestly appeal to all honourable members to oppose it.

Rao Bahadur R. S. ASAVALE (Bombay City, North) : Sir, I am sorry that the previous two speakers have opposed this bill only on the ground that the bill, when it was introduced some two years ago, was not accepted by the people of this Presidency. But, Sir, they forget that the present bill that is before this House to-day is not the same and that it is in the interests not only of the agriculturists but even in the interests of the Government. Sir, I would like to draw their attention to the fact that this is not the bill for photo-zinco but this is a bill for photo-copying,—photographing of documents by means of films. Honourable members must know that the film system has been introduced in India and so many film companies also have been started in India. The cinema shows must have also been seen by honourable members in Poona and Bombay. In the same way the documents are to be filmed first and from such prints the documents are to be copied. This film will remain a negative. Yet, Sir, I have some suggestions to make with regard to the improvement of the bill. For this purpose I have tabled my amendments. I therefore do not wish to go into the question in detail at this stage.

The Honourable the PRESIDENT : I have not seen any amendment tabled by the honourable member.

Rao Bahadur R. S. ASAVALE : I have handed my amendment to the Secretary.

I will tell my honourable friends who have opposed this bill that their objection as regards the destruction of documents of the agriculturists is groundless because the original document received for registration will be returned in tact after it is merely copied and the negative and a print will be preserved in the registration office for a record. And if any extra copy is wanted, it will be taken from the negative. Therefore, the original cannot be destroyed. As regards the preservation of the photograph prints, I would like to draw their attention to clause 2 (gg) of the bill regulating the procedure to be adopted in photographs, the documents and the serial numbering, binding and preservation of the photograph prints. The provision which they want, namely, that the documents should not be destroyed and should be kept in safe custody has been made in this clause. But I would like to know from the Honourable Minister of Agriculture whether he has framed any rules describing the safeguards provided for binding and preservation. If they are not yet provided, he will have to do so.

Then, Sir, as regards the facility to be afforded to the agriculturists some provision must be made in the Act itself. At present it so happens that when a document is presented for registration, it requires many days to be copied by hand. If the agriculturist or any one who presents his document to the Registrar or Sub-Registrar wants back his original document very urgently, he has to wait for a long time; but by the present procedure suggested in this bill the copy can be obtained in an hour or two if it is presented at the Photo Registry Office, which would greatly facilitate the agriculturists and with less cost. What was the

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cost of copying a registered document by hand? It was too heavy. What would be the cost at present? I believe at least half of that of the present. I hope this will be explained by the Honourable Minister or the expert in charge of the department.

I would therefore point out to this Honourable House that it is no use saying that the bill that we opposed two years ago is just the same as has been brought forward this time. This is a bill which is not only in the interests of the public but also in the interests of the Government.

As regards the facilities for copying, preserving and transmitting the documents, it would be very favourable to the agriculturists and for such facilities. My suggestions are as follows:

The documents presented for registration should be compared and certified at the Photo Registry which the Photo Registry should be allowed to transmit then direct to the parties concerned as that would mean a great saving of time. I therefore will request the honourable House not to be misguided by the suggestion of my two honourable friends who preceded me and opposed the first reading of the bill. I would rather strongly urge them to support the three readings of the bill.

Mr. G. B. PAWAR (West Khandesh District): Sir, I rise to support the bill. Before I venture to criticise the bill of photo-copying system of registration, I must admit that there were evil effects in existence when the photograph system was first introduced. But at present the evil effects are not in existence. I have personally visited the studio where photos of documents are taken and have personally witnessed the process from beginning to end. Not only I but several of my friends who have visited the studio were satisfied and convinced that the photo system is advantageous to the public. Nearly 1,000 copies can be taken of any document. Had my honourable friend Mr. Gunjal personally visited the studio and witnessed the process, he would not have hazarded to put forward so many objections. No doubt in the beginning the photos were not good and in many cases they were invisible to the naked eye. But now an improvement has taken place and the previous defects have already been removed.

I regret to state that only four honourable members visited the studio and watched the process of taking photo copies of the documents. But my honourable friends who visited the studio must have been fully convinced of the advantages of taking copies of documents by the photo system. Before I personally visited the studio, I was firmly against the system. But after personally witnessing the system from beginning to end, I was thoroughly convinced of the usefulness of the system.

My honourable friend Mr. Gunjal is perfectly right in bringing to the notice of this Honourable House the conflicting sections 57, 59 and 63-A of the Deccan Agriculturists' Relief Act. These sections should, in my humble opinion, be altogether deleted, because, as my honourable friend Mr. Gunjal said, the poor agriculturists are harassed.

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There is another inconvenience in the system from another point of view. For example, if an agriculturist intends to execute an agreement for sale of his land in favour of any claimant, he would pass the "pucca" sale deed within a week which, in view of the Privy Council ruling, would be compulsorily registrable. The sub-registrar has to register the document under the Deccan Agriculturists' Relief Act. After the execution of the document he would naturally send it to the various senders for getting the document copied. If the parties cannot get the same deed registered the next day or the day after, the agreement comes under clause 2 of section 59 of the Deccan Agriculturists' Relief Act.

It will thus be seen that the party will have to wait and perhaps the contract itself may fall through owing to delay. I am speaking from personal experience as sub-registrar in which capacity I had something to do with the operation of the Deccan Agriculturists' Relief Act, and I assert in consequence that the deletion or amendment or removal of these sections from that Act will prove of great benefit to the agriculturists because every document exceeding Rs. 100 executed by agriculturists is required to be written or drawn up in the office of the sub-registrar by the sub-registrar himself or under his superintendence in his office and the agriculturists are required to go through many difficulties and I must admit that they are harassed in many ways. I cannot tell the House of the many ways in which the poor agriculturists are harassed and oppressed on all sides. For each and every document the agriculturist is called upon to take five persons from his village to the sub-registrar's office and they have to attest as witnesses. He is required to pay them from his own pocket. If these sections are deleted and if the documents are written outside the office, of course he will not be harassed as they are now harassed in the offices of the sub-registrars, while such is not the case of non-agriculturists. In the case of non-agriculturists, the document is written out outside and they get sufficient time to present it for registration in the sub-registrar's office and unless the parties are paid their consideration money, they scarcely attend the sub-registrars' offices. If a sowkar or a claimant who wants to execute a document of Rs. 1,000 or Rs. 2,000, carries Rs. 200 in his pocket, he can execute so many documents presenting them at intervals at a time.

The Honourable MOULVI RAFI UDDIN AHMAD: What is that consideration money? Is it presents?

Mr. G. B. PAWAR: The money for which the document is executed.

I therefore request the Honourable the Minister to be kind enough to do the needful in the matter, to consider these grievances arising from these sections of the Deccan Agriculturists' Relief Act and try to delete them or arrange to take such measures as would remove the daily occurring difficulties in the way of poor agriculturists.

As for the loss of documents in transit, every precaution is taken by the registering officers. Until now no such loss has been experienced but if it did occur, the parties should be informed and they should get

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fresh documents prepared and the whole fees and the value of the stamps should be refunded to the parties concerned.

My honourable friend Mr. Gunjal has taken objection in the memorandum which is given to the members, but Mr. Anderson has removed that doubt in his note which was issued I think in 1927. I would suggest that in cases of the most important documents such as wills, adoption deeds and partition deeds of the most important nature, the parties should be advised to present duplicate copies for registration or their copying by photo-system should be left to their option to decide whether they want their documents to be registered by photo system or by copying by hand. If my honourable friends will take the trouble to read the note prepared by Mr. Anderson in 1927 on photography for registration of documents, they will be fully convinced of the importance and the advantages from the photo system and are sure to form their opinion in favour of it.

Under these circumstances, I support the bill before the House with the recommendation that sections 57, 59 and 63A should be either suitably amended or deleted altogether.

The honourable member Mr. Mackie, who was Inspector General of Registration, will probably address this House on this subject. I know quite well that he will not be guided by the opinions of Mr. Anderson, because when the card index system was introduced by Mr. Anderson and when Mr. Mackie saw its futility and the unnecessary bother it caused to the sub-registrars, he at once stopped the system and introduced the previous index system. I am sure that Mr. Mackie will not allow himself to be guided and influenced by the whims of Mr. Anderson because Mr. Mackie is a man of judicious opinions and will give his candid opinion here. I believe if Mr. Mackie gives his frank views to this House, it will be of great help to us.

With these remarks, I resume my seat.

Mr. P. R. CHIKODI (Belgaum District): Sir, I want to know one thing and that is, where is the necessity of having this bill passed by this very House.....

The Honourable Dewan Bahadur HARILAL D. DESAI: It has every right to do so.

Mr. P. R. CHIKODI: I am not questioning the right of this House but the haste with which it is sought to get this bill through all its stages. As we know, the life of this Council is almost over. It must be admitted that the system of copying by means of photographs has aroused considerable feeling in the minds of the public and if such is the case, it is better that the new House which will come into existence shortly after the new elections should have a chance of considering and then passing this bill.

Mr. H. V. KOLHATKAR (East Khandesh District): Sir, I rise to support my honourable friend Mr. Gunjal. Of course, I was one of those members who visited the Photo-zinco Office. We have gone through

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the whole process and however perfect the system of taking photo prints from the original documents may be, there are certain things which appear in the note which is placed in our hands requiring explanations. This note was prepared by Mr. Anderson in the year 1927, and at the top of it we find that this note is for official use and for free distribution. The system, as it is at present in vogue in the office, is according to the experts quite perfect, but one thing that is noted in the note is that they have got certain patents and on which we have to depend. If other experts were not consulted, the general public would not be in a position to know whether those chemicals really produce very lasting effects or not. That is one thing which should be taken into consideration. The second thing is that on enquiry made at the office, we learnt that it was not possible to establish offices for taking photos in several districts or at different places and it would be necessary to send the original documents from all the districts in the presidency to one particular place. This will, no doubt, entail a danger of some of the documents being lost in transit. The only explanation given was that no documents have been lost up to this time and in case they are lost they can be executed again. My point is this. If once the documents are sent to the Sub-registrar, no one could take them again. There may be occasions on which after presenting a document to the Sub-registrar the person executing the document may change his mind after the document has been executed. One does not know what steps he will take in this connection. A reference is made to the Deccan Agriculturists Relief Act which is applicable to the presidency. An endorsement regarding receipt of consideration by the executant is made by the Sub-registrar on the document, when it is presented for registration. This endorsement is a strong presumptive evidence and it is only by very strong evidence that the man denying the receipt can challenge the endorsement. Supposing such a document is lost in transit, the best possible evidence is lost. Then secondly, it is said that if any document is lost, no extra charge will be made again. They may not charge twice. But what about the effect of the lost document? If a document is lost, the executing party may change his mind and may not feel inclined to execute it again. In that case the man has to go to a court of law and get a decree for specific performance of the contract. This will entail a very long delay. That is a question which ought to be taken into consideration, before the bill is passed in the Council. I therefore agree with Mr. Gunjal that this bill should be published for public opinion under Standing Order VIII, 5 (1) (c).

Mr. M. C. TRIVEDI: Sir, in connection with the Bill just introduced, I wish to put some salient points for the consideration of this House. In the old process documents had to be untied for purposes of photographing them. This (untying) was considered to be legally objectionable. Now under the new process it is not necessary to open or untie any of the documents whether sealed or unsealed. The operations under the new process are so arranged as to render it unnecessary to open the documents. The second point is that in the old process the size of photo copy given was considered too small for purposes of reading.

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Under the new process an appreciable increase in the size of the photo copy is made and this too with a reduction in the cost from annas 3 (in the old process) to annas 2. Under the new process prints are quite readable. However, if larger print is required, it can be given up to the size of the original document at an additional cost. The third point is that the old process had to depend very much on weather conditions for its working; in monsoon when it rained continuously, work had even to be suspended and the result was that it took a great deal of time in returning the documents. The new process works quite independent of weather. Most of the operations are carried on with artificial light. I may also go to the extent of saying that under the new process we can take out copies even at night. Then again it was stated that under the old process it was not possible to photograph documents written in coloured ink such as blue and purple. They had to be rejected. Under the new process improvements are made to such an extent that documents written in green, red or in any sort of ink, can be reproduced very easily and as easily as the documents written in black ink. In support of my statement I may say that in the year 1929 out of 35,300 documents only 14 documents had to be rejected as unfit for being photographed. This means a percentage of .04 per cent. of documents. That is a very small percentage. Even these documents could have been photographed with some little difficulty but the idea was to discourage the public using fugitive inks for writing documents.

Now, Sir, I will try to deal with what my honourable friend Mr. Surve said regarding the old process. He says there are certain figures on the document which do not come on the prints. If anyone will consider how documents were photographed in the old process, he will certainly understand the reason of this. Now, Sir, any one who has seen the documents received for registration knows how the documents differ widely. In one the ink may be strong and clear, in another it may be weak; in one the details of thumb impressions, signatures, etc., may be in strong ink, in others they may be faint, and in others again some of these details may be in coloured ink. Some of the documents are written on tinted paper, some on papers purchased a long time ago and consequently gone yellow. All these documents, looked at photographically, require different exposures and if all of them were given one common exposure (which had to be done in the old process because as many as 24 different sides of 24 different documents had to be exposed together on a big sheet of glass)—all would suffer more or less. That was, I say, largely responsible for the unsatisfactory copies obtained in the old process. In the new photo process that we are working since 1927, each side of a document—not to talk of a document by itself—receive individual treatment in all the operations. It has been possible to bring out every detail by giving local treatment, so much so that honourable members may not believe me when I say that with a certain amount of skill we have been able to reproduce even the Government of India's stamp embedded in the texture of the paper. For bringing out the details, I should say that there can be nothing better than the

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method that we have at present adopted for the reproduction of the documents. It has been one of the principal objects that we have kept steadily before us that all the details should be as prominent and as clear as possible in the copies, and I am glad to say that as soon as the new photo process was introduced in 1927 we received numerous letters from the sub-registrars themselves that the work of writing down the material that was not being reproduced in the photo copies has been materially reduced by the introduction of the new process, and this should convince this House that there is nothing better than the system that we are at present following. I think I have shown to the honourable members who have attended the demonstration that by special methods we can make up any deficiency in exposure in any of the operations. It is possible to bring out any detail, and that has been the first object that we have kept always in view, that the process must be useful to the public to the extent that we must bring out any detail, however faint it is, in the original document.

Then there are some minor points. It was not possible under the old photo process to maintain uniformity in the sizes of the prints corresponding to the three different sizes of Stamped papers. We have now been able to give prints of the same size, whatever may be the size of the original. Well, Sir, these points should convince the House that the new photo process as a copying process is a great improvement on the old one.

An Honourable MEMBER : What about the cost ?

Mr. M. C. TRIVEDI : I shall gradually come to the question of the cost.

The Honourable the PRESIDENT : Before that is dealt with, there was a pertinent question asked by the honourable member Mr. Kolhatkar about the chemicals being patents and the property of some one particular expert.

Mr. M. C. TRIVEDI : I shall give the answer to that in due course. Having dealt with the salient features which distinguish the new process from the old one, I should now come to discuss in more detail those features. I am very glad to see that the honourable member Rao Bahadur Asavale has seen the necessity of keeping a photographic record in the form of negatives. Most of us, I should say, those who have got some idea of photography, know very well that a negative is far more akin to the original than a print taken from it. It is possible that in the print some unimportant detail, such as a dot of dirt, or a patch may not occasionally come on the print. But in the negative, every detail, even quality of the paper, is reproduced most satisfactorily. Looking to that aspect I am inclined to view with satisfaction the suggestion that one of the photographic records should be kept in the form of a negative and the other should be in the form of a print.

The Honourable the PRESIDENT : I suppose the honourable member will take some more time to conclude his remarks.

Mr. M. C. TRIVEDI : Yes, Sir.

(After recess.)

Mr. M. C. TRIVEDI : As I have said, the greatest advantage of the photo-copying system is the possibility of preserving negatives for all time to come. In the old photo process, it was not possible to do so. I have already stated how important it is to keep the negatives, because the negatives are very akin to the original. In the old photo process the negatives were in the form of glasses 30" by 24" and their storing as records for all time to come was impossible. In the new photo process, the negatives are so small—small as postal stamps and moreover they are on a flexible film which can be wound up and kept as records for all time to come. One of the advantages of preserving the negatives is that copies can be supplied at any time they are asked for subsequently. In the old photo process, because the negatives had to be destroyed, if copies were required at a subsequent date they had to be given in manuscript from the photo copy kept as record. This was one of the grievances of the sub-registrars that they have to make manuscript copies even under the photo system. When documents were presented for registration, they were copied by photography and when copies were asked for at a later date, they had to be supplied in manuscript. In the new photo copying process, this difficulty is removed. Copies of any size up to that of the original can be given at any time within a very short notice.

There is another advantage of the preservation of the negatives. I must say that for a Department like Registration, which has got for its object the keeping of reliable records of registered documents, it is very necessary that the records should be kept, if possible, in duplicate. In the new photo process records of registered documents will be kept in negative and photo print. The additional advantage of having the double record in the form of negative and the print and not in the form of two prints is this, that if one set of photo copy is destroyed, it can be duplicated from the other set. By the new process, if photo copies are destroyed by natural catastrophe such as fire or floods, these very photo copies destroyed can be duplicated again from the negatives stored at a different centre. If the negatives are destroyed, copies can be duplicated from the photo prints kept at another centre. I should say that this advantage of having a peculiar system of duplicate records which allows either set to be duplicated in its very form in case any is destroyed is really commendable.

Sardar Sir RUSTOM JEHANGIR VAKIL : Would it not be possible in the old system to have two or three copies ?

Mr. M. C. TRIVEDI : In the old photo process two copies were taken. One of them was kept in the sub-registrar's office and the other was kept in the district registrar's office. If one set of photo prints were destroyed the utility of the other one was that it was merely a duplicate of the other one. But in the new process the destroyed set itself can be duplicated again from the other set.

The third additional advantage accruing from the preservation of the negatives is that it gives a great set back to the temptation of forgery or

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affords a means for a speedy detection of it. In the old photo process, for a forgery only an unholy alliance between the registrar and one of the parties was necessary. In the new photo process even if the sub-registrar or one member of his staff enter into an unholy alliance, there is a third party situated hundreds of miles away which has to be taken into confidence in such a nefarious design. Instead of two forming an unholy alliance, there is now a third party to be taken into consideration which of course makes the matter more difficult. Moreover it is impossible for us to do anything in the negatives, as they are as small as a postage stamp. The negatives are of the size of postal stamps and it is impossible even for an expert to make any alteration in it. Even if any alteration is made by the sub-registrar in the photo-copy that can very easily be detected because the writing matter composing the print is absolutely different from the writing matter composing the ordinary inks.

I now come to the other point. The process is going to be a great boon to the public. To explain this, I would take stock of the situation at present. At present when a party has to get his deed registered, he has to go to the sub-registrar and present the document for registration. The sub-registrar accepts the document for registration and sends it to us for photo-copying. As things stand at present we are required to send the document together with the photo-copy back to the sub-registrar who, after certifying that the photo-copies are true copies, distributes the documents to the parties. It is intended, by the introduction of the bill, to avoid delay caused by requiring us to send the documents to the sub-registrar. What is aimed at in future to do is to return the document after it is photographed direct to the parties and to return the photo-copy of the document to the sub-registrar.

Rao Bahadur R. S. ASVALE: On a point of information, Sir. I do not see that the procedure about this transmission of documents has been provided in this Bill. It is a matter of detail. I had put the suggestion that the transmission must be easy. But it is not mentioned in the Bill.

Mr. M. C. TRIVEDI: I wanted to point out that it is not possible for us to do that because the photo registrar is not at present authorised to certify the photo-copies as true photos. In the Bill there is a section that the registrar will certify that the photo is true and then only he will be in a position to send the documents direct to the parties.

As I said, Sir, the process is going to be a great boon to the public, especially to the uneducated masses. (*Interruption.*) It will then not be necessary for the party to have anything to do with the sub-registrar excepting for the purpose of presenting it for registration.

It will also be a great boon in other ways. As I said, the process is working very cheap. We are receiving increasing orders for outside work. Those who had the opportunity of getting their work done from us are greatly impressed by the rapidity and cheapness with which the work is done. You will realise the cheapness when I give instances.

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One of the great advantages of the process is in the reproduction of historical matter. Honourable members are aware that India is flooded with relics of ancient civilization. Many of the old manuscripts have been kept in the custody of private individuals or religious institutions. Students of historical research give these documents greatest importance. But they cannot get them because the owners are very reluctant to part with the old valuable relics even for a short time. The only course left open for a student of research is to get them transcribed by hand. Now, manuscripts are written in old languages like Prakrita. It is very difficult to get a scribe who knows all these old languages. Even if one gets a scribe, it is very difficult to get hundreds of copies transcribed. The alternative left then for the students is to get the aid of photography and many students of history have got with them a camera with which they can photograph some of the old valuable documents. Now, I should say that we have received numerous manuscripts to be photographed. The scholars who brought them were struck by the cheapness of the process. I shall give you only one instance. The Bombay Branch of the Royal Asiatic Society wanted to have an original copy of the Atharva Veda photographed for transmission to a Professor in America. The price of it by the ordinary photographic process would come to about Rs. 900. Accidentally we came to know about it and offered to do the very work within a cost of Rs. 150, the actual cost being only Rs. 90. I will show honourable members a page from the manuscript.

(Here a page of the document was shown to some honourable members.)

The cost by the ordinary photo process was Rs. 900 and by the new process it came to about Rs. 150 of which only Rs. 90 were for the cost of materials and labour. Honourable members will therefore see from this one instance that the new process is very cheap compared to ordinary photo processes. For a photograph of a side of document by ordinary process the charge will be about a couple of rupees. By the new process that very photo would cost you 2 annas only. Out of the 2 annas our actual cost would be 18—20 pies. You will get an idea from the specimen of work done by us. I will just read out the impressions of some of the people who tried to get our assistance in this work. The Secretary of the Bharat Itihas Sanshodhak Mandal, Poona, says on many occasions the original documents were given to our office for being photographed, and that the work was executed admirably; he also says the process is a great boon to them for their purposes.

The Honourable the PRESIDENT: These are matters of detail which might be left out till the bill is taken up clause by clause.

Mr. M. C. TRIVEDI: Now I come to the other question raised by the honourable member Mr. Kolhatkar. The process for taking out these prints is a very simple one. The prints are given in sulphide of silver; they are known to be thoroughly permanent. I have got the opinion here of the British Journal of Photography which runs. "Sulphide toned bromides of course are absolutely permanent and never show any signs whatever of fading."

Mr. P. J. MARZBAN : I should like to know how many years they can last ?

Mr. M. C. TRIVEDI : They are, as I said, thoroughly permanent and so may last at least for 50 years. I should submit that these are the opinions of scientific societies. But if you want to see for yourself I have got a copy which was printed in 1911 and you will see that it looks as if it was printed only yesterday. (The honourable member shows a copy to the House.) This print was taken at the time of the Coronation and the visit of the King Emperor in 1911.

Mr. H. V. KOLHATKAR : Was it taken by this process ?

Mr. M. C. TRIVEDI : Although the process is different, the final result, namely, sulphide of silver is the same.

An HONOURABLE MEMBER : On a point of information. What happens after 50 years or 60 years ? Have we to get them renewed ?

Mr. H. V. KOLHATKAR : So that the originals may not be lost.

Mr. M. C. TRIVEDI : I may submit that after a very long period they may get bleached (white), of course gradually and not at once. It was also asked why it is not possible to open offices in different centres. I submit that in the first instance it will not be possible to do so, because there may not be sufficient work at all the centres to keep the unit fully employed. It may be possible to open at big towns, for instance, Ahmedabad.

Although we use ordinary chemicals, the method of using them is quite different. The copying of documents by photography was not attempted according to the new process before ; chemicals are the same but the method adopted for their use is different. With these words, I support the Bill.

Mr. H. V. KOLHATKAR : Does the honourable member know the doctoring process ?

Mr. M. C. TRIVEDI : I know there is a doctoring process which I have heard of. But that system is used in lithography. We never use it.

Sardar Sir RUSTOM JEHANGIR VAKIL : Sir, I only wanted to know whether, by the introduction of the new system, the photo-copies could be preserved in the Government record for all time to come, because these records are not intended to be for a period of 50 years or 100 years. Some of them may be necessary after a century or even 200 years. If that is the case, I suppose the House would like to be enlightened on the point whether from the negatives fresh copies could be taken satisfactorily after 50 years or more.

Mr. M. C. TRIVEDI : Yes, it is quite possible to get good copies from negatives preserved for 50 years and more.

Mr. P. J. TALEYARKHAN : What is the life of the negatives ?

Mr. M. C. TRIVEDI : They may last for more than 50 years, and if they grow faint they can be duplicated with the aid of certain chemicals and filmed.

Rao Bahadur R. S. ASAVALE : Is this system working in any other part of the world ?

The Honourable the PRESIDENT: That has been asked and answered before. Egypt has adopted the system.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, I strongly support the views put forward by my honourable friend Mr. Gunjal. This bill has been brought in this Council many times, and the Council has given its verdict on it. Whenever this bill is brought up in this Council, Government praise the system of photocopying so much that they think that they will pass the bill. I remember that on the last occasion when the bill was discussed, Government recommended the process very much. On that occasion, many honourable members brought photo-copies of documents with them and proved that the copies did not keep well, and during the monsoon season they are spoiled. At that time Mr. Anderson spoke for about an hour, but the Council threw out the Bill. Now this bill is brought forward, and it is said that a great improvement has been effected in the system, and the results are very satisfactory. What the non-official members say is, there may have been a great improvement in the system, but the public know nothing about it. Another thing is that in spite of the fact that this bill has been thrown out on more than one occasion, the process is still continuing. Therefore, many honourable members have stated that the consideration of this bill should be postponed, and during the interval between the present session and the next session the public should be given an opportunity to express its opinion on the bill. Nothing will be lost by postponing the consideration of this bill, because it has been thrown out on more than one occasion during the last seven years.

My honourable friend Mr. Trivedi has said that the public are uneducated, and therefore they are afraid of it. As they are uneducated, they do not go to Government direct with their complaints. It is their representatives in the Council that they will approach with their grievances, and those representatives bring their grievances to the notice of Government.

The Honourable the PRESIDENT (In Urdu): I do not think that the honourable member said that at all. He said that by this process even the uneducated public will be protected. Under the old system they could not detect alterations and forgeries, but under the present process, alterations are not possible, and therefore it protects them.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): I am sorry I misunderstood the honourable member. He says that even the uneducated public stand to gain by this process. But the representatives of the uneducated public have their interests at heart to a greater extent than the Government, because these representatives come to the Council by the votes of the public. Therefore, when the representatives of the people say that this bill should be postponed till the new Council is constituted, and in the meantime public opinion should be elicited, Government should adopt that suggestion. There are new members in this House, and they may not have studied the bill, and it is not right that the Honourable Minister should insist on the bill being passed at

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this session, taking advantage of the state of the Opposition. If Government say that it is in the public interest, the public should be given an opportunity of saying what they think about it. If Government insist upon passing this Bill with the help of the nominated members and others, the public will look upon it with disfavour.

I find, Sir, there are two examples before us of the photo copies, one new and the other old. I do not see much difference between the two. There is some difference in the dates of the documents.

Mr. M. C. TRIVEDI : The cardboard is circulated just with a view to show that the new photo process gives larger prints than the old process at a reduced cost.

The Honourable the PRESIDENT (In Urdu) : The date has nothing to do with it.

Mr. M. C. TRIVEDI : The date has nothing to do with it. The only object is to show that the print as taken under the new process is larger than the one taken under the old process and at smaller cost. Under the old process, for a smaller size print the charge was 3 annas, but under the new process for the larger size print the cost is 2 annas.

Mr. HAJI MIR MAHOMED BALOCH : The note says that one is old and the other is new. But I find from the dates of the documents that the one is not very much older than the other.

Mr. M. C. TRIVEDI : What is written in the note is the size and the cost of prints under the respective processes.

The Honourable the PRESIDENT (In Urdu) : Two documents are shown there. The note deals with the processes according to which each copy is taken. One is under the old process and the other is under the new process. The date has nothing to do with it.

Mr. N. R. GUNJAL (In Marathi) : Is it a fact that the documents for photo-copying were specially selected ?

Mr. M. C. TRIVEDI : To tell the truth, no particular document was selected.

Mr. HAJI MIR MAHOMED BALOCH : I understand there are two prints. The big print was prepared in the year 1911. There is a bitter complaint against the system from the public. If you want to have this system, get from the public a favourable opinion about the new system. Till then, I think they can go on as at present for some time more.

Mr. NOOR MAHOMED (Hyderabad District) : Sir, it is rather surprising that the Honourable Minister Mr. Jadhav should select the present session for the passing of a bill which has had so many discussions on it in this House. My submission to him, as well as to this honourable House, is that the present occasion is not suitable for passing a measure of this nature over which there is a lot of controversy in this honourable House as well as outside it. I do admit that in the photo-copying system there are some very great advantages. For instance, there is the very great advantage of checking and detecting forgery. That is an advantage which we at all times welcome. But in a country like

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India, people are still old-fashioned; and the preservation of photo copies of this nature becomes a very serious problem. Above all, the Department of the Honourable Minister has not yet convinced itself that the system which they have so far matured is one which can be relied upon for the permanency of either the films or the photo copies. A very pertinent question was asked by the honourable member Sir Vakil of the honourable member who has been called here by the Government to advocate this new system, whether these documents will last for at least a century. We know what the life-time of a document would be or should be. I am sure honourable members heard the way in which the honourable member who has come here to advocate this new system tried to reply. I had no intention of taking part in this debate at all. But the hesitation with which the honourable member, the spokesman of Government, tried to reply has created in my mind a very serious doubt as to whether the Department itself is in a position to convince the public about the permanency of the photo copies obtained by the present process. During the course of the last few years, they have carried on various experiments of the process. That should be admitted by the Honourable Minister. Sir, we have heard the vehemence with which Mr. Anderson, who was in charge of this department, advocated this process on the last occasion in this House, the eloquence with which he presented the case of his department in this matter. And yet we find that the department has been going on with experiments and making progress, not being satisfied with the results obtained. I do not say that they are not entitled to make experiments. In every country in the world and in every department experiments have to be carried on. But I do submit that finality in the experiments has not been achieved, as is claimed; and therefore the present session is not a fit occasion for passing a controversial measure of this nature. I am not in league with sub-registrars or clerks of sub-registrars' offices who are said to be engineering this agitation. So far not one sub-registrar in Sind has approached me. If this allegation is true, I am sure that the association of sub-registrars would have approached some M. L. C.'s in Sind in connection with this question. So far no such attempt has been made by the sub-registrars in Sind. Even if there be such an agitation on the part of the sub-registrars, I do not think that that should be made a cause for passing this measure in this last session of this Council.

One word more. In this honourable House there are to-day honourable members who are not aware of the previous history of this question. If the Honourable Minister persists in passing this bill, I am afraid agitation will be started in the country. It will be said that the Government is trying to make money out of this. People will think that this is an additional burden on them. I am sure it will be a great handle to various people to start agitation. We have after all, every one of us, to go to the electorates. (*Interruption.*) The honourable member Sir Vasant Rao is never afraid of it. He has got still a chance of again coming into the Council before the New Reforms, by nomination. He can afford to hit us. Every one of us has to go before the electorate

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and those honourable members who have got to go before the electorate cannot take upon themselves the responsibility of supporting this bill. With these words, I oppose the bill and earnestly request the Honourable Minister to postpone the bill till October when the new Council will be constituted. I admit that there are certain advantages but at the same time there are very serious disadvantages also. So, the new Council will be the proper body to consider this measure.

The Honourable Mr. B. V. JADHAV: Sir, I am sorry to observe there is so much of misunderstanding on the whole question. It is a fact that this Bill was before the House in 1927. At that time we could not get through this Bill. But, Sir, the photo-copying process has been going on for the last 10 years and it has shown on the whole good results. When the system was newly introduced negatives were taken on glass. These negatives could not be preserved and so the work was not found satisfactory. But photo-copying has been going on and members of the legal profession and others have come to realise the advantages of that system.

Too much stress was laid on the defects of the old process. The honourable member who spoke in favour of the new system is quite new and he could not place the facts clearly before the House. I can say plainly that the silver process with which the photographs are now taken is permanent, that is, the photo prints will certainly last for more than 50 years. The negatives which are not exposed to outside light will last for more than a century. The process of silver prints has been before the public for some time past and is recognised as being permanent and the cinema has made the film very familiar to the people who have been taking the advantages of the cinema shows.

Now as regards the cost. I wish to point out that the cost should be compared not with that of the old system of photo-copying but with the system of hand-writing. The first system of photo-copying compared very favourably with the old system of hand-copying. This new film photo system compares very favourably with the first system in respect of cost also. The House will see that the present system is much less costly than hand-copying. The cost of the photographs of manuscripts shown to this House would be about 4 annas. No competent scribe will copy that page for less than a rupee, as the work will require a good deal of close attention on his part and it will take a long time.

The photo-copying system ought to be compared with the old hand-copying system, as I stated just now. One has to see what the advantages of the old hand-copying system were and what the advantages of the new photo-copying system are. The hand-copying system depended for a good copy upon the ability, honesty and assiduity of the clerk. If he was a lazy fellow he was likely to commit mistakes, drop some words, put punctuations at wrong places and so on. But in this photo system everything—every defect and every good point is made out in the photo-copy. The copy is as good as the original document and its evidentiary value ought to be equal to it. In the case of a hand written copy, one was

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not certain whether there was or not any tampering with the document. You already know, Sir, the books in which the documents are copied are made of paper of a quality which cannot be expected to last for more than 30 or 40 years. The registry system has been going on in this Presidency for about 30 or 40 years and in certain offices the old books on which documents have been copied are torn to pieces and on the point of becoming useless. It is a question for Government how to preserve these old registers in which all the documents have been copied. In a few years they will become quite useless and the copies of the old documents will be lost. To guard against this calamity advantage is taken of the new discovery. The old books are kept in the office of the District Registrar. But if fire destroys the building, the books are burned and the copies of old documents are thus lost. The present system comes to our help in such emergencies. I may point out that there have been a number of cases in which offices have been burnt down and the old books have been lost. The title deeds that are registered there once lost are lost for ever. We cannot get their copies. The old hand-copying system is thus very defective and imperfect. The new system requires that copies of the documents should be kept in two places; and therefore in case of necessity copies can be taken from either.

Mr. P. J. TALEYARKHAN: On a point of information, Sir. Is there any guarantee that the negatives will be duplicated before they fade?

The Honourable Mr. B. V. JADHAV: As a matter of fact, Sir, when pleaders have to present documents in the courts they get their clients to apply to the sub-registrar for multiple copies. I have made enquiries in a few offices here. Sometimes three to seven copies are applied for and in one case 25 photo copies have been taken of one document.

You will thus see that this system is slowly getting into favour with the legal profession and they have come to realise its advantages.

Sardar Sir RUSTOM JEHangIR VAKIL: On a point of information, Sir. Is this system introduced in England, Germany and America, and, if not, what are the reasons when it is cheaper and more convenient? That is one point. Another point is this. What is the initial cost to which Government will be put in starting this new system?

The Honourable the PRESIDENT: There is no registration in England.

The Honourable Mr. B. V. JADHAV: There is no Registration Act in England and therefore they do not require this system. As for countries where photo-copying has been introduced, I have no definite information on the point; but I remember Mr. Anderson telling the house that in Egypt the photo-copying system was in use for a number of years. With regard to any European country, I do not know what their system is.

In India the Registration Act was passed to safeguard the interests of the illiterate masses and for that purpose the copies of documents

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presented for registration are kept in special books. Their copies are made available whenever wanted.

As for the enquiry of the honourable member the Knight of Ahmedabad, I may state that the photocopying system has been working these ten years. All the cameras and other apparatus that is necessary for the work has already been purchased and paid for; no further cost will have to be incurred on that account. I may repeat that it is not the intention of Government to apply the system to all the remaining offices at once. It will be extended very gradually.

Dr. R. T. NARIMAN : Why ?

The Honourable Mr. B. V. JADHAV : For the sake of convenience and economy.

Sir, in the recent floods in Kaira, the registration books got wet. These books can now hardly be opened and read. The whole record was on the point of being lost, through no fault of any person. These books have been brought to Poona and they are being photographed. Thus the new system is saving the records kept by the old hand copying system.

It will thus be seen that even in the case of old hand copies the film photo system has been found useful. If the system had not been introduced, all these records would have been lost to us. Under the new system of negative preservation such calamities as destruction by floods or fire will have no serious consequences. The cheapness of the system is well recognised and more and more outside work is coming to the photo copying office, as men have found it very cheap and efficient. It is a matter for congratulation that the office is now helping research scholars in providing accurate copies of ancient valuable manuscripts and they are coming in large numbers to take advantage of the system which is adequately meeting the wants of the people. It provides thoroughly reliable and fine copies of the originals at a considerably reduced cost compared with that of hand copying.

A question was asked by the honourable member for West Khandesh about the chemicals and other things. I give the figures for his information. The cost of chemicals is ridiculously small in the new photo system. For the whole calendar year 1929, 1,97,224 prints were made. The materials required were :

	Rs.	a.	p.
Chemicals	914	4	5
Film	705	5	6
Sensitive paper (on which copies are taken)	5,908	12	7

The total comes to .. 7,528 0 0

It will be seen what the unit cost comes to, for each print—chemicals .89 pies, that is, less than a pie, film .68 pie and sensitive paper 5.75

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pies. The major cost is that of the paper. I may take the House into confidence and tell them that I am in negotiation with an enterprising gentleman here in Poona, Mr. Sahasrabuddhe, who during the war time supplied to this office some paper which he made by hand. Now he wants to open a factory to prepare the photographic paper and he has approached the department to give him a guarantee that the paper required for this office for ten years will be taken from him at a certain rate. We want to enter into an agreement with him. He had been to England to learn the chemistry of the science, and we know from past experience he is well able to execute the work, as he has actually supplied paper during the war time, when no paper was available. When he is able to start this work, he will have to prepare not only photographic paper for this office but also for other photographers now in business. If he secures this contract he will get confidence and start his business and manufacture photo papers for use by all. To give him support is to get a new industry started in India. In order, therefore, to enable the Government to enter into an agreement this Bill has been brought forward. By far the largest portion of the cost of the photo copies is the cost of the paper and if that paper is manufactured in India, it goes without saying that chemicals worth only a small amount will find a market in India. The system of film photo copying which we are going to extend will benefit the people also, especially those living in the mofussil who do not know how to read and write. The thumb impression is the only means for identifying these people. If the original is destroyed by accident or willfully there is no evidence to say whether the document was executed by the party whose ostensible signature it bears, because that signature cannot be exactly copied in the registrar's office. Under the new system there is an exact thumb impression and signature which last for more than fifty years. This is a great advantage in the photo system. This is the safeguard not only for the illiterate persons but also for the literate persons. As I said, Sir, it is not the intention of Government to introduce this system in each and every office. We have got on our hands old staff of clerks. We have sub-registrars and also clerks. The former will be required to accept documents and certify that they are registered. There are one or two clerks and at least one must be retained. I may tell you that none of these clerks and sub-registrars who are now working will be displaced. It is not the intention of Government to extend the photo copying system to all offices at once. The system will be introduced gradually so that the present staff need not be sent away. There need be no fear that the passing of the Bill will add to unemployment. The old clerks who are working in the registrar's office will be kept there until they retire in due course. This is the principal reason why the system is to be extended gradually. If the system is made applicable at once, many of the clerks who are there will have to be displaced. I may also tell the House that the reason for hurrying up this Bill is that we have to enter into an agreement with Mr. Sahasrabuddhe. If I can do it before I leave office, it will be better

[Mr. B. V. Jadhav]

for all. The other reason is that at present some time is lost in sending documents from the photo office to the sub-registrar of origin. When a document is received in the Poona office, it is photoed and sent back to the registrar's office. Under the new system an officer called the photo registrar will be appointed who will be able to certify copies as true copies and the original documents will be returned from Poona to the persons who presented them for registration or their nominees. In this way a good deal of time will be saved. This is one of the advantages to secure which this Bill has been introduced in this House. As I told you, the first reason is that we have to enter into an agreement with Mr. Sahasrabudde. Some honourable members have charged Government for hurrying with this Bill. This Bill was before this House on one or two previous occasions. Even a good Bill may not be accepted by the House at the first shot. Its rejection once need not condemn it for ever. It has to be brought forward again. If the principle "once lost is always lost" be laid down it will be very harmful in the long run. I think this explanation will be very helpful to all the honourable members of the House who have raised doubts about this system.

Mr. P. J. TALEYARKHAN (Surat District): Sir, on a point of information. At present the copy with the sub-registrar will furnish secondary evidence in case the original is lost. Here we have the negative with the sub-registrar. Can it serve as secondary evidence? Unless the negative serves as secondary evidence if the original is lost, it would be of no use.

The Honourable Mr. B. V. JADHAV: A copy from the negative will be admissible as secondary evidence.

Mr. M. C. TRIVEDI: You can produce it in a court of law, and it will be admissible.

Mr. P. J. TALEYARKHAN: I hope the House understands my point.

The Honourable the PRESIDENT: The honourable member may explain it further.

Mr. P. J. TALEYARKHAN: The negative is very small, and it cannot be deciphered. We must have some secondary evidence, in case the original is lost, which is decipherable in a court of law.

The Honourable Mr. B. V. JADHAV: A copy taken from the negative is admissible as secondary evidence.

The Honourable the PRESIDENT: A fresh photo from the negative can be taken.

The Honourable Mr. B. V. JADHAV: A photograph is admissible as secondary evidence.

Mr. P. J. TALEYARKHAN: This secondary evidence is said to last 50 years. But we want something which will last much longer, because

[Mr. P. J. Taleyarkhan]

as you know, documents are produced in courts 200 years afterwards. At present we can have copies taken from the records of the sub-registrar and put them in even after 200 years.

The Honourable Mr. B. V. JADHAV : The books in which the copies are taken do not last so long.

Mr. P. J. TALEYARKHAN : Have you not got historical manuscripts lasting for more than 200 years ?

The Honourable Mr. B. V. JADHAV : They are written on special paper which is very durable.

Mr. P. J. TALEYARKHAN : So far as my experience goes, I have seen documents 200 years old brought into court which are quite decipherable.

The Honourable Mr. B. V. JADHAV : I may explain that those documents which are written on special paper last longer. The life of the paper is the life of the document. But the register books in which these documents are copied, are not made of any such special paper, and they have to be kept in good useful condition by replacing new copies of portions which are on the point of crumbling by the process of time.

Mr. P. J. TALEYARKHAN : My first point is whether Government will guarantee that if the original disappears, the negative will be admissible as secondary evidence in a court of law. My second point is, what will be the situation if after 50 years the copy in the sub-registrar's office fades ?

The Honourable Mr. B. V. JADHAV : I may point out that Government are taking care of the old books in which the documents have been copied, and when it is found that the paper is on the point of crumbling to pieces, the books are photographed, and the photographs are kept as the original copies were kept before to furnish secondary evidence of registered documents. So also when after 50 years if the photo copies in the registration offices begin to fade, Government will take the care to get them rephotoed from the negatives which are kept in Poona and whose life is much longer than the life of the photo copies in the registration offices.

Mr. P. J. TALEYARKHAN : There will be copies from copies ; will they at all be admissible ?

The Honourable Mr. B. V. JADHAV : They will be copies from the same negative.

The Honourable the PRESIDENT : Besides that, it is a legal point which the honourable member has raised there. That would have to be decided by a court of law.

Mr. P. J. TALEYARKHAN : That is perfectly true. But supposing the decision goes against the man who produces these copies as secondary evidence, what will be the result ? We have to make sure about it.

The Honourable the PRESIDENT : That may be made an argument by the honourable member if he wishes to make it as a disability against

[The President]

the system. But cannot a statement by the Honourable Minister set at rest that legal question?

Mr. P. J. TALEYARKHAN: I do not know whether he has considered that point.

The Honourable Mr. B. V. JADHAV: That point has been considered. Now, a copy of the copy of a document in the register is accepted by the courts as evidence. When a document is lost, the man goes to the sub-registrar's office, and gets a certified copy of the copy made by hand in the register, and if this copy is admitted as secondary evidence in a court of law, I do not see why a copy from the negative of the original should be rejected. It will be much more accurate than the present copy in the hand-written registers.

Sardar Sir RUSTOM JEHangIR VAKIL (Ahmedabad District): Sir, on a point of information. In the second paragraph of the Statement of Objects and Reasons it is stated:

"It is not proposed to introduce the new system in the whole of the Presidency at once. The conditions in each district or sub-district will be fully considered by Government before it is decided to extend the system to it....."

And in the first part it is stated:

"The system of copying documents presented for registration by photo-copying process was first introduced as an experimental measure in some selected places in the Presidency in the year 1921. As the results of the experiment have been found satisfactory, it is now proposed to amend the Act in its application to this Presidency so as to adapt it to the photo-copying system."

That means that the system is already in force, and it was introduced so long ago as 1921. Now, the camera is still there, the men are still there. I cannot understand the necessity for the bill at all, because there is no change at all.

The Honourable the PRESIDENT: I think that has been explained. The honourable member was probably not here then. In the Registration Act there is nothing about a photograph and the photo-copying of documents presented for registration. The Registration Act is being amended in the light of the new system which has come into existence.

Sardar Sir RUSTOM JEHangIR VAKIL: The system was introduced in 1921. What was being done during the last nine years? That was my point.

The Honourable Mr. B. V. JADHAV: Copies are being taken by photography. The photo-copying system is working, and I have pointed out that it can be introduced in any office even without this bill. But the Photo-Registrar cannot be appointed unless this Bill passes.

Dr. R. T. NARIMAN (Bombay City, South): Sir, there are many new members in this Council like myself, who cannot form an opinion as to the necessity or otherwise for this bill without studying it more carefully. They require time to study it. So, I would advise that the bill be postponed to the next session of the Council.

SYED MIRAN MUHAMMAD SHAH (Hyderabad District): Sir, I have listened to the speech of my honourable friend the expert in this photo-copying system (Mr. Trivedi) with interest and after doing so,

[Syed Miran Muhammad Shah]

some doubts have crept up in my mind, and I will give expression to them and hope that the Honourable the Minister will reply to them. He stated that under the old process they could not photograph documents written in blue ink, but under the new system they can do it. But on comparing the two photo-copies given to us for inspection, I find that the old document was in blue and the new one is brown. I hope he will explain that point as I cannot understand how the old differs from the new.

Mr. M. C. TRIVEDI: What I said was that under the old process it was not possible to photograph *documents written* in blue and purple inks. I said nothing about the photo-copies. The photo-copies in the old process were given in blue prints whatever may be the ink in which the documents were written.

SYED MIRAN MUHAMMAD SHAH: The second point that he raised was that out of a certain number of documents that were presented for photo-copying fourteen had to be rejected, and the reason was that the paper on which they were written was not suitable for photographing.

The Honourable Mr. B. V. JADHAV: They were not written with good ink; the ink was faint.

SYED MIRAN MUHAMMAD SHAH: That is exactly the reason why this arrangement will not suit the mofussil as in the mofussil we can hardly get good ink; and people will not be able to get a particular type of ink, a particular type of paper and so on. They are illiterate and they will protest against it. A particular type of ink, a particular type of paper and a particular type of writer will be required for photograph purposes. We see that the country is not advanced to such an extent as to provide themselves with the requisites required of them. Owing to these reasons we suggest to the Government not to hurry this bill in the manner they are doing. The honourable member Dr. Nariman said that we should have time to think and consult our constituency. It should be given publicity, so that people may express their opinion about the new system. No time has been given. It should not be presumed that we are influenced by any clique of sub-registrars. As my honourable friend Mr. Noor Mahomed said, we have not been approached by any sub-registrars uptill now. But we should be given an opportunity to consider the *pros* and *cons* of the scheme and express our considered opinion. Another inducement that was thrown out to us was that the Honourable Minister was going to enter into a contract with some Indian firm for supplying photograph paper for this purpose. He says that the paper industry run by an Indian firm will be established. But in the statement of Objects and Reasons it is stated that this measure will be made applicable to some districts at particular times. It seems therefore that this contract will also be piecemeal and hence it will not be possible for any firm to start any paper industry immediately. Hence it will take some time before this Act is introduced on general lines. So, this inducement falls through. These are fallacious arguments in order to rush through the bill. I hope the Honourable Minister for Agriculture will consider all these points and postpone the bill.

Khan Bahadur M. S. KHUHRO : I move the closure, Sir.

The Honourable the PRESIDENT : I accept the closure.

The Honourable Mr. B. V. JADHAV : Sir, the answer to the last point made out by the honourable member from Hyderabad, I think, would not take much time of the House. He said that he was not at all prejudiced by any clique of sub-registrars. I do not think that any honourable member on this side of the House has even insinuated that. I do not know why he has brought forward that argument.

I wish to point out that this system of photo-copying has by experience been found to be a very good and efficient system. So much so that the Government of Madras have made up their mind to introduce this system there. They have asked us to send one of our experts to start this system there. In a couple of months our expert will go there. The Gwalior Darbar is also thinking of introducing the system in that State and they have deputed an officer to take instructions in photo-copying in our office. So, it will be seen that the advantages of this system are being appreciated not only in this presidency but in other presidencies also. They have realised how profitable and beneficial the system is and how it will produce perfect copies and will preserve not only signatures, but thumb impressions also of the executants, so that the copy will be as good as if the original document were available for comparison, for proof and all other purposes. When modern science has placed such a fine system in our hands, I do not know why people should be unwilling to make it available for the protection of the poor and the ignorant. The system as I explained here has been in existence for the last 10 years and our experts who have been working on it have improved it to a great extent. This work has not only cheapened the cost, but it has enabled us to preserve the negatives which is a very great advance. The introduction of the cinema methods has almost revolutionised the system of photo-copying.

As I explained here, this Bill is wanted to enable Government to make the appointment of a photo-registrar, so that the copies can be placed in the hands of those who present them for registration much quicker than we can do at present. The passing of this Act will enable Government to curtail the period within which the original documents are returned to the executants. Therefore, it is necessary that this Bill should be passed without any delay.

This Bill is not wanted to enable Government to extend this system to any registry office they desire. The Government can at any time extend this system to any registering office. I have taken this House into confidence and assure them that Government have no intention at the present moment to extend the system to other offices. The system will be extended gradually and the passing of this Bill is not necessary for that extension. Extension can be made independently of the passing of this Bill. Even if the Bill is withdrawn, the withdrawal will not come in the way of Government, if they desire to extend the system to any particular registering office. I may again repeat there is no necessity of this Bill for that purpose. But the Bill is wanted for two very important reasons. One of them is the appointment of a photo-

[Mr. B. V. Jadhav]

registrar and the other is to enable Government to enter into a contract with a manufacturer who intends to start a new industry. I hope this explanation will be found satisfactory and the House will allow the first reading of this Bill.

Bill read a first time. Question put and carried.

The Honourable Mr. B. V. JADHAV: Sir, I now move that the Bill be read a second time. The principle of the

Second Reading. Bill is a very simple one and when it has been accepted the other sections of the Bill follow as a matter of course. They provide for mere matters of routine.

Question proposed.

Mr. H. V. KOLHATKAR (East Khandesh District): Sir, I move:

"That this Bill be published for the purpose of eliciting opinion thereon within a period of two months in the different languages of the Presidency and be circulated to the municipalities, local boards, village panchayats, co-operative credit societies, district judges, Bar Associations and agricultural associations under Standing Order VIII, 5 (1) (c)."

Sir, we have already had a discussion on this bill at the first reading stage and I have not much to add. I will only say that it would have been better if the opinion of the public and other public institutions of this Presidency had been obtained on this bill. It is for this purpose that I move this motion.

The honourable House will find that in the Statement of Objects and Reasons, the objects and reasons given are for the introduction of the photo-copying system. Now, we are told by the Honourable Minister that this bill has been introduced not with a view to introducing the photo-copying system because he boldly tells us that Government can introduce this system though there may be no provisions in the Act—but this bill has been brought before this Council for two purposes, for the purpose of appointing a photo-registrar and secondly, with a view to enable the Minister to enter into a contract. These are the two objects with which he wants to move this bill before this Council. It is for this Council to say whether for only these two reasons the bill should be rushed through. That is the object of my motion.

Question proposed.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): Sir, I rise to support the motion moved by the honourable member Mr. Kolhatkar. For my part I am not satisfied with the explanation given by the Honourable Minister for hurrying the bill. It may be that the photo-registrar has got to be appointed and it may be true that a contract has got to be entered into; but I do not know why there should be any hurry to create a confidence in the minds of the public who are more concerned with the photo-copies than with the appointment of the registrar or the contract that the Government is going to enter into.

The Honourable Sir GHULAM HUSSAIN: May I rise to a point of order, Sir? The principle of the bill has been accepted. How can an amendment be moved after the principle has been accepted?

The Honourable the PRESIDENT : That motion is admissible under Standing Order VIII, 5 (1) (c). When a bill is introduced, at the first reading the principle of the bill should be discussed. If the first reading is passed, the member in charge may make any one of the following motions :—

(a) that it be read a second time either at once or on some future day to be then stated ; or

(b) that it be referred to a Select Committee composed of such Members of the Council as he may specify in his motion ; or

(c) that it be published for the purpose of eliciting opinion thereon, for a period to be specified in the motion.

Clause (2) of the Standing Order states that any member may make the same motion. Therefore, this is the stage at which a motion like that can be moved. But I do not know whether I can allow discussion except a short statement by the honourable member.

The Honourable Mr. B. V. JADHAV : Sir, I do not think that the bill should be circulated for eliciting opinion. The public have no great concern beyond getting their documents registered and clear and reliable copies. They need not be consulted as to whether photo-copying system should be introduced or whether it is better than hand-copying system. I think they will get better service at less cost and they have no cause to complain. Therefore, there is no necessity of sending the bill for eliciting public opinion.

Question put and lost.

Mr. NOOR MAHOMED (Hyderabad District) : Sir, I move that the bill be sent to a select committee, the names of which I will give you hereafter. In making this motion I will only say a few words with regard to the objection that has been raised by the Honourable Minister with regard to my honourable friend Mr. Kolhatkar's motion.

The Honourable the PRESIDENT : There is one important point to be considered in a motion like this. If the honourable member would in the same breath say that the select committee should sit before this session ends and report to this House, then I would take that as a very fair proposal from his point of view. But if it is not that, then it is a dilatory motion and it is within the discretion of the President to disallow it.

Mr. NOOR MAHOMED : To be frank, Sir, I wanted to show that we are very anxious that the honourable members should have some opportunity to discuss this measure outside this honourable House in a committee, because it can be discussed more conveniently and safely outside this honourable House.

The Honourable Minister pointed out that there was no necessity of consulting the public. Now, in this twentieth century when everybody is asking for Dominion Status or perhaps more, it is not proper for the Honourable Minister to say that the public need not be consulted because it matters very little to them whether they get a hand-written copy or a photo-copy of the deeds they want to be registered. I do not know when this Council is coming to an end, but the Honourable Minister would

[Mr. Noor Mahomed]

be in a position to give us this information. I will not move a motion which should savour of dilatoriness. I therefore place this matter absolutely in the hands of the Honourable Minister for giving a date of meeting for the Select Committee. If he agrees, I will give the names.

The Honourable the PRESIDENT: The motion is that the Bill be referred to a select committee to report before the session ends. I do not know how that is practicable. There is one thing I should like to point out. Two issues seem to be mixed up. They have been explained again and again by honourable members on the Government benches, and particularly by the Honourable Minister, that this is merely an alteration made in the Registration Act in order to suit the circumstances which have arisen in connection with the system which is in vogue for several years, with the knowledge and sanction of this Council. The question whether photo copying is an advantageous system or not has been before the public; it has been published; opinions have been called for and received, and placed before the House. That is within the knowledge of this honourable House and the President. If the object is to get the opinion of the Presidency regarding the system itself, then it has been done and the present limited scope of the bill does not cover that. The Honourable Minister has pointed out that even if this bill is rejected, a certain technical phase of it would be rejected by the House, but the system would continue. The House has to take a different step to throw out the system. This had come before the House at the Budget time also. If the honourable member still insists on his amendment, I shall put the question to the House.

Question put and lost.

The Honourable the PRESIDENT: I shall have to take the bill clause by clause, but I do not think the Honourable Minister will be able to finish the amendments in five minutes.

The Honourable Mr. B. V. JADHAV: I shall take the Bill again to-morrow.

The Honourable the PRESIDENT: The House is now adjourned to 2 p.m., to-morrow, Friday, the 18th July 1930.

Friday, the 18th July 1930

The Council re-assembled at the Council Hall, Poona, at 2 p.m., on Friday, the 18th July 1930, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
 AHMAD, the Honourable MOULVI RAFIUDDIN
 AMBEDKAR, Dr. B. R.
 ANGADI, Rao Bahadur S. N.
 ASVALE, Rao Bahadur R. S.
 BECKETT, Mr. R. H.
 BELL, Mr. R. D.
 BHATT, Mr. RAMCHANDRA M.
 BHUTTO, Sir SHAH Nawaz
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
 BOLE, Rao Bahadur S. K.
 BRANDER, Mr. J. P.
 BULLOCKE, Mr. A. GREVILLE
 CHAHAWALA, Khan Bahadur H. P.
 CHANDRACHUD, Mr. N. B.
 CHIKODI, Mr. P. R.
 COLLINS, Mr. G. F. S.
 DABHOLKAR, Sir VASANTRAO
 DESAI, the Honourable Dewan Bahadur HARILAL D.
 DESAI, Mr. J. B.
 EWBANK, Mr. R. B.
 FREKE, Mr. C. G.
 GARBETT, Mr. J. H.
 GHOSAL, the Honourable Mr. J.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GIRIYAPPANAVAR, Mr. V. C.
 GREEN, Mr. S. A. C.
 GUNJAL, Mr. N. R.
 HABBU, Mr. A. G.
 HAJI MIR MAHOMED BALOCH, Mr.
 HARRISON, Mr. C. S. C.
 HOTSON, the Honourable Sir ERNEST
 ISHAN, Khan Bahadur GHULAM MUHAMMAD ABDULLAH KHAN
 JADHAV, the Honourable Mr. B. V.
 JAN MAHOMED KHAN, Khan Bahadur
 KAMAT, Mr. Y. M.
 KAMBLI, Rao Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUHQRO, Khan Bahadur M. S.

KOLHATKAR, Mr. H. V.
 LANE, Mr. C. M.
 LIGADE, Mr. S. P.
 MACKIE, Mr. A. W. W.
 MARZBAN, Mr. P. J.
 MODI, Sardar DAVAR T. K.
 MORAES, Mr. A. X.
 MUJUMDAR, Sardar G. N.
 NANAVATI, Mr. D. D.
 NARIMAN, Dr. R. T.
 NAVLE, Mr. N. E.
 NOOR MAHOMED, Mr.
 OWEN, Mr. A. C.
 PATANKAR, Sardar B. N.
 PATHAN, Mr. A. F. I.
 PATIL, Mr. R. L.
 PAWAR, Mr. G. B.
 PRADHAN, the Honourable Mr. G. B.
 PRADHAN, Mr. R. G.
 RAHIMTOOLA, Mr. HOOSENALLY M.
 RANJITBHAI KALABHAI, Rao Bahadur
 SALGAR, Mr. R. G.
 SARDESAI, Sardar S. A.
 SHAIKH ABDUL AZIZ, Mr.
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MUHAMMAD SHAH
 SYED MUNAWAR, Mr.
 TALEYARKHAN, Mr. P. J.
 THAKURSING LALSING, Mr.
 THORAT, Sardar S. B.
 TRIVEDI, Mr. M. C.
 VAKIL, Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Sahab R. V.
 WALLACE, Mr. D. J. C.
 WASIF, Khan Sahab G. A. D.
 WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.

GOVERNMENT CENTRAL PRESS, BOMBAY: APPRENTICES.

Rao Bahadur R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

- (a) the number of compositors trained as such in the Government Central Press, Bombay, during the last six years;
- (b) their number under each language;

(c) the number under each language trained as compositors elsewhere but employed in the Press as experienced hands ;

(d) the number of such experienced hands promoted to higher grades during the period ;

(e) the number of those trained in the Press and promoted to higher grades during the period ?

The Honourable Sir GHULAM HUSSAIN : (a) to (e) Government regret that the time available before the end of the session is too short to enable them to obtain the material for a full and correct reply.

FOREST DEPARTMENT : FELLING OF TEAK IN THANA DISTRICT.

Rao Bahadur S. K. BOLE : (a) Will Government be pleased to state whether it is a fact that the Forest Department has commenced felling operations on teak trees standing on malki lands in the Thana District ?

(b) Is it a fact that the last cutting of such trees was carried out between 1899 and 1909 and that the trees of which the cutting has now been commenced are only 20 to 30 years old ?

(c) Is it a fact that under the Thana Working Plan, the rotation period for the cutting of teak trees is fixed at 80 years as financially the most profitable ?

(d) If so, why is the cutting of young trees of 20 to 30 years growth now being carried out in Thana ?

(e) Have Government received any complaints from the malki landowners in regard to this and also representation from the Dahanu Forest Association ?

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

(b) Yes ; but as far as possible the operations are carried out in tracts where the regrowth is about 30 years or over in age.

(c) The rotation fixed for the main Working Circle is 80 years while that fixed for the Pole Working Circle is 40 years and these rotations were fixed as being financially the most profitable.

(d) A brief note explaining the reason for the cutting of teak trees is placed on the Council Table.

(e) Yes.

Note referred to in the reply.

The original teak growth was all cut down by Government agency during the period of 1899-1908 with the result that the coppice resulting from these cuttings now (in 1930) varies in age from 22 to 31 years. If this coppice is cut on a rotation of 30 years and care taken to cut the oldest areas first, the first felling will consist of stems 31 years old. As the fellings proceed the age of the trees will rise so that eventually in the thirtieth year of the rotation, when the coppice now 22 years old comes to be felled, it will have reached an age of $(22 + 30 =) 52$ years. This age (50 years) is considered to be in the circumstances of the soil and existing crops, to be the maximum limit beyond which the regrowth will not continue sound. This is the justification for the felling cycle of 30 years which cannot be increased under existing conditions without incurring financial loss.

Mr. M. M. KARBHARI (Thana and Suburban Districts) : Do Government recognise the great principle of jurisprudence that the property in the trees follows the property in the soil ?

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

Mr. M. M. KARBHARI: It arises this way. Have Government received any complaints from the malki land-owners in regard to this and also representations from the Dahanu Forest Association? Have they made representations to Government that the benefit of rule No. 62 of the Land Revenue Code should be extended to the Thana district, in so far as the Government have from time to time declared that after once the original royalty tree has been cut down, the after-growth should belong to the owners?

The Honourable the PRESIDENT: How does the question arise out of that? Why mention jurisprudence?

Mr. M. M. KARBHARI: Because we claim that the after-growth according to jurisprudence belongs to the owners and not to Government. Do Government recognise the principle of jurisprudence that property in the trees follows the property in the soil?

The Honourable Mr. B. V. JADHAV: It may follow or it may not follow.

Mr. M. M. KARBHARI: The policy of the Forest Department as originally laid down by the Secretary of State for India is to consider revenue as of secondary importance even in the case of State forests. Is it not then expected that the owners should think that their rights in their own land should be accepted by Government even though they may be against revenue of forests?

The Honourable Mr. B. V. JADHAV: This question does not arise.

Mr. M. M. KARBHARI: May I know if the Forest administration at present is not interfering with the ryots' holdings in view of the fact that the forest has already been demarcated?

The Honourable Mr. B. V. JADHAV: I do not think that it is interfering.

Mr. M. M. KARBHARI: Is it a fact that the Honourable the Minister Mr. B. V. Jadhav had tabled a resolution which did not come in the ballot but which appears on the agenda for the session for the 20th February, 1928, (page 5 of the agenda), to the following effect:

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

The Honourable Mr. B. V. JADHAV: I do remember having tabled such a resolution.

The Honourable the PRESIDENT: Next question.

CATTLE: PREVENTION OF CONTAGIOUS DISEASES.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether their attention has been drawn to the editorial notes in the *Gorakshan* issue of 15th March 1930 on the spread of contagious diseases among cattle;

(b) whether the instances mentioned therein have been held by Government to be grave enough to warrant prompt Government action in the matter;

(c) to what extent Government are prepared to follow the Editor's suggestions ?

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

(b) Conditions such as those described in the editorial notes have for a long time been recognised by Government to be so important as to warrant particular measures being undertaken for their prevention. All-India legislation for this purpose is now contemplated. With regard to the question of supplying fodder and water along routes taken by herds the remedy appears to be with the owners since they should presumably follow routes where such amenities are easily available.

(c) Most of the measures suggested have already been adopted by the Civil Veterinary Department. Registers of arrivals and departures from fairs and markets are not maintained by the Department; they are of little importance under present conditions. The supply of drinking water along trunk roads appears to be a matter for charitable enterprise under the auspices of a society for the prevention of cruelty to animals rather than for Government. The provision of foot paths along such roads is an ideal which it would be difficult to accomplish. They would not be necessary if legislation is adopted.

Veterinary Police and quarantine would be of little value without legislation.

Travelling Veterinary dispensaries are more a matter for consideration by Local Boards than by Government.

MILCH CATTLE SLAUGHTER: RESOLUTION OF BOMBAY MUNICIPALITY.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they have received a copy of a resolution of the Bombay Municipal Corporation requesting Government to put a stop to the slaughter of milch cattle in Bombay and elsewhere in the Presidency;

(b) what action they intend to take thereon ?

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

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

OFFICIAL PUBLICATIONS: SUPPLY TO JOURNALS.

Mr. N. R. GUNJAL (Poona District): Are Government aware that often times journals given to technical subjects such as agriculture, live stock improvement, etc., are ill-informed about Government activities in the matter, and that they cannot afford to purchase all publications issued by Government on payment of regular prices ?

The Honourable Sir GHULAM HUSSAIN: It may be so. Government have no information.

CATTLE FAIRS.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) the number of cattle bazaars and fairs held periodically in the Presidency;

(b) the places where, and the days of the week on which, these bazaars and fairs are held;

(c) the routes followed by cattle that are purchased by butchers in finding their way to various slaughter-houses?

The Honourable Dewan Bahadur HARILAL D. DESAI: Government regret that the time available before the dissolution is too short to enable them to obtain the material for a full and correct reply.

FOREST MANAGEMENT: MADRAS.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state whether they are aware of the methods of forest management adopted in the Madras Presidency?

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

DISTRICT LOCAL BOARD, RATNAGIRI: OCTROI ON TOBACCO AND TOBACCO PRODUCTS.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI: Will Government be pleased to state the reasons why cigars and cigarettes have been exempted from Octroi duty by the District Local Board, Ratnagiri, when raw tobacco has been heavily taxed?

The Honourable Dewan Bahadur HARILAL D. DESAI: The policy of Government is to discourage the imposition of taxation by local bodies on articles on which the levy of an excise duty is the right of the Provincial or Central Government and is at present under consideration.

KHAWTI GHAT ROAD: WIDTH.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI: Will Government be pleased to state—

(a) whether the road between Nos. 1158 and 1168 of the Khawti Ghat road on the Mahad side does not allow two motor cars to pass each other;

(b) if the reply to (a) be in the affirmative, the steps, if any, taken by the Government to widen the road?

The Honourable Dewan Bahadur HARILAL D. DESAI: Government are not in possession of the information required and they regret that time available before the dissolution is too short to enable them to obtain it.

REWAS-MAHABLESHWAR ROAD SCHEME.

Mr. Y. M. KAMAT (Kolaba District): Will Government be pleased to state the date on which the Rewas-Mahableshwar Road Scheme will be completed?

The Honourable Dewan Bahadur HARILAL D. DESAI: Plans and estimate for the scheme are under consideration. It cannot be stated definitely when the scheme will be completed.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): I do not wish to ask my question regarding "Teakwood Felling, Thana District."

TUTOR TO PIR PAGARO'S BROTHER: APPOINTMENT.

Khan Bahadur M. S. KHUHRO (Larkana District): (a) Will Government be pleased to state whether their attention has been drawn to the articles published in the *Sind Zamindar* of Sukkur regarding Pir Pagaro, specially the one appearing in its issue dated the 5th March 1930?

(b) Is it a fact that the Collector of Sukkur in 1926-27 engaged a staunch Shiah by religion to be a tutor to the younger brother of the Pir Pagaro?

(c) Is it a fact that the Pir Sahib's family is Sunni and that the appointment of a Shiah tutor was resented by Pir Pagaro, his relations, and his followers from the very beginning?

(d) Is it a fact that after the appointment of the present Shiah tutor, a serious misunderstanding has been created between Pir Pagaro and his younger brother resulting in the flight of the latter with his mother from Pir-Jo-Jath to Sukkur?

(e) If the replies to (a), (b), (c) and (d) are in the affirmative, what steps do Government propose to take in the matter?

The Honourable Sir ERNEST HOTSON: (a) Yes.

(b) It is the case that a Shiah gentleman was appointed tutor to the younger brother of the Pir in February 1927.

(c) There is nothing to show that the appointment was resented at the time when it was made. The Pir complained about it to the Collector of Sukkur some time afterwards.

(d) No. The flight of the brother, mother and aunt of the Pir to Sukkur was due to other reasons.

(e) The tutor's appointment has been terminated.

JUDICIAL COMMISSIONER'S COURT, SIND: REGISTRAR'S
TERM OF OFFICE.

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

(a) what used to be the term of office of the Registrar, Judicial Commissioner of Sind's Court, in the days when Sub-Judges from Sind used to be appointed as Registrars;

(b) what has been the term of office of the present Registrar;

(c) for how many years longer is he likely to hold the present appointment?

The Honourable Sir ERNEST HOTSON: (a) No definite length of tenure has ever been fixed for the Registrarship of the Court of the Judicial Commissioner of Sind, and appointments to the post and transfers therefrom depend on the exigencies of the public service.

(b) and (c) Mr. M. D'Souza, who had held the appointment since June 1919, died on the 30th June 1930.

SYED MIRAN MUHAMMAD SHAH: Has any Mussalman been appointed in this post in the history of the Registrarship of the Sind Judicial Commissioner's Court?

The Honourable Sir ERNEST HOTSON: I am afraid I do not know.

SHOLAPUR RIOTS, APRIL 1930.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (a) Will Government be pleased to state whether the attention of Government has been drawn to the statements of Mr. Lalji Naranji and Mr. Walchand Hirachand published in the *Bombay Chronicle* and copied in the *Sind Observer* of Karachi of 19th May 1930?

(b) If so, what is the Government's reply to the specific charges brought against the police and the military during and after the disturbances?

(c) Why was Martial Law introduced and why was it continued after the circumstances had changed?

(d) Is it a fact that police insulted all people who wore Gandhi caps?

(e) Have Government made any enquiry into the alleged haughty and provocative behaviour of three European Sergeants; if so, what is the result of the enquiry?

(f) Is it a fact that Mr. Mackie, the Commissioner of the Division, never left his headquarters and directed operations from there?

(g) Is it a fact that soldiers in the patrol lorry shot down people indiscriminately?

(h) Do Government propose to appoint an independent Commission of Enquiry into the conduct of the police, civil officers, military officers and the mob?

The Honourable Sir ERNEST HOTSON: (a) Yes.

(b) and (c) The Honourable Member's attention is invited to the press notes dated the 19th May and 29th May 1930, and the 2nd July 1930, issued by the Director of Information, copies of which are placed on the Council table.

(d) No.

(e) Government are fully satisfied, as the result of enquiries made on the spot, that there is no foundation for the allegations made against the European Police Officers employed at Sholapur.

(f) No.

(g) No.

(h) This question is still under consideration.

With the compliments of the
Director of Information, Bombay.

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In view of the many stories which have been circulated regarding the recent disturbances at Sholapur, Government desire to place before the public the following account of the events there, which is based on all the information now available and is believed to be substantially accurate. The first sign of trouble was noticed when the mill-hands of the Sholapur Spinning and Weaving Mill left their mill on the morning of the 7th instant, in pursuance of instructions which they had received from outside sources that there should be a second day's hartal in consequence of Mr. Gandhi's arrest. There had been an entirely peaceful hartal on the 6th, and on the 6th evening it was understood that the mills would work as usual on the 7th. These men proceeded to bring out the men of all the other mills in Sholapur. The greater number of the workers remained quiet but some marched on the city, and as they went were joined by agitators and ruffians from the city. On their way the mob stoned a railway train and set fire to a Municipal Chauki. As they went on, stone throwing increased. The District Superintendent of Police and other officers received minor injuries and two police constables were sent to hospital with wounds. By 10-30 a.m. a section of the crowd, which was by this time estimated to number 10,000 though accurate figures cannot be obtained, had begun the burning of

liquor shops. The District Magistrate thereupon asked the Commandant of the local detachment of the G. I. P. Railway Battalion A. F. I. to embody such men as were available and he himself, accompanied by the District Superintendent of Police with police motor lorries, went to the city where he found that the mob had broken into all the liquor and toddy shops except one in Sholapur city proper, had destroyed the liquor and were engaged in burning toddy barrels on the road. This mob dispersed after some slight use of force by the police. By the afternoon it was reported that all was quiet and the District Magistrate was assured by influential persons that no processions would be held on the next day and that the mills would be allowed to work. The police were kept standing by.

Events proved that the assurances given to the District Magistrate were worthless. At about 10-30 in the morning of the 8th the District Superintendent of Police was informed that some 200 men with ropes and axes had set out to destroy toddy trees. The District Magistrate and District Superintendent of Police at once took out two lorries of armed police—25 in number—and finding the crowd cutting down and burning toddy trees arrested half a dozen of the men and dispersed the remainder. When the party began to return, however, they found the road blocked by a large organised crowd, including one lorry full of men armed with lathis, approaching from the city. This crowd at once began to stone the police very heavily and endeavoured to hold up the lorries by blocking the road with stones and large water pipes which had been brought there in connection with certain repairs in progress. The District Magistrate then repeatedly warned the crowd that unless way was made he would be compelled to order firing. His warnings had no effect and two rounds of rifle fire were ordered. This temporarily cleared the road but the stoning still continued from the fields. One wounded man was here picked up and placed in a police lorry. A leader of the mob then came forward and said that if the arrested men were released he would prevail upon the crowd to disperse. His request was agreed to but compliance had no effect whatsoever and as the mob, which by this time had increased to about 10,000, continued to shower stones on the police and to advance with the obvious intention of attacking the lorries, further firing was ordered. The number of rounds fired on this occasion cannot be exactly stated, but may have been as many as 40. The police were then able to enter the lorries and to return after having been severely stoned for one and a half hours during which time they had been able to cover only about a mile of road.

The District Magistrate, the District Superintendent of Police and almost every member of the party were badly hurt.

Soon after their return the District Magistrate and District Superintendent of Police were informed that the police were being attacked in the city. They again set out with two lorry loads of police and accompanied by the Commandant of the A. F. I. contingent and a Lewis Gun detachment. There were no signs of the mob but they found the partially burnt bodies of two policemen in front of a gutted police station and the District Courts on fire. In view of the seriousness of the position, the District Magistrate decided to collect the non-combatants belonging to the official, mill, and railway communities at the Railway Station. Three hundred women and children were thus gathered together and evacuated that evening to Poona. Since the previous day many families belonging to the several mercantile communities had been streaming out of Sholapur by road or rail. In the meantime the police in the city were concentrated in the City Police Station and the city was patrolled by armed police in lorries. One of these lorries was attacked on several occasions and forced to fire in self-defence. The result of this patrolling was to prevent the mob from extending its activities towards the Camp and Railway Station. At dusk all police were removed from the City Police Station to avoid the possibility of a Charri Chauri or Malegaon incident and except for a guard at Police Headquarters were concentrated with the A. F. I. contingent at the Railway Station. Troops arrived from Poona at 11 p.m. and a combined military and police patrol was immediately sent through the city which was reported quiet.

The next morning (9th) a similar patrol was sent out at 7 a.m. and again all was reported quiet. At 11 a.m. a picket was established in the centre of the city and combined patrols of military and police sent out in motor lorries. Up to that time the known casualties were 2 policemen murdered, 8 reported missing, 5 rioters killed and 26 attended to at the Civil and two private hospitals. Motor lorry patrols continued their rounds of the city throughout the day.

By this time the District Magistrate had promulgated an Order under section 144 of the Criminal Procedure Code forbidding the carrying of lathis, the holding of processions and meetings and the assembly of more than 5 persons.

Later during the day the District Magistrate, after consultation with local influential Muhammadan gentlemen, modified his Order under section 144, Criminal Procedure Code, in order to allow the Muhammadan community to attend their Idgahs for prayers.

Throughout the day on the 10th the city was patrolled and the Id prayers passed off quietly but towards the evening it was seen that the Order under section 144, Criminal Procedure Code, was being disregarded. A military patrol of two lorries, one of which had broken down, was surrounded by a crowd of several thousand people who refused to disperse when ordered to do so by a Magistrate. The lorry was extricated by towing but it was clear that the number of police and troops at the disposal of the authorities was inadequate to control the situation in the city.

On the 11th, following the arrival of another company of the 2nd/4th Bombay Grenadiers with the Headquarters of the Battalion, it was decided to endeavour to regain control of the city by advancing permanent posts and by the employment of moving patrols. In pursuance of the plan one company of Infantry was posted in Municipal School No. 4 and patrols sent out. The patrols encountered no disturbances, but reported that the city police station record room had been broken into and some of its contents burnt. It was also learnt that congress volunteers were making a pretence of running the administration of the City. At this time the armed forces at the disposal of the District Magistrate amounted to about 250 Indian Infantry, 30 A.F. (I) and between 60 and 80 police, of whom the last named had been continuously on duty with little sleep since the morning of the 11th, and almost all were more or less damaged by stones. The position was that the mobs scattered immediately at sight of the troops, but showed the greatest ferocity when the police approached. The police themselves as a result of the atrocious murder of their comrades, of their own injuries, and of anxiety for their families, were in a highly excited state, and the authorities considered that if the police were attacked by the mob, it might be impossible to control their fire. It was therefore almost essential that the police should be withdrawn temporarily and given a rest. In these circumstances it was found impossible to take any further immediate steps to regain control of the town. The position was further reviewed on the morning of the twelfth; further reinforcements were called for from Poona and the O. C. Troops, with the concurrence of the District Magistrate, recommended that on the arrival of reinforcements, Martial Law should be declared. The Government of Bombay were informed of this decision and agreed to accept it on the afternoon of the 12th. The 2nd Battalion, Royal Ulster Rifles, were immediately despatched from Poona. While they were on the way Martial Law was declared at 8-30 p.m. on the 12th. The Royal Ulster Rifles arrived before midnight. The city was occupied by the troops at 4-30 a.m. on the 13th and Martial Law was put into force at 9-45 a.m. Steps were immediately taken to reassure the law-abiding section of the population, while putting a stop to all demonstrations against law and order. Since the declaration of Martial Law no disturbances have occurred, not a single shot has been fired and the present position is one of complete quiet. Every encouragement is given to re-open the shops, many of which had already begun to do business again by the morning of the 15th. Life in the Muhammadan quarter of the town is now normal, save for the restrictions necessarily imposed by the curfew order and the order preventing the assembly of crowds, except during the hours of prayer; in other parts of the city the rate of progress towards normality is uneven, but everywhere noticeable. The mills were reopened on the morning of the 16th and the attendance was very good.

During the first few days of martial law, military tribunals were established, and dealt wholly with martial law offences, all offences which had occurred before the 12th being left for the ordinary courts to deal with. These military tribunals have now been superseded and the ordinary criminal and civil courts have resumed work, the civil magistrates taking cognisance of offences of all classes, including those under the martial law regulations, which will remain in force until martial law is withdrawn, which it is hoped will be possible within a very few days, if nothing occurs to disturb the tranquility of the city.

The casualties among the mob cannot yet be exactly estimated, but a private medical practitioner who himself had treated a number of them and has been in close touch with all the other doctors in the city calculates them at about 50, including 13 dead. Only 8 of the fatal cases are known to the authorities. The total number of rounds fired by the police during the disturbances was 103 rounds of ball and 10 of buckshot. Figures of revolver rounds fired have not been supplied but are known to be very small. It is understood that the Auxiliary Forces did not fire at all, nor have the troops fired. The tales of indiscriminate firing by Sergeants or others are absolutely false. No shots were fired by any one except under orders or in self-defence. The demeanour of the mob on all occasions and numerous circumstances which cannot yet be mentioned publicly indicate very clearly that it was no ordinary rowdy mob, but that all its movements were directed and strictly controlled by persons in the background.

Nearly all the rumours of hideous brutalities by the mob which have been freely circulated are without foundation. It is not true that policemen were tied together and burned alive, nor that one had his eyes gouged out, nor is there any suspicion whatever that two were thrown into a well. It is hoped that all the 8 missing men will yet be found.

The civil authorities, the police and the troops have performed their duties in circumstances of great difficulty with admirable restraint and moderation. The detachment of the G. I. P. Railway Battalion A. F. (I) under the command of Major R. S. Moberly, V.D., rendered invaluable assistance during the period before an adequate force of regulars had reached Sholapur. Special mention must also be made of the help given in many ways by Mr. J. A. B. Srier, with his exceptional local knowledge, and by Mr. A. R. Tannor, Divisional Transportation Superintendent, who made excellent arrangements for the evacuation of the women and children.

A Press Note issued by the District Magistrate, Sholapur, says :—

“As a number of false reports about Sholapur have appeared in certain newspapers, the following facts are given for the information of the Public :—

Not a single shot has been fired by the troops or by the Auxiliary Force in Sholapur since their arrival.

No woman has been shot or injured by the troops or the police, nor has any woman been ill-treated by the troops.

No Court has passed any sentences of flogging other than the whipping of juveniles under the Whipping Act.

Private persons can go about their legitimate business in perfect security.”

A Gazette Extraordinary published on 1st July announced the withdrawal of Martial Law from Sholapur on that date.

In a communique issued to the press on the 19th May last, Government gave an account of the disturbances in Sholapur from the initial outbreak to the declaration of Martial Law. This communique gave in detail the happenings of the 7th and 8th May and described how on the latter date the disturbances included an attack by a crowd of several thousand people on the District Magistrate, the District Superintendent of Police and a small party of police which resulted in the crowd having to be dispersed by firing, and how thereafter mobs attacked a police chowki in the city, dragged out and murdered one head constable by name Dada Jafar partially burning his body in the road, so severely injured constable Chand Allauddin that he died almost at once and later burnt all the buildings of the District and Sub-Judges Courts. As a result of these disturbances troops had to be called in, and Martial Law declared in the evening of the 12th May. Before dawn the next day the city was occupied by the troops. Martial Law Regulations were immediately published, and until the publication of the Viceroy's Ordinance No. IV of 1930 providing for the proclamation of Martial Law in the town of Sholapur and its vicinity, a Military Court dealt with offences against the Martial Law Regulations. This Military Court dealt with 75 persons in all, of whom 28 were warned and discharged. Certain newspapers have made wild allegations concerning the working of the Military Court, and have stated that under its orders many persons including children from 8 to 10 years of age have been flogged for breaking the laws of the military. The allegations are entirely untrue; four juveniles were caned instead of being sent to prison and no sentences of flogging have been inflicted on others. Of the 75 persons dealt with, four have since been convicted of murder in the Sessions Court. Before the Viceroy's Ordinance was proclaimed at 3-45 p.m. on the 18th May the Military Court had already ceased to work, and thereafter all offences against the Martial Law Regulations were tried by the ordinary Criminal Courts of the district which have convicted 48 persons for such offences, 25 of the convictions being for infringement of the Martial Law Regulations against the display of the Congress flag. Twelve persons are now on trial before a Special Magistrate for the rioting on May 7th and five other cases connected with the disturbances and involving over 100 persons will be heard shortly.

Ever since the proclamation of Martial Law there have been rumours and press report alleging that the military have been guilty of grave excesses in the shape of violence, rape, etc., one paper going so far as to assert that freedom, property and honour were alike in peril. These assertions are entirely unsupported by evidence. While the city has been under Martial Law not a single shot has been fired by either the troops or the police and no complaints of injury or assault have been received by either the civil or military authorities. Cases of damage to property there may have been. The police had to be entirely withdrawn from the city on the 8th May and they did not fully resume their regular duties until the 18th and it is quite possible that, during that period, advantage was taken of their absence to commit house-breaking and such offences, especially as many persons had left their houses and shops unguarded or in the charge of servants. The only serious incident which occurred in Sholapur city during the period of Martial Law was the burning of a police sergeant's kit in his bungalow on the 30th of May by a person or persons not yet traced.

From the 27th May onwards persons have been sent into Sholapur by outside organisations for the specific purpose of breaking the Martial Law Regulation prohibiting the display of the Congress flag. Here again picturesque stories of their treatment have been widely circulated. According to these stories they have been stripped, beaten, spat-

upon and burnt with cigarettes. The stories are false. One hundred and eighty-one such volunteers were arrested immediately on arrival by the police and 152 of them, being of no importance at all, were deported from Sholapur. Twenty-five were prosecuted and sentenced to various terms of imprisonment and fine. Most of the volunteers, many of whom were hired agitators some from outside the Bombay Presidency with little or no idea of what they were supposed to be doing, showed no enthusiasm for their task and were merely anxious to be relieved of their flags and allowed to go away as quickly as possible; the stories of their treatment being probably invented in an endeavour to prove that they had earned their pay. One large organised body totalling 105 appeared on the 12th June and out of this total the majority were school boys.

Although the city remained perfectly peaceful under Martial Law the Muhammadan community of Sholapur were unable to hold their Mohurrum Taboot processions as it was thought that they might be made the occasion for further disturbances. Their prohibition, it is understood, met with the approval of the local Muhammadan population who had taken no part in the disturbances and who were anxious to avoid any chance of trouble. As time went on the continued peace of the city enabled the Military Authorities gradually to reduce the number of troops at Sholapur. On the 31st of May two companies of the 2nd Battalion, Royal Ulster Rifles, returned to Poona and ten days after they were followed by the Battalion Headquarters and one more company. By the 23rd June the Royal Ulster Rifles and the detachment of the Royal Bombay Sappers and Miners were entirely withdrawn and the only troops now remaining in the city are the 2nd Battalion of the 4th Bombay Grenadiers less two companies, and a part of No. 12 (M. T.) Company I.A.S.C. These troops are quartered in the Northcote High School, half a mile south of the city proper and will remain at Sholapur for some time to come, at least until the strengthening of the police force now in progress is complete. The city itself is almost normal. The population is going about its daily duties and the five mills are working as usual. A number of inhabitants have left Sholapur, some possibly owing to fear of punishment for participation in the recent disturbances, but almost all the shops are open and it appears likely that the general depression in trade, coupled with the fact that this time of the year is always a slack season for the cloth trade in Sholapur, is responsible for a certain number of the merchants not having yet returned. It may be the case, as some allege, that the continuation of Martial Law has to some extent delayed the revival of trade in the city but it is quite clear that it has been relatively unimportant factor, and there is little reason to anticipate any rapid improvement until the present conditions which are adversely affecting business in the greater part of the Presidency take a marked turn for the better.

While Martial Law was in force two minor operations were carried out by the police supported by the military in villages outside Sholapur. On the 17th May the police visited Valsang village, 16 miles from Sholapur, where the villagers had looted the toddy shops, threatened the police and partially destroyed the police lines. Ten persons were arrested and eight of them have since been convicted of rioting. Similar visits were paid to Pandharpur on the 19th and 20th May and the police arrested certain agitators who had been stirring up disaffection. Such action was obviously necessary to ensure that there should be no disturbances at Pandharpur during the Ashadi Fair from the 3rd to the 10th July when some two lakhs of pilgrims will be gathered there and rioting would necessarily involve injury to many innocent persons.

Many varying estimates have been given as to the number of casualties which occurred on the 8th May. It is now possible to give accurate information in this respect. Returns have been submitted by the Municipality and by all the medical practitioners and hospitals in Sholapur. The figures show that of the Police and Excise staffs 2 were killed and 31 injured and that as the result of firing 11 Hindus and Muhammadan were killed and 27 Hindus and 1 Muhammadan injured. It is said, however, that one injured man went to Kalyan on the 8th and that two unidentified strangers were also injured.

The disturbances will have serious financial consequences. It will now clearly be necessary to impose an additional police force in Sholapur city, the cost of which is estimated to be Rs. 1,00,000 per annum to be paid by such sections of the inhabitants as may be judged responsible for, or to have participated in the disturbances. In addition, claims for damages caused by unlawful assemblies during the disturbances have been lodged amounting to Rs. 55,00,000. Such of this amount as may be found on enquiry to be admissible will also have to be paid by the inhabitants of Sholapur.

Government now hope that conditions in Sholapur will soon indicate that it will be safe to remove all emergency restrictions but for the present they have felt it necessary to approve the extension for two months of the District Magistrate's order of the 8th May prohibiting meetings and processions and the carrying of lathis in the city and also, as explained in the communique of the 1st July, the issue of an order by the District Magistrate under section 144 of the Criminal Procedure Code prohibiting the display of the Congress flag for a similar period.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): Sir, as regards answer to (h).....

The Honourable Sir ERNEST HOTSON: As regards the answer to (h), I ought to have said that it has been decided that there shall be no such inquiry.

BOMBAY VETERINARY COLLEGE: STATUS OF GRADUATES.

Mr. A. N. SURVE (Bombay City, North): (a) Will Government be pleased to state whether the Principal of the Bombay Veterinary College had stated to a horse-dealer that the graduates of that college are not entitled to style themselves as veterinary surgeons?

(b) Have Government laid down the qualifications which entitle one to style himself as a Veterinary surgeon?

(c) Is it a fact that the diploma given to the graduates of the Bombay Veterinary College authorises them to practise as veterinary surgeons?

(d) Will Government place on the Council Table a copy of the diploma given by the said college to its graduates?

(e) Will Government state the reason or reasons, if any, why the holders of the diploma should not style themselves as veterinary surgeons?

(f) Have Government issued orders that the graduates of the said college should style themselves as veterinary assistant surgeons and not as veterinary surgeons?

(g) If so, will Government state the reasons which led to this distinction when and at whose instance it was introduced?

(h) If this distinction has not been sanctioned by Government, then under what authority the Principal of the Bombay Veterinary College has made the statement mentioned in (a) above?

(i) If it was made without authority will Government state if it is their intention to take any and what action in the matter?

(j) Are Government aware that this episode has given rise to a controversy and that a certificate issued by one of the diploma-holders was returned back to him as issued by an unauthorised person?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) and (j) Government understand this question arose because the Western India Turf Club refused to accept the signature of a veterinary graduate on an English Stud Book certificate and a firm dealing in horses who wished to dispute the Club's ruling consulted the Principal of the Bombay Veterinary College on the point. The Principal declined to give a ruling in the matter but gave his personal opinion that graduates of the College were not veterinary surgeons for the purpose of certain certificates required by the Turf Club.

(b), (c) and (d) A copy of the diploma awarded by the Bombay Veterinary College is placed on the Council Table. It will be seen that the holders of the diploma are considered to be qualified to practise in veterinary surgery.

(e) In view of the reply to clauses (b), (c) and (d) the question does not arise.

(f) No.

(g) Does not arise.
 (h) and (i) In view of the reply to clauses (a) and (j) the questions do not arise.

BOMBAY VETERINARY COLLEGE.

The Board of Examiners

appointed by the Government of Bombay having tested the Theoretical and Practical knowledge of

consider him qualified to practise

VETERINARY SURGERY

and award him this Diploma whereby he is recognised as a

GRADUATE OF THE BOMBAY VETERINARY COLLEGE.

President,
 Board of Examiners.

Principal,
 Bombay Veterinary College.

Bombay,

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Mr. A. N. SURVE : Does the practice of veterinary surgery include the giving of certificates in respect of animals, etc. ?

The Honourable Dewan Bahadur HARILAL D. DESAI : That is more than I can say. Do you mean to ask whether after an animal has been examined, a certificate is given by the veterinary surgeon to the owner of the animal to the effect that the animal is or is not sound as the case may be ?

Mr. A. N. SURVE : I want to know whether such certificates can be issued and whether if issued they are officially recognised.

The Honourable Dewan Bahadur HARILAL D. DESAI : I do not see that there is any objection to giving such a certificate.

Mr. A. N. SURVE : Did the Principal give his opinion in writing or orally ?

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

Mr. A. N. SURVE : May I know how the public is to know if a person holding an office is giving his opinion in his official capacity or in his private capacity ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If an officer is entitled to private practice, then he may give the certificate in his private capacity also.

Dr. P. G. SOLANKI : In the first paragraph of the reply it is stated "The Principal declined to give a ruling in the matter but gave his personal opinion that graduates of the College were not veterinary surgeons for the purpose of certain certificates required by the Turf Club." What is the meaning of that ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The meaning is clear.

Dr. P. G. SOLANKI : It is not clear.

The Honourable Dewan Bahadur HARILAL D. DESAI : What is not clear to you ?

Dr. P. G. SOLANKI : That the graduates of the College were not veterinary surgeons for the purpose of certain certificates required by the Turf Club. What are the certificates required by the Turf Club ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The Turf Club may require particular kinds of certificates, and such certificates they are not entitled to give.

Dr. P. G. SOLANKI : What are those particular certificates ? I want to know.

The Honourable Dewan Bahadur HARILAL D. DESAI : I would ask for notice of the question.

Dr. P. G. SOLANKI : The graduates of the Veterinary College are graduates, and they are accepted as graduates ; still, the Principal says they are not veterinary surgeons for certain purposes. Why is that so ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I am not responsible for it. I have given the answer according to the information supplied to me.

Dr. P. G. SOLANKI : I could expect some information ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If there is a regular protest made, then the matter will be considered.

MHABALE-KARAMBALE ROAD.

Mr. V. A. SURVE (Ratnagiri District) : (a) Will Government be pleased to state whether it is a fact that the work of building the bridge across the Shastri river on the Ratnagiri-Poladpur road is to commence in 1930 ?

(b) Is it to be constructed near the travellers' bungalow at Mhabale ?

(c) Is any causeway or an iron bridge to be constructed across the Sonavi river for making a way leading to the Bazar Peth at Sangameshwar ?

(d) What is the length of the proposed new road from Mhabale travellers' bungalow to Karambale Ghati and what is its estimated cost ?

(e) Are Government aware that the distance between Devrukh (the headquarter of the Sangameshwar taluka) and Ratnagiri (the district headquarters) via Sakharpa or Sangameshwar is 40 miles whereas it is only 28 miles via Nivli and that there is no river obstruction between Devrukh and Nivli ?

(f) Are Government aware that the cost of the Devrukh-Nivli road will be less than that of the proposed new road from Mhabale to Karambale ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) No ; a scheme of constructing a bridge across the Shastri river on the Hatkhamba-Poladpur Road is still under investigation.

(b) The alignment of the bridge has not yet been settled ; the bridge will probably be located somewhere near the town of Sangameshwar.

(c) The question of providing a bridge across the Sonavi river near about where the present Hatkhamba-Poladpur Road crosses the river at Sangameshwar is under investigation with a view to redressing the complaints of the inhabitants of Sangameshwar.

(d) It is presumed, the Honourable Member refers to the length of the road from the Sangameshwar Inspection Bungalow to the ghat portion in miles 15 and 16 of the existing Sakharpa-Sangameshwar Provincial road; if so, no new road is contemplated between these places (Mhabale and Karambale) as they are already connected by the Provincial road mentioned above.

(e) Yes.

(f) Does not arise in view of the reply to (d) above.

CO-OPERATIVE SOCIETIES AND STORES.

Mr. V. A. SURVE (Ratnagiri District): (a) Will Government be pleased to state the number of co-operative societies and co-operative stores in each of the districts in the Presidency that have been liquidated during the last 10 years?

(b) What was the amount paid from the reserve fund to the shareholders of the co-operative societies and stores that have been liquidated during the last 10 years in each district of the Presidency?

(c) What are the names of the co-operative societies and stores in the Poona District that have been liquidated during the last 10 years?

(d) What was the amount paid from the reserve fund to the shareholders of each co-operative society and store in the Poona District that was liquidated during the last 10 years?

(e) What steps have been taken by Government to repay the capital to the shareholders?

(f) If no steps have yet been taken what do Government propose to do in this connection?

The Honourable Mr. B. V. JADHAV: (a) to (d) It is not possible to supply the information since the records of some of the societies are not available. Generally the reserve fund of the society after cancellation merges in its general assets and is available along with other assets to meet all liabilities including the paid-up share capital of the cancelled society. If any surplus is left over, it cannot be divided amongst the shareholders but its disposal is governed by the provisions of section 52 of the Bombay Co-operative Societies Act, 1925.

(e) Government do not guarantee repayment of share capital to the shareholders. After meeting all outside liabilities the balance, if any, is distributed among the shareholders *pro rata* to an amount not exceeding the paid-up share capital.

(f) Does not arise.

Mr. H. V. KOLHATKAR: Is there any limit of time between the cancellation order and the distribution of the assets?

The Honourable Mr. B. V. JADHAV: I may refer the honourable member to the Act and the rules made thereunder.

Mr. H. V. KOLHATKAR: Are the assets made available to the shareholders in any particular time after the orders of cancellation?

The Honourable Mr. B. V. JADHAV : I do not think there is any time limit.

KUMBHARLI GHAT ROAD : REPAIRS.

Mr. V. A. SURVE (Ratnagiri District): (a) Are Government aware that the provincial road in the Kumbharli Ghat which is nearly 8 miles in length is usually out of repairs ?

(b) If the answer to (a) is in the affirmative what steps do Government propose to take in this connection ?

(c) What is the annual cost per mile on this road ?

(d) Whether the repairs to the road in the Kumbharli Ghat are done by the Executive Engineer of the Satara district or by that of the Ratnagiri district ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Government are not in possession of the information required and they regret that time available before the dissolution is too short to enable them to obtain it.

KHED-DAPOLI ROAD : BRIDGE AT KUMBHE.

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state whether the work of construction of the bridge over the river at Kumbhe on the Khed-Dapoli road is likely to be completed this year ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No. The plans and estimates are still under preparation. The work is not therefore likely to be commenced this year, much less completed.

WHARFAGE COMMITTEE REPORT : RATNAGIRI PIER.

Mr. V. A. SURVE (Ratnagiri District): Have Government received the report of the Wharfage Committee of the Ratnagiri Pier ?

The Honourable Mr. J. GHOSAL : Presumably the Honourable Member refers to the report of the Committee appointed to investigate the feasibility of improving the landing facilities at Ratnagiri. If so, the Honourable Member is referred to the Press Note dated 18th August 1928 on the subject, a copy of which is placed on the Council Table.

With the compliments of the
Director of Information, Bombay.

P. 171—18-8-28.

In June of last year the Government of Bombay appointed a Committee consisting of the following gentlemen, to investigate the feasibility of improving the landing facilities at Ratnagiri :—

Captain H. Morland, Deputy Director, R.I.M. (Chairman),
Mr. B. E. Vacha, Superintending Engineer, S. C.,
Mr. T. J. Walke, Superintendent of Lights, Bombay, and
Mr. B. R. Nanal, M.L.C.

The Committee were requested to consider and report on the following points :—

- (1) whether from the engineering and nautical points of view the construction of a sufficiently sheltered pier is feasible, and
- (2) if so, what the approximate cost of the project would be ;
- (3) if not, whether an alternative scheme for providing a boat jetty at which steamer passengers would be landed dry-shod is feasible.

After a preliminary investigation the Committee submitted an *ad interim* report in August 1927, and after locally testing the preliminary conclusions with the aid of the Executive Engineer in charge of Boring Works, Nasik, they have submitted their final

report on the possibility of constructing a pier at Ratnagiri. The Committee consider that it is impossible to build a pier or make a landing place at Ratnagiri that would be serviceable or could be used all the year round, that the landing at Mirya (Kalbadevi Bay) is the only one that can be used in the South West monsoon, and that, as the passenger traffic is very small during that time, no special provision is necessary. On the other hand, the indentation called Killa Bay is considered unsuitable for a landing place during either monsoon, because of the fact that there is a lack of manœuvring space for steamers and also of its exposure, during the South West monsoon, to swell which comes round the point as a backwash. The exposure to the North West wind which prevails for most of the period of the North East monsoon renders the site unsafe. Lastly, there is also the difficulty and expense of constructing road communication with the principal part of the town and the distance therefrom. So the best site for either a steamer pier or boat pier is considered to be about 500 feet south-west of the Tower, under the headland, to which there is absolutely no alternative. The Committee recommend that a pier or jetty should be built at this site at which steamers can go alongside at High Water springs or neaps, and at other times passengers will be able to embark from the pier into boats, and thus have a short boat passage, reaching the steamer dry-shod and *vice versa* when disembarking. The leading citizens of Ratnagiri who were consulted by the Committee agreed to this proposal, which was also concurred in by experienced Masters of coasting steamers, who agreed with the Chairman as to the feasibility of taking their vessels alongside when the tide serves.

The plans and estimates submitted by the Committee show that the depth of water at chainage 1,300 along the proposed line of the pier will be about 16 feet at mean tide or 12 feet at ordinary low tide. The usual passenger steamers plying to Ratnagiri draw about 10 feet of water and allowing 2 feet margin between the sea bed and the bottom of the steamer, it is believed that steamers can touch this point at all stages of the tide except the lowest, when the depth would be only about 10 feet. As the lowest tides occur only for a very few days in the month and then only for a few hours on those days, it is not necessary to provide against this contingency. The proposed pier will be 1,300 feet long and 24 feet wide with a T. head at the outer end 300 feet x 30 feet alongside of which steamers can moor. Twenty-four feet width is considered sufficient to accommodate two lines of vehicular traffic crossing each other and also a number of pedestrians on the sides. At the T. head as loading and unloading is to be done and traffic has to turn round, a greater width is considered necessary and therefore 30 feet is provided. If the 300 ft. T. head is found insufficient it can be extended later on.

There will be an approach road to the pier or jetty and the distance to the town by road will not be great. It is also anticipated that the pier or boat jetty can be utilized for the landing of cargo by country craft which would be more satisfactory than as at present proceeding over the Bar at Rajuda Creek, or it would, at any rate, relieve that place of any congestion.

The estimated cost of the project amounts to nine lakhs of rupees roughly, including the cost of the approach road. If competitive tenders are invited and firms of repute requested to quote for their own detailed designs on the general lines of this design the Committee think that it is likely that the work could be constructed at a lower cost, especially as the rate of iron work, of which there is plenty in the proposed design, is going down.

The designs and estimates now submitted by the Committee are reported to be a great improvement on the several schemes prepared during the last half a century, which could not materialise for various reasons. The Committee have given due consideration to the needs and requirements of the people of the locality with due regard to the physical disabilities that have to be faced in constructing a suitable landing place in an exposed place like Ratnagiri. They hope the proposed pier will, to a great extent, meet the public demand. The Committee further observe that they have kept in view the difficulties in financing this harbour work project. The passenger as well as goods traffic is small. The paying capacity of the passengers as well as of the traders is limited. The scheme is so designed as to give the maximum benefit at the minimum cost.

Government have now under consideration the question of financing the scheme, but in the meanwhile they take this opportunity of expressing their cordial appreciation of the services of the Chairman and Members of the Ratnagiri Pier Investigation Committee who have produced a valuable report.

Mr. H. V. KOLHATKAR: When is the scheme likely to be undertaken?

The Honourable Mr. J. GHOSAL: I am afraid I cannot say. I understand that one estimate was prepared and it was not satisfactory.

Therefore a fresh estimate has been ordered, and we hope to get it soon. Then of course there is the question of finance.

Mr. H. V. KOLHATKAR : When will the fresh estimate be ready ?

The Honourable Mr. J. GHOSAL : It will take about two months at least.

BOGUS COMPANIES.

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

(a) whether they are aware that certain companies started with names like "The People's International, Travel, Education and Commerce, Limited" and other similar names have duped many members of the agricultural classes under the promise of big loans on very small interest and that their agents have deceived many by receiving entrance and other fees for membership from many people ;

(b) whether Government are aware of the circular issued by the Punjab Government against such companies warning people not to have any connections with such companies ;

(c) whether Government have taken any steps in the matter ;

(d) whether any of such companies have been brought to book ?

The Honourable Sir ERNEST HOTSON : (a), (c) and (d) The attention of Government was drawn to the operations of the Company mentioned in clause (a) of the Honourable Member's question, as a result of which enquiries have been made and a criminal complaint filed against the Company. The investigation is still in progress. In 1927 the attention of Government was drawn to the fact that an agent of a Company known as "The Ideal Democratic Assurance and Mortgage Loans, Ltd.," having its headquarters at Nagpur, which appeared to be a speculative concern, was unauthorisedly distributing prospectuses of the Company in West Khandesh. When enquiries were set on foot by the District Magistrate, the distribution was stopped.

(b) Yes.

BILL No. XXVIII OF 1930 (A BILL FURTHER TO AMEND THE INDIAN REGISTRATION ACT, 1908, IN ITS APPLICATION TO THE PRESIDENCY OF BOMBAY).

(Bill read Clause by Clause.)

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

Clause 2 (*Amendment of section 69 of Act XVI of 1908*).

After clause (g) of sub-section (1) of section 69 of the Indian Registration Act, 1908, hereinafter called the said Act, the following clause shall be inserted, namely :—

"(gg) regulating the procedure for transmitting documents for being photographed and the serial numbering, binding and preservation of the photographic prints."

Mr. R. D. BELL : Sir, I beg to move the following amendment :

In clause 2 of the Bill, in the proposed clause (gg), after the word "prints" add the words "and negatives".

As the negatives also are to be preserved, it is necessary to make rules about their preservation.

Question put and carried.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 :

After Part XI of the said Act, the following shall be inserted, namely :—

“ PART XI-A.

OF THE COPYING OF DOCUMENTS BY MEANS OF PHOTOGRAPHY.

70-A. *Application of this part.*—This part shall apply to the areas only in respect of which a notification is issued by the Local Government under section 70-C.

70-B. *Definition.*—For the purposes of this Part ‘ Photo-Registrar ’ means any person appointed by the Local Government to perform the duties of Photo-Registrar under this Part.

Provided that the Local Government may delegate, subject to such restrictions and conditions as it thinks fit, to the Inspector-General of Registration the power of appointing Photo-Registrars.

70-C. *Documents may be photographed in areas notified by Government.*—The Local Government may, by notification in the *Bombay Government Gazette*, direct that in any district or sub-district specified in the notification copies of documents admitted to registration under this Act shall be made by means of photography.

70-D. *Application of Act to areas notified under section 70-C.*—In any district or sub-district in respect of which a notification has been issued under section 70-C the provisions of this Act shall, for the purposes of this Part, be subject to the following modifications, namely :—

(1) (a) Every document admitted to registration under section 35 or section 41 shall be carefully marked with an identification stamp and the serial number of the document on every page.

(b) It shall then be transmitted by the registering officer to the Photo-Registrar, who shall cause, each side of each page of such document together with all stamps, endorsements, seals, signatures, thumb-impressions and certificates appearing thereon to be photographed without subtraction or alteration. He may for this purpose cut or untie, without breaking any seals, the thread or ribbon wherewith the pages of the document are sewn together in order to separate the pages of the document, and, as soon as the document has been photographed, he shall rebind the document exactly as before and if he has cut the thread or ribbon shall seal it over the joint with his seal.

(c) There shall then be prepared and preserved, for such period as may be, from time to time, prescribed under the Destruction of Records Act, 1917, for Books Nos. I, III and IV at least two permanent prints of these photographs, and to each such print the Photo-Registrar shall fix his signature and seal in token of the exact correspondence of the copy to the original document, as admitted for registration.

(d) One set of such prints arranged in the order of their serial numbers shall be made up into books and sewn or bound together. To each such book the Registrar or Sub-Registrar shall prefix a certificate of the serial numbers it contains, and the books shall then be preserved in the records of the Sub-Registrar. The second set, similarly arranged, shall be preserved in the records of the Registrar, or, if the office of the Registrar be in the same building with the office of the Sub-Registrar in such other suitable place as the Inspector-General may prescribe.

(2) All words and expressions used in the Act with reference to the making of copies of documents by hand or the entering or filing of documents or memorandum in books provided under section 16 shall, so far as may be necessary, be construed as referring to the making of such copies by means of photography or the entering or filing of documents or memoranda in books made up of copies prepared by means of photography.

(3) (a) In section 19 the words ‘ and also by a true copy ’ shall be omitted ;

(b) sub-section (4) of section 21, shall be omitted ;

(c) the words ‘ according to the order of its admission ’ occurring in clause (c) of sub-section (1) of section 52 shall be omitted ;

(d) section 53 shall be omitted ;

(e) in sub-section (1) of section 60 the words ‘ and page ’ shall be omitted ;

(f) in sub-section (1) of section 61 the words ‘ the endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the margin of the Register-book and ’ shall be omitted ;

(g) in sub-section (1) of section 62,—

(i) for the word ‘ transcribed ’ the word ‘ copied ’ shall be substituted ; and

(ii) for the words and figures ‘ copy referred to in section 19 ’ the words ‘ photograph of the original ’ shall be substituted.”

Rao Bahadur R. S. ASVALE (Bombay City, North): Sir, I beg to move the amendment of which I have given notice, which is as follows :

In clause 3, section 70-C, after the words " notification in the *Government Gazette* " add the following :

" And by posting the translations into vernaculars of the District at the Registration Office."

Sir, my object in moving this amendment is this, that the people in the villages do not understand the notifications printed in the *Government Gazette*, as they would never be in a position to have the *Government Gazette* and the notifications in it in their hands. So, in order to give proper facilities to the villagers or the people who want to go to register their documents to the registration office, if the notice is posted at the registration office everybody will be in a position either to read it or to get it read out to them, and thereby understand what the present position is. It is with this object that I have moved the amendment, to give proper facilities to the agriculturists and the other people who have to go to the registration office, and I hope Government will accept the amendment, as it will do no harm if it is accepted.

Question proposed.

Mr. D. D. NANAVATI: Sir, it seems to me that the amendment moved by the honourable member is likely to lead to some difficulty as to the actual date on which the notification will take effect, because it might be argued that the notification was not effective until the translations had been posted up, and it is quite possible that in some cases the date of the notification in the *Gazette* may be different from the date on which the translations are posted up. For that reason I think that the form in which the amendment has been put is open to some objection. But it is quite possible to clarify the position, if it is desired to do so ; and it can be done in a few minutes. It will be for the Honourable Minister to say whether he accepts the amendment.

The Honourable the PRESIDENT: I understand that the honourable member the Legal Remembrancer says that it can be put in a better form to suit the clause.

The Honourable Mr. B. V. JADHAV: I agree to it.

The Honourable the PRESIDENT: In the meantime we shall go on with the other amendments.

Mr. H. V. KOLHATKAR (East Khandesh District): Sir, the amendment that stands in my name runs as follows :

" In clause 3 at the end of 70-C add the words ' unless the party presenting the document insists on having it copied by hand under section 52 of the Act '."

My object in moving this amendment is that there is some danger of important documents being lost in transit, while it is being sent to the photo office. That is a point which I raised yesterday at the time of the first reading. But the Honourable Minister did not reply to that objection. If the Honourable Minister explains satisfactorily that there is no chance of any document being lost in transit to the photo office, there is no propriety in moving this amendment. My view is that in the case

[Mr. H. V. Kolhatkar]

of an important document, the party may wish a copy of the document being kept in the registrar's office and to have the original document returned to him immediately. It might perhaps be argued that a book will have to be maintained mentioning in serial order the photo-copies received from the photo office and another book for manuscript copies. Two such books may be maintained.

Question proposed.

The Honourable Mr. B. V. JADHAV : One advantage of the photo-copying system is that it keeps a record of the signatures and thumb impressions of the executants and puts a check upon false personation, which is it is believed practised to a small extent in the execution and registration of documents.

The Honourable the PRESIDENT : After the photograph ?

The Honourable Mr. B. V. JADHAV : If the photograph is not taken and a copy is made by hand in the book, the guilt can be brought home when the original document is produced. When the document is destroyed, the copy of it in the registrar's office cannot show whether the personator was the real person or not. In the photo-copy there is the signature and the thumb impression and it is easy to find out whether such and such a man is the real person. And when the photo-copy as well as the original document is destroyed there is the negative.

The Honourable the PRESIDENT : If I have understood the honourable mover of the amendment, he wants to know the precaution taken for the document as it goes to the photo office. According to his thinking there are chances of the document being lost, destroyed or in any way coming to grief. He therefore wants to give a chance to the man who presents the document, to insist, if he likes, on having it copied by hand, and asks whether the chances of it being lost are as great as he imagines.

The Honourable Mr. B. V. JADHAV : I am coming to that point, Sir. I want to show in the first place that under this system it is absolutely necessary to have the document photoed. If it is desired by any executor to get his document copied by hand before it is sent to the photo-copying office, that can be done. But then, the idea of the suggestion of the honourable mover from East Khandesh appears to be to do away with the photo-copying system.

Mr. H. V. KOLHATKAR : That is not my idea. If the Honourable Minister agrees, I shall move my amendment in this way :

" unless the party presenting the document insists on having it copied first by hand under section 62 of the Act : "

The Honourable Mr. B. V. JADHAV : In that case, will the honourable mover accept a rider " if he pays additional fee ".

Mr. H. V. KOLHATKAR : Yes ; I will accept it " on payment of additional cost of copying fee ".

The Honourable Sir ERNEST HOTSON : I suggest that a conclusion can be arrived at by adding a proviso. As it is now, the draft makes no sense of the whole section.

The Honourable the PRESIDENT: The honourable mover and the Honourable Minister may consult the honourable member the Legal Remembrancer to put it in the proper form now that the principle has been accepted.

We shall go on to the next amendment by the honourable member Rao Bahadur R. S. Asavale.

Rao Bahadur R. S. ASAVALE (Bombay City, North): Sir, the amendment that stands in my name runs as follows :

"In section 70-D (1) (b) omit the last lines commencing from the words 'he may' and ending with the words 'his seal'."

My object in moving this amendment is this. If the documents are cut and untied and if any papers were mislaid, the document becomes valueless to the owner and he will be put to a great loss. Yesterday the expert of photo-prints admitted that this clause must go because he is in a position to take the print without untying the documents. Therefore I hope Government will accept my amendment.

The Honourable the PRESIDENT: The amendment moved is:—

"In section 70-D (1) (b) omit the last lines commencing with the words 'He may' and ending with the words 'his seal'."

The clause would stop at the words "without subtraction or alteration".

The Honourable Mr. B. V. JADHAV: Sir, when the photo-copying system was first started, as was described yesterday, the negatives were taken on glass and in order to minimise the cost, 24 of these documents were pasted on a cardboard and they were photographed on one negative glass. When the document consisted of a number of pages it was necessary, at the time to separate them before photoing. Under the new system it is not at all necessary to cut the cord or to separate the leaves. Therefore it may occur to anybody that these lines are redundant. But this power of cutting and untying without breaking any seals is not a compulsory power. If there is any necessity (when for example, the string is tied in the middle of the document) of untying the document in order to be read and photographed, there should be power to cut the string. So this additional power should be kept there. It is hoped that it will not be brought into operation in even one out of a thousand cases. But it would do no harm if the power is there. It will be an emergency power.

Rao Bahadur R. S. ASAVALE: Sir, the Honourable Minister said that the power to the registrar was not compulsory and that he *may* use the power. But, Sir, our difficulty is that when there is "may", he *can* use it. If he thinks that the document should be untied, he can do it, though the word "may" is there. So, the power remains with him to untie the document and separate all the leaves of the document and if one or two leaves are lost, the document would become useless. I would, therefore, suggest to the Honourable Minister that this clause should be removed. Where the registrar finds difficulty to copy the document, it should not be received by him. I am quite sure that the owner of the document can take it back and bring it in the correct way either by tying

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or arranging it in such a way that the photographing will be done as the registrar wants it. The Honourable Minister should not take any objection to the deletion of these words. I have pointed out to the honourable House how the difficulty will arise and how it can be solved. With these few remarks, Sir, I hope that Government will not refuse my request, because it will be in the interests of the people and they will have complete faith in this system. Otherwise the people will again complain and hesitate to send their documents, if this clause is there.

The Honourable Dewan Bahadur HARILAL D. DESAI: I would suggest that the words "if absolutely necessary", should be inserted. If that is done, then you limit the registrar's power.

The Honourable the PRESIDENT: The argument is that if instructions are issued to the registrar the public would come to know that the documents which are to be photographed should be tied in a particular form so that they could easily be photographed. He therefore proposes to omit these words.

The Honourable Mr. B. V. JADHAV: This power is not at all necessary in ordinary cases. But it is required to deal with exceptional cases. The clause would do no harm to anybody because it is not at all convenient for the office to untie a document and the office will avoid it as much as possible for it entails a great deal of trouble to do so. They will then have to see that the various pages are properly arranged, that they are in consecutive order and so on. Therefore there is no danger that they will do anything to tamper with the documents. There may be occasions when this power will be of use. I submit therefore that this clause should be allowed to stand.

Question put and lost.

The Honourable the PRESIDENT: I would give the honourable member chance to move the amendment to insert the words "when absolutely necessary" if he likes to move it.

Rao Bahadur R. S. ASVALE: I would request the honourable House that these words at least should be added.

The Honourable Sir ERNEST HOTSON: There is no legal effect whatever, Sir, if these words are added. It is always open for a man to say that it was absolutely necessary for him to untie the document.

The Honourable the PRESIDENT: The Honourable the Leader of the House is perfectly right.

Mr. D. D. NANAVATI: With regard to the honourable member Mr. Kolhatkar's amendment to clause 3 (section 70-C), it should read thus:

" Provided that the party presenting the document may have it copied by hand under section 52 on payment of an additional copying fee."

The Honourable Mr. B. V. JADHAV: I accept the amendment.

Mr. D. D. NANAVATI: Sir, I suggest that this amendment should go in clause 70-D (1) (b) and it should run thus:

"Add to 70-D (1) (b) the following proviso:—

'Provided that before transmission to the photo-registrar the party presenting the document may have it copied by hand under section 52 on payment of an additional copying fee'."

Question put and carried.

Mr. D. D. NANAVATI: The amendment moved by Rao Bahadur Asavale should go in clause 70-C and should run thus:

"The following words be added to clause 70-C:—

'On the issue of such notification the local Government shall direct that the notification shall be translated into the vernaculars of districts concerned and shall be posted in a conspicuous place at the Registrars' offices affected by the notification.

'The original section 70-C be marked as 70-C (1)'."

Question put and carried.

Mr. R. D. BELL: Sir, I beg to propose an amendment which runs thus:

In clause 3, in section 70-D (1) (c) for the words "for such period as may be, from time to time, prescribed under the Destruction of Records Act, 1917, for Books I, III and IV at least two permanent prints of these photographs and to each such print" substitute the words "the negative and at least one photographic print and to each such negative and print."

The reason for this amendment is really a double one. The sub-clause (c) was originally drafted in such a way as to limit the period for which the records are kept. Now, it is not proposed to limit the period of time for keeping the photographic records. That explains the first part of the amendment. The second part of the amendment explains the way in which the photographic records of the new process will be maintained. It is proposed to preserve the negative and at least one photographic print. The whole sub-clause after being amended will read:

"There will then be prepared and preserved the negative and at least one photographic print and to each such negative and print, the Photo-Registrar shall fix his signature and seal in token of the exact correspondence of the copy to the original document, as admitted for registration."

Question put and carried.

Mr. R. D. BELL: Sir, the next amendment which I now propose is:

Clause 3. In section 70-D (1) (d) for the words "The second set, similarly arranged, shall be preserved in the records of the Registrar, or, if the office of the Registrar be in the same building with the office of the sub-registrar in such other suitable place as the Inspector-General may prescribe", substitute the words "The negatives shall be preserved in such suitable place as the Inspector-General may prescribe".

This amendment makes a slight modification necessary owing to a change in the process. Instead of preserving a second set of photographic prints, arrangements are now made to preserve the negatives in such place as the Inspector-General may prescribe. This amendment is also quite non-controversial.

Question put and carried.

Mr. R. D. BELL: Sir, I now propose a further amendment as follows:

Clause 3. Section 70-D (3). Before sub-clause (a), insert the words—"Where this section applies, the sections mentioned below shall be modified as follows".

[Mr. R. D. Bell]

The reason for this amendment is to make it clear that the modified sections will apply only in those areas to which the photographic system of registration extends.

Question put and carried.

Mr. R. D. BELL: Sir, the next amendment I wish to propose is as follows:

Clause 3. For section 70-D (3) (f), substitute "(f) sub-section (1) of section 61 shall be omitted".

The explanation of this amendment is that this sub-clause originally provided for the omission of the greater part of sub-section 1 of section 61 of the Act, leaving the following words:

"The copy of the map or plan (if any) mentioned in section 21 shall be filed in Book No. 1".

This provision is now unnecessary as the maps and plans will be photographed in exactly the same way as the original documents.

Question put and carried.

Clause 3, as amended, ordered to stand part of the Bill.

The Preamble ordered to stand part of the Bill.

The Honourable Mr. B. V. JADHAV: Sir, I shall take up the third reading of this bill tomorrow as there have been so many amendments made to it.

The Honourable the PRESIDENT: The third reading of this bill is postponed to tomorrow.

**BILL No. XXVI OF 1930 (A BILL FURTHER TO AMEND
THE CITY OF BOMBAY POLICE ACT, 1902).**

The Honourable Sir ERNEST HOTSON: Sir, I introduce Bill No. XXVI of 1930 (A Bill further to amend the City of Bombay Police Act, 1902).*

The Honourable the PRESIDENT: The bill is introduced.

The Honourable Sir ERNEST HOTSON: Sir, I now move that Bill
First reading. No. XXVI of 1930 be read a first time.

Like the bill to amend the District Police Act, this bill is not in any way connected with the present campaign of civil disobedience. It is a collection of amendments which have been proposed at various times, some of them as long ago as 1926, but have been kept pending until a convenient opportunity occurred for putting them together in a bill and asking this honourable House to consider them.

The first clause which requires any notice is clause 3. The purpose of this clause is to enable the Commissioner of Police to issue or to amend rules prescribing the conditions under which vehicles may remain standing in the public streets, without having on each occasion to obtain the previous approval of the Governor in Council. That approval is in most cases merely formal, since in such matters Government necessarily rely

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upon the advice given to them by the Commissioner of Police. The previous reference required by the law resulted in little except delay. And I would remind the honourable House that, even if this clause becomes law, the Commissioner of Police's rule-making power will still be subject to the control of the Governor in Council. The section says :

" In the case of rules under clause (b)..... "

to which will be added clause (c) under the present Bill,

" subject to the control of the Governor in Council, and in other cases with the previous sanction of the Governor in Council, the Commissioner of Police may from time to time make, alter or rescind rules not inconsistent with this Act,—"

In London I may say that the Commissioner of Police has the power of framing rules on such matters.

Clause 4 (a) is explained in the Statement of Objects and Reasons. Deserters from the Army and Navy can of course be arrested without warrant ; and it is extremely desirable, in the interests of the discipline of the police force that deserters from the City Police should be brought to justice as promptly as possible. The cases to which this provision would apply would in fact be very few. The members of the Bombay City Police force are contented and loyal, and desertion is extremely rare. The real value of the clause would be this, that it would discourage from seeking employment in the police a certain number of useless individuals who now join it merely as a temporary refuge from unemployment without any real intention of remaining into it. The time spent on training such persons is entirely wasted ; they never render any useful service and are a sheer loss to the public purse. Genuine recruits will not be deterred by the change in law.

I see that amendments to clause 5 have already been tabled. It is unfortunately the case that a good deal of prejudice has been aroused against the sergeants of the Bombay City Police during the last few months. I have constantly defended them and all the other members of the Bombay City Police against the charges that have been made against them, and I have no doubt at all that when the present excitement dies down, it will be generally recognised that the Force, and not least the Sergeants, have discharged their difficult duties admirably. At the same time, I have never denied that some innocent persons have unfortunately suffered blows whilst crowds were being dispersed, nor can the possibility be excluded that some few members of the force of various ranks may, in the excitement of the charge, have struck persons whom in cooler moments they would have recognised as unlikely to have intentionally taken part in breaking the law, but there is a great quantity of evidence to show that almost invariably discipline has been excellent, and that the blows delivered had been no more severe than the circumstances warranted. I am saying all this because I know that there is a strong feeling in this House, but I want the House to remember that these considerations are quite irrelevant to the present question. Whatever charges may have been made on recent occasions, the Sergeants have been acting under the orders of their superior officers. They have not been in the smallest degree responsible either for the policy or the action

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taken in pursuance of it. What we have now to consider is an entirely different state of affairs, not the treatment of professedly non-violent processions, but emergencies like those which arose in Bombay City last year. At that time, the whole of Bombay recognised the great value of the Sergeants. They had a marvellous success in dealing with the mobs which gathered in the disturbed parts of Bombay. Very frequently, by their tact and good temper, they prevented a threatening situation from ending in actual violence. Many of our friends, I think probably several members of this honourable House, who are now inclined to speak harshly of the Sergeants, then saw and appreciated the work which they did.

When large parts of Bombay are disturbed, as they were a year ago, it is quite impossible for the officers in charge of sections to be present everywhere when trouble threatens. If officers of lower rank have to deal with a riotous crowd, they have two alternatives, either to wait until a senior officer can be brought to the spot, or to take upon themselves powers which they do not legally possess. If there is one lesson which experience of riots has brought home to every one that had had to deal with them, it is this, that delay in dealing with a dangerous crowd, once it appears that they are not prepared to listen to reason, is fatal. Consequently, on not a few occasions in 1929, Sub-Inspectors and Sergeants took upon themselves the responsibility of acting promptly and decisively. They did so with the knowledge that they might be called to account for what they had done, and might even have to stand their trial, although it may be regarded as certain that any court would have found their action to have been justified. Still, the law as it stands now puts them in a difficult and an unfair position, and it is most desirable that this should be righted. I sincerely hope that no passing prejudice will be allowed to affect the decision of this House on this question.

The other clauses of the Bill will probably be found in no way contentious, although in practice they will be very useful. Should any further information about them be required, I should be glad to give it in the course of the second reading. Meanwhile, I commend the Bill to the judgment of the House.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Sir, I rise to oppose the first reading of this Bill. You will notice that this Bill is seeking to give additional power to some officers of the police. Sir, we are passing through very critical times. We have faith in the Members of our Government, but when it is a matter of carrying out an All-India policy, I am very reluctant to entrust more power in the hands of eventried officers though we hold them in very high esteem. Under these circumstances, Sir, it is my submission that this Bill has been brought forward at a very wrong time.

Now, let us examine the different provisions that are contained in the Bill. I may just mention that the clause referring to the bringing in of Deputy Inspectors and Sergeants in a line with the Inspectors and

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Sub-Inspectors, though in appearance it may appear very innocent, is I am afraid rather not a very salutary provision. I have read the section carefully, and with deliberation I say that its provisions would in effect prove very harmful.

The Honourable Sir ERNEST HOTSON: Which clause is the honourable member referring to?

Mr. A. N. SURVE: I am referring to the provision about sergeants in clause 2.

The Honourable Sir ERNEST HOTSON: Clause 2 is purely formal.

Mr. A. N. SURVE: In the Bombay Police we have inspectors, sub-inspectors and provision for them is made in the present Act itself. If you want to do something more, then I submit that if you read section 7, you will find there is provision for it already. I will read that section:

"The appointment and promotion of inspectors, sub-inspectors and all other members of the police force."

I submit that "all other members of the police force" include the deputy inspectors and sergeants. For that reason it is not necessary that you should come before the House for this amendment. My point is this. At present the Bombay police force consists of inspectors, deputy inspectors, sub-inspectors and sergeants. Now, as regards the sub-inspectors and the sergeants the former are Indians and the sergeants form an exclusive section which includes only Europeans.

Now, let us look at their qualifications. The sub-inspector is required to pass at least his matriculation standard. If he is already in the police force, he is taken up to the Central Training School at Nasik and he has to undergo training for several years. If he passes then he is made a sub-inspector; whereas the sergeant does not go to the training school at Nasik, he does not pass any examination; and still he becomes deputy superintendent at the time of promotion. Thereby Indians are deprived of their claims for promotion. Indianisation also suffers a setback. But apart from this consideration, we are at present concerned with the fact that at present in Bombay the agitation is at its highest pitch. The feeling against the sergeants is high. People rightly or wrongly do believe that the lathi blows are dealt by the sergeants. Therefore, at this time this Bill should not have been brought forward. For that reason, as far as this particular clause is concerned, I appeal to this House, in order not to give cause for irritation to the people, not to pass this Bill. I hope the Honourable the Leader of the House will withdraw this bill in its entirety.

Then, Sir, about the deserters. It is clause 4 (a). I am very thankful to the Honourable Leader of the House for the compliment which he has paid to the police. He has said that the Bombay police has very well acquitted itself and there are no cases of deserters. I have in my hand the annual police report for 1928. If you go through its pages, you will find that in the whole of the year there was only one case of desertion. The City of Bombay Police Act has been on the statute book since 1859 and no necessity was ever felt at any time for making a provision for desertion. And yet at this particular juncture, why this power is

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required passes my comprehension. Sir, the explanation given by the Leader of the House will not appeal to anybody. He says that it is on account of unemployment, several people, in spite of their dislike have sought admission into the police force. Am I to understand from that that because a man has enlisted himself in the police, he should remain there rotting in that service for the whole of his life? Section 14 of City of Bombay Police Act enables a policeman to resign his office. If the provision is there for resignation, I do not see any reason why the policeman should be deprived of his right to resign. Section 14 provides that the man is to tender his resignation, get permission for leaving service, hand over his kit and walk away. Therefore I submit that this clause about desertion requires very close scrutiny. I learn from the papers which I have read that one police Constable No. 2933 named Govind has resigned to join the Congress Movement and another sub-inspector Dhanaji Nanaji Chaudhari Sub-Inspector of Nasik has resigned with the object of joining the Sabarmati Ashram. May I ask whether Government are seeking this power to bring to book such men? I submit that, if that is the object, this House will not sanction it.

The Honourable Sir ERNEST HOTSON: It is not.

Mr. A. N. SURVE: Then, about clause No. 5. In this case the experience of the Bhendi Bazaar riots is still fresh in the minds of us all. The sergeants are rash and the Bhendi Bazaar riot instance is typical of that characteristic. You know, Sir, that in Bhendi Bazaar, a sergeant assaulted a Mahomedan and its consequence involved the city in two or three anxious days. Even the Honourable the Home Member and His Excellency the Governor had to run down to Bombay. Therefore, I request you to consider whether sergeants are fit persons to be invested with this power. I may draw your attention to the provision existing in the Act for dispersing an unlawful assembly. It is contained in section 40, which says:

"Any magistrate or officer in charge of section may command any unlawful assembly or any assembly of five or more persons likely to cause a disturbance of the public peace to disperse."

Now, the power is given to two classes of persons,—a magistrate or an officer in charge of a police section. The definition of "officer in charge of a police section" is given as follows in section 3 (c):—

"'Officer in charge of a section' shall include when the Inspector in charge of the section is absent or unable from illness or other cause to perform his duties, the next senior police officer in the section, or such other officer as the Superintendent of the division may, subject to the sanction of the Commissioner of Police, appoint in that behalf."

Sir, from the definition which I have read just now, you will see that the Superintendent of Police may be invested with the power of authorising anybody and that person automatically becomes the officer in charge of a section and he could issue an order. Therefore at this juncture Government should not come before this House for getting this extra power because there is ample provision already existing in the City Police Act. Again, it is not at all desirable to invest with power a police officer, even of the rank of an inspector, for the purpose of dispersing unlawful assemblies. That work should

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be entrusted to magistrates. The section is quite clear. It says "Any magistrate"; it does not say "stipendiary magistrate". In Bombay we have hundreds of honorary presidency magistrates. Why not request them to help the police? In every section, almost in every street and in every by-lane you will find honorary magistrates. Requisition the services of these gentlemen for such duties. Let the police officer accompany the honorary presidency magistrate and let the latter deliver the order for dispersal. In that case it would have better effect. There will be less number of clashes and it will be good for all the parties concerned.

For these reasons, I submit that this Bill should be considered very seriously by this House and I appeal to the Honourable the Leader of the House again to consider whether he should at all press for the other clauses of the Bill.

Mr. P. J. MARZBAN (Bombay City, South): Sir, I shall not go to the extent to which my honourable friend Mr. Surve has gone in asking the Home Member to withdraw this Bill altogether. I for my part, Sir, representing the city of Bombay, will be satisfied if the Honourable the Home Member kindly consents to delete clause 5, at least for some time. The Honourable the Home Member has himself just now told this House that this Bill has been pending for the last many years and it has absolutely nothing to do with the present civil disobedience movement. I can see the correctness of this statement. But somehow it does synchronise with the civil disobedience movement and that it should have been brought up at this moment is a deplorable fact.

Sir, the whole city of Bombay, from one end to the other, is at present talking of nothing else but the excesses committed by police sergeants. I am exceedingly sorry to say this here in spite of the many assurances of the Honourable the Home Member that the police sergeants are not to be blamed in any way. Somehow or other the blame has been attached to them. And recent happenings, most unfortunate happenings, have proved to many a sober-minded loyal citizen that these very sergeants, these gentlemen who are in the grade of pay from Rs. 200 to Rs. 250 are,—at least some of them,—not keeping their heads cool and level in times of emergency and in a moment of tension. I shall not refer to the one solitary case (the Bhendi Bazar incident) referred to by my honourable friend Mr. Surve. But I shall say that the treatment meted out by the sergeants to the crowds in Bombay has done Government incalculable harm. I repeat that, Sir, with all the emphasis at my command.

I do not insist upon the deletion of clause 2 of this Bill. Give them promotion by all means. At the last session, as you remember, I frankly said that the work done by the police during the last riots was creditable. The sergeants at the risk of their lives had saved Bombay. Unfortunately, the good impression has been washed away by the incidents which have happened during the last few days in Bombay. I am not speaking anything from hearsay. I repeat, Sir, that I am one of those who have personally witnessed European sergeants,—I say this on the floor of this House,—European sergeants beating wounded men fallen on the ground. I say that I have seen this with my own eyes. I daresay that much

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can be said in favour of the police force. Ever since the mill strike and the riots this poor police force has been tested to such an extreme that it is now at times absolutely superhuman for them to keep control over their feelings. I ask the Home Member whether this is the psychological moment to come before this House to say "Come and give sergeants more powers, and allow them to use an indiscriminate force to disperse assemblies."

The Honourable Member refers to times of emergency, such as riots, when immediate action is necessary. With due respect and deference to him I may say that during riots honorary magistrates are always asked to be present. I have had occasion to serve as an honorary magistrate on several occasions. If honorary magistrates are there, why are sergeants required to get this extra power ?

The only one unfortunate portion which impedes the passage of this bill in this House is clause 5. I understand that my honourable friend Mr. Taleyarkhan has given notice of an amendment to correct it; and on condition that the clause is deleted, I will support the bill. When the time comes I will have to support the amendment.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Mr. President, I have no prejudice against sergeants. Sir, I accept the statement of the Honourable the Home Member that this bill is not meant for the present situation. But, Sir, I object to clause 5 of the Bill. Clause 5 confers great powers on petty officers, such as sub-inspectors and sergeants who are lowest in rank among the police officers. It is very dangerous to entrust this great power into the hands of these petty officers of the lowest rank of police service. Sir, these officers, these sub-inspectors and sergeants who are young recruits, should not be invested with powers of this nature. If it is done, it will be very dangerous for the city. I shall content myself at present with these remarks, but shall speak more at length when this clause comes for consideration.

Rao Bahadur R. S. ASAVALE (Bombay City, North): Mr. President, I do not want to oppose the whole Bill but I would like to point out that some clauses such as clauses No. 4 and No. 5 are objectionable. In clause No. 4 it is proposed that an offence which was non-cognisable should be made cognisable in case of deserters from the police force. Sir, I fully appreciate the decision of the Honourable the Home Member of the Government of Bombay that the deserters must be found when they require them. But, Sir, it is clearly stated here that they show some reason of illness or ignorance of summons. If it is real illness and if medical certificate is produced this section must not apply but what would happen if his superior officer is not on good terms with the sepoy even if he is either ill in his village or if he falls ill in the city of Bombay when he is on duty and deserts the place without informing anybody? He will be tried under this section. It does not mean that he has deserted the office. Because if he is really ill he must be allowed permission to leave. Some of these police peons are not in a position to know the laws. They are, after all, police peons.

The Honourable Sir ERNEST HOTSON: You mean the police sepoy.

Rao Bahadur R. S. ASVALE: Yes, I mean the police sepoy. If they go to their village, they might inform the office. But if they did not, then they could be brought back under the section and tried. I submit, Sir, that this present power should not be given to the sergeants. As regards clause 3, no doubt this is a very essential clause to remove a great nuisance as pointed out in the clause. This clause must remain. But the sources shown here are not the only sources of nuisance but there is another great nuisance and that is about the vehicular traffic which passes the tram stations where the passengers have to alight from or to get into the trams. The drivers of the victorias and motor cars do not take into consideration whether the passengers have to alight, or to get in the trams and pass the tram stations and for this reason more accidents occur there. Therefore, I submit this also should be included in this clause.

As regards clause 5, I do agree with the previous speaker that the power should not be vested in the sub-inspectors or sergeants. If the power is given to them they will use that power in the presence of and on order from their superior officers. I submit that there will be no objection if the power is given to them only at such time whenever there is any riot. They should use that power only when there is a big fight between two parties and when their lives are in danger. When there is a riot the magistrate is required to be present either to ask the Police officers at the place of such occurrences or the military authorities if present to disperse the crowd if necessary. If a superior officer is given such power, there will not be any harm but when such powers are given to such officers, they should not use them under any provocation and if they do they must be severely punished and provision for this must be made in the Act. I also agree with my honourable friend Mr. Rahimtoola, when he says that powers should not be given to sergeants or sub-inspectors. I therefore object to the two sections as pointed out by me above and if the Honourable the Home member will improve them I shall have no objection to support the Bill. With such hopes I support the first reading of the Bill.

Sir VASANTRAO DABHOLKAR: As far as this Bill is concerned, we have to consider whether it is necessary or not. Some honourable members think that because of certain things going on in Bombay City, Government have introduced this Bill. I submit we should not impute motives. Mr. President, the first opposition was started by my honourable friend Mr. Surve. He is against giving any additional powers to police subordinates on the ground that we are passing through bad times. If we are passing through bad times, it is quite clear that every power should be given to police officers who have to face disorder. Furthermore, he refers to all-India policy. What has that all-India policy to do with giving powers to certain officers of the Bombay police force? I may submit what wrong is there if powers are given to the sub-inspectors and sergeants? They have to bear the brunt before the honorary magistrates arrive on the scene of disturbance with military. You are aware that at the Riot Enquiry Committee which was appointed it was suggested that an ordinary constable who has to face the mob should

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have something to defend himself. It was further recommended that in the cases of emergency police constables should be trained to use revolvers so that they should be able to defend themselves. This recommendation has not been taken into consideration by Government. Mr. President, it is no use quoting incidents like Bhendi bazaar incident. My honourable friend Mr. Marzban has given a certificate to sergeants and police officers for their work during riots and strikes. And if these officers are the first to rush into the crowds, is it not fair for this House to invest them with these powers for their personal protection?

The honourable member Mr. Surve has pointed out section 40 which reads:—

Any magistrate or officer in charge of a section may command any unlawful assembly or any assembly of five or more persons likely to cause a disturbance of the public peace to disperse; and.....

It is all right to quote these sections, but my honourable friend Mr. Surve forgets that the magistrates appear on the scene not immediately after the riot has broken out but when the military is there or when the matters are very serious and in that case only the magistrates are there. Further, he pointed to section 3. Mr. Surve says that these powers should be given provided the officer uses them in the presence of his superior officers. Now let us see whether this suggestion is a practical one. The very purpose of this legislation is to give these powers to sergeants, etc., because their superior officers cannot possibly be everywhere and cannot be with every sergeant in every part of the city of Bombay. Further, if these powers are to be used only when the superior officers are there, where is the necessity at all of investing the sergeants with these powers? It will then not at all be necessary for the sergeants to use such powers which will of course be used by their superior officers if they are present. It is therefore nonsense to say that the sergeants should use these powers only when their superior officers are there. How can we expect a Superintendent of a Division, who has to look after such a vast area extending over miles, to be with each sergeant, sub-inspector and inspector under him in times of disturbances or when unlawful assemblies start forming in the different parts of his division? Whatever powers are sought to be given by this bill, I do not think that those powers are likely to be misused by those who will be invested with them.

I hope that the honourable members of this House have not forgotten the tragedy of the mill strikes in which Mr. Priestley lost his life by having been done to death by a mob. How came he by his death? He was crushed with a stone. If you want one police officer of that enterprise to disperse a crowd or to rush through a crowd, if he has no power, what will he do? He has to do his duty and in doing his duty, he loses his life. If you want the policemen to do their duty, then you must invest them with such powers as are mentioned in this bill so that they may discharge their difficult and dangerous duties in times of

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emergencies. The times are serious and such powers are quite necessary to be given to the police force.

Much has been complained about the excesses of the police in Bombay, as has been told to us by the honourable member Mr. Marzban who said that he was speaking from personal knowledge. But the other side of the picture has not yet been drawn by any honourable member here. Let us assume for the sake of argument that the excesses were there. What was the cause of these excesses? If there is no law-breaking, would the excesses be there, and when there is a campaign of lawlessness and steps are being taken by the police to deal with such lawlessness, innocent men may also sometimes suffer along with the guilty. The excesses arise out of certain disturbances caused by certain class of people. It was said by the honourable member Mr. Marzban that the police sergeants never keep their heads cool. I do not know whether the honourable members of this House keep their heads cool at all times....

Mr. P. J. MARZBAN: I did not say, Sir, that the police sergeants never keep their heads cool. I said that they do not keep their heads cool sometimes in matters of emergency.

Sir VASANTRAO DABHOLKAR: In that case, I bow to the honourable member Mr. Marzban and accept his correction. I ask him, was it not, admitted by himself, that the sergeants kept their heads cool in the great mill strike last year and during the riots and did he not say that the situation was saved by these very sergeants during the last riots? When he has given them such a certificate, and the time has now come for this House to give such sergeants some extra powers to be used in times of emergencies, he wants to deny these to them. This policy of the honourable member Mr. Marzban is what I call "blowing hot and cold with the same breath".

My honourable friend Mr. Hoosenally Rahimtoola says that petty officers should not be invested with these powers, but he fails to understand how things really are. He knows the city of Bombay. He has experience of the people of the city of Bombay. He knows how a mob can rise and who have to face the mob. He knows that the honorary magistrates never face mobs unless they are accompanied by the military. The sergeants and their immediate superiors have to face the mob, and, therefore, is it not the duty of this House, when they are passing through critical times for so many years with so many mill strikes occurring in the city and other troubles of a serious kind, to give these powers to the police force? How many mill strikes have we had in the city of Bombay? How many riots of a serious nature have we had in the city of Bombay during the last few years? How many police officers and men have lost their lives in such disturbances? And how have the police behaved all along? They have been quite loyal to the service, without any strikes in the police force; even though there were strikes everywhere else, the police have continued to be honest and loyal policemen, faithful to their service. When all this is known to this House and when we know that the police service has suffered much and has to do very strenuous

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service for hours together, when they know how the Bombay City police force is undermanned, I am surprised at the opposition shown by so many of my honourable friends to this bill. Owing to a cut of two lakhs in the provision for the city police, the ranks of the Bombay city police could not be increased, it was found necessary to carry on with an undermanned police force, and although in the year 1916 the then Commissioner of Police Mr. Edwards recommended an increase in the city police force, it has not been possible to provide for that increase although we are now in the year 1930. This House cannot give the necessary funds with which to add to the police force of the Bombay city nor does it want to give any further powers to that police force; to do what? To save serious situations, to save the public from danger to person and property. It is not that the sergeants alone will benefit by that power. The residents of the city of Bombay will also share in that benefit which will be derived from a sense of increased security of life and property.

What is at the back of the minds of honourable members who are opposing this measure? Why should they talk of the present psychological moment? Why should they attribute motives to Government? Whether or not there is the psychological moment when the time comes to give such powers to the police force, is it wrong, I ask, on the part of the Government of Bombay to give such powers when you know, as a matter of fact, that whenever any order of the Police Commissioner is broken or whenever a procession is stopped, peace is disturbed? Take a big road like the Hornby Road of Bombay where the whole traffic is either totally suspended or seriously interfered every time a procession passes that way. There is a suspension of all public traffic for hours together. The police is unable to control it. The public is put to a great loss. The poor mofussil people who want to catch their trains on the G. I. P. Railway are unable to reach the Victoria Terminus station for quite a long time. Let my honourable friends from Bombay say whether what I say is true or not. When there is trouble on an extensive scale, there are bound to be some excesses. Who suffers most from such disturbances and breaches of the law? The public of Bombay itself. The time has in my opinion now come for this honourable House to pass the first reading of this bill.

In opposing this bill, my honourable friends have made no reference whatsoever to how the law is broken in the city of Bombay and how the public has suffered, but they have made much of the question of excesses on the part of the police. If they want to do justice both to the police force and to those who break the law, they must put the two in the scale and should not merely blame the police excesses. Honourable members from the city of Bombay know what nuisance it is when a procession is to be carried or when a prohibited procession is taken out in deliberate defiance of the police order. This kind of nuisance was never experienced by us before.

Mr. President, then as regards desertion, only one instance was quoted by my honourable friend Mr. Surve. Even assuming that this clause is

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introduced, do we not know that there is at present a regular propaganda going on to preach to the police forces to give up their service? Have we not seen leaflets being distributed to the police, whether it be in Bombay town or in any other part of the Presidency? Is it right for an outsider to prejudice the minds of the police against the service? What will happen then? It would simply amount to this, that they want the police to resign, and they want their own Raj, so much so that they can plunder the people. Even at this psychological moment, when the Government introduce a Bill to deal with deserters from the Force, where is the wrong? The instances are there, the facts are there, and if Government were not to introduce a Bill for dealing with deserters, I should say that the Government would be to blame. The question is whether the emergency is there or not—it is there—we as honest members must come forward to support the Bill. Of course, if the necessity is not there, we should oppose the Bill. But none of the members who have opposed the first reading of the Bill has said that there is no necessity for such a Bill, but in a round about way they say we should avoid legislation on account of the present situation. I say that honourable members have opposed the first reading of the Bill without balancing the facts. As regards disturbances and breaking of the laws in the city and the police excesses, if both these things had been compared by the honourable members who opposed the Bill, I would have congratulated them, but they only condemn the police on the ground of excesses without showing what caused them to commit the excesses. It is not fair for this House to listen to any debate of that character. On these grounds, Sir, I support the first reading of the Bill.

Mr. NOOR MAHOMED (Hyderabad District): Sir, you must have noticed that during the time I have been a member of this honourable House, I have never, not even on a single occasion, spoken on any Bill or measure pertaining to the City of Bombay, and if I make any remarks to-day on the present Bill, it is because I am told and also sincerely feel that the effects of this Bill will be felt in future years more strongly by the Mussalman community residing in the town of Bombay than by any other community, and I would request the Honourable the Home Member to consider whether it is wise to put this power into the hands of young men newly recruited into the police force. Sir, I was very greatly relieved to hear the Honourable the Home Member say that the present Bill has absolutely nothing to do with the present political situation. But, Sir, to tell you the truth, I was greatly alarmed when I heard the earnest advocate of the Government, Sir Vasant Rao Dabholkar, say that this was the psychological moment to pass this measure, that this was the time when such a measure should be passed. Now, Sir, I do not say that Sir Vasant Rao knows all the secrets of the Government, but I do say that sometimes he scents things very rightly, and what he has stated has made me suspicious about this Bill. Frankly, I say that I will be the last person to come in the way of the Government of Bombay suppressing the present civil disobedience movement, and I would therefore not come in the way of Government obtaining any legitimate powers

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that may be needed by them for putting down any dangerous movement. I think the honourable member Sir Vasant Rao Dabholkar has surveyed the present situation prevailing in Bombay in a correct measure. But I would appeal to the Mussalman members to consider clause 5 of the present Bill very carefully. I certainly do not want that any policeman, or police sepoy, or police constable should desert; and if there is any desertion now, it should be severely and strictly checked. At the same time, I have got no objection to the police obtaining powers for regulating traffic or assemblage of people nor do I object to police officers being in charge of pounds. I have no objection to any clause of the Bill except clause 5. Sir, when we consider the riots that took place—communal riots, or labour riots, whatever you call them—about a year back in the town of Bombay, and also the present political movement, certainly I think this is not the time when we can give the power to declare and disperse unlawful assemblies in the hands of either a sub-inspector or a sergeant who may be newly recruited into the force. I think that such a power should not be allowed to be exercised by police officers of that grade. My honourable friend Mr. A. N. Surve has rightly pointed out that even now the Superintendent of Police in charge of a section or division has got the power to put a senior police officer, not necessarily an inspector of police, in charge of a section, and such officer can declare an assemblage of people unlawful. The power which the police officers possess at present, in my opinion, is quite sufficient to meet the legitimate needs of the Government. I do not think that disorders will at any time spread to all the corners, all the streets, all the by-lanes of the town of Bombay at the same time; and therefore, as things are, I do not think it will be impossible for the police, with the powers they possess of meeting the situation. Even if such an emergency occurs, if such a chaos comes about in the town of Bombay when every lane and by-lane and every street and side-street comes to be disorderly, I do not think enough sub-inspectors and sergeants would be found to be present at all places declaring the crowds as unlawful assemblies, at all places.

Now, Sir, the declaration of a group of people as an unlawful assembly is a very serious matter. It requires long training in the police force to decide whether it has become unlawful. Yesterday, the Honourable the Leader of the House pointed out to the honourable members that the sergeant who attacked a Pathan who was ill-treating a dog in Bhendi Bazar did a very wrong thing, and that if this man who was assaulted had not replied in the same coin, the sergeant would have been tried in a court of law, and that no action could be taken by Government because the assaulted person had taken the law into his own hands. Now, I do not think that every man living in the town of Bombay is a Gujarati. I think there are many men in the town of Bombay who lose their patience sooner than Gujaratis. The creed of non-violence may not appeal to them.

The Honourable SIR ERNEST HOTSON: May I just correct the honourable member? What I said was that when the sergeant had assaulted the Pathan, the proper course for the latter was to have made a

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complaint before a magistrate, and that in default of such complaint it was not possible to take legal action against the sergeant. That is rather different from what the honourable member is now saying.

Mr. NOOR MAHOMED : I am thankful to the Honourable the Leader of the House for having repeated what he said yesterday. I am sure if an Englishman had been placed in the same position and had been attacked by a sergeant for having maltreated his dog, the Englishman would not have walked away coolly, would not have waited to purchase an eight-anna court fee stamp, approached a Presidency Magistrate and filed a complaint against the sergeant in the hope of getting a redress of his grievance six or seven days later. I think the Englishman would have brought his fists into play and struck the assailant at the earliest opportunity. I realise the difficult position of the Honourable the Leader of the House. Being in charge of Law and Order, he would naturally always advocate its preservation at all times. In this connection, I would not allow any racial discrimination to be made between a sergeant and an Indian sub-inspector. I would not like that a sergeant should not be given this power and an Indian sub-inspector should be given this power. I would request Government not to make any racial discrimination. If we are to take away the power, we should take it away both from the sergeants as well as the sub-inspectors on the ground that they have not had enough training in the police force to exercise proper judgment in declaring assemblies as unlawful assemblies. Therefore, Sir, I submit that all the other clauses have the heartiest support but not clause 5. Conscientious grounds prevent me from supporting clause 5. If we had not had experience of the two last riots we would have given our support to it. We have absolutely no desire to hinder Government in preserving law and order. But we do not want that innocent people should be molested by inexperienced sergeants or sub-inspectors. The inspector has a reputation behind him. He will not exercise these powers very abruptly. What I fear is that the sergeant or the sub-inspector will be tempted to show his power by displaying his pistol and revolver sooner than senior officers; his whole demeanour will be a demonstration of his authority and power and the readiness to shoot people. So, I do not think it can be right to give this vast power, as demanded by the Honourable the Leader of this House to a sergeant or a sub-inspector. I do not want to use any strong language, but in Bhendi Bazaar they have done their worst. The Mussalman community in India has not gone into the civil disobedience movement. But it was on account of the Bhendi Bazaar and the Peshawar incidents that Mussalmans became restive. It was a terrible thing what the police force did at Bhendi Bazaar. Many innocent persons were shot. I know Englishmen are very fond of animals and they treat them as kindly as their own children. I thought, Sir, the Honourable Minister for Education who has had experience of English life would corroborate me. Sir, an English lady or gentleman takes her or his dog under the cloak in rain. That is what we would do in the case of our children. I did not talk of this affection in any spirit of light-heartedness to give occasion

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to the Honourable Minister to laugh over it. If his dog was molested, the sergeant should have used better judgment. Since they are incapable of showing proper judgment, I do not think that the Leader of the House will be justified, when feelings are so strong, in investing the sergeants and sub-inspectors with this power. With these words I support all the clauses of the Bill excepting clause 5 and in the interest of good-will and harmony I will request the Leader of the House not to insist upon it. I sincerely feel that these young men who are just out of schools on the day they are appointed to the police force have not got the experience to exercise cool judgment, in times of difficulty. You know, Sir, that if a Mussalman in the town of Bombay tries to protect his person against assailants or protects his self-respect against undeserved or unjustifiable attack, he is at once called a "Mavali." That term is very lightly used against Mussalmans in Bombay; and under the cloak of that term a good deal of provocation is given to Mussalmans and also there is greater persecution of the members of our community. That was noticeable in the communistic or communal riots of Bombay; and we are therefore very apprehensive of giving the power of declaring an assembly as an unlawful assembly to sub-inspectors or sergeants. In the interests of Mussalmans, Hindus, Parsis, Christians as well as Indian Christians, who are also crying for Dominion Status, it would be better if this power were not given to Police officers of this grade. I am afraid a sergeant or a sub-inspector may mistake the mere whistling of a body of men to be a demonstration against him or against the Government; and if he declares them an unlawful assembly, he has merely to call out ten of his comrades from the neighbouring police station and the trouble would begin in earnest. I do hope the Honourable the Leader of the House would not be led away by the pleadings of the honourable member the gallant Knight of Bombay. His gallantry lies in making a pleasant or unpleasant speech in the House—pleasant to the other side and unpleasant to this side—and in making himself merry for a few minutes. Therefore I say what support he has given to the Leader of the House must be taken with great caution. I request the Honourable Leader of the House to discriminate between friends and foes; and also between friends and friends. I support the Bill except its clause 5.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): Sir, at this moment I shall merely advance general remarks on the Bill, because I shall have to speak on an amendment which I have already tabled. The wisdom of legislature lies in creating a sense of security and an idea of freedom in the minds of the public so long as they do not interfere with other peaceful citizens. With that view legislation has from time to time to cope with abnormal times given powers to such responsible officers who have had their training and who can understand their responsibilities. This we find in section 40. The officer in charge of a section or a magistrate having received judicial training and having undergone a sense of responsibility for a very long time he knows how to use his special power under special circumstances with a mind which is

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judicious and he does not make an arbitrary use of it. I therefore suggest that to give powers to persons who to my mind are not so responsible and are not so advanced to use these powers judiciously will be to create unnecessary disturbance and unnecessary disaffection in the minds of the people. I have therefore to suggest that the Honourable the Home Member will kindly see his way to withdraw this Bill.

Mr. THAKURSING LALSING (Karachi City): So far as this clause about desertion is concerned I submit that since the army deserters are met with some deterrent punishment I think it is also in place to see that these policemen are also dealt with accordingly. There should be a desertion clause as the Honourable the Home Member suggested. It is perfectly in order. I see that the duties of policemen are as onerous as those of the military men. He has also to take part in the maintenance of law and order. If policemen leave their duty and desert, naturally law and order which they are understood to maintain will be prejudiced. In order to safeguard that, the Leader of the House, who has proposed this desertion clause is perfectly justified and I support him.

Even with regard to the second clause against which there is so much conflict, it is not those sergeants who have just come into the land that are placed in command, but it is after the very great training that they get that they come into power and are placed in command. The sub-inspectors first go to the training school and after they come out they undergo a probation period of 18 months. They are not even then given charge but they are given charge of a section after 10 or 12 years. If this power was given to the sergeants and sub-inspectors, they will not use them indiscriminately, because they are not new recruits but generally they are men who have received sufficient training and can decide judicially whether they can disperse unlawful assemblies or not. Therefore I say that clause also appears to be necessary. I therefore support this Bill.

Dr. R. T. NARIMAN (Bombay City, South): Sir, in view of the opinions expressed on this clause up to this time I trust that the Honourable the Leader of the House will kindly see his way to drop clause No. 5. If that is done, I am sure honourable members will be too glad to support him.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (addressed the House in Urdu): Mr. President, I support the view that clause 5 of this Bill should be deleted. These powers might have been necessary when the riots were taking place in Bombay. But that was 12 to 14 months ago. I therefore do not think that in the present circumstances the powers should be conferred upon sergeants and sub-inspectors. Every old honourable member representing Bombay City has supported the deletion of this clause, except, of course, the honourable member Sir Vasant Rao Dabholkar. But he is a nominated member and is naturally supporting Government. The Council is going to be dissolved and . . .

The Honourable the PRESIDENT: The honourable member is making insinuations.

Mr. HAJI MIR MAHOMED BALOCH: This bill has been brought for protecting the lives of peaceful citizens. Why not then give this power to constables earning 20 to 25 rupees along with sergeants and sub-inspectors?

Even the magistrates use this power indiscriminately. When riots took place on the 16th May at Karachi, had not the Collector arrived on the scene, over 1,000 people instead of 16 or 17 people would have been shot. When we cannot depend upon magistrates, how do you expect us to depend upon sergeants and sub-inspectors? Instead of *lathi raj* as at present, there will be *gun raj*.

Government have realised that the House would be thinly attended as this is the end of the session and have brought this measure at the fag end of the session. I am strongly of opinion that clause 5 should be deleted.

Mr. J. B. DESAI (Gujarat Sardars and Inamdars): Sir, I rise to oppose this bill, especially the clause which seeks to confer additional powers on sergeants and deputy inspectors. I have been present on more than one occasion when the Bombay police came into clash with the public in Bombay. On all these occasions, Sir, I observed that the public behaved very peacefully and the police especially the sergeants not only used unnecessary force and violence, but appeared to have lost their heads altogether. Sir, it seems to me that the recruitment of these sergeants has been more on the basis of physical fitness rather than any quality of brains. In these circumstances, unless this side of the House is assured that in future the recruitment will be on the basis of either academic or similar educational qualifications, we cannot fully rely on these powers being used discriminately. Government have more than once tried to exonerate police actions by saying that they were absolutely necessary and mild. But, Sir, as I have already mentioned, I myself have witnessed many of these clashes and I venture to lay before this House that on more than five occasions these sergeants not only have tried to disperse the crowds but have rushed on passers-by who had nothing to do with the mobs. Sir, one has to see these sergeants' creditable performances to believe them.

In these circumstances, it would be very risky at present or even after some time to give these powers to the sergeants unless we are assured of the quality and the recruitment basis, of this pride of the Bombay police force. Sir, the sergeants have tried enough to bring our Government into discredit but if Government thinks that they have not sufficiently done so, I would not wonder if they do so in the very near future. I appeal, therefore, to the House to strongly oppose giving any additional powers to sergeants for the present.

Sardar Sir RUSTOM JEHANGIR VAKIL (Ahmedabad District): Sir, but for the recent happenings in Bombay I suppose this House would not have, in all probability, objected to this Bill being passed as it is. It appears to me that on account of the acts of certain police officers in Bombay, a certain class of officers has been marked out as absolutely unfit to be invested with powers which are contemplated in clause 5. I do not think it is right to class one particular section of a force as unfit

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because of the acts of a few persons. But I can see a strong feeling against clause 5 being passed as it is. Then it appears to me that the Honourable the Home Member might be prepared to make just a slight alteration which I beg to suggest, namely, instead of the present wording in the clause the wording may be as follows :

“ Or in his absence such police officer not below the rank of sub-inspector or sergeant as specially empowered by Government.”

Suppose there are 100 sub-inspectors and 100 sergeants in Bombay. There would certainly be a very large number of sub-inspectors and sergeants who might be considered by the Police Commissioner of Bombay as perfectly trustworthy and qualified to be invested with powers which clause 5 contemplates. The objection that is raised is that the sub-inspectors are not qualified so as to be invested with such powers. It has been said by the Honourable the Home Member that the high responsible police officers are not always present in different parts at the time of riots. But I do not wish to say anything more at this stage.

Dr. P. G. SOLANKI: I rise to support the first reading of the Bill and I am glad that certain provisions are made to restore order and peace in the city of Bombay. The citizens of Bombay are well aware of the heavy traffic that is going on in the streets especially the vehicular traffic and in order to preserve order, a clause is inserted in this Bill, which is absolutely necessary. But, Sir, I am very sorry to find that there is a certain clause which does not appeal to me and that clause is No. 5. I request the Honourable the Leader of the House to consider the matter. I am sure that the Honourable the Leader would not misunderstand me and suspect the honesty of my purpose when I urge him to delete clause No. 5. I make a request that no additional powers should be given to sergeants as well as to sub-inspectors. I do not make any distinction between the two. I want to know by way of information whether just as the sub-inspectors are made to undergo certain training in the training schools, the sergeants are made to undergo such kind of training in the schools. Many a time I find that these sergeants are of very young age and being rash become very rough and impertinent towards the citizens of Bombay. They harass the people without going into details of any case and even trying to find out what the case is about. They at once deal a high-handedly with the public at large without thinking for a moment over the aspect of the case or whether the man is guilty of any misconduct or not. These sergeants come, as my honourable friend Mr. Noor Mahomed said, direct from schools and have no experience of the world nor control over their tempers. Immediately after leaving the school they readily get a job in the police department as sergeants. We have the recent experience and bitter memory of happenings in Bombay. We find that these sergeants do not make any difference between a good citizen and a *mawali*. Sometimes it happens that some men whom are mere spectators standing to see what is going on in the street are assaulted by these sergeants. I may tell this House what happened just opposite Whiteaway Laidlaw's. There were many

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spectators who belonged to most respectable class, merchant class and also clerks working in solicitors' firms and also many graduates. They were handled very roughly by these sergeants, because they thought that the crowd was not likely to disperse without using force, in order to restore order and peace. Generally, I have seen, they carry with them either a cane or some sort of stick or lathi in their hands. The daily assaults by sergeants on the peaceful processions and crowds in Bombay have brought discredit to these sergeants and lowered the Bombay police in the estimate of the public. The Honourable the Leader of the House will be very well advised to delete this clause 5 and meet the unanimous opinion of the House. With these words, I support the first reading of the Bill.

(After recess.)

The Honourable the PRESIDENT: Order, order.

The Honourable Sir ERNEST HOTSON: Mr. President, it will perhaps save the time of the House if I say that in view of the almost unanimous opposition on the part of the honourable members who have spoken, I am prepared to drop clause 5.

Question put and leave granted. Clause 5 was by leave withdrawn.

Bill read a first time. Question, "That the Bill be read a first time," put and carried.

The Honourable Sir ERNEST HOTSON: Sir, I move that the bill No. XXVI of 1930 be read a second time.

Second reading. Bill read a second time. Question put and carried.

(Bill read clause by clause.)

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

Clause 2 (*Amendment of section 7 of Bom. IV of 1902*) ordered to stand part of the bill.

Clause 3 (*Amendment of section 33 of Bom. IV of 1902*) ordered to stand part of the bill.

Clause 4 (*Amendment of section 33 of Bom. IV of 1902*).

In section 33 of the said Act—

(a) to clause (f), the following shall be added, namely:—

"or of having committed an offence punishable under clause (c) of section 18"

(b) in clause (i), for the words and figures:—

"under sub-clause (iv) or (v) of clause (f) of sub-section (1) of section 22"

the following words and figures shall be substituted, namely:—

"under clause (b) of sub-section (1) of section 22 prohibiting the occupation of a street so as to cause obstruction to traffic or inconvenience to the public, or of any rule made under sub-clause (iv) or (v) of clause (f) of the said sub-section."

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): Sir, I beg to move the following amendment to clause 4 of this bill. My amendment runs thus:

Delete part (a) of clause 4.

Sir, I do not know how far I shall succeed in prevailing upon the Honourable the Home Member to bring him to my point of view. but I think it my duty to say things which I feel are both for the benefit

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of Government and of the police forces which have uptill now served Government most faithfully and most loyally. The note on clause 4 as printed in the statement of Objects and Reasons reads thus :

" It is difficult at present for the Commissioner of Police to deal effectively with deserters from the Bombay City Police force, i.e., those who leave the force without permission. An offence under section 18 (c) of the Act is not a cognizable offence. The deserter usually leaves for his native place and even if a summons can be served upon him there, there is little likelihood of his attending the Court in Bombay. He would either advance the plea of illness or ignore the summons and disappear for the time being. If the offence is made cognizable as proposed, the Commissioner of Police can have some of these deserters arrested and brought back to Bombay for trial. This provision will also be a healthy deterrent to intending deserters. It is therefore proposed to arm the Commissioner of Police with the necessary powers by making the offence under section 18 (c) of the Act cognizable."

As the law stands to-day, I believe there is ample power with Government to bring such deserters to justice and to book. The procedure, as at present followed, is that first a complaint is lodged with the magistrate and summons is issued by him against the deserters. In case the summons is not served or in case it is avoided, then under section 87 of the Criminal Procedure Code a proclamation can be issued. After that, if the deserter fails to appear before the court, section 88 of the Criminal Procedure Code enables Government to issue a declaration attaching the deserter's property. Here I would like to suggest that at present I do not think that a case has been made out to turn section 18 (c) of the City of Bombay Police Act Bombay Act No. IV of 1902 into a cognizable offence, first because this House has no information before it as to how many deserters have evaded the summonses, as to how many deserters have failed to appear before the court and as to how many deserters have never been brought under the provisions of the law to be brought to book or to be punished according to the law as it stands now.

I believe further, Sir, that the arm of the law is a very long one and if the worst criminals like murderers and dacoits can be arrested, I see no reason why these deserters cannot be arrested under the provisions of the present law. What I suggest is that there must be a sense of security in the minds of those recruits who come forward to join the police service. The present recruitment has been carried on under the present circumstances and the deserters have been dealt with according to the present law which Government have in their hands. Therefore, to make section 18 (c) a cognizable offence would, I believe, create a sort of terror or fear in the minds of the would-be recruits and in the interests of Government, I should suggest that Government should think it advisable at present as matters stand to-day to do away with this part (a) of the clause under consideration, clause 4.

Question proposed.

Dr. R. T. NARIMAN : Sir, this is a very useful clause, and I quite approve of it. I appeal to the House to pass it.

Mr. A. N. SURVE (Bombay City, North) : Sir, the amendment proposed is that desertion from the police force should not be made a cognizable offence. Now, the amendment proposed by the Bill is to clause (f) of section 33. Section 33 applies to deserters from His

[Mr. A. N. Surve]

Majesty's Army and Navy or His Majesty's Royal Indian Marine Service, and by the amendment proposed in the Bill policemen are to be brought in. As regards deserters from the Army and Navy or the Royal Indian Marine, these persons always wear their uniforms, and notice of their desertion is given in the *Government Gazette*. Naturally, they wear about themselves indications about their desertion, and therefore any police officer can by their uniform know that they are deserters. But in the case of a policeman who is a deserter, how is any person to suspect that he is a deserter? In the first place, no notice will be given in the *Government Gazette*. Another point is that the Honourable the Leader of the House has stated in the Statement of Objects and Reasons that these persons are absent in their native places. Now, my submission is that the Bombay City Police Act authorises a policeman or a police officer in Bombay to arrest a deserter under section 33, but section 33 is not applicable to mofussil areas. So, if a deserter from the police force is in his native place, how is a policeman of that part to exercise the power which is vested in the policeman in the city of Bombay? Therefore, I see that the position is difficult.

Another point is that if you see the number of actual deserters, it is such an insignificant number. The Honourable the Leader of the House has told us that his object is not to bring in those persons who actually desert, but those who are going to leave the service. About that point I might read from the Annual Report of the Police of the City of Bombay for the year 1928, statement E, columns 31 to 36. In those columns the number of persons who have left the service is given. Firstly, on pension or gratuity 73 persons left the service in the year 1928; then without pension or gratuity 65; by dismissal 19; by discharge otherwise than under the preceding columns 51; and the number of persons who deserted the service was only 1. Now, the number of persons who were dismissed or who left the service by reason of discharge otherwise than by resignation or dismissal is exceedingly great. In the case of resignations it is 55, dismissals 65 and discharged 51. As against that, the number of deserters is only 1. Is it right to give this further power when there is a case of only one desertion as against over 100 persons who have left the service from causes other than desertion? Therefore, I submit that the reason which the Honourable the Leader of the House has given, that persons take service in the police when they are unemployed and then leave the service is not convincing, and therefore I heartily support the amendment that is before the House.

The Honourable Sir ERNEST HOTSON: Sir, I did not quite follow the argument of the honourable gentleman that moved the amendment. I gather that he said that since murderers can be brought to justice under the existing law, why should not deserters be brought to justice under the existing law? Well, of course the reason is that the law affecting the two offences is quite different. If the same procedure applied to deserters as applies to murderers, I should have no reason to move the present amendment; because it does not, I am moving the amendment. I did not gather that the honourable member had any other argument.

[Sir Ernest Hotson]

My honourable friend Mr. Surve finds some deep laid plot in this amendment which.....

Mr. A. N. SURVE: I did not say there was a deep laid plot.

The Honourable Sir ERNEST HOTSON: I am very glad to hear that we are not accused of having entered into a deep laid plot. I was also told that what I said was entirely unconvincing. I would only quote now from the letter of the Commissioner of Police, dated the 27th October 1926. He said:

"I think that this legislation will prevent useless individuals from seeking service, and at the same time will in no way discourage the genuine recruit who desires to make the police service his profession."

That is what I said in proposing the first reading; that is exactly what the Commissioner of Police said 4 years ago. The fact is that at all times there is a certain amount of unemployment, and at all times there are a certain number of people who take up a job just for the moment, without the least intention of staying in it longer than they can help if they can find another job anywhere else. Since 1926, I am very glad to say that desertions have been extremely few. Before 1926 and until very recently there always were a certain number. The Commissioner of Police would not have proposed an amendment of the law if there had been no difficulty to meet; it is because there was a real difficulty that he has asked us to amend the law. Nothing in the present amendment can possibly affect the provisions of section 18 or of section 14, which describe the method by which a police officer may resign his office. Anybody who resigns legally will not be amenable to the provisions of the amendment now proposed. Anybody who has a genuine excuse, who, for example, is really ill, is always treated considerably. It is only in the case of a number of skrimshankers that this amendment is required, and I hope the House will agree to it.

The Honourable the PRESIDENT: The legal point that the honourable member Mr. Surve raised was, how the policeman in Ratnagiri would exercise the power given to the policeman in Bombay.

The Honourable Sir ERNEST HOTSON: I have not gone into that point. At all events, he can be arrested in Bombay before he gets to Ratnagiri or Kolaba. If he cannot be arrested outside Bombay city under this provision, so much the better for him. I have not gone into that.

Mr. A. N. SURVE: The police in the mofussil will have no power whatsoever to do it.

Sardar S. A. SARDESAI: The procedure in the mofussil is this, that the police cannot arrest a man direct; they have to approach a magistrate.

The Honourable the PRESIDENT: What is the honourable member saying?

Sardar S. A. SARDESAI: I am talking about the power of arrest in Ratnagiri.

The Honourable the PRESIDENT: The Honourable the Home Member has given the reply. No right of speech afterwards.

The Honourable Sir ERNEST HOTSON: The honourable member the Legal Remembrancer reminds me that a deserter can be arrested under section 54 of the Criminal Procedure Code. Section 54 says:

"Any police officer may, without an order from a magistrate and without a warrant, arrest—

"any person who has been concerned in any cognisable offence or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned."

Once desertion has been made a cognisable offence a deserter can be arrested anywhere under the Criminal Procedure Code.

Question, put and lost.

Clause 4 ordered to stand part of the Bill.

Clause 6, re-numbered 5 (*Amendment of section 51 of Bom. IV of 1902*) ordered to stand part of the Bill.

Clause 7, re-numbered 6 (*Amendment of section 113 of Bom. IV of 1902*) ordered to stand part of the Bill.

Clause 8, re-numbered 7 (*Amendment of section 120 of Bom. IV of 1902*) ordered to stand part of the Bill.

The preamble ordered to stand part of the Bill.

The Honourable Sir ERNEST HOTSON: I will move the third reading later on.

**BILL No. XXIX OF 1930 (A BILL FURTHER TO AMEND
THE BOMBAY DISTRICT POLICE ACT, 1890).**

The Honourable Sir ERNEST HOTSON: Sir, I introduce Bill No. XXIX of 1930 (A Bill further to amend the Bombay District Police Act, 1890.)*

The Honourable the PRESIDENT: The Bill is introduced.

The Honourable Sir ERNEST HOTSON: Sir, I move that Bill No. XXIX of 1930 be read a first time. In commending this Bill for the consideration of the House, the first point which I desire to make clear is the same as I mentioned in introducing the last Bill, namely, that this Bill in its origin has nothing whatever to do with the present campaign of civil disobedience. The amendments contained in it have been collected over a period of at least 9 years having originally come from many different sources, and the present Bill, except for one or two purely technical clauses such as clause 2, was actually submitted for consideration before the end of last year. The Bill as we now see it was ready in February of this year and normally it would have been published in March. As honourable members know, it is a convention that no Bills except those that are regarded as urgent are introduced in the budget session. Otherwise, this Bill might very well have been introduced then. It is my fault, perhaps I may rather say the fault of the gentlemen who, by organising the civil disobedience campaign, have caused my ordinary work to fall into arrears, that the publication has been delayed so long. The statement of objects and reasons is full and clear, and there are only a few points on which I should like to offer any remarks at this stage.

* Appendix 30-A.

[Sir Ernest Hotson]

It will be noticed that sections 3 and 4 deal with the recovery of rates or taxes in payment of the cost of additional police. The intention is that the duty of assessing and recovering such rates shall ordinarily be imposed upon the municipality, if a municipal area is affected by the orders just as it is at present, but if the city municipality is unwilling or fails to carry out any part of its duty, the Collector shall be required to take it over. I would remind honourable members of the discussion on the honourable member Mr. Surve's Bill of IX of 1926 which proposed to amend the Bombay City Police Act by transferring the duty of levying compensation for damages done during riots from the Municipal Commissioner to the Collector of Bombay. The principle of that Bill, which you will see is closely analogous to the principle of the present amendment, received much support, but it was thrown out, very largely because it was shown that the Collector of Bombay does not possess any staff for work of that nature, whereas the Municipal Commissioner does. As I said, that principle is analogous to this amendment, but it allows of the alternative procedure and is therefore more favourable to the municipalities.

Clause 10 concerns the lights to be carried on vehicles. This is one of the oldest proposals; it was first put forward in 1921 by the Ahmedabad municipality and later on by the Karachi municipality also. The proposal was delayed until an extensive revision of the Act could be undertaken and that has not been done up till now.

Clause 11 which deals with offences under the Prevention of Cruelty to Animals Act is very much needed to make the proper administration of the Act easier than at present. I think there will be general agreement that it is very desirable that powers should be given to the police to deal with the tricks and evasions by which persons guilty of cruelty to animals are now often able to escape punishment.

Clause 13 imports into the District Police Act several sections which have been found useful in Bombay City as empowering the Police to deal with suspicious characters. All the large cities in the presidency are now unfortunately haunted by men who make their living on crime just as Bombay itself is. The proposal that these sections should be incorporated in the District Police Act came first from Karachi but they will certainly be equally useful in Ahmedabad and elsewhere. Experience in Bombay has shown that these sections are not oppressive in their working and I do not think that this honourable House need have any fear that they will not be judiciously worked in the mofussil cities. I had hoped that I should today have had the support of Mr. Griffith, the Inspector General of Police, as an expert. Unfortunately he is indisposed. Nevertheless honourable members had the opportunity of welcoming him to the House yesterday and will, I am sure, be glad to see him at some other time when his knowledge will be useful to us. If honourable members require any further information about the clauses of the Bill, I shall be very glad to give it, when the proper time comes.

Bill read a first time. Question put and carried.

The Honourable Sir ERNEST HOTSON: Sir, I move that Bill No. XXIX of 1930 (A Bill further to amend the

Second Reading. Bombay District Police Act, 1890) 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 6 of Bom. IV of 1890) ordered to stand part of the Bill.

Clause 3 (Amendment of section 25 of Bom. IV of 1890) ordered to stand part of the Bill.

Clause 4 (Amendment of section 26 of Bom. IV of 1890) ordered to stand part of the Bill.

Clause 5 (Amendment of section 29 of Bom. IV of 1890) ordered to stand part of the Bill.

Clause 6 (Repeal of section 38 of Bom. IV of 1890) ordered to stand part of the Bill.

Clause 7 (Amendment of section 34 of Bom. IV of 1890) ordered to stand part of the Bill.

Clause 8 (Amendment of section 35 of Bom. IV of 1890) ordered to stand part of the Bill.

Clause 9 (Amendment of section 36 of Bom. IV of 1890) ordered to stand part of the Bill.

Clause 10 (Amendment of section 39 of Bom. IV of 1890) ordered to stand part of the Bill.

Clause 11 (Insertion of new section 51B in Bom. IV of 1890) ordered to stand part of the Bill.

Clause 12 (Amendment of section 61 of Bom. IV of 1890) ordered to stand part of the Bill.

Clause 13 (New section 61B, 61C, 61D and 61E of Bom. IV of 1890) ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

The Honourable Sir ERNEST HOTSON: Sir, as there are no amendments, I move that the Bill be read a

Third Reading. third time.

Question proposed.

Mr. D. D. NANAVATI: Sir I propose a verbal amendment:

"In clause 1, add the figure '0' after the figure '193'."

Question put and carried.

Bill read a third time. Question, "That the Bill, as amended, 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. XXXI OF 1930 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888).

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I introduce Bill No. XXXI of 1930 (A Bill further to amend the City of Bombay Municipal Act, 1888).*

The Honourable the PRESIDENT: Bill No. XXXI of 1930 (A Bill further to amend the City of Bombay Municipal Act, 1888) is introduced.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I move that Bill No. XXXI of 1930 (A Bill further to amend the City of Bombay Municipal Act, 1888) be read a first time.

First reading. This Bill contains a number of routine amendments which have come to Government from time to time from the Corporation and the Bill has been based on the suggestions made by the Corporation. I would mention the main features thereof.

Before proceeding further, Sir, I would request you to waive the rule requiring that the motion for first reading must be made seven clear days after the despatch of copies of the Bill.

The Honourable the PRESIDENT: Order, order. I am glad that the Honourable Minister has brought it to my notice that the Bill was published on the 11th and distributed on the 12th. It would, therefore, in the natural course of things, be ripe for being taken up on the 19th, that is to say, to-morrow. It is being taken up one day earlier. If the House has no objection, I would waive the provision of the Standing Order and allow the first reading.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, the Bill makes provision for requiring a deposit of Rs. 250 by a candidate at a ward election as well as election by co-option. The next provision is with reference to delegation of certain powers by the Municipal Commissioner to subordinate officers in order that there may be facility of working the administration. Another provision is with reference to the change of the designation of the Engineer from "Chief Engineer" to "Executive Engineer" and the granting of an allowance which has been mentioned in the Bill at the suggestion of the Corporation.

Then there are certain temporary appointments which the Municipal Commissioner is entitled to make but at the suggestion of the Corporation a provision has been made in the bill that temporary appointments should be made by the Municipal Commissioner with the previous sanction of the Standing Committee. Then there is a provision that the Fine Fund can be utilised for the purpose of giving compassionate allowances to widows and relations of deceased servants. There is also a provision in the Bill with reference to conferring powers on the Municipal Commissioner to compound, in particular cases, water tax dues. At present every time the Municipal Commissioner has to go to the Standing Committee and the clause in question provides for conferring powers on the Municipal Commissioner to compound the recovery of water tax without going to the Standing Committee in each case. There is also

*Appendix 31.

[Dewan Bahadur Harilal D. Desai]

a provision that the deposit of rubbish in certain places should be prevented by an order by the Municipal Corporation. The next provision is for levying advertisement fees for advertisements exhibited on tram cars. Lastly, there is a provision for levying town duty on "Vanaspati" ghee which comes to Bombay in large quantities.

These are some of the main provisions. They are of a routine character and have emanated from the Corporation. I therefore submit that the honourable House will pass the first reading of the Bill.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Sir, anything which is brought forward in this House is supposed to receive the consent of this House. But unfortunately that object will not be fully achieved in this case. Sir, especially clauses 3 and 4 of this Bill impose the necessity of depositing Rs. 250 by a candidate. I am sure this will be very hard for those candidates who come from the poor classes. Sir, because a certain candidate belongs to a rich class and he is in a position to deposit this sum, it should not be imposed on poor classes. This will not be a fair proposition. I think I have spoken on several occasions on the floor of this House about the election system of the Bombay Municipal Corporation. But, Sir, the attempt which is now made is of a double nature. It happens that on account of the bogus candidates, a heavy penalty is imposed on those *bona fide* candidates who come from the poorer classes. What should have been done is the other way. Those candidates who come with the intention of serving their own purpose should be penalised and not the *bona fide* candidates. But here we find that all the candidates are treated in the same way—whether he is a bogus candidate or a *bona fide* one. There have been many instances where one candidate, in order to draw more votes on his side, asks the other candidate to withdraw on the last day of the election; in such a way the other candidates suffer. I may be excused for telling this House that I myself suffered at the time of the municipal election. I, therefore, suggest that such persons should be penalised. By doing so, the door for poor candidates will be open. With these remarks I support the first reading of the Bill.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, I support the first reading of this Bill. The amendments proposed in this Bill have been approved by the Corporation and as far as I know they were recommendations in the first instance from the Corporation. There were no such serious objections raised in the Corporation as my honourable friend Mr. Surve has done. Sir, I do not see how the deposit or a security is going to be an obstacle in the way of poor candidates. Even at the time of the Council election this security is demanded. If the candidate is successful in getting the proportionate number of votes, the amount is refunded.....

Mr. A. N. SURVE: There is a great difference in the Council election and the ward election.

Mr. HOOSENALLY M. RAHIMTOOLA: I say that if a candidate gets a proportionate number of votes, he gets back his money.

Mr. A. N. SURVE : If you see the history of the past four elections you will be able to see that the poor candidates have suffered much.

Mr. HOOSENALLY M. RAHIMTOOLA : I submit that at the time of election even the poor candidates have to spend money.

The Honourable the PRESIDENT : The honourable member may argue on the point but should not argue with an individual member.

Mr. HOOSENALLY M. RAHIMTOOLA : I submit that this provision will prevent the bogus candidates from contesting the election. With these words, I support the Bill.

Mr. P. J. MARZBAN (Bombay City, South) : Sir, I rise to support this Bill. The fee of Rs. 250 imposed is proper, because I submit that there are several bogus candidates who contest the elections. I do not see how my honourable friend Mr. Surve says that the *bona fide* candidates also suffer. If a candidate is not sure to get a certain number of votes, such a man has no business to go out simply to see if some good "business" can be made out of it. At times it so happens that a bogus candidate is brought up by some other candidate in order to catch more votes either in his favour or to see that the votes are divided. I may tell you that when I stood from the A ward there were about three candidates who secured the votes as 4, 8 and 11 respectively! Such bogus candidates should be restricted from taking part in the election.

Rao Bahadur S. K. BOLE : Sir, I rise to oppose the first reading of this Bill. Particularly I take objection to the fourth clause of the Bill. I say that the candidates of the backward and depressed classes will suffer much as they will have to pay the heavy deposit of Rs. 250. Sir, I understand the case of those who are merchants and landlords. They can, of course, sign a cheque and hand it over to the Polling Officer, but the candidates belonging to the backward class will find it very difficult to give such a heavy sum. I would, therefore, request the Honourable the Minister to reduce the amount of deposit. In the mofussil municipalities the amount of deposit is only Rs. 25 or so. My honourable friend Mr. Marzban who interrupts me will of course be at all times ready to deposit not merely Rs. 250 but even more. That amount is nothing to him because he is the owner of the Jam-e-Jamshed press and paper and he is a gentleman at large.

In conclusion, I repeat my appeal to the Honourable Dewan Bahadur Harilal to reduce the amount and I hope that he will have no objection to do so.

Sir VASANTRAO DABHOLKAR : Sir, I rise to support the first reading of the bill. According to the honourable member Rao Bahadur Bole, everything should be given to the backward and depressed classes, whether rightly or wrongly. When this question came up for discussion in the Bombay Municipal Corporation, there was not a single dissentient voice raised against this Bill and now we hear wails not only from ex-members of the Corporation but also from the sitting members.....

Rao Bahadur R. S. ASVALE : Which sitting members of the corporation ?

Sir VASANTRAO DABHOLKAR: An ex-member is opposing this and I believe some of the sitting members also are opposed to the deposit being fixed at Rs. 250.

Sir, when there was going to be election by co-option to the corporation, there were ten seats and 40 candidates and every candidate thought that co-option was quite an easy thing, with the result that so much time and labour was wasted and more than thirty candidates could not get even a single first vote. If a candidate for co-option fails to get a single vote, his deposit is forfeited. So also in the case of ward elections. Mr. President, the honourable member Rao Bahadur Bole says that Rs. 250 is too much for a deposit in the case of candidates from the backward classes who want to seek election. Every member who seeks election to the Bombay Municipal Corporation has to spend nearly ten times the amount of the deposit in bringing voters to the booths, or hiring motor cars for voters, maintaining canvassing staff and so on. The expenses of election from the less populated wards such as F and D amount to not less than Rs. 1,000 and if a candidate is quite sure of getting himself elected by spending one thousand rupees, surely he will not grudge to deposit Rs. 250. But if any bogus candidate stands with some ulterior object and if he is not able to secure a sufficient number of votes, why should not his deposit be forfeited? Even in the case of the Bombay Legislative Council elections and the Assembly elections, Government have made a rule after the lowering of the franchise to Rs. 10, to the effect that if the candidate does not get a sufficient number of votes, his deposit is forfeited. In those cases members of the backward communities never objected. In fact they succumbed to the wishes of Government, but when the question of deposit for election to the Corporation comes forward, they say the deposit should be a small amount. In the Legislative Council only one seat is reserved for representative of the backward classes as far as Bombay city is concerned, while in the case of the Corporation there are more than 80 to be elected. Is it therefore very hard on the candidates to ask them to deposit Rs. 250? I think not.

On these grounds, I think the Honourable the Minister has done the right thing in this matter and therefore I heartily support the first reading of this bill.

Dr. P. G. SOLANKI: Sir, I rise to support the first reading of this bill. The plea brought forward by my honourable friend Rao Bahadur Bole may tend to a certain extent in helping the backward and depressed classes, but in order to have a fair trial and to get merely deserving and efficient men to serve on the Corporation and to carry out the city's civic duties, it is I think but just and fair that there should be a deposit of Rs. 250 which I do not think will be too much, and the figure suggested in this bill must be retained. There have been instances, as the previous speakers have pointed out, of bogus candidates who have come forward even from the backward classes as *bona fide* candidates and who have at the eleventh hour withdrawn from their candidature. There must therefore be some way of checking this tendency.

I congratulate the Honourable the Minister for Local Self-Government for the suggestion for asking for a deposit even from candidates standing

[Dr. P. G. Solanki]

for election by co-option. It is a good suggestion in my opinion. It is the experience of many members of the Bombay Corporation that rich people who do not know even English come forward to compete for co-option in the Corporation. During the last co-option there was a thick rumour that for a single vote one thousand or two thousand rupees were paid, to secure one seat on the Corporation. They look upon the nominated members as the creatures of Government and they boast that they come by the unanimous election by elected members of the Corporation. I am very glad that the Honourable the Minister has put a stop to all these things and I trust that the clause regarding the deposit of Rs. 250 will be retained in this bill, so that it can bring in really deserving and efficient men to work in the Corporation.

With these words, I do heartily support the first reading of this bill.

Mr. SYED MUNAWAR : Sir, I rise to support the first reading of the bill. This bill is comprehensive and contains many diverse matters pertinent to the improvement of affairs in the Corporation, excepting so far as the deposit which is called for from candidates at general elections and for co-option is concerned. I think that the deposit figure is too much. It should be reduced to a lower figure as suggested by my honourable friend Rao Bahadur Bole. In other respects, for instance, licensing of all advertisements by the Tramway Co. and the fixing of water rates in respect of the Port Trust premises and other matters, they have all been thoroughly dealt with and the provisions made with regard to them are quite essential and satisfactory. The defects which existed in these respects have been removed by the Honourable the Minister who certainly deserves the congratulations of this House.

With these words, I support the first reading of this Bill.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (In Urdu) : Sir, I rise to support the first reading of this bill and also the suggestion made by my honourable friend Rao Bahadur Bole that the deposit amount should be reduced, as the figure Rs. 250 is too high to be asked from candidates for municipal elections. Rao Bahadur Bole says that the amount should be fixed at Rs. 25. I would say that the amount of deposit may be fixed at Rs. 100, neither Rs. 250 nor Rs. 25.

I see that my honourable friends Dr. Solanki and Mr. Syed Munawar are both agreed in supporting the first reading of the bill but that in the matter of the deposit figure, the one would like to keep Rs. 250 as the deposit figure while the other prefers the figure of Rs. 25 suggested by the honourable member Rao Bahadur Bole. We have thus the curious spectacle that although all the four namely, the honourable members Sir Vasant Rao Dabholkar, Rao Bahadur Bole, Dr. Solanki and Mr. Syed Munawar, are all nominated members, they are equally divided on the question of the deposit amount. The honourable members Sir Vasant Rao and Dr. Solanki are for retaining the figure at Rs. 250 while the honourable members Rao Bahadur Bole and Mr. Syed Munawar are for reducing the deposit figure to Rs. 25. Of course rich candidates like my friend Sir Vasant Rao would not object even if the deposit figure were

[Mr. Haji Mir Mahomed Baloch]

raised to Rs. 2,500 but we must remember that all the candidates seeking election or co-option to the Bombay Municipal Corporation are not going to be all Sir Vasantraos or Marzbans or Petits. In these democratic days, there will be many coming forward from the poorer classes to stand as candidates. He should not be asked to deposit Rs. 250. My friend Sir Vasantrao Dabholkar says that to a man who spends Rs. 1,500 on an election, a deposit of Rs. 250 is not too much. I should like to bring to his notice that in Karachi also there are fit persons who would like to work in the Corporation, but they cannot deposit Rs. 100. The expenses of such persons are borne by their friends. There are people who have the support of the public and the confidence of the public, but they are poor, and to them a deposit of Rs. 250 would be too much. Government say that they would like such people to be in the municipality. When we get further Reforms the members of the Legislative Council will be all elected. In municipalities also, the nomination of members belonging to the depressed classes and other minorities will be dispensed with. The municipalities will be wholly elective. Under those circumstances, it is not right that poor candidates who wish to be in the municipalities should be discouraged by being asked to deposit Rs. 250. I think Rs. 100 deposit is quite enough to prevent bogus candidates from standing up. If Government want to put into action their sympathy for Labour and the poorer classes, they should be satisfied with a deposit of Rs. 100, and I hope they will agree to this suggestion.

The Honourable the PRESIDENT: I have got two amendments in my hand. They have just been handed over to me. They are both amendments of principle, and therefore they must be disposed of at the first reading. The first is by the honourable member Mr. A. N. Surve, as follows :

Delete clause 3 and clause 4.

If that amendment is not carried, then there is another by the honourable member Rao Bahadur Asavale, as follows :

In clause 4, section 26A (1), line 8, for the word "two" substitute the word "one".

The amendment of the honourable member Mr. Surve, to omit clauses 3 and 4 will be first before the House. The House can discuss the amendment as well as the general principles of the Bill.

Rao Bahadur R. S. ASVALE (Bombay City, North) : Mr. President, I do not oppose the whole Bill before the House. As my amendment indicates, I am opposed to the amount of the deposit money required from the candidates for election to the Bombay Municipal Corporation, under clause 4. Sir, it is very easy to say that any candidate who wants to stand for election to the Municipal Corporation can deposit Rs. 250. But, Sir, those who have advocated this principle have forgotten that the future franchise will be so widened that many people belonging not only to the backward communities but also to the lower middle classes, even from the Parsi community would like to be in the Corporation to look after the interests of the city and particularly the lower and upper middle classes. So also Labour would like to send in its representatives.

[Rao Bahadur R. S. Asavale]

It would be very difficult for a middle class man who may be earning Rs. 200 in the city of Bombay to save the amount of Rs. 250. My honourable friend Mr. Hoosenally M. Rahimtoola has stated that every candidate requires at least Rs. 1,000 for his election expenses. What would that prove? It would prove that a candidate who wants to stand for election to the Corporation will have to spare at least Rs. 1,250. If that amount is not with him, the man is barred from standing as a candidate, and he would never succeed, even though many people would wish to send him to the Corporation. The difficulty, as I have pointed out many times in this House, is that the present Corporation is full with the representatives of the richer classes. If the present Corporation had consisted of adequate representatives of the middle classes and the labouring classes, the resolution of taking deposit of Rs. 250 that was passed in the Corporation would never have been passed. There was an opposition to it, and an amendment was moved there that only a deposit of Rs. 100 should be taken. There was not a single corporator who was totally opposed to any deposit being required. That was the right view to take, because otherwise the elections that are taking place at present would go worse and worse day by day, as has been pointed out in the Statement of Objects and Reasons referring to clauses 3 and 4. No doubt some of the persons have been put up by the other candidates to secure more representatives for them to work in the polling booth as their agents. It is not like the Council election that only one representative is allowed for one candidate as his agent at the polling booth but in the elections to the Corporation every candidate is allowed six representatives as agents in the polling booth, and the man who puts up a bogus candidate gets 12 agents to work for him in the polling booth, and that enables him to secure more votes and success. But, Sir, as I have pointed out, the proposal was not at all passed in the Corporation without opposition. There was an amendment, but the amendment failed because the Corporation did not consist of more members belonging to the middle and labouring classes compared with the number of members representing the richer classes. It is with this object that I have given notice of my amendment, and I hope the Honourable Minister will consider twice before he proceeds further and help at least at this moment the labouring and the lower middle classes, for whom Government themselves wish there should be adequate representation. So also representation must be given to almost every community, and their representatives must be present there in order to protect their interests in the Corporation and in the city of Bombay. With these few remarks, I support the amendment. If this amendment is not acceptable to the Honourable Minister I hope that the Honourable Minister for Local Self-Government will at least support my amendment, so that there would be no delay in passing this Bill.

The Honourable Sir GHULAM HUSSAIN : Sir, I should like to make a few observations in regard to this amendment. I would have given my whole-hearted support to the amendment had the penalty been for all unsuccessful candidates. But this deposit is meant only for those

[Sir Ghulam Hussain]

candidates who fail to get at least one-eighth of the total number of votes polled. My honourable friend from Karachi seems to think that the object of the Bill is to prevent the labour representatives from contesting in the elections. I think that is far from the intention of the Honourable Minister. This is only intended to prevent bogus candidates from standing. If a poor man is popular with the people and can command their sympathy and their suffrage, he need have no fear at all of this section. He is sure to get more than one-eighth of the votes as proposed in the Bill. He has only to deposit the money; but he is not to forfeit it from the start. A man who can stand for election in a city like Bombay cannot but have Rs. 250. Otherwise it would be impossible for him to stand at all. Looking to the number of voters, the election will cost him much more.

As regards co-option also, the intention of the Bill is to prevent bogus candidates from standing. When there were 10 seats to be filled by co-option, so far as I remember, there were 50 candidates and sometimes more. Some candidates are put forward in order to split votes. Even in co-option, if the candidate gets less than one-eighth of the votes as proposed in the Bill, then only will he forfeit the deposit and not otherwise. I think this is a healthy provision. A candidate who can command votes need have no fear. If he is popular, he should be able to secure more than one-eighth of the votes as proposed.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, may I speak on the amendment?

The Honourable the PRESIDENT: I got the honourable member's amendment late. If he wants he can speak on the point.

Mr. HOOSENALLY M. RAHIMTOOLA: My honourable friend Rao Bahadur Asavale said that I mentioned the figure Rs. 1,000 as the minimum expenditure for a candidate who stands for municipal election. As far as I remember I never mentioned any figure. I said that if a candidate stood for municipal election in Bombay it would cost him some money. If a man can afford to find money from his friends in the case of Bombay municipal election.....

The Honourable the PRESIDENT: That was the argument adduced by the Honourable the General Member.

Mr. HOOSENALLY M. RAHIMTOOLA: He has quite forgotten that the deposit is not required from the candidate standing for election in the labour constituency, which returns four members. For that constituency no deposit is required.

Sardar S. A. SARDESAI (Bijapur District): Sir, I originally intended to support the amendment before the House. But, after hearing the explanation from the Honourable the General Member, I do not propose to support the amendment for the simple reason which the Honourable Member explained. A candidate who can afford to stand for Bombay municipal election can easily find Rs. 250. I have stood for election three times.

The Honourable the PRESIDENT : For the Bombay municipality ?

Sardar S. A. SARDESAI : No, Sir ; for the Council. Whether it is Bombay municipal election or Council election, practically there is no difference. During all the three times I stood for Council election as a candidate, there were bogus candidates and sometimes they could not succeed in bringing money to deposit. I think it was on the second occasion one bogus candidate succeeded to bring money by deceiving somebody. He had no chance of getting success and he was perfectly a bogus candidate. How he deceived and brought the money, I do not wish to tell the House, except that he got the money by most dishonourable means. It is a past affair and I do not wish to disclose that affair and put him to shame. Looking to these circumstances, I think this Bill is perfectly justified in providing for deposit of Rs. 250. Therefore, I do not wish to support the amendment.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, on the question whether a deposit is necessary at a ward election or election by co-option, the majority opinion seems to be in favour of there being a deposit. Several honourable members have given reasons in support of it. So, I do not wish to labour the point. As regards the amount of deposit I am prepared to consider. With reference to the fact whether deposit should be made necessary at ward elections as well as at elections by co-option, there is not any great difference of opinion. I have had occasion to attend the general elections in Bombay of wards a year and a half ago. I noticed then that several candidates who were not *bona fide* candidates but who were purely blackmailers or helpers were put up for the purpose of bringing voters, for which they got money. That is what I have found at municipal elections in Bombay. The general public was remarking that a particular person was the real candidate and that the others were bogus candidates. After such occurrences, the Corporation has thought it right that there should be a deposit and in accordance with that a provision has been made in the Bill.

It was also stated that poor but good people cannot afford to deposit Rs. 250 ; and therefore there should be no deposit or the deposit should be very small. I submit that people who in a city like Bombay cannot find Rs. 250 are people whom Government would wish not to be on the Corporation. If they find it hard to make both ends meet, how can they attend to the business of the Corporation and how will they be able to attend meetings of the Corporation every third day in a month ? So, the point is that men who can afford both time and leisure can alone be the fit persons to attend to the civic affairs. Those who want to go there for sentimental reasons or for other reasons had better keep out. Therefore, I think honourable members should insist upon the question of deposit.

Question, " That clauses 3 and 4 be omitted," put and lost.

The Honourable the PRESIDENT : There is a second amendment to clause 4 for the omission of the words " and fifty ".

Rao Bahadur R. S. ASVALE : The Honourable Minister accepts it,

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes, Sir, I accept it.

Mr. HOSENALLY M. RAHIMTOOLA : I object to this sort of bargaining.

Mr. P. J. MARZBAN : On a point of information, Sir. If some honourable members here are firmly convinced that Rs. 250 is the irreducible minimum, will the Honourable Minister in fairness now withdraw from the original figure ? Otherwise we would be compelled to move an amendment. Suppose we are for the retention of Rs. 250 as the deposit. In that case, how can the Honourable Minister leave us in the lurch and agree to Rs. 200 ? Therefore, if the Honourable Minister agrees to Rs. 200, I will have to move an amendment.

Mr. A. N. SURVE : I think the compromise which is being arrived at at this stage should not affect my right of moving my amendments at the second reading stage of the Bill.

The Honourable the PRESIDENT : We are discussing clause 4 now. The honourable member's amendment is to delete clause 4.

Mr. A. N. SURVE : I am going to move my amendment at the second reading.

The Honourable the PRESIDENT : Which is that amendment ?

Mr. A. N. SURVE : Clause 3.

The Honourable the PRESIDENT : I would put that amendment just now.

Mr. A. N. SURVE : What I beg to mention is that some compromise is being arrived at, and that it should not affect my right of moving my amendment, at the second reading stage.

The Honourable the PRESIDENT : Order, order. There is some misunderstanding in the mind of the honourable member. The honourable member placed in my hand two amendments one for the deletion of clause 3 and the other for the deletion of clause 4. They were discussed in the House. I took them as amendments of principle and therefore allowed the discussion in the first reading. They have both been defeated, because the discussion on both was practically the same, and if one is defeated, the other also is defeated. The principle underlying both clauses is the same. Clause 4 depends upon clause 3. Therefore, the amendments are lost. As I told the honourable member, he cannot now move any of the amendments at the second reading if that is reached. Is that clear to the honourable member ?

Mr. A. N. SURVE : Yes, Sir.

The Honourable the PRESIDENT : The other amendment for reducing the figure of deposit may be a matter of detail and can be discussed at the second reading stage.

Now, the original motion is that Bill No. XXXI of 1930 (A Bill further to amend the City of Bombay Municipal Act, 1888) be read a first time. Bill read a first time. Question put and carried.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I move
that Bill No. XXXI of 1930 (A Bill further to amend
the City of Bombay Municipal Act, 1888) be read
a second time.

Second reading. Bill read a second time. Question put and carried.

(*Bill read clause by clause.*)

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

Clause 2 (*Amendment of section 3 of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 3 (*Amendment of section 26 of Bom. III of 1888*) :

"After sub-clause (i) of clause (e) of sub-section (2) of section 26 of the said Act, the following shall be inserted, namely :—
'(ii) has not made or caused to be made the deposit referred to in sub-section (1) of section 26A, or'."

Mr. A. N. SURVE : Sir, I beg to oppose clause 3 of the Bill. From the discussion that has taken place, some sort of misapprehension seems to have been created. There is nothing common between a Council election and a municipal election.

The Honourable Dewan Bahadur HARILAL D. DESAI : Have we not decided as a matter of principle that the deposit clause should be added ?

Mr. A. N. SURVE : My right to oppose it still survives.

First, in the Municipal Corporation election, the candidate is at liberty to convey his voters to the polls in conveyances. But in the Council elections that privilege is taken away. In the Council elections no candidate is allowed to take his voters to the polling booths.

The Honourable the PRESIDENT : What is it that the honourable member wishes to argue ?

Mr. A. N. SURVE : That this clause should be deleted. I am opposing it.

The Honourable the PRESIDENT : He should not oppose the principle now because the stage has passed.

Mr. A. N. SURVE : I am giving my reasons why clause 3 should not stand part of the Bill.

The Honourable Dewan Bahadur HARILAL D. DESAI : As the principle has once been decided, how can the honourable member say, at this stage, that no deposit is necessary ?

Mr. A. N. SURVE : I must convince the House.....

The Honourable the PRESIDENT : How ? Supposing the honourable member succeeds in convincing the House, what use will it be ? The principle of the bill will be defeated ; and the principle of the bill has been accepted. He can oppose the clause on other grounds. I cannot allow a discussion of that kind.

Mr. A. N. SURVE : In that case I do not wish to press the point.

Clause 3 ordered to stand part of the Bill.

Clause 4 (*new section 26A of Bom. III of 1888*):

4. After section 26 of the said Act, the following shall be inserted, namely:—

"26A. (1) On or before the date appointed for the nomination of candidates for a ward election or for election by co-option each candidate for election or co-option, as the case may be, shall deposit or cause to be deposited with the Commissioner the sum of two hundred and fifty rupees in cash or in Government Promissory Notes of equal value at the market rate of the day, and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(2) The deposit shall be returned if—

- (a) the candidate is declared or is deemed to be duly elected, or
- (b) the candidate signifies his intention in writing to the Commissioner one day before the day fixed for the poll not to contest the election, or
- (c) the nomination of the candidate is declared invalid, or
- (d) the candidate dies, in the case of a ward election after the scrutiny of nomination papers and before the commencement of the poll, and, in the case of an election by co-option, before the day fixed for the election by co-option, or
- (e) the candidate fails to be elected but secures a first vote in the case of an election by co-option, and, in the case of a ward election valid votes in excess of the number specified in sub-section (4).

(3) The deposit shall be returned to the person by whom it was made. If a candidate dies in the case of a ward election, before the day fixed for the poll, or, in the case of an election by co-option, before the day fixed for the election, the deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.

(4) If a candidate is not elected and if, in the case of an election by co-option, he fails to secure any first vote, or, in the case of a ward election, if the number of valid votes polled by him does not exceed one-eighth of the total number of valid votes polled divided by the number of councillors to be elected in the ward for which the candidate is nominated, the deposit shall be forfeited to the Corporation.

(5) The deposit shall, if it is not forfeited, be returned as soon as may be after the declaration of the result of the election under section 32:

Provided that if a candidate is duly nominated at a general election in more than one ward, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the Corporation."

Rao Bahadur R. S. ASAVALE : I beg to move :

"Delete the words 'and fifty' in clause 4."

Question proposed.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I accept the amendment.

Mr. HOOSENALLY M. RAHIMTOOLA : Sir, I oppose the amendment. I do not know why the Honourable Minister should agree to the reduction of the amount of deposit. I oppose the amendment on principle, because it is against the recommendation of the Corporation. If a candidate can spend Rs. 1,000 for his election expenses, I do not see how he will not be able to find Rs. 250 more for the deposit.

The Honourable Dewan Bahadur HARILAL D. DESAI : The intention is that the deposit in this case should not be the same as for the Council election. It is not desirable that it should be on the same level.

Question put and carried.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 (*Amendment of section 68 of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 6 (*Amendment of sections 74, 75, 85, 328, 347 and 436 of Bom. III of 1888*) ordered to stand part of the Bill.

[Dewan Bahadur Harilal D. Desai]

Clause 7 (*Amendment of section 74 of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 8 (*Amendment of section 80-A of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 9 (*Amendment of sections 83, 114, 121, 124 and 501 of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 10 (*Amendment of section 111 of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 11 (*Amendment of section 169 of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 12 (*Amendment of section 306 of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 13 (*Amendment of section 313 of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 14 (*Amendment of section 314 of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 15 (*Amendment of section 328-A of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 16 (*Amendment of section 394 of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 17 (*Amendment of section 471 of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 18 (*Amendment of section 472 of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 19 (*Amendment of section 490 of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 20 (*Amendment of section 527 of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 21 (*Amendment of Schedule H of Bom. III of 1888*) ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, in
Third reading. view of the fact that there is an amendment which
is only very small and accepted by me, I move that
Bill No. XXXI of 1930 be read a third time.

Question proposed.

Mr. D. D. NANAVATI: Sir, I beg to move a verbal amendment as follows:

"Add a zero in clause 1 to the figures '193' to read as '1930'."

Question put and carried.

Mr. SYED MUNAWAR: Sir, in clause 21 the word "Ghee" is spelt as "Ghi." It should be amended so as to read "Ghee."

Mr. D. D. NANAVATI: Sir, that is only a question of spelling.

The Honourable the PRESIDENT: But I want to know which is correct.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, in the Municipal Act it is spelt as "Ghi".

Mr. D. D. NANAVATI: Sir, I am sorry to trouble you again with another amendment which I move as follows:

"In clause 1 add the word "third" before the word "Amendment".

After making this amendment clause 1 will read thus:

"This Act may be called the City of Bombay Municipal (Third Amendment) Act 1888."

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.

SUPPLEMENTARY GRANT.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I make a demand for a supplementary grant* by a token grant of Rs. 10 to be added to "41, Civil Works, partly Reserved and partly Transferred". This demand is made for providing temporary jails at Visapur and Yeravda. The statement gives the necessary information. On account of more prisoners we have to provide more accommodation. Therefore this demand is made. I may tell this House that this demand has been approved of by the Finance Committee.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Sir, I beg to oppose this demand. You will see, Sir, that before this House there are three demands and they are meant in pursuance of a policy which is being pursued by the Government. The whole presidency is against this particular policy which is being pursued. Government have been requested to revise this policy but so far we have not received a favourable response. I, therefore, request the attention of the whole House, because it is a question of policy.....

The Honourable Sir ERNEST HOTSON: Is the question of policy in order on this Demand?

The Honourable the PRESIDENT: Is the honourable member discussing the policy of jail administration?

Mr. A. N. SURVE: I am discussing the policy of jail administration.

The Honourable the PRESIDENT: I do not think that that would be in order.

Mr. A. N. SURVE: Very well, Sir. Then I shall refer to the particular matters that are relevant to the present discussion. This demand refers to the Visapur jail and to the old members of this House, the Visapur jail is a familiar prison (Laughter). It does not mean that the honourable members of this House have been thrown into that jail but what I mean to say is that several members of this House are

[Mr. A. N. Surve]

honorary visitors to prisons and they go there to see that the prisoners are treated in a humane way.

The Visapur Jail is a condemned jail. The Jails Enquiry Committee have condemned it in very harsh terms. You will notice the word used there, that Visapur Jail is an extra-mural jail, which means that that jail has no walls and no cells and therefore at one time the prisoners there used to be tied to one long iron chain which was called the bel-chain, and on that very account the Jails Enquiry Committee considered this kind of treatment as inhuman. I am aware that certain matters were taken up and improvements effected therein, but those were temporary. Some cells are now provided, I hear, but as the jail had to be abandoned, it was not brought up to the pattern which is the sanctioned pattern prescribed for jails. Therefore, I submit that as the Government is going to use this abandoned jail which does not contain the sanctioned equipment, this House should not sanction this demand.

The Honourable the PRESIDENT: This is a demand for the repairs of that jail.

Mr. A. N. SURVE: This demand should not be given because even when the repairs are made, still the old defects would remain there and the prisoners will not get the comforts which are required for human beings. The prisoners who were confined in the Visapur jail came from the lowest class of criminals but we know now for certain that the Satyagrahis are going to be transferred there and as the place is a very unhealthy place, they should not go there.

Another point to which I may draw the attention of this House is that the sanction has been given without estimates. No estimates have been placed before Government and in that direction I may tell the House that two statements for this demand were placed in our hands. The first statement is dated the 8th July and the revised statement is dated the 11th of July. In the statement of the 8th of July a demand was made for Rs. 47,500, but in the statement dated the 11th July, a demand for Rs. 1,70,000 is made. So, Sir, in three days you see that the demand has jumped to over a lakh of rupees. If Government is going to execute the work on those lines, I do not know where the estimate will stop. For these two reasons I submit that this demand be not granted.

Mr. NOOR MAHOMED (Hyderabad District): Sir, I have already pointed out in the earlier part of this afternoon that, as a community, the Mussalmans are not in the political movement that is prevalent in the country. But that does not prevent us from saying something with regard to the Visapur jail and the repairs and the original works that are being carried on there, because I feel that those who would be confined there would be in most cases educated men, men who have not committed any offence involving moral turpitude. Perhaps there is nothing on the record to justify me to point out that such would be the case. But the general impression seems to be that the prisoners in the Visapur jail would be what are called Satyagrahi prisoners. If that be so, I would request the Honourable Minister in charge of this motion on behalf of

[Mr. Noor Mahomed]

those who represent the Mussalman community in this House to make the lot of the prisoners in this jail not more unhappy than what it already is. I believe, and I know from all accounts that we heard of this jail in the last Council, that there are no water arrangements in this jail, that there is not even enough water for bathing purposes, that there is not enough water for drinking purposes. These were the things that were brought out in various discussions in this House. Another thing for which the Visapur jail has earned great notoriety is the system of bel-chains. I do hope, Sir, that this jail is going to be temporary, in view of the prevalent atmosphere of reconciliation of which we heard this morning, but I do hope that the Honourable Minister will not make conditions so hard as to leave feelings of bitterness in the minds of these Satyagrahis against the Government when they come out. This is a very great point. We know the difficulties of Government. Having arrested these men, they have to lodge them somewhere. Perhaps the Yeravda jail where I find they are going to make additions costing Rs. 1,10,000 is not sufficient. I wish it were possible for Government to lodge all these prisoners in Poona, where the climate is certainly better than at Visapur, but probably—I find the Honourable the Leader of the House shaking his head—that is not possible; it is not possible for Government to lodge all of them in Poona. Even then, that does not prevent me from making an earnest appeal to the Honourable Minister who is himself a Gujarati gentleman.....

The Honourable Dewan Bahadur HARILAL D. DESAI: I am in charge of making arrangements for prisoners in jails on behalf of the Public Works Department, but it is my honourable colleague the Leader of the House who is in charge as to whom to put where.

Mr. NOOR MAHOMED: Anyway, there is greater responsibility on the Honourable Minister to make suitable arrangements for the lodging of these men who, as I say, have followed a mistaken policy, but of course in the cause of the country. Therefore, howsoever much we may not agree with those who have broken the law, we cannot withhold from these men our sympathy in their lot while in jails, and I would therefore appeal to the Government to make the stay of these prisoners least unhappy. While I cannot oppose the demand, I do hope that the Honourable Minister will realise the feeling prevalent in the country and will make suitable arrangements for the lodging of these prisoners, because, as it is, Visapur has got a notoriety peculiar to itself. The Nara jail and the Visapur jail are the most notorious institutions in the country. Visapur jail has once been abandoned; and I do hope and pray it will be possible to abandon it again soon.

Rao Bahadur R. S. ASVALE (Bombay City, North): Sir, I rise to support the demand, because in the Finance Committee this morning I had put certain questions whether conditions in the jail were better than before and as good as those in other jails. The executive engineer in charge of the department explained fully the conditions in the Finance Committee.

Mr. A. X. MORAES: Sir, I will explain the position. Money is wanted for repairs to the jail and for supplying all the necessary amenities that are wanting now. We are putting up a pipe line with necessary stand posts and taps. We are also erecting necessary partitions and fencing. All this is being done and for this the amount demanded is necessary.

As to the sanitary conditions of the site, I understand the site was selected with the approval of the sanitary authorities and any further improvements found necessary will be duly attended to.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, last November when I went to Ahmednagar I went to Visapur and had an occasion to see the jail building from outside. I may assure honourable members that as for water supply there is an abundance of it. The tank was full when I went there and will remain full, because it has been very largely extended. As the Joint Secretary said, we have made water arrangements and consequently the amenities and accommodation in the Visapur jail building stand on a par with other buildings.

I may say that I have heard some criticism made why should these political prisoners be put at a place which people regard as malarious. That question the Honourable the Home Member may, if necessary, answer. But the sanitary authorities, we have heard it said from the Joint Secretary, have nothing to say against it.

Question put and carried.

The Honourable Sir ERNEST HOTSON: Sir, I make a demand for Rs. 6,15,000 under "25, Jails and Convict Settlements—"Reserved". The facts are given in full in the statement* of demand and I hope the House will be satisfied that the amount is necessary.

Question proposed.

Mr. A. N. SURVE: As the policy has been sanctioned, I only refer to certain matters on which I seek information from the Honourable the Leader of the House. In the statement of demand it appears that in Yeravda temporary prison 1,500 are to be kept and the contingencies amount to Rs. 1,25,732. I suppose that this amount is for 8 months. If you calculate that amount per head, it comes to about Rs. 15 per month,—that is, Rs. 15 include not only diet charges but clothing and other miscellaneous expenditure. That means that the prisoners in the Yeravda prison will be getting much less than Rs. 15 per month. Now, I think the diet charges prescribed are certainly more than 10 annas per day for A and B class prisoners, whereas they will be getting less than 8 annas per day.

The Honourable Sir ERNEST HOTSON: May I inform the honourable member that no A and B class prisoners are going to be sent to Visapur Jail but only C class prisoners?

Mr. A. N. SURVE: I am speaking about the Yeravda prison.

* Appendix 33.

The Honourable Sir ERNEST HOTSON: The same applies to Yeravda. A and B class prisoners will be kept in the old "pucca" jails. They will not be put into the temporary jails.

Mr. A. N. SURVE: In view of the information given by the Honourable the Leader of the House, I have nothing to add.

Mr. G. WILES: May I say a word about the figure given in the statement, Sir? The original figure in the statement should be Rs. 23,02,000 and not Rs. 23,01,000.

The Honourable the PRESIDENT: The change in figures may be noted.

Question put and carried.

The Honourable the PRESIDENT: The honourable House is aware that we have followed a practice for a long time of meeting in the morning on Saturdays. The House is adjourned, therefore, to 10-30 a.m., to-morrow, Saturday the 19th July 1930.

Saturday, the 19th July 1930

The Council re-assembled at the Council Hall, Poona, on Saturday, the 19th July 1930, 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 Bahadur
 ABBECROMBIE, Mr. J. R.
 AHMAD, the Honourable MOULVI RAFIUDDIN
 AMBEDKAR, Dr. B. R.
 ANGADI, Rao Bahadur S. N.
 ASAVALE, Rao Bahadur R. S.
 BECKETT, Mr. R. H.
 BELL, Mr. R. D.
 BHATT, Mr. RANCHANDRA M.
 BHUTTO, Sir SHAH NAWAZ
 BIJARANI, Khan Bahadur SHEH MUHAMMAD KHAN
 BOLE, Rao Bahadur S. K.
 BRANDER, Mr. J. P.
 BULLOCKE, Mr. A. GREVILLE
 CHAHEWALA, Khan Bahadur H. P.
 CHIKODI, Mr. P. R.
 COLLINS, Mr. G. F. S.
 DABHOLKAR, Sir VASANTRAO
 DESAI, the Honourable Dewan Bahadur HARILAL D.
 DESAI, Mr. J. B.
 EWRANK, Mr. R. B.
 FREKE, Mr. C. G.
 GARRETT, Mr. J. H.
 GHOSAL, the Honourable Mr. J.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GIRIYAPPANAVAR, Mr. V. C.
 GREEN, Mr. S. A. C.
 GUNJAL, Mr. N. R.
 HABBU, Mr. A. G.
 HAJI MIR MAHOMED BALOCH, Mr.
 HARRISON, Mr. C. S. C.
 HOTSON, the Honourable Sir ERNEST
 ISRAH, Khan Bahadur GHULAM MUHAMMAD ABDULLAH KHAN
 JADHAV, the Honourable Mr. B. V.
 JAN MAHOMED KHAN, Khan Bahadur
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. Y. M.
 KAMBLI, Rao Bahadur S. T.
 KARBHARI, Mr. M. M.

KHUARO, Khan Bahadur M. S.
 KOLHATKAR, Mr. H. V.
 LANE, Mr. C. M.
 LIGADE, Mr. S. P.
 MACKIE, Mr. A. W. W.
 MARZBAN, Mr. P. J.
 MODI, Sardar DAVAR, T. K.
 MORAES, Mr. A. X.
 MUJUMDAR, Sardar G. N.
 NANAVATI, Mr. D. D.
 NARIMAN, Dr. R. T.
 NAVLE, Mr. N. E.
 NOOR MAHOMED, Mr.
 PATANKAR, Sardar B. N.
 PATHAN, Mr. A. F. I.
 PATIL, Mr. R. L.
 PAWAR, Mr. G. B.
 PRADHAN, the Honourable Mr. G. B.
 PRADHAN, Mr. R. G.
 RAHIMTOOLA, Mr. HOSENALLY M.
 RANJITBHAI KALABHAI, Rao Bahadur
 SALGAR, Mr. R. G.
 SARDESAI, Sardar S. A.
 SHAIKH ABDUL AZIZ, Mr.
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MUHAMMAD SHAH
 SYED MUNAWAR, Mr.
 TALEYARKHAN, Mr. P. J.
 THAKOR OF KERWADA, the
 THAKURSING LALSING, Mr.
 THORAT, Sardar S. B.
 VAKIL, Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WALLACE, Mr. D. J. C.
 WASIF, Khan Saheb G. A. D.
 WILES, Mr. G.

The Honourable the PRESIDENT: Before proceeding with the questions, I have to bring one important fact to the notice of the honourable members, that I found that there were two lists ready in the office and I asked that both of them should be placed before the honourable members. The ninth is the last list and there are no questions now in the balance in the press at all. This would finish the whole lot. But as I find that both of them are thick lists, it would not be possible to go through them, if honourable members would put many supplementary

questions. I have only one remedy, therefore, and that is to request honourable members to avoid putting many supplementary questions, so that the House could go through the two lists; otherwise if the usual period for questions is passed, the rest of the questions would remain unanswered.

PRIMARY EDUCATION COMMITTEE : ACTION ON RECOMMENDATIONS.

Mr. RAMCHANDRA M. BHATT (Bombay City, South): Will Government be pleased to state—

(a) whether any action has been taken by them on the report of the Committee of Primary Education, 1929;

(b) if no action has been taken, whether Government intend to take any, and, if so, what action and when;

(c) whether the committee has recommended the appointment of a small committee of experts to work out the detailed syllabus and also the revision of vernacular Reading Series and, if so, whether Government propose to appoint such a committee of experts at an early date;

(d) whether Government propose to so amend the Primary Education Act as to hold local authorities responsible for higher elementary standards, as recommended by the Committee; and, if so, when and how?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) No.

(b) and (d) The recommendations made in the Report are under consideration and it will be some time before Government can come to any decision regarding the action to be taken on them.

(c) The Committee has made the recommendations referred to, and they are under consideration.

PRIMARY TEACHERS' CONFERENCE : GOVERNMENT ENCOURAGEMENT.

Mr. RAMCHANDRA M. BHATT (Bombay City, South): Will Government be pleased to state—

(a) whether it is a fact that the Educational Department arranges vacation courses and encourages the holding of teachers' conferences for the purpose of raising the efficiency of trained teachers;

(b) if so, what steps Government have taken in that direction during the last two years?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) The Educational Department does not directly arrange vacation courses. But during the past three years Refresher courses were held at Training Colleges during their intercalary term. The reply to the latter part of the question is in the affirmative.

(b) When the control of Primary Education was with Government small conferences were organised at central places in a taluka by the Deputy Educational Inspectors and their assistants during their tour with a view to give demonstration lessons and to improve methods of teaching of primary trained and untrained teachers. After the transfer of control it is for the local authorities to take steps in such matters.

PRIMARY EDUCATION : PROGRESS.

Mr. RAMCHANDRA M. BHATT (Bombay City, South): Will Government be pleased to place on the Council table a statement giving some general and some detailed (where necessary) facts and figures regarding the money spent on account of primary education throughout the Presidency during the last five years and the tangible results of spending the same.

The Honourable MOULVI RAFIUDDIN AHMAD: The attention of the Honourable Member is invited to the last quinquennial report of the Director of Public Instruction and to the report on the Hartog Committee. Government hope to publish shortly a review of Education in this Presidency which will furnish the information asked for by the Honourable Member.

PUBLIC WORKS DEPARTMENT SUB-DIVISIONAL CLERKS, BOMBAY
PRESIDENCY.

Mr. RAMCHANDRA M. BHATT (Bombay City, South): Will Government be pleased to state—

(a) why the sub-divisional clerks who have put in long years of service are kept on a temporary footing and not brought on the permanent establishment;

(b) whether any precedents of this type can be cited from other departments where clerks have been kept on temporary basis, though they have put in long years of service under Government?

The Honourable Sir GHULAM HUSSAIN: (a) On account of continued financial stringency.

(b) As regards precedents in other Departments, the Honourable Member is referred to the Honourable Members or the Honourable Ministers in charge of other Departments.

BYRAMJI HOSPITAL FOR CHILDREN, BOMBAY.

Mr. RAMCHANDRA M. BHATT (Bombay City, South): Will Government be pleased to state—

(a) whether the Byramji Jeejibhoy Hospital for Children is partly used as a children's hospital and partly devoted to other patients and some parts not used at all;

(b) why some portions of the buildings are kept unused;

(c) whether there is a great demand for increasing hospital accommodation in Bombay city;

(d) whether the endowment made by Sir Byramji Jeejibhoy was sufficient to provide for beds;

(e) if not, whether Government has made any efforts to raise more funds to equip the unequipped portions of the hospital;

(f) whether Government has budgetted any amounts for this purpose from the public funds;

(g) the numbers of years that it will take to fully equip the hospital?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) As far as Government are aware this hospital is used for children only. It is, however, a fact that it has only partially been occupied.

(b) Owing to the prevailing financial stringency it has not been possible to provide the maintenance charges for the full 100 beds in the hospital.

(c) Yes.

(d) Sir Byramjee Jeejibhoy, Kt., made a donation towards the constructional cost only of the building and has not given any endowment to meet the maintenance charges.

(e), (f) and (g) The equipment for the full number of beds is already available.

YERAVDA JAIL : BAN ON KHADAR COATS AND CAPS.

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

(a) whether they have issued any instructions to the Superintendent, Yeravda Jail, not to allow any persons wearing white Khadar caps known as Gandhi caps and Khadar coats to visit the jail ;

(b) whether Government are aware that Mr. N. N. Kalawade, a Government pensioner, has been giving religious and moral instructions to both Hindu and Mahomedan prisoners in the Yeravda Jail for the last ten years and had been coming at his own expense from Ahmednagar and taking no remuneration for his work ;

(c) whether it is a fact that on the morning of 11th May 1930, Mr. Kalawade in company with Messrs. J. A. Aston and V. B. Gokhale went to the jail as usual to give religious discourses to the prisoners, but was not allowed to go inside the jail on account of his khadar dress though Mr. Kalawade was ready to keep aside his cap and go bare-headed, and was summarily asked to go out ;

(d) the reasons for the conduct of the Superintendent in acting as stated in (c) ?

The Honourable Sir ERNEST HOTSON : (a) No.

(b) Mr. N. N. Kalawade has visited the prison for several years and belongs to the Star in the East Society, the members of which receive a travelling allowance of Rs. 3 per visit.

(c) and (d) According to standing orders no political symbols of any kind whatever are allowed inside a Prison. Whatever may have been the case in the past, there can be no doubt that Khaddar clothing, especially when accompanied by a so-called Gandhi cap, has now acquired a definite political significance. In view of the large number of prisoners now in Yeravda as the result of the present campaign of civil disobedience, the Superintendent was of opinion that it would be prejudicial to the interests of discipline in the Prison to allow anyone wearing that particular costume to enter the Prison under more or less official auspices. He was therefore obliged on the occasion in question to forbid Mr. Kalawade to go in. It was not a personal matter at all, nor was there the slightest intention to insult Mr. Kalawade, whose services and the services of the other members of the Society are highly valued. A friendly settlement has since been arrived at between Mr. Gokhale, the Secretary of the Society, and the Inspector General of Prisons.

TEXT BOOKS IN MARATHI SCHOOLS.

Mr. N. R. GUNJAL for Mr. N. B. CHANDRACHUD (Poona City): (a) Will Government be pleased to state whether there exists at present a committee for the selection of text-books and prize-books in Marathi schools?

(b) If so, what are the names of the members of the Committee and what are their qualifications?

(c) Are the recommendations of the committee deemed to be binding on Government?

(d) Are Government aware that the book मराठ्यांच्या गोष्टी by Mr. Ghate of Ahmednagar was used as a text-book and a book for distribution of prizes in Marathi schools for the last five years and was sanctioned by Government?

(e) Are Government aware that Mr. Ghate has been informed that unless the story of Shivaji-Afzulkhan contained in the book is eliminated, the sanction given for using the book as a text-book will be cancelled?

(f) At whose instance and on whose recommendation has Mr. Ghate been asked to eliminate the said story?

(g) Were the members of the committee consulted before Mr. Ghate was written to?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Yes.

(b) *Vide* list attached.

(c) No.

(d) Yes.

(e) Yes.

(f) The orders were issued by Government as a result of certain representations received by them.

(g) The Educational Inspector, Central Division, the Chairman of the Text Book Committee, was consulted.

Personnel of the Marathi School Book Committee.

- | | | |
|---------------------------------------------------------------------------------------------|----|------------|
| 1. The Educational Inspector, Central Division, <i>Ex-officio</i> | .. | President. |
| 2. Professor A. K. Shaikh Sarfraz, M.A., I.E.S. | .. | .. Member. |
| 3. Miss Payne, I.E.S., Inspectress of Girls' Schools, Central Division and Bombay Division. | .. | .. |
| 4. S. R. Tawade, M.A., T. Ed. Principal, Training College for Men, Poona. | .. | .. |
| 5. Miss M. Shinde, M.A., T.D., Lady Superintendent, Training College for Women, Poona. | .. | .. |
| 6. Professor R. P. Sabnis, M.A. | .. | .. |
| 7. Professor V. B. Naik, M.A. | .. | .. |
| 8. Rev. H. K. Wright, M.A., B.D. | .. | .. |
| 9. B. G. Jagtap, Esquire, B.A. | .. | .. |
| 10. Mrs. Girijabai Kelkar | .. | .. |
| 11. Rao Bahadur G. V. Dange, B.A. (since resigned) | .. | .. |

PRESS ORDINANCE: SECURITY FROM "KESARI" AND "MAHRATTA"

Mr. N. R. GUNJAL for Mr. N. B. CHANDRACHUD (Poona City): (a) Are Government aware that both the "Kesari" and the "Mahratta" newspapers in Poona are published in the same press and under the supervision of the same staff?

(b) Was any security demanded from both these papers since March 1930, and, if so, how much ?

(c) Is security under the Press Ordinance to be taken from the proprietors of the press or from the proprietors of the newspapers ?

(d) Why was separate security taken when both the papers are published in the same press ?

(e) Will Government be pleased to specify the offending article or articles in respect of which or on account of which security was asked for by the Government from these papers ?

The Honourable Sir ERNEST HOTSON : (a) These two newspapers are printed in the same press, but are published by different persons, viz. :—

the "Kesari"—by Mr. N. C. Kelkar.

the "Mahratta"—by Mr. D. V. Divekar.

(b) Security of Rs. 2,000 was required by the District Magistrate, Poona, in respect of the "Mahratta" under section 8 (1) of the Press Ordinance, 1930, on the 24th May last when Mr. D. V. Divekar appeared before him to make a declaration as publisher of that paper under section 5 of the Press and Registration of Books Act, 1867. No security has been required from the publisher of the "Kesari" newspaper. Security of Rs. 2,500 was also required by Government under section 3 (3) of the Press Ordinance (No. II of 1930) from the keeper of the Kesari Press on the 4th June 1930, on account of an article published in the "Mahratta".

(c) Security can be demanded both from keepers of printing presses and from publishers of newspapers, the former under section 3 and the latter under section 8 of the Press Ordinance.

(d) Security has been taken in respect of the "Mahratta" only, *vide* answer to part (b) above.

(e) The article on account of which security was required from the Press, not from the newspaper, was one entitled "The Veil Torn Off" which appeared in the "Mahratta" of the 18th May and which in the opinion of Government came within the purview of section 4 (1) (c) of the Ordinance.

THE CHILD MARRIAGE RESTRAINT ACT, 1928.

Mr. N. R. GUNJAL for Mr. N. B. CHANDRACHUD (Poona City) : (a) Are Government aware that the Child Marriage Restraint Act, 1928, is defied and marriages take place in several cases in deliberate disregard to the law ?

(b) If so, how many prosecutions have been launched by Government since the Act came in force ?

(c) If no prosecutions have been launched, why have Government not taken any action against the persons who have broken the law ?

(d) Is it the intention of Government to regard the Act as a dead letter ?

The Honourable Sir ERNEST HOTSON : (a) Government have no information except from reports in the newspapers.

(b) None.

(c) For the reasons given in the reply to (a).

(d) No.

GOVERNMENT CENTRAL PRESS : LEAFLET ON "BOYCOTT OF
BRITISH GOODS."

Mr. N. R. GUNJAL for Mr. N. B. CHANDRACHUD (Poona City) :
(a) Will Government be pleased to state at whose instance the leaflet on "Boycott of British Goods" was issued from the Government Central Press ?

(b) Who is the author of the said leaflet ?

(c) How many copies of the leaflet were issued and what was the cost thereof ?

(d) Will Government be pleased to explain the reasons for issuing the leaflet at public cost ?

The Honourable Sir ERNEST HOTSON : (a) and (b) It was issued by the Office of the Director of Information and printed at the Government Central Press.

(c) and (d) The attention of the Honourable Member is invited to the answer given to clauses (a), (b) and (f) of a similar question* asked during this session by the Honourable Member Mr. Hooseinhoy Lalljee. The cost was Rs. 234.

TODDY TREES, SURAT : FELLING DURING NON-CO-OPERATION
MOVEMENT.

Mr. H. V. KOLHATKAR for Rao Bahadur GOVINDBHAI H. DESAI (Kaira District) : Will Government be pleased to state—

(a) whether they have any right under any provision of law to prevent the cutting of toddy trees without their permission ;

(b) how many toddy trees were cut down in each taluka of the Surat district during the current non-co-operation movement ;

(c) what is the proportion of the trees cut down to the total number of trees in each taluka ;

(d) How much loss will be caused (i) to toddy revenue and (ii) to the gains of the khatedars and toddy licensees ?

The Honourable Mr. B. V. JADHAV : (a) No, if the proprietary right to such trees is vested in the occupants.

(b), (c) and (d). Information will not be received in time to admit of a reply being given during the current session.

LIQUOR SHOP PICKETING : RESULTS.

Mr. H. V. KOLHATKAR for Rao Bahadur GOVINDBHAI H. DESAI (Kaira District) : Will Government be pleased to state—

(a) what has been the effect of the current liquor shop picketing movement in each district of the Presidency ;

(b) whether it has led to any decrease in the consumption of liquor and the revenue of the Government and the licensees ;

(c) Has the movement led to the greater consumption of foreign liquor ?

The Honourable Mr. B. V. JADHAV: (a) and (c) Information will not be received in time to admit of a reply being given during the current session.

(b) Yes, to some extent.

EXPENDITURE DUE TO THE NON-CO-OPERATION MOVEMENT.

Mr. H. V. KOLHATKAR for Rao Bahadur GOVINDBHAI H. DESAI (Kaira District): Will Government be pleased to state—

(a) How much extra expenditure they had to incur up to the end of May 1930 owing to the situation created by the current non-co-operation movement;

(b) Under which of the different heads of charges and to what extent under each head was extra expenditure incurred;

(c) How has the provision for this extra expenditure been made?

The Honourable Mr. G. B. PRADHAN: (a), (b) and (c) The Honourable Member is referred to the Supplementary Demand being made in the current Session.

CONVICTIONS: CIVIL DISOBEDIENCE MOVEMENT.

Mr. H. V. KOLHATKAR for Rao Bahadur GOVINDBHAI H. DESAI (Kaira District): Will Government be pleased to state—

(a) the number of persons arrested and convicted for offences under the Salt Act, Penal Code and other Acts in each district of the Presidency from the commencement of the current civil disobedience movement up to the end of May 1930;

(b) the numbers of the convicted persons who were released after warning, after undergoing the full sentence and how many still remain in jail;

(c) what was the total amount of fine inflicted and how much of it was recovered;

(d) how many of the convicted persons were 20 years old and under; how many were above 20 but under 30; and how many were 30 and over;

(e) to what different castes and communities they belonged;

(f) how many of these were from British India, and how many from Indian States; and what was the number contributed by each State?

The Honourable Sir ERNEST HOTSON: It is regretted that there will not be time to collect the information from all the districts of the Presidency before the end of the present session.

POLICE: USE OF LATHIS.

Mr. H. V. KOLHATKAR for Rao Bahadur GOVINDBHAI H. DESAI (Kaira District): Will Government be pleased to state—

(a) whether the police have been allowed by Government to use lathis, and, if so, under what circumstances;

(b) whether there are any rules regulating their use; and, if so, what they are?

The Honourable Sir ERNEST HOTSON : (a) Lathis were introduced to replace swords as part of the equipment of the unarmed Police in 1922. Their use is also authorised by the Armed Police when that branch of the Force is employed on unarmed duties.

The Police have been authorised to use the lathi either as a weapon of offence or defence. As a weapon of offence, it is used for the dispersing of unlawful assemblies, the quelling of riots and the suppressing of disturbances. The Police have definite instructions that, in using the lathi, the minimum force necessary to achieve the object in view shall be resorted to.

(b) Rules have been framed to regulate the occasions and the methods of the use of the lathi by the police. Many of these rules are of a technical nature in the form of drill instructions. Others lay down that lathi attacks shall only be ordered when the conduct of the crowd has made it necessary to do so, that they shall be stopped as soon as the necessity has passed, and that no more injury shall be caused than is absolutely necessary to secure the control of the situation.

SUB-JUDGES IN GUJARAT : APPOINTMENT OF BAROTS.

Mr. H. V. KOLHATKAR for Rao Bahadur GOVINDBHAI H. DESAI (Kaira District) : (a) Will Government be pleased to state how many sub-judges were selected from Gujarat during the last five years ?

(b) How many of them were from the advanced classes, and how many from the backward classes ?

(c) Are the Barots considered a backward class for the purposes of such recruitment ?

(d) Is there any Barot in the sub-judge's grade ?

(e) If the answer to (d) is in the negative, was there no applicant from that class ?

The Honourable Sir ERNEST HOTSON : (a) Fourteen.

(b) Seven from the advanced, and seven from the backward classes.

(c) Yes.

(d) No.

(e) As far as Government are aware there was no applicant.

GOVERNMENT CENTRAL PRESS, BOMBAY : LEAFLET No. 10/88.

Mr. H. V. KOLHATKAR for Rao Bahadur GOVINDBHAI H. DESAI (Kaira District) : Will Government be pleased to state—

(a) whether they are aware that a leaflet printed in the Government Central Press, Bombay, in English, Gujarati, Marathi and Kanarese and marked "Gratis—D. I. No. 10/88—15,000—13-6-30" has been published in Bombay and other places ;

(b) if so, what were its exact contents ;

- (c) with what object and under whose authority it was published ;
 (d) whether any allegations against (1) Indian made goods ;
 (2) Indian managed Banks, and (3) Indian managed Insurance Companies have been made in it ;
 (e) if so, on what grounds and with what object were these allegations made ?

The Honourable Sir ERNEST HOTSON : (a), (c) and (e) The Honourable Member is referred to the replies given to clauses (a), (b) and (f) of a similar question* asked by the Honourable Member Mr. Hooseinbhoj Lalljee during this session.

(b) The leaflet in question has been withdrawn from circulation and all copies in stock have been destroyed. It does not appear advisable to give it further publicity by printing it in the records of the Legislative Council.

(d) In two paragraphs dealing with Banks and Insurance Companies, comparisons were drawn between the strength and stability of British and Indian firms, to the advantage of the former. There was no reference to Indian goods, but in the first paragraph British goods were recommended as superior to foreign goods.

SUB-REGISTRARS : GRADES OF PAY.

Mr. H. V. KOLHATKAR for Rao Bahadur GOVINDBHAI H. DESAI (Kaira District) : (1) Will Government be pleased to state whether Mr. Anderson, lately Inspector General of Registration, Bombay, before leaving the department in December 1928 proposed some changes in the grades of pay of sub-registrars with a view to provide more appointments in the upper grade ?

(2) What was the additional cost of the proposal ?

(3) Is the income of the department sufficient to meet the extra cost ?

(4) Have any steps been taken to give effect to Mr. Anderson's proposals and, if so, with what result ?

(5) Has the attention of Government been drawn to a recent presidential speech of Mr. Smart, Commissioner, Southern Division, indicating that the present scales of pay of sub-registrars are inadequate ?

(6) If so, what steps, if any, do Government intend to take to improve them ?

The Honourable Mr. B. V. JADHAV : (1) No.

(2), (3) and (4) Do not arise.

(5) Government have read Mr. Smart's speech which does not indicate that the present scales are inadequate.

(6) Government do not propose to take any action in the matter.

MEDICAL STORES : PRICED LIST.

Mr. H. V. KOLHATKAR for Rao Bahadur GOVINDBHAI H. DESAI (Kaira District): (a) Will Government be pleased to state whether copies of the Priced Vocabulary of the Government Medical Stores are made available for sale to firms manufacturing B. P. standard preparations ?

(b) If not, why not ?

(c) Have the firms manufacturing B. P. standard preparations any other source of ascertaining whether their prices are not higher than that of the Government Medical Stores Depot ?

(d) If not, what provision is there to make them to take advantage of the concessions granted in Rule 11A of the Rules for the Regulation of Government Aided Charitable Dispensaries ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) and (b) The Priced Vocabulary of Stores is issued by the Director General, I. M. S. (Stores). It is not supplied to the public as the publication is for Government use only.

(c) Government have no knowledge.

(d) The Civil Surgeon, as he does not accept the tender of a private firm, gives his reasons for refusing to countersign the Dispensary Medical Stores indent and the local authority is at liberty to communicate those reasons to the firm concerned.

PROVINCIAL ROADS, THAR PARKAR DISTRICT.

Khan Bahadur GHULAM NABI SHAH (Thar and Parkar District): (a) Will Government be pleased to state the number of miles of provincial roads in each district in Sind and in the presidency that have been metalled or improved by "brick on edge" scheme or otherwise so far ?

(b) Are Government aware that the provincial roads in Thar Parkar District are only 54 miles in length and that these are not metalled or improved otherwise.

(c) Are Government aware that Thar Parkar District has not the benefits of a railway connection and that journeys therein are performed by road ?

(d) Are Government aware that on account of heavy rains and floods of 1927 and 1929 the provincial roads in Thar Parkar were under water for a long time and that the public experienced a lot of difficulties ?

The Honourable Dewan Bahadur HARILAL D. DESAI:

(a) Statements furnishing the required information are placed on the Council table.

(b) The Provincial Roads in Thar and Parkar District are 59 miles in length and these are improved by surfacing with "Kalar" and "Kanh" grass.

(c) The irrigated portion of the Thar Parkar District has fairly good Railway communication. In addition to the Hyderabad-Marwar line there are two branch lines, Mirpurkhas to Jhudo and Mirpurkhas to Khadro which serve the interior. The Desert portion has no proper Railway communication.

(d) Yes, but except for a portion of about 2 miles midway between Mirpurkhas and Umerkot which is still under water due to the floods of 1929, they were immediately repaired and thrown open to the public.

The difficulty experienced by the public on account of one provincial road is negligible compared with those on account of Local Board roads some of which although dry have only lately been repaired and opened to the public.

Statement showing number of miles of Provincial roads in each District in Sind that have been metalled or improved by "brick on edge" scheme or otherwise.

Name of Division	Length of Provincial roads					
	Metalled			Improved by "brick on edge" scheme		
	M.	F.	Ft.	M.	F.	Ft.
Karachi Canals Division (Karachi District) ..	18	4	0	....	
Karachi Buildings Division (Karachi District) ..	25	1	0	....	
Western Nara Division (Larkana District) ..	....			7	6½	0
Shikarpur Canals Division (Sukkur District) ..	21	6	495	....	
Fuleli Canals Division (Hyderabad District) ..	3	4	0	....	
Hyderabad Canals Division (Hyderabad District) ..	3	7	0	3	7	538
Nasrat Canals Division (Nawabshah District) ..	1	7	363	....	

Statement showing number of miles of Provincial roads in each District in the Presidency proper that have been metalled or improved by "brick on edge" scheme or otherwise.

Name of Division	Length of Provincial roads					
	Metalled		Improved by "brick on edge" scheme or otherwise			
	M.	Ft.	M.	F.	Ft.	
Thana ..	453	54	10	0	0	Surface provided with 9" rubble soling and 6" water bound macadam.
			6	1	0	Surface provided with 2" to 3" asphalt macadam (penetration method) or 6" water bound macadam and 9" rubble soling.

Name of Division	Length of Provincial roads						
	Metalled		Improved by "brick on edge" scheme or otherwise				
	M.	Ft.	M.	F.	Ft.		
Broach	53	5,178	}	0	1	60	Surface provided with 3" asphalt macadam (penetration method) on old metalled surface on Station road, Nadiad, which has brick bedding.
Surat	170	601					
Kaira	180	3,719					
Panch Mahals ..	156	1,480					
Ahmedabad ..	134	21	16	0	299	Improved with brick on edge bedding.	
Poona	412	2,074	3	7	462	Improved by asphaltting.	
			0	0	528	Improved by cement macadam process.	
Head Quarters Works	24	4,960	0	3	0	Improved by asphaltting.	
Satara	446	3,579					
Sholapur	223	1,339					
Ahmednagar ..	223	1,771	1	7	0	Improved by asphaltting.	
Nasik	514	3,778	2	4	0	Improved by asphaltting.	
			1	0	0	Improved by cement macadam process.	
East Khandesh ..	359	2,054					
West Khandesh ..	332	5,209					
Lake Whiting ..	51	3,968					
Malsiras	95	253					
Nira Left Bank Canal	63	4,145					
Belgaum	644	610					
Dharwar	521	5,136					
Ratnagiri .. .	441	4,679					
Kanara	401	1,591					

Note.—So far as the Presidency proper is concerned, the "brick on edge" scheme is not generally followed except in certain portions of roads in Gujarat.

Khan Bahadur M. S. KHUHRO: May I know if Government intend metalling the provincial road?

The Honourable Dewan Bahadur HARILAL D. DESAI: As soon as the finances are available Government would undertake the work.

Khan Bahadur M. S. KHUHRO: Is it provided in the programme which is to be undertaken?

The Honourable Dewan Bahadur HARILAL D. DESAI: No. I do not think so. The programme to be carried out provided for roads north to south and east to west and possibly this road might come in.

Khan Bahadur M. S. KHUHRO: Is there any possibility of its being taken up next year?

The Honourable Dewan Bahadur HARILAL D. DESAI: I cannot say exactly. Probably it may.

CRIMINAL CASES, MAMLATDAR, SANGAMESHWAR.

Mr. N. R. GUNJAL (Poona District): (1) Will Government be pleased to state the number of cases in which complaints were filed either by the police or by members of the public that were transferred

from each of the mamlatdars in the Ratnagiri District during each of the last 10 years.

(2) What is the maximum number of transfer cases considered by Government as sufficient to disqualify an officer to continue as a mamlatdar ?

(3) How long the present Mamlatdar of Sangameshwar has been serving in his present post ?

(4) How many cases were filed in his court by the police and by members of the public ?

(5) How many applications there were from members of the public as well as from the Police to transfer cases elsewhere from the present mamlatdar ?

(6) How many cases were transferred elsewhere accordingly ?

(7) Do Government propose to take any steps in the matter ?

The Honourable Sir ERNEST HOTSON : (1) The labour involved in collecting this information would be very great and the use to which it could be put is not apparent.

(2) Government judge the work of each officer on its own merits, and do not fix standards of this description.

(3) Since the 20th March 1929.

(4) 19 cases have been filed by the Police and 27 by the public.

(5) 2 from the police and 8 from the public.

(6) 4.

(7) No.

CATTLE SLAUGHTER.

Mr. N. R. GUNJAL (Poona District): (a) Will Government be pleased to place on the Council table—

(i) a copy of the report of the live stock census taken during the last year in the presidency ;

(ii) a statement of cause or causes that made the figures of cattle slaughter vastly fluctuate during the last three years in regard to the following municipalities ;

Nadiad, Dohad, Broach, Ankleshwar, Baramati, Sholapur, Bhusawal, Karachi, Larkana, Kamber Ratodero ;

(b) what are the numbers of cows and bullocks slaughtered in the Cantonment areas of the presidency during the last three years ;

(c) are there any other areas beyond municipal and cantonment limits where cows and bullocks are slaughtered ;

(d) if so, which and what is the approximate number of cows and bullocks slaughtered therein ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) (i) There was no census of live stock last year. The results of the census of 1925 will be found in the Season and Crop report for 1924-25. An enumeration was made in January last but the information is not yet ready for publication.

(a) (ii), (b), (c) and (d) Government regret that the time available before the dissolution is too short to enable them to obtain the material for a full and correct reply.

CATTLE BREEDING.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they are aware of the fact that horse-breeding operations in the Ahmednagar District are slackening every year to the detriment of the Presidency;

(b) if so, the reasons therefor;

(c) whether the programme of castrating male horses conducted officially in the past was in any way responsible for the elimination of good stallions in the Ahmednagar District;

(d) whether Government apprehend that the programme of castrating bulls now conducted by the Veterinary Department in increasing numbers from year to year will ultimately lead to the extermination of indigenous cattle;

(e) if not, the reasons therefor?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) Government are aware that there has been a gradual decline in the horse-breeding operations.

(b) The principal cause of the decline is the great increase in mechanical means of transport.

(c) No.

(d) and (e) The castrating operations are undertaken by the Veterinary Department with a view to eliminating the so-called "scrub" bull or animal unsuitable for breeding purposes. These operations of the Veterinary Department in no way hinder the breeding activities of the Department of Agriculture the principal object of which is to bring about an improvement in the indigenous breeds of cattle.

LAND REVENUE ASSESSMENT, BASSEIN.

Mr. N. R. GUNJAL (Poona District): (a) Will Government be pleased to state whether they have received the memorandum submitted to them by the Bassein Taluka Agriculturists Association, with respect to the ryots' grievances regarding the enhancement of Land Revenue Assessment in the Taluka;

(b) If so, will Government state what action they have taken to fulfil the demands made therein?

The Honourable Mr. J. GHOSAL: (a) and (b) It is not known to what memorandum the Honourable Member refers. If the reference is to the memorial received from the Chairman of the Committee appointed by the Bassein Taluka Agriculturists' Conference Committee on 24th August 1929, a reply to it was given in Government letter No. 4828-B/24, dated 27th September 1929.

COURT: ADMISSION OF REPORTER.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI: (a) Will Government be pleased to state whether permission to attend the Court of the

Sub-Divisional Officer, N. D., Kolaba, was applied for by the correspondent of the "Kolaba Samachar" while the Sub-Divisional Officer was recording the statements in the Talavali Saku affair and that the permission was refused?

(b) If the reply to (a) be in the affirmative, the authority under which such permission was refused?

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

(b) The permission was refused because as the enquiry was not a public one precaution had to be taken that details should not get into the Press before a report was made to Government in the matter.

GRAZING LANDS: BOISAR AND BULSAR.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI: Will Government be pleased to state whether any lands between Boisar and Bulsar are available for being granted to the public as grazing lands for cattle?

The Honourable Mr. J. GHOSAL: Presumably the Honourable Member inquires whether any lands over and above that required for the needs of the village cattle in the tract between Bulsar and Boisar are available for being granted to the outside public as grazing lands for cattle. Such lands are available in the following villages:—

Taluka.	Village.	Area.	
		Acres.	Gunthas.
Palghar	Boisar	40	..
	Nevali		
Dahanu	Agwan	2,797	10½
	Kapsi		
	Vadkun		
	Jalvai		
	Asangaon		
	Chandigaon		
	Bavde		
Pardi	Vadade	2,471	6½
	Ranshet		
	Bamankarwad		
	Sukhlao		
		200	..
		96	20

EXECUTIVE ENGINEERS, RATNAGIRI AND KOLABA DISTRICTS: TOURS.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI: Will Government be pleased to state—

(a) whether the executive engineers in the mofussil are required to tour in the areas under their jurisdiction;

(b) the number of tours made by the executive engineers of the Ratnagiri and Kolaba districts during the course of last five years?

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

(b) Kolaba District of this Department was abolished in 1923. Government are not in possession of the information regarding the number of tours of the Executive Engineer, Ratnagiri District, and they regret that time available before the dissolution of the present Council is too short to enable them to obtain it.

PETROL TAX : BOMBAY QUOTA.

Rao Bahadur R. R. KALE (Satara District) : (a) Will Government be pleased to lay on the Council table the figures of the petrol tax collected in the Bombay Presidency in the year 1929-30, with the figures of each District separately ?

(b) Will Government be pleased to state the figures of the quota allotted to the Bombay Presidency by the Government of India, out of the petrol tax ?

(c) Do Government intend to utilise this quota towards building any new Roads ; or is it intended to earmark it only for repairs of the existing roads ?

(d) Will Government be pleased to clearly define the policy to be followed by them in utilising this petrol quota towards Provincial and inter district roads whether under the control of the Local Government or the District Local Boards ?

(e) Will Government be pleased to state the figure that is allotted to the Satara District out of this quota ?

(f) What is the policy of Government in regard to spending the petrol tax yielded from each District ?

(g) What proportion is to be allotted to the inter District Roads ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Government are not in possession of the information and they regret that the time available before the dissolution is too short to enable them to obtain it.

(b) Rs. 17,50,000 for expenditure during the financial year 1930-31.

(c) (d) and (f) The amount from petrol tax is to be spent on the construction of new roads and their maintenance and also on maintenance of existing roads, provided the roads fall in the following two classes :—

Class I.—Roads of importance from the point of view of more than one province or State or of more than one Commissioner's Division in the province.

Class II.—Roads of importance from the point of view of more than one Collector's District and also roads serving as important feeders to railways, waterways, and to Class I roads.

(e) and (g) The question is under consideration.

HESKETH COMMITTEE REPORT : GOVERNMENT ACTION.

Rao Bahadur R. R. KALE (Satara District) : (a) Will Government be pleased to state whether they have passed any orders on the Report of the Hesketh Committee ?

(b) What steps have been taken to give effect to the recommendations in the Report about the changes in the curricula of primary and secondary education in the Bombay Presidency ?

(c) Are Government aware that there has been a widespread demand for such changes for a long time and that the Hesketh Committee have

only confirmed the enlightened public opinion so far expressed in that behalf ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) and (b) The recommendations made in the Report of the Committee on Primary and Secondary Education, 1929, are under consideration and it will be some time before Government can arrive at any decision.

(c) The need for considering the revision of the existing curricula of primary and secondary education generally has been felt for some time and was one of the causes that led to the appointment of the Committee referred to.

PRIMARY EDUCATION : GOVERNMENT OBLIGATION.

Rao Bahadur R. R. KALE (Satara District) : (a) Are Government aware that there is a widespread discontent among the rural population owing to the neglect by Government to tackle the problem of introducing compulsory primary education on the excuse of financial stringency ?

(b) What steps Government intend to take to meet their statutory obligation in the matter of the expansion of primary education under the Primary Education Act ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) No ; but they are aware that there is a widespread desire for the extension of compulsory primary education in certain districts.

(b) Government have not failed to meet their statutory obligation, although it is true that several schemes for compulsory education have not been sanctioned for lack of funds. It is the intention of Government to review their educational policy in the light of the remarks of the Hartog Committee and the orders passed in pursuance of the Simon Commission's report.

TRIAL OF MR. ZAVERCHAND MEGHANI.

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

(a) whether they have received any letters from Mr. G. B. Trivedi of Bombay, dated 1st and 13th May 1930, drawing Government's attention to the trial and sentence passed on Mr. Zaverchand Meghani of Rampur, Ahmedabad District, by the Magistrate of Dhandhuka ;

(b) if so, what is the result of their inquiries, and what action, if any, they have taken or propose to take in this matter ?

The Honourable Sir ERNEST HOTSON : (a) Yes.

(b) Mr. Meghani was tried according to law. There were four witnesses who deposed that he had made the speech which formed the basis of the charge against him. In his written statement, Mr. Meghani denied being present at the scene of the offence, but refused to lead any evidence to corroborate his statement. He has made no appeal against his conviction nor has any revisional application been made on his behalf. In the circumstances Government see no reason to interfere.

POLICE LATHI CHARGES : NUMBER INJURED.

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

(a) the places in this Presidency where since April 1930 the police were ordered to charge with lathis the crowds or volunteers in order to disperse them ;

(b) how many such charges were made at Dharasna, Vile Parle, Wadala and Shiroda ;

(c) how many volunteers were wounded in such charges ;

(d) how many of them were Red Cross volunteers ;

(e) the number of persons wounded in such charges ;

(f) the number of such wounded persons who were treated in Government dispensaries or hospitals ;

(g) the number of such wounded persons who were treated in private dispensaries or hospitals ?

The Honourable Sir ERNEST HOTSON : (a) So far as information is available, the police have made lathi charges at the following places in this Presidency :—

Bombay City, Dharasna, Surat, Viramgam, Ranpur, Shahpur, Kharaghoda, Shiroda, Karachi and Larkana.

The list is possibly not complete but time does not permit of further enquiries.

(b) to (g) It would take some time to collect this information and it will not be possible to answer these questions during the present session.

PICKETERS : ALLEGED POLICE ACTIONS.

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

(a) number of persons arrested in connection with the picketing of liquor and foreign cloth shops in the city of Bombay since 1st June 1930 ;

(b) how many were tried and convicted ;

(c) how many were let off without trial ;

(d) whether the attention of Government has been drawn to the reports appearing in various newspapers about the alleged excesses of the police in dealing with the picketers especially in the Fort area ;

(e) whether any enquiry has been made in regard to them ;

(f) what steps have been taken or are intended to be taken as a result of such inquiry ?

The Honourable Sir ERNEST HOTSON : (a) 451 up to 5th July 1930.

(b) and (c) All were brought to trial. 447 were convicted and 2 discharged, while the cases against two were pending on the 8th July.

(d) Yes.

(e) and (f) The attention of the Honourable Member is invited to the answer to clause (b) of a similar question asked by Mr. Hooseinbhoj A. Lalljee.*

KARAD-CHIPLUN ROAD.

Rao Bahadur R. R. KALE (Satara District): (a) Are Government aware that the Karad-Chiplun Road is open to Lorry Traffic during 8 months only; and only to Touring Cars in the monsoon?

(b) If so, are Government aware that this entails a lot of inconvenience to the passengers during the monsoon?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) The road from Karad to the top of the Kumbharli Ghat is closed for motors licensed to carry more than 7 persons including the Driver from 20th June to 1st October by order of the District Magistrate, Satara.

(b) Yes, but it is necessary on account of the soft sub-grade of the road and heavy rainfall in this area.

ROADS IN SATARA DISTRICT.

Rao Bahadur R. R. KALE (Satara District): (a) Will Government be pleased to state whether the Road Committee had invited any suggestions from the Satara District about any new Roads to be built in that District;

(b) was any suggestion received by the Road Committee for the construction of a road along the southern bank of the Koyna river from Karad;

(c) if the answer to (b) be in the affirmative, will Government be pleased to give details of the alignment, if any, proposed?

The Honourable Dewan Bahadur HARILAL D. DESAI: Government are not in possession of the information required and they regret that time available before the dissolution is too short to enable them to obtain it.

Rao Bahadur R. R. KALE: As regards the questions which have remained unanswered, may I know if it will be possible to give answers subsequently?

The Honourable the PRESIDENT: I have directed, if the honourable member remembers it, that they will be sent to them in a book form.

Rao Bahadur R. R. KALE: The period of this Council will expire. I want to know whether any time limit has been prescribed. I want to know whether they will be available before the declaration of the election results. Otherwise honourable members will be awaiting and awaiting these answers for ever. There are some questions which are rather important and therefore I enquire what is the time limit, whether two months or more.

The Honourable the PRESIDENT: I do not know what was done at the last time. But to my mind, constitutionally when the Council is dissolved, the members are no more members and I think as far as the office is concerned, they will arrange to send the answers as early as possible. The Honourable the Leader of the House may, perhaps, have something to say on this point. But one thing must be remembered that everything that is practicable will be done. If it is not at all practicable to do a

thing, the honourable members, as practical men, must understand that it was not possible to do so.

The Honourable Sir ERNEST HOTSON: I may say, Sir, that we propose to issue orders that all answers be sent in by the 15th of August.

LAND REVENUE ASSESSMENT, BASSEIN.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts):
(a) Will Government be pleased to state whether they have received the memorandum submitted to them by the Bassein Taluka Agriculturists Association, with respect to the ryots' grievances regarding the enhancement of Land Revenue Assessment in the taluka?

(b) If so, will Government state what action they have taken to fulfil the demands made therein?

The Honourable Mr. J. GHOSAL: (a) and (b) The attention of the Honourable Member is invited to the reply given to a similar question* asked by Mr. N. R. Gunjal at this session.

✓ NON-AGRICULTURAL ASSESSMENT, NORTHERN DIVISION.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts):
(a) Is it a fact that Government intend to revise non-agricultural assessment standard rates in the whole of the Northern Division?

(b) If so, have Government given an opportunity to the public by giving notice under section 112 of the Land Revenue Code and have Government called for objections from them as is done in the case of raising the agricultural assessment?

(c) Are Government aware that the present rate levied in some places especially in the District of Thana is more than the standard rates levied in the Central Division?

(d) If so, are Government prepared to lower the standard rates according to the present price of the lands?

The Honourable Mr. J. GHOSAL: (a) The revision of the rates in a few areas is under consideration.

(b) The procedure of inviting objections is not required to be observed in respect to proposals for the revision of the rates of non-agricultural assessment.

(c) The rates vary from place to place according to the demand for the use of land for non-agricultural purposes. Rates in parts of the Thana District therefore exceed rates in parts of the Central Division.

(d) The prices of land is already the main basis on which rates are adjusted.

Mr. M. M. KARBHARI: If it is proved that the price of land in some parts of the Thana District has fallen down, will the Honourable the Revenue Member be pleased to fix rates on the basis of price?

The Honourable Mr. J. GHOSAL: Certainly, if it is proved.✓

SCHOLARSHIPS FOR MAHOMEDAN BOYS, SIND.

Khan Bahadur M. S. KHUHRO (Larkana District): (a) Will Government be pleased to state how many scholarships are annually provided for Mahomedan boys in Sind, for Secondary and Collegiate education respectively;

(b) what is the value of each scholarship, for secondary and higher education respectively;

(c) how much money thus made available was actually utilized during the last five years;

(d) how much money was returned unused in each of the five years;

(e) was the amount saved from the scholarship provided for secondary education or for collegiate education;

(f) what were the reasons for not using the full amount made available;

(g) what is the method or the criterion for deciding upon the fitness of a boy for receiving the scholarship;

(h) is there any examination for the applicants;

(i) if so, who are generally appointed to examine them;

(j) are the majority of those chosen to select these boys from the Muslim community or from the non-Muslims;

(k) if the majority is of the latter, why are Muslims alone not chosen for the purpose?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) 700 in secondary schools; 48 in colleges.

(b) Rs. 10, 12-8-0 and 30 per mensem for the middle school, high school and Arts College scholarships respectively.

(c) and (d) The amounts made available, actually utilized and saved during the last 5 years are given below:—

Year.	High and Middle School scholarships.			College scholarships.		
	Money available.	Money utilized.	Saving.	Money available.	Money utilized.	Saving.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1925-26	59,280	56,787	2,493	17,280	16,959	321
1926-27	65,400	63,513	1,887	17,280	15,384	1,896
1927-28	71,490	69,270	2,220	17,280	15,766	1,514
1928-29	74,785	71,993	2,792	17,280	16,650	630
1929-30	88,350	85,363	2,987	17,280	16,557	723

(e) From both.

(f) The chief reasons were:—

(1) Some scholars do not join on the date from which scholarships are available.

(2) Scholarships are paid in the case of scholars who fail to secure promotion up to and inclusive of the month in which they appear

for the examination and their vacancies are filled up only from the beginning of the school or college term.

(3) Absence of scholars without sufficient cause and permission of the Head Master.

(4) Reduction of scholarships for unsatisfactory progress after due warning.

(g) Results of special competitive examinations held for the purpose.

(h) Yes.

(i) The examinations are conducted by a Committee of which the Headmasters of Government High Schools are Presidents and other Government officers and heads of some aided institutions are members.

(j) Generally half the number of examiners are Muslims and the other half, Hindus.

(k) The Committees examine for open High and Middle school scholarships and for Intermediate and Backward Hindu scholarships along with the special Muhammadan examination.

N.B.—The figures given in the replies to parts (a) to (e) above do not take into account the scholarships at the Professional Colleges in the Presidency shown below to which the Muhammadans of Sind are equally eligible with their co-religionists in the Presidency proper:—

College of Engineering	..	9	} Scholarships of the value of Rs. 40 per mensem each.
Medical College	..	12	
Sydenham College	..	3	} Scholarships of the value of Rs. 35 per mensem each.
Government Law College	..	6	
V. J. T. Institute	..	12	

Khan Bahadur M. S. KHUHRO: Is it not a fact that the administrative officers are senior to the Government inspecting officers and yet they are excluded from these examination committees?

The Honourable MOULVI RAFI UDDIN AHMAD: I cannot answer the question now. I shall make enquiries and if there is anything like that I shall correct it so that it may not happen again.

HEAD ACCOUNTANTS AND DEPUTY ACCOUNTANTS, SIND.

Khan Bahadur M. S. KHUHRO (Larkana District): (a) Will Government be pleased to state the number of Head Accountants and Deputy Accountants in Sind belonging to the Hindu and the Mussalman communities respectively?

(b) How many of them have passed the Head Accountants' examination?

(c) If there is not a single Mussalman Head Accountant or Deputy Accountant in the whole of Sind, what measures, if any, Government propose to take in the matter?

The Honourable Mr. J. GHOSAL: (a) There are 6 Head Accountants in Sind of whom 5 are Hindus and 1 is a Christian, and 6 Deputy Accountants all of whom are Hindus.

(b) 5 Head Accountants have passed the Head Accountants' examination and the sixth has been exempted from the liability to pass it. Out of the 6 Deputy Accountants 2 have passed the Head Accountants' examination and 4 the Revenue Qualifying examination.

(c) Government propose to take no special action at present, but every endeavour is being made to encourage Mahomedans to take to the Accounts Department.

ASSISTANT JUDGES, SIND : MOSLEMS AND NON-MOSLEMS.

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

(a) the ratio of Moslem Assistant Judges to that of non-Moslems in Sind at present ;

(b) the ratio in 1929 ;

(c) why no Moslem Subordinate Judge was selected for the two vacancies filled during the current year ;

(d) whether no Moslem Public Prosecutor or Assistant Public Prosecutor was considered fit for the Assistant Judgeships ;

(e) the reasons for selecting two Amils at one time for the two vacancies of Assistant Judgeships in Sind ?

The Honourable Sir ERNEST HOTSON : (a) It is presumed that the question refers to officers who are not members of the I.C.S.

" Pukka " Assistant Judges	..	..	2 : 0
Officiating Assistant Judges	..	..	0 : 3

(b) On the 1st July 1929—

" Pukka " Assistant Judges	..	..	1 : 1
Officiating Assistant Judges	..	..	1 : 1

(c), (d) and (e) As has been stated on many previous occasions, these appointments are made by selection. When the vacancies occurred, Government chose the persons they considered best fitted for them. They are not prepared to discuss the claims of individuals.

Khan Bahadur M. S. KHUHRO : May I know whether any Mussalman were recommended from Bar and from A. P. Ps. in Sind for appointment as Assistant Judges ?

The Honourable Sir ERNEST HOTSON : I believe that some have been recommended.

Khan Bahadur M. S. KHUHRO : Is it a fact that no persons, whether Hindus or Mahomedans, have so far been recruited in the judicial line from the Bar as Assistant Judges ?

The Honourable Sir ERNEST HOTSON : I think that is the case.

Khan Bahadur M. S. KHUHRO : Was it not the original intention to give one of the two appointments to a member of the Bar ?

The Honourable Sir ERNEST HOTSON: Yes, but the question whether any preliminary training is necessary or not is still under consideration.

HIGH SCHOOLS, EAST KHANDESH: GRANTS-IN-AID.

Mr. H. V. KOLHATKAR (East Khandesh District): (1) Will Government be pleased to state—

(a) whether it is a fact that the Collector of East Khandesh has made a report to stop the grant-in-aid of the D. S. High School at Bhusaval and some other high schools in the East Khandesh District;

(b) if so, the grounds on which the Collector has taken the action;

(c) whether the Collector ever brought to the notice of the authorities of those schools any irregularities before submitting his report?

(2) Will Government be pleased to place on the Council table the reports of the Collector?

(3) Will Government be pleased to state whether the irregularities, if any, in these schools were more serious than in other schools against which the Collector has not reported?

The Honourable MOULVI RAFIUDDIN AHMAD: (1), (2) and (3) Government regret that owing to the shortness of time available it is not possible to obtain the required information.

POLICE LATHI CHARGES, SHIRODA, DHARASNA AND BOMBAY.

Mr. H. V. KOLHATKAR (East Khandesh District): Are Government aware of the lathi charges made by the Police at Shiroda, Dharasna and Bombay and if so will Government be pleased to state under what provisions of law such charges were justified or ordered?

The Honourable Sir ERNEST HOTSON: Yes. Under sections 127 and 128 of the Criminal Procedure Code, and, in Bombay City, under section 40 of the City of Bombay Police Act.

CIVIL COURT BUILDINGS, JALGAON.

Mr. H. V. KOLHATKAR (East Khandesh District): (a) Will Government be pleased to state what arrangements they intend to make regarding the civil court buildings at Jalgaon (East Khandesh)?

(b) Are Government aware that it is absolutely necessary to find better accommodation for them?

(c) Is it a fact that Government intend to take up the new Urdu School Building just next to the present District Court Building for the said purpose?

(d) If so, have any steps been taken in the matter?

(e) Is there any other scheme under the consideration of Government?

The Honourable Sir ERNEST HOTSON : (a) The construction of the new Court buildings at Jalgaon is under the consideration of Government.

(b) The present accommodation is not satisfactory, and it is desirable to improve it, if this can be done at a reasonable cost.

(c) and (d) The question of hiring a Municipal School Building close to the District Court is under consideration as a temporary measure until funds can be allotted for new buildings.

(e) Not at present.

MUNICIPALITY, JALGAON : NEW URDU SCHOOL BUILDING.

Mr. H. V. KOLHATKAR (East Khandesh District) : (a) Are Government aware that the City Municipality at Jalgaon have erected a new building for the primary Urdu School this year and have handed it over to the School Board ?

(b) If so, what is the cost of the said building and what is the number of pupils attending the same ?

(c) Was the sanction of Government necessary for spending the amount and if so was such sanction obtained ?

(d) Have Government considered whether it is in proportion to the needs of the scholars and whether it is an amount which the said Municipality should have spent according to its resources ?

(e) If the reply to (d) is in the negative what steps do Government intend to take in the matter ?

The Honourable MOULVI RAFIUDDIN AHMAD : Government regret that the time available before the dissolution of the Council is too short to enable them to obtain the information required by the Honourable Member.

SUB-JUDGES : SPECIAL JURISDICTION SUITS.

Mr. H. V. KOLHATKAR (East Khandesh District) : (a) Will Government be pleased to state the number of special jurisdiction suits and execution proceedings in each of First Class Sub-Judges' courts in the Presidency valued at between Rs. 5,000 and Rs. 7,500 ?

(b) Have Government taken any steps to invest some of the Second Class Sub-Judges with the special jurisdiction under the amended Civil Courts Act ?

The Honourable Sir ERNEST HOTSON : (a) The information cannot be collected in time to be laid on the table during this session.

(b) No such action has yet been taken since appeals from the decisions of Second Class Subordinate Judges in suits the value of which exceeds Rs. 5,000 would at present under section 8 of the Bombay Civil Courts Act lie to the District Judge. The intention is that they should lie to the High Court as in the case of First Class Subordinate Judges, and the Government of India have introduced a Bill in the Central Legislature to give effect to this intention, since such legislation would be *ultra vires* of the local legislature. When this Bill has been passed steps will at once be taken to confer the increased jurisdiction on the Second Class Subordinate Judges selected for the purpose.

PENSIONS : COMMUTATION RULES.

Mr. H. V. KOLHATKAR (East Khandesh District): (a) Is commutation of pensions allowed in the case of all Government servants or is there any limit below which no commutation is allowed ?

(b) Are Government aware that the limit imposed is a hardship on persons getting small pensions especially when such servants wish to have small huts or houses to live in after retirement when small tenements are not available at low rents ?

(c) Do Government intend to revise the present rules ?

The Honourable Mr. G. B. PRADHAN: (a) Commutation of pension is allowed in all cases provided the residue of pension after commutation is not thereby reduced to less than Rs. 20 per mensem.

(b) and (c) No.

• LAND REVENUE : RULES AND ORDERS.

Mr. H. V. KOLHATKAR (East Khandesh District): (a) Will Government be pleased to state whether they have taken any steps to publish the City Survey Manual for the use of the public ?

(b) Are Government aware that the Government Resolutions under the Land Revenue Code and the Watan Act are not available to the public at present ?

(c) Is it a fact that Mr. Anderson, lately Settlement Commissioner, intended to publish the Land Revenue Code with the Government Resolutions under the authority of Government and if so what steps have been taken to publish the book after his retirement ?

The Honourable Mr. J. GHOSAL: (a) The question of making the publication available for sale to the public is under consideration.

(b) It is not a fact that all Government Resolutions are not available to the public. Only those resolutions which are of a confidential nature are not made available to them. Moreover the substance of important Resolutions bearing on the Land Revenue Code and the Watan Act has been embodied in the annotated editions of the Code and the Act, which are available to the public.

(c) Yes, Mr. Anderson intends to publish a revised edition of the Land Revenue Code at his own risk.

LEAFLET ON "BOYCOTT OF BRITISH GOODS".

Rao Bahadur R. R. KALE for Mr. HOOSEINBHOY A. LALLJEE (Bombay City): (a) Will Government be pleased to state how many copies of the leaflet "Boycott of British Goods" issued by the Director of Information (First Edition) were printed and in what languages ?

(b) How many were distributed and how many destroyed ?

(c) At what places were these leaflets distributed and who distributed them ?

(d) What is the cost of publishing these leaflets and what is the cost of their distribution ?

(e) Is it a fact that both the Indian and European commercial interests did not approve of these leaflets and do not approve of the printing and distribution thereof ?

(f) What was the object of publishing such a leaflet ?

(g) How were the facts stated in the leaflet obtained ?

(h) Is it a fact that large Indian banking and insurance interests have protested against issuing this leaflet as causing loss to them ?

The Honourable Sir ERNEST HOTSON :

(a) English	..	..	..	..	15,000
Marathi	..	..	..	..	25,000
Gujarati	..	..	..	..	18,000
Urdu	..	..	..	..	6,000
Kanarese	..	..	..	..	10,000
					74,000
(b) Distributed	..	..	..	..	14,920
Destroyed	..	..	..	..	59,080

(c) In Bombay City—through the agency of the police.

(d) The cost of production was Rs. 234 ; the cost of distribution was nil.

(e) Yes.

(f) It was issued with the intention of serving as counter-propaganda against the campaign for the boycott of British goods conducted by the Civil Disobedience party.

(g) From information in the office of the Director of Information.

(h) A protest has been received from the Indian Merchants' Chamber.

LLOYD BARRAGE AND CANALS CONSTRUCTION : ESTABLISHMENT.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) the number of temporary Subordinates, Lower Subordinates, Assistant Engineers and members of the work-charged establishment drawing above Rs. 100 per mensem in the whole Barrage administration in each circle who have been discharged or dismissed or sent away from the Barrage and who left it for any reasons stating reasons in general terms for such discharges ;

(b) the number of such members of Upper Subordinate service, Assistant and Assistant Executive Engineers who were once promoted to better grade for distinguished services and whose annual increments have been stopped now or at any period ;

(c) the number of Assistant Engineers and Assistant Executive Engineers in each circle whose annual promotions have been stopped without giving them intimation of the reasons leading to such action on the part of Government ?

The Honourable Sir GHULAM HUSSAIN : (a), (b) and (c) The collection of necessary information awaits reply to a reference made to the Honourable Member by the Secretary to the Bombay Legislative Council regarding the period for which it is required.

Government regret that it will not be possible to give a full reply to the question before the present Council is dissolved.

LLOYD BARRAGE DRAINAGE.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state, with reference to the Visvesvaraya Report, paragraph 38, page 22—

(a) whether they are convinced after the last destructive floods in Sind that the natural formation of the ground does not permit of any drainage ;

(b) whether they agree with the experts that “ provision of drains to carry away surface water is an urgent necessity ” ;

(c) whether they are aware that this absence of drainage facilities will cause, in addition to flooding of fields and towns at times of heavy rainfall or spill from the river, water-logging and consequently affect the soil for producing crops ;

(d) whether there is a provision of Rs. 93 lakhs in the Barrage estimates for minor drainages ;

(e) if the answers to (a) to (d) are in the affirmative, when they propose to construct the drains ?

The Honourable Sir GHULAM HUSSAIN : The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

LLOYD BARRAGE : ESTABLISHMENTS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state, with reference to paragraph 42, page 24, of the report by Sir Visvesvaraya—

(a) whether the experts report that up to date the cost of establishments on barrage works out at 36 per cent. after deducting the cost of imported machinery, steel and gear ;

(b) whether the experts state that the same item of expenditure on the Sutlej Valley was 13 per cent. ;

(c) if the answers to (a) and (b) are in the affirmative, what steps they have taken or propose to take to reduce expenditure under this head ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) No. The report referred to states that on the Sutlej Valley Scheme the percentage rate of establishment charges was 22·4 in the 4th year and it dropped to 13·1 in the 5th year. It has been ascertained from the Punjab Government that the percentages of establishment charges to works expenditure on the Sutlej Valley Project including the cost of imported machinery, structural steel and gear, etc., in the 4th and 5th years were 24·42 and 21·06 respectively against 22·3 and 21 on the Lloyd Barrage and Canals Construction Project.

(c) Does not arise. Please see reply to (b) above.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu) : In answer to (a), the cost on establishments has been admitted to be 36 per cent. as set out in

the experts' report, while in reply to (b) it is stated the expenditure on the Sutlej Valley Scheme has been shown as 22·4 in the 4th year and 13·1 in the 5th year. Which is correct? Towards the end of the answer to (b), the figures given are 22·3 and 21 on the Lloyd Barrage and Canals Construction Project.

The Honourable Sir GHULAM HUSSAIN: If the honourable member will read the replies more fully, he will find that both the figures are correct.

Mr. HAJI MIR MAHOMED BALOCH: I do not think so, Sir. I have very carefully read the answers.

The Honourable Sir GHULAM HUSSAIN: One includes machinery and the other excludes machinery.

LLOYD BARRAGE: QUARRY PLANT.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state, with reference to paragraph 47, page 26, of the report by Sir Visvesvaraya—

(a) whether it is a fact that the cost of quarry plant and dressing plant, exclusive of sheds, etc., is Rs. 5·25 lacs and Rs. 3·6 lacs respectively;

(b) whether it is a fact that much of the dressing plant is lying idle;

(c) whether it is a fact that most of the quarrying since September 1927 is being done by contractors' labour instead of by the quarry plant;

(d) whether the reasons for these plants remaining idle is that engineers have changed the proposed masonry arches into cement concrete, reinforced arches;

(e) when it was decided to use R. C. C. arches;

(f) why the use of R. C. C. arches did not recommend itself to the engineers at first;

(g) whether it is a fact that Rs. 9 lacs have already been spent on masonry;

(h) whether it is a fact that Messrs. Harrison and Musto were the officers who designed the project, recommended the purchase of quarrying and dressing plant and now again recommended the scrapping of it;

(i) whether Government have taken any steps against these officers in the matter and, if so, what they are?

The Honourable Sir GHULAM HUSSAIN: The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

LLOYD BARRAGE: EXPENDITURE ON BUILDINGS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state, with reference to paragraph 43, page 24, of the report by Sir Visvesvaraya—

(a) whether the original provision for buildings was Rs. 64·85 lacs;

(b) whether the revised recapitulation contains increased expenditure of Rs. 87·61 lacs ;

(c) whether the excess is in Barrage and Rohri canal circles ;

(d) whether they agree with the experts that it is "high", i.e., instead of 3 per cent., it is 6·62 per cent. on works ;

(e) whether they have stopped all further expenditure on this head as urged by the experts at the end of the paragraph ?

The Honourable Sir GHULAM HUSSAIN : The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

LLOYD BARRAGE : POWER PLANT AT SUKKUR.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state, with reference to paragraph 46, page 25, of the report by Sir Visvesvaraya—

(a) whether the B. H. P. of engines is 3,600 and the capacity of generators is 2,350 K.W. ;

(b) whether the cost of the plant is nearly Rs. 15 lacs ;

(c) whether they agree with the experts that all that power has been found too much for the necessities of the work ;

(d) whether the engines are of three types instead of one type only ;

(e) why engines of one type were not purchased ;

(f) the names of the officers who recommended the purchase of all this plant ;

(g) what steps Government have taken against them in the matter ?

The Honourable Sir GHULAM HUSSAIN : The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

LLOYD BARRAGE : ARCHES.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state, with reference to paragraph 27, page 16, of the Visvesvaraya report—

(a) whether Government have accepted as correct the reason given for the change of stone masonry arches into cement arches ;

(b) whether it is a fact that the change was introduced because the actual costs of stone arches had gone high as much as two to three times as against that estimated by Mr. Musto ;

(c) whether it is a fact that Mr. Musto had after very thorough investigation and experiments shown in the original project report of 1919 that the factor of safety provided by stone arches was quite sufficient ;

(d) what are Mr. Musto's reasons for rejecting stone arches now ?

The Honourable Sir GHULAM HUSSAIN: The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): Sir, this question went to Government in January and now we are in the seventh month and still the Government's answer to my question is that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

The Honourable the PRESIDENT: The honourable member says that this question has been standing over for nearly 7 months.

The Honourable Sir GHULAM HUSSAIN: I will make enquires, and if the honourable member's complaint is correct, I will see if anything can be done to give a full reply.

Mr. HAJI MIR MAHOMED BALOCH: All answers given to my questions on Lloyd Barrage are of the same character. I do not know whether I shall be returned to this Council next time, and so I am naturally anxious to get the information asked for.

The Honourable Sir GHULAM HUSSAIN: No, no. I am sure the honourable member will succeed in getting elected to the new Council all right.

LLOYD BARRAGE: FLOOR LEVELS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state, with reference to paragraph 29, page 16, of the Visvesvaraya report—

(a) how many spans of the Barrage proper were constructed before 1928 with floor level at R. L. 176 before the floor level was raised to R. L. 177 to limit the disruptive action to the solid pavement under standing wave conditions;

(b) how Government propose to protect the spans already constructed with floor level at R. L. 176 from this standing wave action;

(c) whether it is a fact that Messrs. Musto and Harrison were responsible for this design and construction of Barrage works;

(d) whether Government have recorded their disapproval of this portion of design and actual construction?

The Honourable Sir GHULAM HUSSAIN: The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

LLOYD BARRAGE: DRAGLINE EXCAVATORS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state, with reference to paragraph 36, page 21, of the Visvesvaraya report—

(a) the number of dragline excavators on the Barrage scheme and the number on the lower Sutlej Valley project;

(b) the total basic capacity of all the Barrage dragline excavators and that of the Lower Sutlej Valley project dragline excavators ;

(c) whether it is a fact that the Barrage engineers possess the maximum number of excavating machines ;

(d) what are the reasons for the low output of excavation on the Barrage ?

The Honourable Sir GHULAM HUSSAIN : The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

LLOYD BARRAGE : PROGRESS OF ROHRI CANAL CONSTRUCTION.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state, with reference to paragraphs 23 and 37, pages 14 and 21, of the Visvesvaraya report—

(a) why the cost of the Rohri Canal per cusec of canal capacity is Rs. 5,258 while that for rice canals is only Rs. 1,943 ;

(b) why the progress of excavation of Rohri Canal is 43.5 per cent. while that of the Right Bank Canal is 60 per cent. ;

(c) whether the number of establishment and divisions is bigger in Rohri Canal Circle than in other circles ;

(d) whether Mr. S. C. Mould, Superintending Engineer, is responsible for progress and cost of Rohri Canal ;

(e) the grade and salary of Mr. S. C. Mould before joining the Barrage ;

(f) the grade and salary of Mr. S. C. Mould in the Barrage ;

(g) the qualifications of Mr. S. C. Mould and his experience of such perennial canal schemes before being promoted to the Barrage ;

(h) what steps Government propose to take against Mr. Mould in regard to the progress and cost of construction of the Rohri Canal ?

The Honourable Sir GHULAM HUSSAIN : The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

LLOYD BARRAGE : BORROW PITS IN BEDS OF CANALS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state, with reference to paragraph 36, page 21, of the Visvesvaraya report—

(a) whether at the commencement of the project work borrow pits were being dug in the beds of canals ;

(b) whether the Chief Engineer, Lloyd Barrage, had some time ago issued orders stopping the digging of borrow pits in beds of canals or distributaries ;

(c) whether it is a fact those orders were countermanded by the Acting Chief Engineer, and if so, the reasons therefor ;

(d) whether they have now stopped the digging of borrow pits in the bed of canals ?

The Honourable Sir GHULAM HUSSAIN : The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

LLOYD BARRAGE : FLOATING PLANT : COST AND OUTPUT.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state, with reference to paragraph 48, page 26, of the Visvesvaraya report—

(a) whether they will place on the Council table a complete list of the floating plant for the Barrage works ;

(b) whether the total cost of the suction dredgers and plant was Rs. 65 lacs ;

(c) whether it is a fact that the purchase cost of the dredgers is twice that provided in the original sanctioned estimate ;

(d) when the estimates were framed and when the dredgers were purchased ;

(e) whether it is a fact that when those estimates were before the Council for sanction in 1923, Mr. Lalji Naranji had pointed out that since the framing of the estimates the cost of machinery had gone down, and there should be a saving, and whether this point was accepted by Government then ;

(f) the names of the expert dredger engineers whose advice was sought by Government before specifying the conditions of construction and working for the dredgers ;

(g) if no expert was consulted, the reasons therefor ;

(h) whether the cost of dredging is Rs. 34 per 1,000 cubic feet against Rs. 8 provided in the original estimates ;

(i) whether most of the work intended to be done by this floating plant is being done by manual labour at a cost much higher, i.e., at Rs. 40 to Rs. 60 ;

(j) the names of officers who were responsible for advising the purchase of plant costing Rs. 65 lacs, estimated to do work at Rs. 8 per 1,000 cubic feet, while in fact the work is costing 5 to 8 times more ;

(k) what action Government have taken against such officers ?

The Honourable Sir GHULAM HUSSAIN : The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

LLOYD BARRAGE : FINAL REVISED COST.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state, with reference to paragraphs 70 to 71, page 38, of the Visvesvaraya report—

(a) whether the final revised cost of the Barrage project, without interest charges, is Rs. 21.09 less saleage (salvage ?) of Rs. 1.05 crores ;

(b) whether the experience of Government in disposal of Bombay Development Department plant assures them that they can obtain Rs. 1.05 crores from the sale of the Barrage plant ;

(c) whether the excess of Rs. 169 lacs on the original estimates after the actual construction of 44 per cent. of the works is not going to be exceeded again ;

(d) whether Government propose to omit any works as suggested by experts ;

(e) if so, the items of work proposed to be omitted with their costs ?

The Honourable Sir GHULAM HUSSAIN : The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

EDUCATIONAL INSPECTORS, SIND.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) the number of Educational Government Inspecting Officers in each of the districts of Sind ;

(b) how many of such officers are—

(i) Muslims,

(ii) Non-Muslims ;

(c) if there are no Muslim Government inspecting officers, the reasons therefor ;

(d) whether Government have taken any steps in the past to appoint Mussalmans in the inspecting line ;

(e) if the answer to (d) is in the negative, whether the Government intend to appoint Muslims in future ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a)

(1) Karachi	..	..	..	..	Two
(2) Hyderabad	..	..	..	..	One
(3) Larkana	..	..	..	..	One
(4) Nawabshah	..	..	..	..	One
(5) Sukkur	..	..	..	..	One
(6) Thar and Parkar	..	..	..	..	One
(7) Upper Sind Frontier	..	..	..	..	One

(b) All non-Muslims.

(c) Because ten Government Muslim inspecting officers have at present been lent for foreign service under School Boards, seven as School Board Administrative officers and three as Supervisors.

(d) There were three temporary vacancies after the transfer of control of Primary Education to Local Authorities and they were all filled by Hindus and though Government tried to obtain a Muhammadan for these temporary vacancies no Muhammadan of required qualification was available.

(e) As will be seen from the reply given to (d) above, Government are willing to appoint Muhammadan Inspecting Officers, provided they possess the necessary qualifications.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): The reply to (b) says "All Non-Muslims." The reply to (d) states that there were three vacancies and that they were all filled by Hindus, and further that though Government tried to obtain a Mahomedan for these temporary vacancies, no Mahomedan of required qualification was available. What were the qualifications required for the Mahomedan candidates?

The Honourable MOULVI RAFIUDDIN AHMAD: The usual qualifications are well known.

Khan Bahadur M. S. KHUHRO: What is the nature of the work assigned to inspecting officers?

The Honourable MOULVI RAFIUDDIN AHMAD: They have to inspect schools.

Khan Bahadur M. S. KHUHRO: Is double inspection necessary in the districts?

The Honourable MOULVI RAFIUDDIN AHMAD: Double inspection is necessary in order to prevent wastage and to keep up the efficiency of the teachers, etc.

Mr. NOOR MAHOMED: Are Government aware that these Government inspecting officers are not getting their travelling allowances and therefore at present they are doing absolutely no inspection work?

Mr. HAJI MIR MAHOMED BALOCH: Was the Sind Mahomedan Association ever asked by Government whether they had any qualified candidates to recommend?

The Honourable MOULVI RAFIUDDIN AHMAD: I did not inquire into this matter.

Mr. NOOR MAHOMED: I do not know whether the Honourable Minister is aware that these inspecting officers are doing no inspection work at present.

The Honourable MOULVI RAFIUDDIN AHMAD: I am not aware of that, but if that be so, I shall make further enquiries.

Khan Bahadur M. S. KHUHRO: Do Government receive regular reports from these inspecting officers?

The Honourable MOULVI RAFIUDDIN AHMAD: I think they do.

Khan Bahadur M. S. KHUHRO: Are they ever sent to the School Boards?

The Honourable MOULVI RAFIUDDIN AHMAD: I think a copy is generally sent to the Chairman of the School Board concerned.

ASSISTANT MASTERS, SIND.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) the sanctioned number of posts of assistant masters in Government high schools in Sind;

(b) how many of these are (i) Muslims, (ii) Non-Muslims;

- (c) what practical steps have been taken by the Government to increase the percentage of Muslim-teachers ;
- (d) the number of vacancies that have occurred during the past seven years ;
- (e) whether the vacant posts were at any time advertised ;
- (f) if so, the number of applications received from (i) Muslims, (ii) Non-Muslims ;
- (g) the number of appointments made of (i) Muslims, (ii) Non-Muslims ;
- (h) how many Muslims are permanent, probationary or acting ;
- (i) how many Non-Muslims are permanent, probationary or acting ;
- (j) the numbers of Muslim and Non-Muslim teachers deputed to the Secondary Training College, Bombay, during the last seven years ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) 89.

(b) (i) 20.

(ii) 69.

(c) Various facilities are given to Muhammadan candidates in order to induce them to join the service and preference is generally given to them over non-Muslims.

(d) 142.

(e) and (f) Applications from Muhammadan candidates were invited by advertisement in local papers in May 1929. The number of applications received in response to the advertisement was six.

(g) (i) 63.

(ii) 79.

(h) 6, 7 and 7 respectively.

(i) 57, 12 and nil respectively.

(j) 9 and 21 respectively.

LLOYD BARRAGE : PROCEEDS OF LAND SALES.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state, with reference to paragraph 74, pages 39 and 40, of the Visvesvaraya report—

(a) whether they will place on the Council table "the Chief Engineer's Estimate of Revenue Results" supplied to the two experts ;

(b) whether they agree with the Chief Engineer that all accumulations of interest in excess of the estimate of Rs. 20·04 crores will be met from the proceeds of the land sales ;

(c) whether it is a fact that the Governments of Bombay and India submitted an estimate of Revenue Results to the Secretary of State for India while asking the latter to sanction the project, showing that all capital and accumulation of interests were to be wiped out by the proceeds of land sales in a short time after the completion of the project ;

(d) whether they agree that the project will give a return of 5½ per cent. at the end of 10 years after the completion of the project ?

The Honourable Sir GHULAM HUSSAIN : The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

LLOYD BARRAGE : GOVERNMENT OF INDIA LOAN.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state, with reference to paragraph 75, page 40, of the Visvesvaraya report, whether they have satisfied themselves that—

- (a) the net charges on the capital cost will be only Rs. 20·04 crores ;
- (b) that the project will pay 5½ per cent. at the end of 10 years of completion ; and
- (c) that the annual repayment for the debt to the Government of India will be Rs. 145 lacs for 50 years ?

The Honourable Sir GHULAM HUSSAIN : The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

LLOYD BARRAGE : WORKING COST OF CANALS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : (1) Will Government be pleased to state, with reference to paragraph 86, page 46, of the Visvesvaraya report, whether the working cost of Rs. 1-4-0 nearly per acre estimated for canals is too little and that it will be Rs. 2-12-0 nearly per acre ?

(2) If so, what will be the difference in the net returns and its effect on the project results ?

The Honourable Sir GHULAM HUSSAIN : The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

LLOYD BARRAGE : WORKING YEAR AND LAND SALES.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state, with reference to paragraph 86, page 46, of the Visvesvaraya report, whether the final proposals and estimates to start working the project in May 1932 and to realize Rs. 10 crores from the land sales respectively will be attained ?

The Honourable Sir GHULAM HUSSAIN : The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

LANDS : LLOYD BARRAGE.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state, with reference to the following statement of the Honourable the General Member in June 1923 :

" Then, Sir, various vague apprehensions were expressed about foreign syndicates coming on the scene and exploiting the vast tracts of land made available by the Barrage Project in Sind. I may at once tell the Council, Sir, that there has been no application of that character before Government from any syndicate at all, and there is no intention on the part of Government to enter into any such arrangement. And, Sir, I am prepared to assure the Council that if the question ever arises in future, whether any syndicate or company should be allowed to purchase lands from the new canals, Government will favour the condition that such syndicate or company should be largely Indian in capital and control and will give this house an opportunity of discussing this question before it is decided. I think, Sir, this assurance ought to dispose of any misapprehensions that may be lingering in the minds of honourable members. Government propose to deal fairly and squarely with this Council and with the public at large, and are asking for sanction for this scheme only in the best interests of this Presidency " (*vide* Bombay Legislative Council Debates, Volume IX, page 152) ;

(a) whether Government have changed their policy and wish to let out lands to foreign syndicates ;

(b) if the reply to (a) is in the affirmative, whether Government will place on the Council table all applications received from such syndicates ;

(c) whether such foreign syndicates are largely Indian in capital and control ;

(d) whether Government will afford an opportunity to this Council to express an opinion on such grants of land before coming to any final decision ;

(e) whether the attention of Government has been drawn to the leading article in the *Sind Observer* of Karachi dated 9th and 10th April 1930, and if so, what is Government's reply to the statements contained therein ?

The Honourable Mr. J. GHOSAL: (a) and (e) The leading articles in the *Sind Observer* of 9th and 10th April 1930 referred to a proposal then under the consideration of the Lloyd Barrage Advisory Committee, to publish a notice regarding the leasing of areas from 2,000 to 20,000 acres. The notice after approval by the Advisory Committee has been published as Press Note No. P.-254 dated 12th July 1930 and a copy has been supplied to all Honourable Members. The policy governing the leases will be embodied in a model lease form which will be framed and referred for opinion to the Advisory Committee after some applications for leases have been received. Government have not departed from the views expressed by the Honourable the General Member in June 1923.

(b) No applications have yet been received in response to the notice.

(c) Does not arise.

(d) Government prefer to await the opinion of the Advisory Committee regarding the model form of lease.

GOVERNMENT SERVANT : DISMISSAL.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) what protection is afforded to a Government servant against allegations of misconduct or corruption against him ;

(b) the provisions of law, resolutions, circulars and rules of Government of India and Government of Bombay which must be followed before dismissing a Government servant ;

(c) whether any Government servant can be dismissed under the rules without a departmental or judicial enquiry proving misconduct or corruption on the part of a Government servant, and, if so, for what reasons ;

(d) whether Government can debar any person from further employment under them in any capacity whatever without proving any act of misconduct or corruption against him ;

(e) whether it is a fact that many dismissed Government servants are re-employed after dismissal ?

The Honourable Mr. G. B. PRADHAN : (a) No special protection is enjoyed by Government servants but he may, with the previous sanction of Government, have recourse to any Court or to the Press for the vindication of his public acts or character from defamatory attacks ;

(b) and (c) Attention is invited to Rule 55 of the Civil Services (Classification Control and Appeal) Rules republished at pages 1649-1661 of Part I of the *Bombay Government Gazette* dated 26th June 1930.

(d) It is open to Government to dismiss, and debar from further employment under them, any Government servant appointed by them or by an authority subordinate to them without proving misconduct or corruption, e.g., in cases of gross negligence, slackness or insubordination.

(e) No.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : With regard to the reply to (b) and (c), is it a fact that Government have issued Resolutions in March 1929 and February 1930 to the effect that no Government servant will be dismissed without giving him an opportunity to explain ?

The Honourable Mr. G. B. PRADHAN : That is correct.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu) : Then how is it stated that a Government servant can be dismissed without giving him an opportunity to explain ?

The Honourable Mr. G. B. PRADHAN : That is not so stated in (d).

POLICE EXCESSES AT LARKANA : SALT SATYAGRAHA, MAY 1930.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : (a) Will Government be pleased to state whether their attention has been drawn to the reports of police excesses against Satyagraha volunteers at Larkana appearing in the *Sind Observer* and the *Sind Herald* dated 17th May 1930 ? If so, what enquiries have they made in the matter and what is the result thereof ?

(b) Is it a fact that police charged indiscriminately with lathis and butt ends of guns on ladies and children without any warning and injured many people ?

(c) What is the number of women, children and men wounded on that occasion ?

(d) What were Government instructions to the police at Larkana about dealing with volunteers ?

(e) What action, if any, have Government taken against the police for breaking the laws themselves and in going beyond their powers and instructions ?

The Honourable Sir ERNEST HOTSON: (a) Yes. The District Magistrate of Larkana made a full enquiry into this occurrence and submitted a report to Government. Government are satisfied that the police did not exceed their duty.

(b) It is not a fact. None of the police were armed with guns. Those that were armed with lathis used the minimum amount of force necessary for quelling the disturbance.

(c) 23 men were treated at the Civil Hospital. No casualties among women or children were reported, although there was an unconfirmed rumour that one woman had sustained an injury.

(d) Orders were given to the District Magistrate that salt illicitly manufactured should be seized. In enforcing these orders the procedure prescribed by law was followed.

(e) Government do not propose to take any action. They are satisfied that the police did not exceed their powers.

POLICE FIRING, KARACHI: 16TH APRIL 1930.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (a) Will Government be pleased to state whether their attention has been drawn to the police firing on the crowds of Karachi on the 16th April 1930, in which Mr. Jairamdas Doulatram, ex-M.L.C., and several others were hit and two Satyagrahi volunteers fatally wounded ?

(b) Are Government aware of the statement made by Mr. Jairamdas Doulatram immediately after he was hit and published in the *Sind Observer* of the same date "that he heard the report of the guns without any warning whatsoever given to the people" ?

(c) Is it a fact that no warning was given by the Magistrate before the firing was opened ? If so, what was the reason therefor ? If a warning was actually given, what was the nature of such warning ?

(d) What was the strength of the police provided from the morning till the moment of firing to control the crowds from entering in the Court compounds ?

(e) Were the police able at an earlier moment to clear the Court compound of the rowdy crowds by means of the police lathi charge and with persuasion of Congress volunteers ?

(f) Could not the purpose of dispersing the crowds have been served by playing water on the people by fire engines or similar other less drastic measures than firing ?

(g) Are Government aware of the impressions which have gained ground in the public mind (i) that the act of firing at the stage had no other motive but that of striking terror, (ii) that no warning was given, and (iii) that the firing was unjustified and indiscriminate ?

(h) If so, what steps do Government intend to take to remove these impressions ?

The Honourable Sir ERNEST HOTSON : (a) Yes.

(b) Yes.

(c) It is not a fact. A warning was several times given by the City Magistrate that unless the crowd dispersed the police would be ordered to fire and that the fire would be effective.

(d) 135 men besides officers.

(e) Yes, but at a later stage the efforts made to restrain the crowd were ineffectual since it had increased in numbers and violence.

(f) No.

(g) Government do not believe that any such impressions have been made on the public mind. They believe that impartial persons have accepted the statements made by the Commissioner in Sind in his Press Note on the subject.

(h) Government do not consider that any further action is necessary in view of the Press Note issued by the Commissioner in Sind.

POLICE FIRING, KARACHI : 16TH APRIL 1930.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : (a) Will Government be pleased to state the name of the officer who ordered the firing which took place at Karachi on the 16th April 1930 ?

(b) Did he ask Mr. R. K. Sidhwa or any other known person present on the spot to declare aloud his order to the crowd, as a reasonable precautionary measure ?

(c) Was care taken to fire on mischief-makers and not upon persons separated from the crowd ? If so, was Mr. Jairamdas Doulatram in such crowd or separated from the crowd ?

(d) Will Government be pleased to publish or place on the table all the Government orders and rules prescribing the measures and precautions a Magistrate or a police officer should observe before firing is opened on mobs ?

(e) Was the Magistrate standing in the verandah of the Court premises at the moment of firing ?

(f) Is it a fact that the width of the verandah is 12 feet ?

(g) Is it a fact that there are on the verandah some 4 to 6 feet wide stone pillars obstructing the view ?

(h) Is it a fact that there is a space of 30 to 40 feet between the edge of verandah and the compound wall fencing of the Court ?

(i) Is it a fact that there was a thick growth of shrubs on the compound wall completely obstructing the view of the Magistrate and that he could not be seen by the crowds ? What is the height of the fencing above ground ?

(j) Is it a fact that all the people in the crowd were outside the compound wall ?

(k) If the answers to (e) to (j) are in the affirmative, how did the Magistrate manage to get himself heard, while giving the warning under the above circumstances ?

(l) Is it a fact that some public gentlemen and the Public Prosecutor of Sind requested the Magistrate to postpone the case then under trial after the first disturbance and to take the accused to the jail premises and to try them there as the Court was situated in the midst of the city, and that the Magistrate refused to do so ; why did he not comply with this request ?

(m) Is it a fact that after the firing the case had to be postponed and conducted in the jail premises ?

(n) Is it a fact that the Magistrate referred to above has already retired from active service but has been continued in service on some concessorary extension ?

The Honourable Sir ERNEST HOTSON : (a) Mr. W. N. Richardson, M.B.E.

(b) No.

(c) Fire was directed on the crowd that was in the act of forcing the gate. No persons separate from the crowd were fired on.

(d) The Honourable Member's attention is invited to pages 611-613 of the Bombay District Police Manual, Volume III, Section V, paragraph 994.

(e) He was standing in the verandah on the ground floor of the building in which the Court is located.

(f) It is 15 feet in width.

(g) There are pillars on the verandah, 3 feet 6 inches wide and 6 feet 8 inches apart.

(h) The distance is 53 feet.

(i) The height of the fencing is 6 feet 6 inches. There are some shrubs along the wall but not in front of the gate which the crowd was forcing.

(j) Some of the crowd were attempting to climb the fence.

(k) The Magistrate repeated his warning several times as loudly as he could. The noise made by the crowd may have partly drowned his voice.

(l) It is not a fact.

(m) Yes.

(n) Mr. Richardson has retired on pension but has been re-employed.

LLOYD BARRAGE CIRCLE : MACHINERY.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) the cost of all the machinery in the Lloyd Barrage Circle with details of description such as quarry plant, dressing machinery, rolling stock, etc., lying idle or likely to get idle before September 1930 ;

(b) what price would be realised thereon if sold ;

(c) how do Government propose to sell them ?

The Honourable Sir GHULAM HUSSAIN : The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

LLOYD BARRAGE : INTERSECTION OF PRIVATE HOLDINGS BY CANALS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : (a) Will Government be pleased to state the number of compact holdings of zamindars that have been cut up by (i) main canals, (ii) branches, and (iii) distributaries and minors ?

(b) What facilities are being provided for each zamindar to cross such canals from one side to the other with his bullocks to cultivate his lands thus separated ?

(c) Will Government be pleased to place on the Council table a tabular statement showing the average distance of crossing on each main canal, a branch canal and all distributaries and minors grouped together ?

The Honourable Sir GHULAM HUSSAIN : The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

PRIMARY TEACHERS, MIDDLE SCHOOL, KARACHI.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether it is a fact that the Educational Inspector in Sind had expressed his inability to secure the services of efficient primary school masters on a pay of less than Rs. 50 a month for the Middle School, Karachi, when it was started ;

(b) whether it is a fact that the Director of Public Instruction had given him authority to start such masters on a pay of more than Rs. 50 per month ;

(c) whether it is a fact that the teachers whose services were so secured on a high starting salary were, after being confirmed in their appointments, again transferred to Local Board and Municipal Schools on the original scale of pay ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) When the double shift system was introduced in the Karachi High School (which includes the middle school) in 1922, the Educational Inspector in Sind had reported that great difficulty was experienced in securing efficient third year trained teachers for some of the posts of Primary Teachers sanctioned for the school and that none of the teachers under the Karachi Municipality was willing to accept a post without an increase in his total salary. Permission was asked for by the Educational Inspector to offer selected vernacular teachers suitable initial pay in the sanctioned scale* of Rs. 40—2—80, but as the proposal was open to objection, the permission asked for was not granted.

(b) No.

*With local and duty allowances.

(c) The teachers were employed in the Karachi High School in view of the introduction of the double shift system which was purely an experimental measure. They were not confirmed in the temporary posts held by them in the Karachi High School. On the abolition of the double shift system in the High School, they had to be reverted to the posts in Local Board and Municipal Schools where their liens were kept.

LLOYD BARRAGE : STONE QUARRIES.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) how many tons of stones of all classes were quarried up till March 1930 at the Lloyd Barrage and the total expense on the quarries on all heads of expenditure ;

(b) how many tons of stones of all classes were carried by Railways and the total cost thereof ;

(c) how many tons of stones of all classes were delivered to (i) the Right Bank Division, (ii) the Left Bank Division ;

(d) how many tons of stones of all classes were used in the actual construction work of the Barrage and Head Regulators ?

The Honourable Sir GHULAM HUSSAIN: The information in the possession of Government is not complete, and they regret that the time available before the dissolution of the present Council is too short to enable them to give a full reply.

TATTA MUNICIPALITY: CONSTITUTION.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (a) Will Government be pleased to state whether it is a fact that the term of the last Municipal Corporation of Tatta (Sind) expired on the 31st December 1929 and that 30th December 1929 was the date fixed for the General Elections of Municipal Councillors for the following term ?

(b) Were the General Elections so fixed held and votes recorded, or were they postponed ?

(c) If the elections were held, when was the result thereof declared, and the list of elected and nominated councillors published in the *Sind Official Gazette* ?

(d) Under what constitution was the administration of the Municipality running between 1st January 1930 and the date when the list of Councillors was gazetted ?

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

(b) The elections were uncontested and therefore no votes were recorded.

(c) The result was declared on the 15th January 1930 and the list of nominated and finally elected councillors was published by the Commissioner in Sind in the *Sind Official Gazette* on the 1st March 1930.

(d) The routine administration was carried on by the previous President and the Municipal staff.

TATTA MUNICIPALITY : NOMINATION OF CANDIDATES.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (a) Will Government be pleased to state the name and office of the Returning Officer appointed by the Collector of Karachi for the General Elections of Municipal Councillors of Tatta Municipality fixed for 30th December 1929 ?

(b) (i) How many nomination papers of candidates were received ?

(ii) Is there any form of nomination prescribed under the election rules of the Tatta Municipality ?

(iii) Did the Returning Officer use a similar form as was used by the candidates nominated for election on the 30th December 1929 for his own candidature at previous elections and was the same accepted by the Returning Officers on those occasions ?

(iv) If the reply to (b) (ii) is in negative, was the draft of the nomination paper accepted by the Returning Officer in the past, supplied by a Municipal clerk to the intending candidates ?

(c) (i) Is it a fact that the nomination papers of as many as 13 candidates were rejected by the Returning Officer ?

(ii) Did each rejected nomination paper fulfil all the requirements of rule 13 (1) of the Election Rules of the Tatta Municipality as to—

(1) deposit ;

(2) declaration by qualified nominated voters ;

(3) the assent of qualified candidates ;

(4) photos or marks ; and

(5) the presentation of nomination paper in time ?

(d) If all requirements of rule 13 (1) of the Election Rules referred to above were complied with, why were the nomination papers of the 13 candidates rejected ?

(e) Was the nomination paper of the Returning Officer who was himself a candidate held faulty in some respects by the Collector of Karachi ?

(f) Is it a fact that there were two parties in the Municipality and that the Returning Officer had, by this action of his, succeeded in eliminating nearly completely from the new Corporation the party that was opposed to his party ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Government regret that the time available before the dissolution is too short to enable them to obtain and consider the material required for a full and correct reply to this very detailed question.

FOOD AND DRUGS ADULTERATION ACT : EXTENSION TO KARACHI.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) whether the City of Karachi had applied for the provisions of the Food and Drug Adulteration Act to be extended to the City of Karachi ; if so, when ;

(b) whether the rules on the subject have been framed and sanctioned by Government ; if so, what is the difficulty in extending

the Act to the City of Karachi, in spite of the repeated requests of the Municipality ;

(c) if there are no difficulties, when it is likely that the Act will be so extended ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes ; in December 1927.

(b) and (c) The rules were framed last July and published for general information. The Collector of Karachi like all other district officers in Sind was asked to ascertain from the Municipality whether the rules framed by Government and made applicable to the Bombay City are approved by that body and, if so, to submit to Government a draft notification for previous publication as required by section 19 of the Act. On receipt of this information and the draft notification the question of extension of the Act to the City of Karachi will be considered.

POLICE FIRING AT KARACHI, 16TH APRIL 1930 : JAMSHED ENQUIRY COMMITTEE'S REPORT.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether they have seen the report on the firing by the police on the Wadhmal Udham Road, Karachi, on the 16th April 1930, issued by the Enquiry Committee presided over by Mr. Jamshed N. R. Mehta ;

(b) if so, whether they accept the conclusions arrived at therein ;

(c) whether it is a fact that the Magistrate did not comply with the provisions of law before firing and that he gave the order to fire from a verandah from which any view of the public on the road was impossible ;

(d) if so, what steps Government propose to take against him in the matter ?

The Honourable Sir ERNEST HOTSON : (a) Yes.

(b) No.

(c) No. The Magistrate several times warned the crowd that, unless they dispersed, fire would be opened and that it would be effective. The Magistrate was standing on the ground floor verandah of the building when he gave the order to fire and he had a clear and uninterrupted view of the gate which the crowd was forcing ; fire was directed on this crowd.

(d) Does not arise.

EDUCATIONAL SERVICE : TRANSFER OF CONTROL TO LOCAL BOARDS.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

(a) the number of posts that were open to graduates in the Subordinate Educational Service, both in the teaching and in the inspecting line, before the transfer of control of primary education to the Local Boards ;

(b) how many posts in the Bombay Educational Service were open to them before the transfer of control and what was the percentage of these posts to the posts in the Subordinate Educational Service ;

(c) whether Government are aware that after the control of primary education is transferred to Local Boards, the percentage of posts in the B.E.S. open to those in the S.E.S. will be considerably lowered ;

(d) the number of vacancies created in the B.E.S. and S.E.S. respectively per division from 1st January 1924 to 1st January 1930 ;

(e) how many persons were confirmed during this period in the B.E.S. and S.E.S. respectively ;

(f) what is the policy of Government in filling vacant posts ;

(g) why the persons working in vacant posts are not confirmed ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) 469 on 1st April 1925. (The actual transfer of control to Local Boards commenced in June 1925.)

(b) 71 (Administrative Branch) on 1st April 1925 ; 15·1 per cent.

(c) Yes.

(d) Name of Division.	B.E.S.	S.E.S.
Bombay Division ..	7	18
Central Division ..	9	22
Northern Division ..	13	39
Southern Division ..	4	15
Sind ..	5	27
	38	121

(e) 3 and 19 respectively.

(f) and (g) Sixty-one assistant masters have recently been confirmed with effect from 1st April 1930 and the question of confirming more assistant masters is under consideration. Government have also recently confirmed 10 officers in the B. E. S. with effect from 1st April 1928. Government do not intend to keep posts in the S. E. S. and B. E. S. vacant as a matter of policy. Some of the vacancies have not been filled in consequence of the situation created by the passing of the Primary Education Act and the transfer of control of primary education to the Local Authorities. It is not possible to fill all the vacancies until it is known to what extent the Local Authorities are prepared to take over and retain permanently the staff of the Educational Department.

BELGAUM WATANDARS : PARAI ADOPTEES.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

(a) the names of the Parai adoptees in the below-mentioned Pargana Watandar families of the Belgaum District (whose watans have been settled under the Gordon Settlement) together with the dates of their adoption ;

(b) whether all these Parai adoptions have taken place with the previous sanction of Government or have been recognised afterwards by them ?

Belgaum Taluka.

1. In the Deshpande family of Pachapur,
2. In the Deshpande family of Hundli,
3. In the Karyat Kulkarni family of Hindalgi,
4. In the Inamdar family of Rajgoli,
5. In the family of Deshmukhs,
6. In the family of Deshpande of Ankalgi,
7. In the family of Desais of Wantmuri,
8. In the family of Sar-Desai of Jamboti,
9. In the families of Deshpandes of Yellur and Ujannagar,
10. In the families of Deshpandes in Chandgad,
11. In the families of Gumaste Kanagoes, Belgaum Taluka,
12. In the family of Deshpande in Karyat Kini.

Gokak Taluka.

13. In the family of Mutalik Desai of Dharmatti,
14. In the Desai family of Shindi Kurbet,
15. In the Deshpande family of Rajapur,
16. In the Deshpande family of Gokak,
17. In the Mahajan family of Gokak,
18. In the Desai family of Yadwad,
19. In the family of Deshpandes at Mallapur.

Chikodi Taluka.

20. In the Deshpande family of Ingali,
21. In the Desai family of Ingali,
22. In the Deshpande family of Malikwad,
23. In the Desai family of Nippani,
24. In the Desai family of Nanadi,
25. In the Mutalik Desai family of Chikodi,
26. In the Desai family of Ghosarwad,
27. In the Desai family of Alaknur,
28. In the Deshpande family of Chandur,
29. In the Deshpande family of Kabnur,
30. In the Desai family of Ankale.

Bail-Hongal Taluka.

31. In the Deshpande family of Kalbhavi.

Hukeri Taluka.

32. In the family of Nadgowdas of Madihalli (there are three Parai adoptions).

Athani Taluka.

33. In the Deshpande family of Athani,
34. In the Deshpande family of Alknur,
35. In the Deshpande family of Junjarwad,
36. In the Deshpande family of Kokatnur,
37. In the Samat Deshpande family of Kokatnur,
38. In the Nadgowda family of Kokatnur.

Parasgad Taluka.

39. In the Patil family of Yemigi,
40. In the Desai family of Taillur,
41. In the Desai family of Chachadi.

Khanapur Taluka.

42. In the Deshpande family of Khanapur,
43. In the Desai families of Karyat, Gunji, Karyat Katgali and Karyat Halashi,
44. In the Sar-Desai family of Khanapur.

The Honourable Mr. J. GHOSAL : (a) and (b) It is not possible to collect the information before the end of the current session.

WATANDARS : COURT OF WARDS.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

(a) the names of the estates of the Parai adoptee watandar families which have been and are being managed by the Court of Wards in the Belgaum and Dharwar districts ;

(b) what steps the Court of Wards have taken to protect the interests of these estates in relation to Government Resolution No. 9234/24, dated 20th November 1928 ?

The Honourable Mr. J. GHOSAL : It is not possible to collect the information required before the expiry of the current session.

KHOTI INAM VILLAGES, RATNAGIRI DISTRICT.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to place on the Council table a complete list of khoti inam villages in the Ratnagiri District ?

The Honourable Mr. J. GHOSAL : A list is placed on the table.

List of Khoti inam villages in the Ratnagiri District.

<i>Taluka Dapoli.</i>	<i>Taluka Sangameshwar.</i>
1 Pangari Tarf Jalgaon.	1 Devrukh.
2 Rav Tali.	2 Nive Budrukh.
	3 Sayale.
<i>Peta Mandangad.</i>	4 Kond Ambedu.
1 Latwan.	5 Golavli.
	6 Lovale.
	7 Kurdhonde.
<i>Taluka Khed.</i>	8 Pur.
1 Anjani.	9 Math Dhamapur.
2 Khari.	10 Tivare Ghera Prachitgad.
3 Ambdos.	11 Shiposhi.
4 Mussad.	12 Purye Tarf Devale.
	13 Kondye.
	<i>Taluka Ratnagiri.</i>
<i>Taluka Chiplun.</i>	1 Kansari.
1 Kutre.	2 Bondye.
	3 Chindraoli.
	4 Kapadgaon.

<p><i>Taluka Rajapur.</i></p> <p>1 Dhopeswar. 2 Juve Jaitapur. 3 Vada Kondivle. 4 Kond Tivare. 5 Wada Kond Dasur. 6 Shejavli. 7 Pangari Budrukh. 8 Padve. 9 Tivarambi. 10 Mur. 11 Walavad. 12 Kajirde. 13 Tulsavde. 14 Miland. 15 Karak. 16 Tamhane. 17 Talavde. 18 Javalethar. 19 Sawdaw. 20 Kolamb. 21 Hatade. 22 Nivel.</p>	<p><i>Taluka Rajapur.</i></p> <p>23 Gothane Dewache. 24 Panhale Tarf Soundal. 25 Waked. 26 Juvathi.</p> <p><i>Taluka Devgad.</i></p> <p>1 Ajavli. 2 Kasarde. 3 Kinjavde. 4 Kasba Salshi. 5 Math Khurd.</p> <p><i>Taluka Malvan.</i></p> <p>1 Gaudwadi. 2 Chindar. 3 Trimbak.</p> <hr style="width: 10%; margin: 5px auto;"/> <p>59 Total number of Khoti inam villages.</p>
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PUBLIC WORKS: KARACHI BUILDINGS DISTRICT.

Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to state—

(a) the length of service in the Karachi Buildings sub-division of the Sub-Divisional Officer in charge of the Construction sub-division ;

(b) the length of service in the Karachi Buildings District of the Sub-Overseer in the Repairs sub-division of that district ;

(c) how long the present Executive Engineer of the Karachi Buildings District has remained in charge of that district ;

(d) whether they will be pleased to place on the Council table a list of works, with the cost thereof given by the Executive Engineer, Karachi Buildings District, in each of the last three years to contractors other than those approved contractors whose rates were the lowest and the names of the contractors whose tenders were accepted and the names of those whose tenders were rejected ;

(e) whether they will be pleased to place on the Council table a list of the works of "petty repairs" in the Repair sub-division of the Karachi Buildings District given in each of the last three years to approved contractors other than those contractors whose rates were the lowest and the names of the contractors whose tenders were accepted and the names of the contractors whose tenders were rejected ;

(f) how many contracts for (a) works, (b) for repairs in Karachi Buildings District were given during each of the last three years by tenders and how many without tenders and the names of the contractors who were given contracts without tenders ;

(g) the names of the contractors in the Karachi Buildings District from whom "deposits" have been taken and of those from whom they have not been taken during each of the last three years ;

(h) the amount spent in the Repair sub-division of the Karachi Buildings District on "annual repairs" and on "special repairs" respectively during each of the last three years?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a), (b), (d), (e), (f), (g) and (h) Government are not in possession of the information required and they regret that time available before the dissolution of the present Council is too short to enable them to obtain it.

(c) The present Executive Engineer is in charge of the district for about 3½ years, with a short break intervening.

CROPS, NASIK DISTRICT: DAMAGE.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(a) whether crops in the Satana, Chandwad and Dindori talukas of the Nasik district have been damaged this year owing to severe cold and other causes;

(b) whether agriculturists in those talukas have submitted representations to them, the Commissioner, C. D., the Collector of Nasik or the Prant officers concerned asking for relief;

(c) if so, what relief has been granted to the agriculturists?

The Honourable Mr. J. GHOSAL: (a) There had been slight damage to crops in the Dindori Taluka both on account of cold and locusts and in the Chandor taluka on account of locusts only. No damage has been reported in the Baglan taluka either on account of cold or any other cause.

(b) Some applications were received from the villagers of the three talukas about the failure of crops owing to shortage of rain. A few were also received about the damage caused by cold in Dindori and locusts in Chandor and Dindori talukas.

(c) Figures of remissions of land revenue granted to the agriculturists of the Chandor and Dindori talukas are given below:—

	On account of cold.		On account of locusts.	
	Rs.	a. p.	Rs.	a. p.
Chandor	1,461
Dindori	*808 2 0 26

* The District Local Board has been moved to remit the local fund cess amounting to Rs. 51-9-0 on this sum.

PETROL TAX: SHARE OF BOMBAY GOVERNMENT.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(a) whether they have ascertained the total amount collected by the Government of India during the last year under the new Petrol Tax—

- (i) from the whole of India,
- (ii) from the Bombay Presidency,
- (iii) from Bombay City;

(b) the amount they have received as their share of the above tax ?

The Honourable Mr. G. B. PRADHAN: (a) Not known.

(b) The amount being placed to the credit of Bombay is Rs. 17½ lakhs.

DISTRICT LOCAL BOARD, RATNAGIRI, AND SCHOOL BOARD, RATNAGIRI.

Mr. A. N. SURVE (Bombay City, North): (a) Will Government be pleased to state whether it is a fact that the President, District Local Board, Ratnagiri, has submitted under Rule 27 (3)-D of the Primary Education Act certain rules for Government sanction ?

(b) Is it true that they contain a rule by which revisional powers in respect of all orders passed by the School Board and its officers pertaining to the teaching and supervising staffs were vested in the District Local Board or its President ?

(c) If the answer to (b) be in the affirmative, will Government kindly place a copy of the said rule on the table and state whether they have given their sanction to the said rule ?

(d) If Government have not given their sanction to the said rule, will they kindly state under what power the President, District Local Board, Ratnagiri, suspended the resolution of 6th November 1929 passed by the School Board appointing one Mr. Parab as a supervisor ?

(e) Does the President, District Local Board, Ratnagiri, possess powers to revise or revoke the resolutions passed by the School Board referring to appointments of teaching and supervising staffs under any rule, regulation or Act other than the rule referred to above ?

(f) Have Government passed any resolutions defining the respective powers of School Boards and the Presidents of Local Boards in the matter of appointments and their cancellations, and transfers of members of the teaching and supervising staffs ? If so, will Government kindly place copies of them on the Council table ?

(g) Have Government noticed the criticisms published in the *Young Muslim* of Ratnagiri and *Navyug* of Bombay referring to the arbitrary powers exercised by the President, District Local Board, Ratnagiri, in revising and suspending the resolutions passed by the School Board appointing and transferring members of the teaching and supervising Staff.

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

(b) Yes.

(c) A copy of the draft regulation framed by the local authority is placed on the Council table. The regulation was not approved by Government.

(d) and (e) Government regret that in view of the short time left for the dissolution of the Council it has not been possible to obtain the information required by the Honourable Member.

(f) No.

(g) Government have recently obtained summaries in English of the criticisms published in the newspapers referred to by the Honourable Member.

Draft Regulation No. 12 referred to in reply to clause (c) of the question.

12. All orders made by the School Board and its officers with respect to the teaching, supervising and inspecting staff shall be subject to revision by the Local Authority.

Mr. A. N. SURVE: With reference to (c), is it not a fact that the Director of Public Instruction has communicated to the Chairman of the School Board that the President of the District Local Board is not within his rights in interfering with the rules made by the school board?

The Honourable MOULVI RAFIUDDIN AHMAD: I cannot answer it off-hand; notice is necessary.

Mr. A. N. SURVE: With reference to (d) and (e) will Government obtain the information and supply it later?

The Honourable MOULVI RAFIUDDIN AHMAD: I will see if it can be done. If it can be supplied, I shall certainly do so.

PUBLIC WORKS DEPARTMENT OUTDOOR STAFF: THANA AND KOLABA DISTRICTS.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state—

(a) whether the karkun and maistry staffs employed by the Public Works Department for outdoor work in the Thana and Kolaba Districts had sent applications—individually—during the year 1921 or thereabouts requesting that the scale of their pay be revised, that the privileges given to the permanent staff be extended to them and for better terms of service;

(b) if so, the number of such applications received by the Secretary to Government, Public Works Department;

(c) whether they will place a copy of the application on the Council table;

(d) how these applications were disposed of and what reply—if any—was given to the applicants;

(e) what are the terms of service of these employees as regards remuneration, travelling allowances, leave and other privileges;

(f) When these terms of service were laid down and whether they have been revised since their introduction, and if so, with what effect?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a), (b), (c), (d), (e) and (f) The information is being collected. In view, however, of the short time available before the dissolution of the Legislative Council Government regret that it will not be possible to furnish it during this session.

Mr. A. N. SURVE: Will Government supply the information asked for when it is collected?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes.

REVISION SETTLEMENT: DEVGAD TALUKA.

Mr. A. N. SURVE (Bombay City, North): (a) Is it a fact that an officer was appointed recently to investigate some points relating to the revision settlement of the Devgad Taluka of the Ratnagiri District?

(b) If so, what were the points which were referred to him for inquiry?

(c) Were any instructions given to him to give an opportunity to the representative of an institution or a body which complained against the harshness of the revision settlement to state its case before him?

(d) Did the officer conduct the inquiry *ex parte*, and, if so, why?

(e) Has the officer submitted his report to Government?

(f) Will Government place a copy of the report on the Council Table?

The Honourable Mr. J. GHOSAL: (a) and (b) Last year Government issued instructions to the Collector of Ratnagiri to direct the District Inspector of Land Records, Ratnagiri, to investigate certain cases of wrong classification of Khajan and other lands about which complaints had been made.

(c) and (d) The District Inspector of Land Records, Ratnagiri, was directed to intimate to the President, Devgad Praja Mandal, his tour programme and to permit the representatives of the Praja Mandal to be present at the enquiry. The District Inspector reports that he had informed the President, Devgad Praja Mandal, at Bombay and the Secretary, Rayat Sabha, Devgad, of the dates of the commencement of his enquiry. The President informed the District Inspector that he should consult Mr. Bhaskarrav Gogte who furnished the District Inspector with the names of the representatives in each village and the enquiry was made by the District Inspector in their presence.

(e) No.

(f) Does not arise.

Mr. A. N. SURVE: With reference to (c) and (d), is it not a fact that between the date of the telegram sent and the date of the announcement of the enquiry, only one day intervened?

The Honourable Mr. J. GHOSAL: I have no knowledge of that.

Mr. A. N. SURVE: Is it the intention of Government to supply the Devgad Praja Mandal with a copy of the report when it would be submitted by the Inspector of Land Records?

The Honourable Mr. J. GHOSAL: After the report is received, I would be in a better position to answer that question.

SCHOOL BOARDS: PERSONS "EXPERIENCED IN EDUCATION".

Mr. V. A. SURVE (Ratnagiri District): (a) Will Government be pleased to state whether they have prescribed any educational qualification for the nomination of persons "experienced in education" on the school board of each district local board; and if so, what it is?

(b) What is the educational qualification of the person "experienced in education" on the school board of each district local board?

(c) Have any persons "experienced in education" on the school board of any district local boards prepared their own scheme of primary education for the consideration of the school board; and if so, in which district?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) The attention of the Honourable Member is invited to the explanation to Rule 17 (1) of the Bombay Primary Education Rules, 1924.

(b) The accompanying statement gives the required information.

(c) Yes. In Poona, Thana, Kolaba and Karachi districts.

Statement No. 1 showing the qualifications of the person experienced in education on the School Board of each District Local Board.

Serial No.	Name of District School Board.	Name of the person experienced in education.	The educational qualifications of the person.	Clause of the explanation to rule 17 (1) of the Bombay Primary Education Rules, 1924, in virtue of which the person is treated as experienced in education.
<i>Central Division.</i>				
1	Poona ..	Professor K. R. Kanitkar.	M.A., B.Sc.	(b)
2	Satara ..	Mr. S. N. Salunke.	Retired third year trained teacher.	(b)
3	Sholapur ..	" V. A. Modak	B.A.	(b)
4	Ahmednagar ..	" V. K. Mulay	B.A., LL.B.	(b)
5	East Khandesh ..	" J. G. Gokhale	M.A., B.Sc., Teacher in Khandesh Society's High School, Amalner.	(b)
6	West Khandesh ..	" R. S. Phatak	Retired third year trained school master.	(b)
<i>Bombay Division.</i>				
7	Thana ..	Mr. G. N. Shah	B.Sc. (Bombay), Manager, Chinchani High School since 1914.	(b)
8	Bombay Sub-urban District.	" J. M. Gracias	Manager of St. John the Evangelist School, Marol, for the last 18 years and connected with this and other educational movements since 1892.	(b)
9	Ratnagiri ..	" D. J. Kulkarni.	B.A., S.T.C.D., Head Master, Rajapur High School, for over ten years.	(b)
10	Nasik ..	" S. N. Ghogale	Third year trained ..	(a)
11	Kolaba ..	" V. K. Joshi	M.A., S.T.C.D. ..	(b)
<i>Northern Division.</i>				
12	Panch Mahals ..	Mr. P. B. Gohil	Third year trained. Medalist in teaching, third grade Drawing. Service in Educational Department, sixteen years.	(b)

Serial No.	Name of District School Board.	Name of the person experienced in education.	The educational qualifications of the person.	Clause of the explanation to rule 17 (1) of the Bombay Primary Education Rules, 1924, in virtue of which the person is treated as experienced in education.
<i>Northern Division.—contd.</i>				
13	Surat ..	Mr. C. D. Desai.	Third year trained ..	(b)
<i>Southern Division.</i>				
14	Dharwar ..	Mr. B. S. Han- chanal.	B.A., Bombay. Thirteen years experience of teaching in K. L. E. Society.	(b)
15	Belgaum ..	„ R. B. Kul- karni.	Third year trained and matric.	(b)
16	Bijapur ..	„ V. F. Gowdar	Second year trained teacher. Was a teacher for over 15 years.	(b)
17	Kanara ..	„ P. S. Muzum- dar.	Matriculate	(b)
<i>Sind.</i>				
18	Karachi ..	Mr. K. B. Wally Mahomed Hasa- nally.	B.A., LL.B.	(a)
19	Hyderabad ..	Rai Bahadur Pribhdas.	Matric and Engineering examination for overseers.	(b)
20	Nawabshah ..	Rai Dewan Rochiram Mariamal.	(1) Public service examina- tion. (2) Vernacular Final Examination. (3) Passed Standard IV, Eng- lish. (4) Revenue Depart- ment Examination. (5) English Teacher, A. V. School, Bhiria. (6) Eng- lish teacher, A. V. School, Kandiaro. (7) Clerk, Collector's office, Hyder- abad, Sind.	(b)
21	Thar Parkar ..	Rai Nur- mahomed Badalkhan.	Retired untrained teacher of 16 years' service.	(b)
22	Sukkur ..	Rai Wadhial Shah <i>walad</i> Muridali Shah.	Third year trained and retired Assistant Deputy Educational Inspector.	(a) and (b)
23	Upper Sind Frontier.	Rai Hirachand Ramchand.	B.A., S.T.C.D. ..	(b)
24	Larkana ..	Rai Mahomed Elirs Khair Mahomed.	Third year trained ..	(b)

MURDERS IN RATNAGIRI DISTRICT.

Mr. V. A. SURVE (Ratnagiri District): (a) Will Government be pleased to state the number of murder cases in the Ratnagiri District during the period between (1) 1910-20 and (2) 1920-29 ?

(b) Are Government aware that no intimation can be given to the police soon after the offence is committed as the distance between two outposts has increased owing to abolition of certain outposts in the district and that as a result certain offences remain undetected ?

(c) If the answer to (b) is in the affirmative, what steps do Government intend to take in this connection ?

The Honourable Sir ERNEST HOTSON: (a) 43 and 49 respectively.

(b) It is inevitable that the reduction in the number of outposts should have occasionally led to some delay in the reporting of offences to the police, but as far as is known no serious offence has remained unreported for this reason.

(c) As the Honourable Member is aware, the abolition of numerous outposts in this and other districts was due to the measures of retrenchment taken by Government at the instance of the Legislative Council in 1922. It will not be possible to re-establish these outposts until sufficient funds are provided by the Legislative Council.

POLICE OUTPOSTS IN RATNAGIRI DISTRICT.

Mr. V. A. SURVE (Ratnagiri District): (a) Will Government be pleased to state the number of police outposts in the Ratnagiri District in 1914 and the number of them at present ;

(b) What is the distance of each outpost from its nearest outpost ?

(c) Are Government aware that the abolition of some of the outposts has resulted in increasing the number of murder cases in the Ratnagiri District ?

(d) If so, what steps do Government propose to take in this connection ?

The Honourable Sir ERNEST HOTSON: (a) 23 in 1914 and 14 in 1930.

(b) The area of the Ratnagiri District is 3,989 square miles. There are 14 outposts in the district in addition to 12 police stations. A statement is attached giving the information which the Honourable Member requires.

(c) No. There is no proof of this.

(d) The attention of the Honourable Member is invited to the answer given to his question regarding murders in Ratnagiri District asked by him during the present session.*

Statement showing the distances of each Police Station from its Outpost.

Police Station.	Outposts.	Distance.
1. Vengurla	1. Shiroda	10 miles.
2. Malvan	2. Achra	11 ..
3. Devgad	3. Vijaydurg	18 ..
4. Kankavli	{ 4. Phonda	12 ..
	{ 5. Kharepatan	29 ..
5. Rajapur	{ 6. Jaitapur	18 ..
	{ 7. Lanja	21 ..
6. Ratnagiri	8. Jaigad	24 ..
7. Devrukh	{ 9. Sakharpa	10 ..
	{ 10. Sangameshvar	10 ..
8. Chiplun	11. Shirgaon	10 ..
9. Guhagar.		
10. Khed.		
11. Dapoli	{ 12. Harnai	9 ..
	{ 13. Dabhol	18 ..
12. Mandangad	14. Bankot	18 ..

Mr. V. A. SURVE: What was the total cost of the police outposts in the Ratnagiri district in the year 1922?

The Honourable Sir ERNEST HOTSON: I am afraid the expenditure is not calculated in that way. The figures cannot be made available.

POLICE PATROLLING IN RATNAGIRI DISTRICT.

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state whether they are aware that as police patrolling in the Ratnagiri district has been discontinued, the police find it very difficult to collect evidence in murder cases?

The Honourable Sir ERNEST HOTSON: Patrolling was abolished in this and other districts for the reasons stated in the answer to another question* by the Honourable Member regarding murders in Ratnagiri District. It is inevitable that as a consequence the police should find it more difficult to collect evidence, and this must apply to murder cases as well as the cases of other kinds. This year patrolling has been reintroduced when sufficient men have been available, but it will not be possible to reintroduce it on a general scale until the police force can be strengthened.

DEPUTY EDUCATIONAL INSPECTOR FOR URDU SCHOOLS, CENTRAL DIVISION: TOURS.

Mr. V. A. SURVE (Ratnagiri District): (a) Will Government be pleased to state the number of schools visited and inspected by

Khan Saheb Bakarali, the Deputy Educational Inspector for Urdu Schools, Central Division, during the year 1928-29 and during the year 1929 till the end of December 1929 ;

(b) What were the number of touring days and the number of schools and pupils fixed for inspection in the case of the Deputy Educational Inspector, Urdu Schools, Central Division, during this period ;

(c) Did the amount of the inspection work done by Khan Saheb Bakarali during the year 1928-29 and during the year 1929 comply with the requirements of the rules ;

(d) If not, will Government be pleased to state the grounds on which he was granted extension of service ?

The Honourable MOULVI RAFIUDDIN AHMAD :

(a)	Number of schools visited by Khan Saheb Bakarali.	Number of schools inspected by Khan Saheb Bakarali.
1928-29*	22	8
1929 till December	24	13

(b) The minimum number of touring days fixed for Deputy Educational Inspector, Urdu Schools, Central Division, is 180. The number of schools and pupils to be inspected by the Officer has not been fixed.

(c) No. Khan Saheb Bakarali was not able to do the prescribed amount of touring and inspection work for the reasons (1) he was required to help the Inspectress of Girls' Schools, Central Division and Bombay Division, who did not know Urdu in the inspection of some Urdu schools, and (2) to devote a portion of his time to the preparation of press copies of Departmental Urdu Text books.

(d) Khan Saheb Bakarali was unwilling to have any extension and only agreed to an extension of three months when he was told that his services were necessary in the interests of public service for that period.

WATER SUPPLY, RATNAGIRI DISTRICT.

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state—

(a) how many and what villages in the Ratnagiri District and especially on the Sahyadri side have insufficient water supply ;

(b) how many and which of the above villages have no water supply ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) and (b) A statement furnishing the required information is placed on the Council table. This information was collected in 1927. It is impossible in the time available before the end of the session to have the details revised and brought up to date.

* During 1928-29 Khan Saheb Bakarali was on leave for four months.

List of villages in the Rainagiri District having insufficient or no water supply.

Serial No.	Name of village.	Serial No.	Name of village.
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(1) Villages having insufficient water supply on Sahyadri side :—

<i>Devgad Taluka.</i>		<i>Sangameshwar Taluka—contd.</i>	
1	Sangwe.	48	Belari Budruk.
2	Bhiravde.	49	Hedli.
3	Natal.	50	Kochri.
4	Pendhari.	51	Kothewadi.
5	Hadpid.	52	Korle.
6	Piyally.	53	Kinjale.
7	Iore.	54	Kutgiri.
8	Shevre.	55	Kundi.
9	Nardave.	56	Khadi Kolvan.
10	Karje.	57	Tamanala.
11	Harkul Khurd.	58	Devli Ghera Prachitgad.
12	Harkul Budruk.	59	Nairi.
13	Kumbhavde.	60	Nigudwadi.
14	Digavle.	61	Nivdhe.
15	Asalde.	62	Pachambe.
16	Shirgaon.	63	Belari Khurd.
17	Koloshi.	64	Maral.
18	Baparde.	65	Ninave.
		66	Ratambi.
		67	Rajivli.
		68	Ozare Budruk.
		69	Dakhin.
		70	Tivre Ghera Prachitgad.
			<i>Chiplun Taluka.*</i>
		71	Ovale.
		72	Tivri.
		73	Riktoli.
		74	Nandivse.
		75	Kalkavone.
		76	Tivdi.
		77	Manjutri.
		78	Pathe.
		79	Phurus.
		80	Majre Goval.
			<i>Khed Taluka.</i>
		81	Nive.
		82	Choravne.
		83	Pal.
		84	Sakhar.
		85	Shirgaon.
		86	Kumbhavli.
		87	Posre Khurd.
		88	Vave Tarf Khed.
		89	Kurval Javli.
		90	Kinjali Terf Khed.
		91	Chatav.
		92	Dhavde.
		93	Astan.
		94	Kumbhad.
		95	Bijghar.

Serial No.	Name of village.	Serial No.	Name of village.
<i>Khed Taluka—contd.</i>			
96	Vadi Beldar.	102	Humbri.
97	Ghera Sumargad.	103	Ambaoli.
98	Dahivli.		
99	Pure Budruk.		The Sahyadri does not adjoin the talukas of Malvan, Ratnagiri and Dapoli and the Mahals of Vengurla and Mandangad.
100	Biramani.		
101	Kalmani Khurd.		

(2) Villages not bordering on the Sahyadri which have insufficient water supply.

All villages in Vengurla and Guhagar Mahals have sufficient water supply :—

<i>Malvan Taluka.</i>		<i>Chiplun Taluka.</i>	
104	Vadi Mahan (a hamlet of Kandalgaon).	137	Kaluste.
105	Malond.	138	Gave.
106	Nirom.	139	Akle.
107	Salal.	140	Kadwad.
108	Ambdos.	141	Khopad.
		142	Pag.
<i>Devgad Taluka—Nil.</i>		<i>Khed Taluka.</i>	
<i>Rajapur Taluka.</i>		143	Munbke.
109	Whel.	144	Savna.
110	Ringane.	145	Karanji.
111	Pachal.	146	Tulsi Budruk.
112	Soundal.	147	Diwan Khavti.
113	Vilavde.	148	Ghera Palgad.
114	Ozar.	149	Chakale.
115	Talavde.	150	Veral.
116	Padwan.	151	Kartel.
117	Kelambe.		
118	Argaon.		<i>Dapoli Taluka.</i>
119	Vivali.		
120	Tivre.	152	Umbarla.
121	Kherose.	153	Bhopan.
122	Yelwan.	154	Bunder Paj (Harnai).
123	Oni.	155	Soveli Tarf Natu.
124	Vaghangao.	156	Mugiz.
125	Shiravli.	157	Matwan.
126	Dhamanpe.	158	Tangar.
127	Dhopeshwar.	159	Shirsoli.
		160	Gaotale.
<i>Ratnagiri Taluka.</i>		<i>Mandangad Mahal.</i>	
128	Jaigad.	161	Umroli.
129	Mirya.	162	Umberahet.
130	Jambhari.	163	Gharadi.
<i>Sangameshwar Taluka.</i>		164	Chinchghar.
131	Burbad.	165	Chincholi.
132	Kondivre.	166	Javle.
133	Makhjan.	167	Tankavli.
134	Karbele Tarf Devle.	168	Tulshi.
135	Tambedi.	169	Terdi.
136	Phansavle.	170	Tambana.
		171	Dahimbe.

Serial No.	Name of village.	Serial No.	Name of village.
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Mandangad Mahal—contd.

172	Durgawadi.	185	Konjar.
173	Dudhere.	186	Kalkavne.
174	Dabhat.	187	Keril.
175	Panderi.	188	Ghosale.
176	Peve.	189	Govele.
177	Panhali Khurd.	190	Dhangar.
178	Pat.	191	Tondli.
179	Bhingloli.	192	Konavli.
180	Mhapral.	193	Mahu.
181	Shirgaon.	194	Ranavli.
182	Ambdave.	195	Vankavli.
183	Atale.	196	Shedvai.
184	Asavale.	197	Shivgan.

Villages in the Ratnagiri District which have got no wells :—

Khed Taluka.

1	Pure Budruk.	8	Ghosale.
2	Kalmani Khurd.	9	Govele.
		10	Dhangar.
		11	Terdi.
		12	Tondli.
		13	Tambane.
		14	Konavli.
		15	Mahu.
		16	Ranavli.
		17	Vakavli.
		18	Shedvai.
		19	Shivgan.

Mandangad Mahal.

1	Ambdave.	13	Tambane.
2	Asavle.	14	Konavli.
3	Atale.	15	Mahu.
4	Umroli.	16	Ranavli.
5	Konjar.	17	Vakavli.
6	Kalkavne.	18	Shedvai.
7	Keril.	19	Shivgan.

Mr. V. A. SURVE (In Marathi) : What arrangements have been made by Government for the 197 villages in the Ratnagiri District which have no water ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Government are giving a grant for water supply every year to the district and steps are being taken every year to do what is possible within the amount that can be allotted.

Mr. N. R. GUNJAL (In Marathi) : Why are these 197 villages without water ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I cannot say that, but I may say that I cannot understand how the villagers had settled themselves at places where there was no water supply. The words used by the honourable member are "insufficient water supply." So, that is not quite clear.

Mr. V. A. SURVE (In Marathi) : In the years 1929-30 and 1930-31 what was the total provision for village water supply ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I cannot say that off-hand.

GOVERNMENT SERVANTS : PERSONS FROM OTHER PRESIDENCIES.

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state—

(a) the number of clerks in each department under the Bombay Government who are not originally residents of this presidency and their classification such as Punjabis, Bengalis, Madrasis, etc. ;

(b) whether they are aware that there is a growing dearth of employment for the middle classes of this presidency ;

(c) whether there are any orders regarding the non-employment of persons from other presidencies already passed by Government in this connection ;

(d) if so, whether Government will be pleased to place a copy of those orders on the Council table ?

The Honourable Mr. G. B. PRADHAN: (a) The information is not available and cannot be collected without considerable trouble and delay which, in view of the reply to clauses (c) and (d), Government consider need not be incurred.

(b) Government are aware that there is at present very considerable unemployment among the educated middle classes, but have no recent statistics regarding its extent.

(c) and (d) The attention of the Honourable Member is drawn to Rule 6 of the Bombay Civil Services Recruitment Rules, a copy of which is in the Council Library.

Mr. V. A. SURVE (In Marathi): Are not men with the qualifications given in the Bombay Civil Service Recruitment Rules available in sufficient numbers in the Bombay Presidency ?

The Honourable Mr. G. B. PRADHAN (In Marathi): Numbers of them are available in the Bombay Presidency, but there are not sufficient Government appointments for which they can be recruited. Therefore many of them are without employment.

Mr. V. A. SURVE: That is not my question. When there are qualified persons in the presidency, where is the need to bring in outsiders ?

The Honourable Mr. G. B. PRADHAN: Only in cases where we find persons with superior qualifications in other presidencies, we entertain them in our service. As far as possible we entertain men from our own presidency.

Mr. V. A. SURVE: When there are men available in the presidency with equal qualification, where is the need to appoint men from outside ?

The Honourable Mr. G. B. PRADHAN: Only in cases where we find people outside the presidency having qualifications superior to men in our presidency, we appoint them. They too are Indians.

MAMLATDARS, SOUTHERN DIVISION : SELECTION GRADE POSTS.

Mr. V. A. SURVE (Ratnagiri District): (a) How many mamlatdars are there in the Southern Division in the selection grade posts ? How many of them are (1) graduates, (2) under-graduates and (3) matriculates or have passed the school final examination ;

(b) Are (1) qualifications, (2) seniority and (3) efficiency taken into consideration in making appointments to selection grade posts ;

(c) Are Government aware that there are some mamlatdars in the Southern Division who have fulfilled the conditions mentioned in (b) but have not been awarded the selection grades ;

(d) Are Government in a position to state that those mamlatdars in the Southern Division who possess higher qualifications and are sufficiently senior but have not been appointed to selection grades are not efficient enough for the selection grade posts ;

(e) If the answer to (d) is in the negative, what are the reasons for passing them over ?

The Honourable Mr. J. GHOSAL : (a) There are thirteen of whom ten are graduates and three have passed either the Matriculation or the School Final Examination.

(b) Yes, but in the inverse order ; efficiency first, seniority second and educational qualifications third.

(c) This is likely ; but all such Mamlatdars cannot be accommodated in the Selection Grade since the number of posts in that grade is restricted to 20 per cent. of the cadre.

(d) If they have been superseded, the answer is in the affirmative.

(e) Does not arise.

SUKELI-KHIND ROAD.

Mr. V. A. SURVE (Ratnagiri District): Are Government aware that the ascent at Sukeli Khind is very difficult for motor traffic ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Government are not in possession of the information required and they regret that time available before the dissolution is too short to enable them to obtain it.

POLICE, RATNAGIRI DISTRICT : MILEAGE ALLOWANCE.

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state what mileage allowance is given to the Police who are required to go to villages in Ratnagiri district on urgent and ordinary duties respectively, and also the number of miles for which they do not get that allowance ?

The Honourable Sir ERNEST HOTSON : The attention of the Honourable Member is invited to the reply given to an identical question put by him in the July-August Session of 1928, printed at page 499 of Part VIII of Volume XXIII of the Bombay Legislative Council Debates. That reply still holds good, except that the Bombay Civil Services Rules, a copy of which is in the Council Library, came into force on the 1st June 1929 in place of the Fundamental Rules. The relevant provisions in the Bombay Civil Services Rules are rules 406 to 414, 429 and 451, paragraphs 2 and 3 of Appendix XX and rule 4 in Appendix XXV.

POLICE, RATNAGIRI DISTRICT : PATROL DUTY.

Mr. V. A. SURVE (Ratnagiri District): Are Government aware of the stopping of patrol duty of the police in villages and the inconvenience caused thereby to the villagers ?

The Honourable Sir ERNEST HOTSON: The attention of the Honourable Member is invited to the reply given to the question* asked by him during the present session regarding Police patrolling in Ratnagiri District. Some inconvenience has no doubt been caused to the village people.

ROAD IMPROVEMENTS, SIND.

SYED MIRAN MUHAMMAD SHAH (Hyderabad District): (a) Will Government be pleased to state the total length of metalled roads maintained by the Public Works Department in each district of the Presidency proper excluding the municipal limits;

(b) What is the total length of metalled roads in each district in Sind maintained by the P. W. D.;

(c) What has been the expenditure of Government on the construction and maintenance of these roads, in each district (including Sind), during the last ten years including the current year;

(d) How much have Government paid to each district local board of the Presidency proper and Sind by way of grant-in-aid for the maintenance of roads during the last ten years including the current year;

(e) To what extent do Government encourage those district local boards who have undertaken to metal their roads gradually and have shown progress in that direction;

(f) Is it a fact that the Hyderabad district local board has undertaken to metal its roads gradually and has shown progress in that direction;

(g) Is it a fact that every institution in Sind that presented an address to His Excellency during his last tour of Sind urged the necessity of improving roads in Sind?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) to (d). Statements† furnishing the required information are placed on the Council table.

(e) To the full extent of the funds available with them for grants to Local Boards for the improvement of communications, and with free preparation or inspection of the plans and estimates over certain amounts. Government are also prepared to construct through the agency of the Public Works Department any road for the Board if they so desire.

(f) Yes.

(g) Yes, almost all.

DISTRICT LOCAL BOARDS, SIND: GRANTS FOR BUILDINGS AND ROADS.

SYED MIRAN MUHAMMAD SHAH (Hyderabad District): (a) Will Government be pleased to state whether it is a fact that the district local boards of Sind have suffered heavy damage to their buildings and roads during the current year's heavy rains;

(b) To what extent has each district local board in Sind suffered;

* Printed in to-day's proceedings.

† Kept in the Secretary's Office.

(c) What is the amount of ordinary annual grant paid to each district local board in Sind for the purpose of roads and bridges, for the last year and the current year ;

(d) Have Government received any representation from the district local boards in Sind for special grants to restore their roads and buildings to their normal condition ;

(e) How many such applications were granted and to what extent in each case ;

(f) If none were granted, do Government intend doing anything in the matter ?

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

(b) As estimated by the respective Boards the figures of losses are as under :—

				Rs.
Karachi	..	..	..	1,24,465
Hyderabad	..	..	..	5,35,478
Sukkur	..	..	..	1,44,878
Larkana	..	..	..	69,155
Nawabshah	..	..	..	3,54,500
Thar Parkar	..	..	..	3,39,600
Upper Sind Frontier	1,05,000

Name of the Board.	Grant in 1928-29.	Grant in 1929-30.
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(c)

		Rs.	Rs.
District Local Board,	Karachi	57,600	27,200
„	Hyderabad	59,600	50,934
„	Sukkur	67,200	51,000
„	Nawabshah	64,800	67,133
„	Larkana	84,000	57,800
„	Thar Parkar	54,600	57,733
„	Upper Sind Frontier	46,200	44,200

(d) Yes.

(e) None.

(f) The matter is under consideration.

RAJAPUR HIGH SCHOOL : PERSIAN TEACHER.

Mr. SYED MUNAWAR : Will Government be pleased to state with reference to the reply given to Khan Saheb G. D. Wasif in the second session of the Council in 1929 that Government had advised the Rajapur grant-in-aid High School to employ a competent Persian teacher in place of the present one—

(a) whether they have seen a copy of the letter, dated 7th June 1927, written by Mr. Sardeshpande, the first Assistant in the Rajapur High School, to Mr. Bharati (the present Persian teacher) to the effect that the Rajapur High School specially wanted to employ a Hindu Persian teacher ;

(b) whether any such instructions were issued by the higher authorities to employ a Persian teacher of a particular community regardless of competence ;

(c) whether any complaints have been made by the pupils or their parents regarding the capabilities of the present Persian teacher ;

(d) if so, the action they propose to take in the matter ?

The Honourable MOULVI RAFIUDDIN AHMAD : Government regret that the time available before the dissolution of the Council is too short to enable them to obtain the information required by the Honourable Member.

Mr. SYED MUNAWAR : Will the Honourable Minister collect the information and supply it, even after the Council is dissolved ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not think it possible.

CENTRAL URDU TRAINING SCHOOL, RATNAGIRI.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether they are aware that the Konkan Muslim Education Society, Rajapur, had made a pressing request in their address to the Minister for Local Self-Government at the time of his visit to Rajapur in May 1928 to the effect that at no time should the Government control over the Central Urdu School at Ratnagiri be transferred to local bodies ;

(b) whether it has been held by Government that the Central Urdu Training School legally falls under the category of institutions for primary education ;

(c) if not, under what law it is proposed to transfer the control of it from Government to local bodies ;

(d) whether there are any, and, if so, what circumstances preventing Government from retaining with themselves the control over the above institution ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) It may be a fact ; but Government have no information of the subject.

(b), (c) and (d) The Central Urdu School, Ratnagiri, is a primary school and not a training institution. Government have not yet finally decided whether they should transfer the control of the school. The decision of Government in this connexion will shortly be announced.

Mr. SYED MUNAWAR : With regard to (a) the Honourable Minister can ascertain it from the Honourable General Member who was in charge of the portfolio of Local Self-Government in 1928 whether such a request was made to him in the address presented to him by the Konkan Muslim Education Society ?

The Honourable MOULVI RAFIUDDIN AHMAD : I may inform the honourable member that such a question was put to the Honourable General Member who replied that he had no remembrance of it.

MONEY-LENDERS : REGISTRATION.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether their attention has been drawn to the Punjab Regulation of Accounts Act, 1930 ;

(b) whether the judgments of various courts in numerous cases relating to Marwari and Pathan money-lenders keeping irregular accounts of loans advanced and sums repaid have drawn Government's attention to the need of such a legislation for this Presidency ;

(c) whether such legislation is contemplated by Government ?

The Honourable Sir ERNEST HOTSON : (a) Government had not seen this Act, but have now obtained a copy of it from the Government of the Punjab.

(b) and (c) Government desire to study the report of the Banking Enquiry Committee before deciding what legislation, if any, is necessary to deal with this problem.

INDUSTRIES COMMITTEE (1926-27) REPORT.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) the action taken so far by them with regard to the suggestion of the Bombay Industries Committee (1926-27) (page 7, paragraph 17 of the Report) " that an industrial survey of the existing minor industries of this Province should be undertaken as early as possible ; "

(b) whether they have taken any steps to set up a co-ordination of effort between the co-operative department and the Department of Industries in regard to the development of cottage industries like the hand-loom and hand-spinning industries, as suggested on page 9 of the above Report ;

(c) whether, during the period of three years that have elapsed since the publication of the report, the expansion of the work of practical demonstrations by the Department of Industries has taken the " form of more dyeing and hand-spinning demonstrations " as suggested in paragraph 20 on page 9 of the Report ;

(d) whether the hand-loom industry is progressing or declining and the reasons for its progress or decline as the case may be :

(e) whether Government have been able to give a practical shape to the recommendation contained in paragraph 15 of the Report that " Government should adopt the policy for the present of selecting in turn the industries most in need of development in this Province and recruiting specialists for them ? "

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Surveys of the following industries have so far been carried out under the supervision of the Department of Industries by officers appointed by Government for the purpose : (1) Art-Crafts, (2) Village Tanning Industry, and (3) Hand-loom Weaving Industry.

(b) Yes.

(c) Yes.

(d) The production of cloth on hand-looms has risen from 784 million yards in 1896-97 to 1,291 million yards in 1927-28, viz., about 26 per cent. of the total cloth consumed in India. The progress is partly due to the assistance given to it by the Industries and Co-operative Departments.

(e) No.

BEGGAR PROBLEM, BOMBAY.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether their attention has been drawn to the *Evening News of India* of 14th April 1927 wherein is published the opinion of the Bombay Municipal Corporation Public Health Committee on Mr. O. H. B. Starte's scheme for the solution of the Beggar Problem in Bombay City ;

(b) whether they have considered the Corporation's plea that "Government and not the Corporation should be responsible for organising any measures for the prevention of professional beggary in the City ;"

(c) whether the Beggars' Camp at Rowli Hill, Bombay, is sufficient to accommodate the ever-increasing number of vagrants ;

(d) if not, the measures they propose to take to deal effectively with the problem in the City and the Presidency ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) No.

(c) Government have no information and regret that they are unable to obtain it in the time available.

(b) and (d) Government have carefully considered the question in connexion with Mr. Starte's report on beggary and have decided not to take any action for the present in view of the financial stringency.

BOMBAY MEDICAL SERVICE : BACKWARD CLASSES.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) the number of qualified medical men from the backward classes directly recruited to or promoted from the lower ranks to the Bombay Medical Service during the last three years ;

(b) the number of Bombay Medical Service men promoted to the higher ranks as per the Lee Commission's recommendations during the last three years ;

(c) whether the number in either case is definitely fixed or capable of expansion ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) One.

(b) and (c) The formation of B. M. S. Class I is still under consideration but Government hope to issue the orders shortly.

PUBLIC ACCOUNTS COMMITTEES IN INDIA : MEMORANDUM FOR 1929.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) with reference to page 7, paragraph 22 of the Public Accounts Committee in India's Memorandum for 1929 the measures taken by them to "ensure continued effort in the work" of the Public Accounts Committee, Bombay ;

(b) the number of meetings held by the Committee during the last three years ;

(c) whether the suggestion of the Auditor General Sir Frederic Gauntlett that " each Committee should make a point of ascertaining from the Executive what action has been taken on the previous report and on any question left outstanding from previous reports " is being carried into effect ;

(d) if so, the number of such questions raised in and decided by the Public Accounts Committee during each of the years 1927 to 1929 ;

(e) with reference to paragraph 28 of the Memorandum, whether " detailed scrutiny to the form of the demand and to the systems of financial control " is applied by the non-official members of the Committee, and, if so, the facilities provided for such scrutiny ?

The Honourable Mr. G. B. PRADHAN : (a) The Public Accounts Committee is a committee of the Legislative Council. Government does its best to assist the Committee and to supply it with all information for which it asks. But it is for the Council rather than for Government to ensure continued effort on the part of the Committee. In this connection the attention of Honourable Members is invited to the concluding paragraph of the Committee's report which has just been laid on the table of the House.

(b) 17.

(c) Yes.

(d) The Honourable Member is invited to peruse the Reports and Proceedings of the Committee during the years he mentions.

(e) Yes. In this connection the Honourable Member is invited to peruse the Committee's Report, which has recently been laid on the table of the House, and the Proceedings of this year's meetings, in which considerable attention was devoted to the subject of financial control.

DEVELOPMENT CHAWLS, WORLI : TRANSPORT FACILITIES.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) the total number of tenements in the Worli chawls and the number occupied in the years 1929 and 1930 respectively ;

(b) the steps they have taken, or intend taking, to fill up the vacant tenements in the light of the recommendations of the Industrial Housing Scheme Committee ;

(c) whether further reduction of rent is under consideration ;

(d) whether the scheme to connect the chawls with a tramway line is to be taken up, now that the Mahaluxmi bridge has been completed ;

(e) whether the Bombay Electric Tramways Company is moving Government in the matter ;

(f) if so, the approximate time it will take to open the tram line ;

(g) if not, what steps Government propose to take in order to provide transport facilities for the Worli chawl inhabitants in order to tenant the chawls fully and realise a reasonable income from the public investment ?

The Honourable Mr. J. GHOSAL: (a) The total number of tenements in the Worli chawls are—

Rooms	Shops	Market stalls
9,476	184	103

The number of tenements occupied were—

	March 1929	March 1930	June 1930
Rooms and shops	2,498	2,384	2,530
Market stalls	20	27	24

(b) The Honourable Member is referred to the Development Department Press Note No. S.D.-1622, dated 17th September 1927, a copy of which is placed on the Council table.

(c) No.

(d) to (g) The Bombay Electric Supply and Tramways Company was asked to open tramway or bus service at Worli but the Company expressed its inability to do so on financial grounds. A six feet wide foot bridge has been constructed across the drainage channel near Chawl No. 117 and will be of some benefit to the residents in the chawls. There are no other proposals under consideration for providing transport facilities.

PRESS NOTE.

The Industrial Housing Scheme.

In February 1927 Government published the report of the Special Advisory Committee of the Development Department on the Industrial Housing Scheme and intimated that they reserved their opinion on it until there had been time fully to examine the various recommendations made in it. Government have now considered and in some cases finally dealt with the recommendations and suggestions made in the report and a summary of their conclusions and decisions is now published for general information.

Reduction of rents.—In paragraph 13 of their report, the Committee recorded the opinion that measures should be taken to make possible a further reduction of rents for ordinary tenants. The scale of rents in force at the time the Committee submitted their report was as follows:—

	Ground, first and second floors.		Third floor.	
	Ra.	a. p.	Ra.	a. p.
DeLisle Road	9	8 0	9	0 0
Naigaum	8	8 0	8	0 0
Sewri	7	0 0	6	8 0
Worli	6	0 0	5	8 0

Subsequent to the receipt of the report, Government reduced rents at Naigaum to Ra. 7 per room on all floors and at Worli to Ra. 5 per room on all floors with effect from the 1st of April 1927. The effect of these reductions has been that tenants at Naigaum have increased from 1,504 in the beginning of April to 2,251 in the middle of August and at Worli from 1,855 to 2,985 in the same period. At the date of the reduction of rents at Naigaum and Worli tenants were increasing in numbers at DeLisle Road and Sewri and it was, therefore, not considered necessary to reduce rents in these localities.

Leasing of chawls to employers of labour.—In paragraph 13 of their report, the Committee recommended that an effort should be made to lease blocks of chawls on maintenance leases to large employers of labour like the railways. In April last Government announced that they had sanctioned a proposal that chawls should be let *en bloc* at reduced rents to large employers of labour, to societies, institutions and similar organisations or bodies, and to private individuals acting on behalf of any community or section of the public. The following scale of rents (which include charges for maintenance and repairs, sweepers

and sanitary stores), plus municipal taxes extra, were fixed for whole chawls, with effect from the 1st April 1927 :—

Chawl area.	Annual rent	Annual municipi-	Total rent per
	per chawl.	pal taxes.	annum per chawl.
	Rs.	Rs.	Rs.
Worli	3,340	522	3,862
Naigaum	4,740	738	5,478
DeLisle Road	6,400	998	7,398

These rents are equivalent to an inclusive rent of about Rs. 4, Rs. 5-11-0 and Rs. 7-11-0 per room per month at Worli, Naigaum and DeLisle Road, respectively. In fixing them a deduction had been made from the usual rents on account of vacancies, bad debts and the cost of rent collection. Under these arrangements, five chawls have been let *en bloc* at Worli to the B. B. & C. I. Railway; at Naigaum one chawl has been let for the use of the G. I. P. Railway police; another has been leased to the Municipal Corporation of Bombay for housing the menial staff of the King Edward Memorial Hospital; and a third has been reserved for Custom's peons. Negotiations have been carried on for leasing other chawls but the main obstacle in the way of their successful conclusion is the difficulty employers find in inducing their employees to occupy the accommodation offered to them.

Police protection at Worli.—In paragraph 12 of their report, the Committee recommended that Government should proceed without delay with the police accommodation scheme at Worli, for which they had obtained a plot from the City Improvement Trust, which was subsequently surrendered. As the City Police are now fully housed, the police accommodation scheme at Worli is not meantime required, but arrangements for adequate police protection are being made by providing two police chowkies in this area.

Communications at Worli.—In paragraph 12 of their report, the Committee stated that communications with Worli require to be improved by an extension of the tramway system from Jacob's Circle *via* Haines Road and the new overbridge at Mahaluxmi. This matter is receiving attention. It is hoped that the overbridge will be completed early in the course of the year 1928.

Storm-water drain at Worli.—In paragraph 15 of their report, the Committee stated that the proximity of the so-called storm-water drain, which was really an open sewer, to the east of the Worli chawls, constituted a serious nuisance and they urged that very early steps should be taken to improve matters. This recommendation is now receiving attention.

Town duty on raw cotton.—In paragraph 14 of their report, the Committee stated that they were apprehensive of the effect which the cotton cess was having on the trade of Bombay, including the mill-industry, and suggested that an investigation of these effects should be made by a competent and representative committee. So far as the mill industry is concerned, the correctness of the Committee's apprehensions and its bearing on the claim for a reduction or abolition of the duty were matters for a detailed investigation by the Indian Tariff Board (Cotton Textile Industry Enquiry), and the recommendation of this Board in paragraph 66 of their report is now under the consideration of Government.

Letting of chawls on contract.—In paragraph 16 of their report, the Committee advocated letting out of a certain number of chawls on the contract system. This is now possible under the wide terms on which chawls are now offered *en bloc* to employers of labour, to societies, institutions and similar organisations or bodies, and to private individuals acting on behalf of any community or section of the public.

Construction of further chawls.—In paragraph 19 of their report, the Committee recognise that housing conditions in Bombay are to some extent artificial at present, and that a return to normal conditions to supply and demand may cause a change in the outlook. In view, however, of the annual loss being incurred on the chawls already built, they agree with Government that the construction of further chawls should not be undertaken. The position in this respect remains unchanged.

No. S.D.—1622.

DEVELOPMENT DEPARTMENT.

Bombay Castle, 17th September 1927.

Forwarded to—

- *The President, Municipal Corporation, Bombay.
- *The Secretary, Chamber of Commerce, Bombay.
- *The Secretary, Millowners' Association, Bombay.
- *The Secretary, Indian Merchants' Chamber, Bombay.

*The Secretary, Presidency Trades' Association, Bombay,
 The Municipal Commissioner for the City of Bombay,
 The Chief Officer, Improvements Committee of the Board of Trustees for the Improvement of the City of Bombay,
 The Chairman, Bombay Port Trust,
 The Agent, G. I. P. Railway,
 The Agent, B. B. & C. I. Railway Company,
 The Director of Information, Bombay (with a request to supply copies of the press note to the press, etc., to whom copies of press notes are supplied by him),
 The Private Secretary to His Excellency the Governor,
 The Oriental Translator to Government,
 The Land Manager, Development Department,
 The Assistant Land Manager, Development Department Chawls,
 The Chief Engineer, Back Bay Reclamation Scheme,
 The Superintending Engineer, Northern Circle,
 The Executive Engineer, Suburban Division,
 The Financial Adviser to Government, Public Works and Development Departments,
 The Deputy Financial Adviser to Government, Development Department,
 The Audit and Accounts Officer, Bombay Development Scheme,
 All members of the Bombay Legislative Council,
 The Chairman, Sanitary Committee, Development Department,
 The Legal Department (for the reading-room for the members of the Legislative Council),
 All Departments of the Secretariat,
 All members of the Special Advisory Committee.

*By letter.

By order of the Governor in Council,

H. Sr. C. SMITH,

Deputy Secretary to Government.

Mr. SYED MUNAWAR: With regard to (d) to (g) the Bombay Electric Supply and Tramways Company expressed its inability to open service on financial grounds in 1927. Subsequent to that the financial condition of the company has considerably improved. Have Government enquired of the company now about providing transport facilities for the residents of Worli chawls?

The Honourable Mr. J. GHOSAL: Government have not approached them.

Mr. SYED MUNAWAR: Will Government move in the matter?

The Honourable Mr. J. GHOSAL: I will enquire.

GRANT-IN-AID CODE FOR SCHOOLS: BOMBAY.

Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) whether subsequent to 31st March 1918 any amendments and additions have been made to the Grant-in-aid Code;

(b) whether consequent on the enormous increase in the expenditure of aided schools Government have felt the need to revise the scale of grants to such schools;

(c) whether an annual grant of Rs. 2 per pupil in a night school covers one-third the maximum expenditure incurred by such school;

(d) whether even the one-third maximum sanctioned by the Code is fully given as grant-in-aid, and, if so, in how many cases;

(e) whether Government propose to revise the Code so as to provide for an increased grant and to permit night schools to charge a higher fee than at present?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.
 (b), (c), (d) and (e) In view of the short time left for the dissolution of the Legislative Council Government regret that they are unable to obtain the information required by the Honourable Member or to consider the suggestion in clause (e).

HIGH SCHOOL, NASIK : ADMISSION OF NON-BRAHMIN.

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

(a) the percentage of admissions of Intermediate, Mahomedans and backward classes students to the High Schools and colleges in the Presidency ?

(b) Is it a fact that 50 per cent. of the places are reserved for Brahmin communities ?

(c) What is the number of Brahmins, Intermediate, Mahomedans and depressed classes admitted to the Nasik High School in June 1929 ?

(d) Is it a fact that admission to Intermediate and depressed classes was refused on the ground that not more than 50 per cent. of students of those classes were to be admitted to the High School ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) and (b) The following percentages for the admission of students to Government Secondary Schools for boys in the Presidency proper (excepting the Anglo-Urdu High Schools at Poona and Hubli) were in force up to the close of the year 1929-30. The question of the desirability of revising these percentages with effect from 1930-31 is under consideration :—

40 per cent. Advanced classes.

45 per cent. Intermediate and Backward classes (preference being given to Backward classes).

15 per cent. Muhammadans.

The maximum number of places available for each of the three communities was determined in accordance with the prescribed percentages and with reference to the total number of pupils in each standard, subject to the proviso that the existing students were not turned out.

The following percentages have been laid down for admission of students to Government Professional colleges :—

10 per cent. Hindu Intermediate and Backward classes. (25 per cent. in the case of the Engineering College.)

10 per cent. Muhammadans.

80 per cent. open for students of all communities, including those mentioned above for whom a percentage of seats is reserved. (65 per cent. in the case of the Engineering College.)

No such percentages have been laid down for admission to Government Arts Colleges.

(c) The numbers of Brahmins, Muhammadans, Intermediate and Backward class pupils admitted to the several classes in the whole school in June 1929 were 82, 22, 46 and 11 respectively.

(d) Yes ; the percentage, however, allowed to Intermediate and Backward Hindus is 45 and not 50.

Rao Saheb R. V. VANDEKAR: With regard to (c) it is stated that the percentage of Muhammadan admission is 22. I learn that there were many more applications for admission from this community?

The Honourable MOULVI RAFIUDDIN AHMAD: It is possible. What is the honourable member's question?

Rao Saheb R. V. VANDEKAR: Is it a fact that the Muhammadan students were refused admission?

The Honourable MOULVI RAFIUDDIN AHMAD: It may be so; what is the honourable member's question?

Rao Saheb R. V. VANDEKAR: Non-admission of Muhammadan students. The same thing with the depressed classes. The secretary of the depressed class boarding had brought to the notice of the Honourable Minister when he was at Nasik. There were many refusals for admission this year.

The Honourable MOULVI RAFIUDDIN AHMAD: The answer is with regard to admissions only. How many were refused admission is not stated.

Mr. NOOR MAHOMED: It is stated in answer (a) and (b) that the Government are considering the desirability of revising the percentages with effect from 1930-31. May I know whether Government would consider the question of revising the percentage with regard to Sind also?

The Honourable MOULVI RAFIUDDIN AHMAD: (*Inaudible.*)

Mr. NOOR MAHOMED: May I point out to the Honourable Minister that Sind has not been brought under revision since 1928?

The Honourable MOULVI RAFIUDDIN AHMAD: That question will again be examined.

ENGINEERING COLLEGE, POONA: RULES FOR ADMISSION.

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

(a) whether it is a fact that the College of Engineering, Poona, admits 30 students every year for the course of Bachelor of Engineering;

(b) whether rule No. 6 (a) of the abridged rules for admission in the College lays down that "twenty-five per cent. of the places are reserved for candidates from backward classes of Hindus and 10 per cent. of the places for Muhammadans in the Bombay Presidency, provided they pass the minimum qualification for admission, according to rules";

(c) whether it is a fact that rule 6 (a) was passed because the principle of choosing the best boys who had secured a high percentage of marks in the qualifying examination began to operate against the boys of the Backward communities;

(d) whether it is a fact that the College authorities refuse admission to those boys of the Backward and Hindu communities and Muhammadans who fail to secure (less than) 45 per cent. marks in Physics and Mathematics;

(e) whether it is a fact that this has resulted in excluding from admission a number of candidates of the backward classes and that the vacancies thus created are filled by students of the advanced classes ;

(f) whether they are aware that the qualification for admission to an Engineering College prescribed by the University of Bombay is the passing of the Inter Science Examination ;

(g) whether it is a fact that the minimum percentage of marks for passing the Inter Science Examination is 33 per cent. in individual subjects and 33 per cent. in total ;

(h) whether the Government Resolution regarding admissions to the College of Engineering was based on the University rules regarding the minimum qualification for admission to an Engineering College ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) No. Sixty are admitted annually.

(b) Yes.

(c) Yes.

(d) Yes.

(e) No, except last year. The information is correct up to last year only.

(f) Yes.

(g) Yes.

(h) No. But the modification of the Resolution referred to, for the benefit of the Backward classes, is under the consideration of Government.

CROPS, DINDORI TALUKA : DAMAGE BY FROST.

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

(a) whether they are aware of the heavy damage done to crops in Dindori Taluka in the Nasik District by the recent severe frost ;

(b) if so, whether they have ascertained the extent to which it will affect the income of the cultivators ;

(c) what steps were taken by them to give immediate relief to the agriculturists of those areas of the Dindori Taluka in Nasik District affected by the recent frost ;

(d) whether tagavi loans were advanced, and if so, the rate of interest charged on such tagavi ;

(e) whether they have received representations from the other talukas where such damage was done by the frost to grapes, sugarcane, wheat, gram and other winter crops ;

(f) whether Government gave any remissions in any or all these cases ?

The Honourable Mr. J. GHOSAL : (a) There was slight damage.

(b) An inquiry was made to ascertain in what cases and to what extent remissions were necessary. An inquiry to ascertain the extent to which the income of the cultivators was affected could not be done without a special establishment specially trained for the purpose.

- (c) Remissions of land revenue were granted where necessary.
- (d) No.
- (e) No.
- (f) Does not arise.

**PRIMARY SCHOOL TEACHERS AND SUPERVISORS, RATNAGIRI DISTRICT :
TRANSFERS.**

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

(a) Whether they are aware of the transfers of some of the Primary School teachers in the Ratnagiri District made by the School Board of the District Local Board, Ratnagiri, in April 1930 ?

(b) Whether Government know that the President of the District Local Board received revision applications against the resolution of transfers made by the School Board and in the meeting of the District Local Board held on 21st May 1930, some of the transfers were cancelled and some were kept pending consideration ?

(c) Whether they are aware that when no transfers of any of the supervisors were ordered by the School Board, the President, District Local Board, received an application from one of the Supervisors and in the meeting of the District Local Board held on the 21st May 1930 transferred, without any reason, three Supervisors ?

(d) Whether Government have noticed that the President and the Local Authority, Ratnagiri, have been in almost all cases going against the resolutions of the District School Board in such matters ?

(e) Whether it is a fact that in a similar case the Director of Public Instruction intimated the Thana Local Authority, in June 1929 last, that the resolutions of the Local Authority are not binding on the District School Board in respect of posts under the control of the latter body unless the Local Authority framed rules and obtains Government approval thereto ?

The Honourable MOULVI RAFI UDDIN AHMAD: In view of the shortness of the notice Government regret that they are unable to collect the information required by the Honourable Member before the end of the session. They, however, propose to institute enquiries.

CO-OPERATIVE MOVEMENT : INQUIRY COMMITTEE.

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state whether they propose to appoint a committee to inquire into the working of the co-operative movement during the last 20 years with a view to ascertaining—

- (i) how far the moral and material uplift of the masses has been made ;
- (ii) the defects in the progressive working of the co-operative movement ;
- (iii) the reasons for the drawbacks in the satisfactory working of the co-operative stores movement ;

(iv) the defects in the way in which the propaganda work is being carried on either by the honorary or other workers ;

(v) the right type of sphere of the movement ;

(vi) how far the movement has succeeded in relieving the agriculturists, so far as the debts are concerned, in the light of figures of suits in the Courts and documents registered in the Registration Department ;

(vii) how far the addition of Pathan money-lenders to the class of money-lenders has played its part in the said sphere ;

(viii) the right and practical remedies for the same ?

The Honourable Mr. B. V. JADHAV : In view of the report of the Provincial Banking Enquiry Committee which deals at length with the co-operative movement in this Presidency Government consider that there is no need at present for the appointment of a separate committee to enquire into the working of the co-operative movement.

HIGH SCHOOL, NASIK : ADMISSIONS IN 1930.

Rao Saheb R. V. VANDEKAR (Nasik District) : (a) Will Government be pleased to state how many students applied in June 1930 for admission to the Nasik High School ?

(b) To what castes did they belong ?

(c) To what standards did they seek admission ?

(d) How many could secure admission ; to what standards ; to what castes did they belong ?

(e) How many of those admitted are residents of Nasik and how many belong to the mofussil ?

(f) How many of those that were admitted were from the local A.-V. Schools ?

(g) What test was applied in the case of those that were refused admission ?

The Honourable MOULVI RAFIUDDIN AHMAD : Government regret that the time available before the dissolution of the Council is too short to enable them to obtain the information required by the Honourable Member.

PUBLIC WORKS DEPARTMENT, CENTRAL CIRCLE : MUSLIM AND NON-MUSLIM SUBORDINATES.

Khan Saheb G. A. D. WASIF (Central Division) : Will Government be pleased to state—

(a) the total number of Muslims actually serving at present as overseers and maistries on the temporary and work-charged establishment in the Public Works Department in the Central Circle ;

(b) the total number of Muslims actually serving at present as sub-divisional clerks in the Public Works Department in the Central Circle ;

(c) the total number of Muslims and non-Muslims appointed as overseers on the permanent, temporary and work-charged establishments in the Public Works Department in the Central Circle from 1st January 1926 to 1st April 1930 after being granted exemptions from the necessary qualifications;

(d) the total number of Muslims and non-Muslims appointed as clerks on the permanent establishment in the Public Works Department in the Central Circle from 1st January 1926 to 1st April 1930 after being granted exemptions from the necessary qualifications?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a), (b), (c) and (d) Government are not in possession of the information required and they regret that the time available before the dissolution of the Council is too short to enable them to obtain it.

HEREDITARY SARDARS, SIND.

Khan Bahadur M. S. KHUHRO for Khan Saheb ALLAHBAKSH (Sukkur District): (a) Will Government be pleased to state whether the system of hereditary Sardarship exists in Sind and whether such a status is recognised by Government?

(b) Do Government know that in these modern times the majority of the people do not appreciate being under the so-called Sardars of their tribe?

(c) Is it a fact that the Sardars who are nominal Heads are recognised not because of their merits and qualities but because of their recognition by Government as the representatives of their tribes?

(d) Are they commonly known as the protectors of the interests of their tribesmen at the time of Jirgas?

(e) Are Government aware that these Sardars levy capitation tax and sundry other perquisites in time of need from their tribesmen and that their tribesmen in return commit all sorts of offences to make good the demands of their chiefs being assured in return of their defence in case of their getting into trouble?

The Honourable Sir ERNEST HOTSON: (a) The system of hereditary Sardarship does exist in Sind and is recognised by Government.

(b) Government are not aware of any such feeling among the majority of the people.

(c) It is not a fact.

(d) It is part of the Sardar's duties to look after the interests of his tribe, but if this question is meant as an insinuation that the Sardars show undue partiality when officiating as members of Jirgas it must be denied.

(e) Government have no information as to the first part of this question. Although the suggestion in the second part of the question may be true in particular instances, it is not true as a general rule.

GOVERNMENT CENTRAL PRESS, BOMBAY: EMPLOYEES.

Rao Bahadur R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

(a) the number of employees in the Government Central Press, Bombay, according to nationalities as it stood on the 31st March 1930;

- (b) the different offices and grades they held ;
- (c) the number under each nationality promoted to higher grades during the official year 1929-1930 ;
- (d) the names of those promoted and the respective pay of the higher grade ;
- (e) whether any of the employees without any service book (temporary hands) has been promoted to the higher grade ;
- (f) whether the promotion of any one holding a service book (permanent hand) has been held back though it was due to him by virtue of his satisfactory work ;
- (g) if so, the names of such employees together with their grades and their period of service in the present grades ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) The accompanying statement * marked "A" furnishes the required information.

(c) and (d) The accompanying statement * marked "B" gives the required information.

(e) No, except in the cases of piece work compositors whose nominal pay may have been increased on improved efficiency.

(f) No.

(g) Does not arise.

HINDU RELIGIOUS ENDOWMENTS, BOMBAY : NEED FOR LEGISLATION.

Mr. Ramchandra M. BHATT (Bombay City, South) : Will Government be pleased to state—

(a) whether they have perused Madras Acts No. II of 1927, No. VIII of 1928 and No. IV of 1930 intended to provide for better administration and governance of Hindu religious endowments ;

(b) whether similar legislation has been passed for similar endowment in Bombay Presidency ;

(c) if so, the number and name of the Acts passed ;

(d) if not, whether the need for such a legislation is felt by Government ;

(e) whether Government contemplate to legislate on the subject ;

(f) if so, when they intend to do so and whether it will be on the lines of the Madras Acts ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Government have seen Madras Acts II of 1927 and VIII of 1928. They have not seen Madras Act IV of 1930. Act VIII of 1928 relates to State aid to industries. It has nothing to do with the administration of Hindu religious endowments.

(b) No.

(c) Does not arise.

(d), (e) and (f) Yes. Government intend to bring a bill of their own on the subject before the Legislative Council, but the lines on which it

* Kept in the Secretary's office.

will be framed have not yet been decided. Government are unable at present to suggest a definite date for bringing the Bill before the Council.

NON-AGRICULTURAL ASSESSMENT, REAY MARKET LAND, POONA.

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

(1) whether they have issued any notice to the Poona City Municipality to pay non-agricultural assessment for the land on which the Reay Market in Poona City stands;

(2) if so, what is the amount demanded per year for non-agricultural assessment;

(3) whether any fine or penalty has been demanded from the Poona City Municipality on account of having constructed the said Reay Market on agricultural land;

(4) if so, what the amount thereof is;

(5) when the land on which the Reay Market stands was taken up by the Municipality for having a market thereon;

(6) whether the land was purchased privately or acquired through Government;

(7) how long the market has been in existence;

(8) whether the project of the Reay Market was taken up by the Poona City Municipality in consultation with and after the sanction of Government;

(9) whether any previous notice was issued by the Government to the Municipality demanding non-agricultural assessment;

(10) why no notice was issued or no steps taken to recover the non-agricultural assessment;

(11) who was the former owner of the land on which the market stands and what was the assessment paid on the said land before it was taken for a market;

(12) what was the amount paid to the owner for acquiring the said land?

The Honourable Mr. J. GHOSAL: Information will not be received in time to admit of a reply being given during the current session.

LIQUOR: ILLICIT SALES IN POONA AND KIRKEE.

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

(a) the time and hour during which shops for the sale of country liquor and foreign liquor are to be kept open from the months of April to August and from August to March in the limits of the Poona City and Poona and Kirkee Cantonments;

(b) whether Government are aware that several shops are kept open after the prescribed hour and openly carry on sales in defiance of Government rules and orders ;

(c) whether Government are aware that illicit sale of liquor is carried on in several places on Sundays and other holidays when the shops are closed ;

(d) whether Government have issued any circulars or demi-official orders to the excise officers to ignore illicit sales whether carried on in unlicensed premises or in licensed premises at unauthorised times ;

(e) if not, how this illicit traffic is carried on in open defiance of Government rules ;

(f) how many persons were prosecuted in Poona City and Poona and Kirkee Cantonments from April 1929 to December 1929 and from January 1930 to May 1930 for excise offences and what were the results of such prosecutions ?

The Honourable Mr. B. V. JADHAV : (a) The closing hours in Poona City and the Cantonments of Poona and Kirkee are 8 p.m. from 1st March to 31st August and 7-30 p.m. from 1st September to 28th February.

(b), (d) and (e) Government have issued instructions to Collectors and Political Agents to relax the rules in picketed areas.

(c) and (f) Information will not be received in time to admit of a reply being given during the current session.

TOTAL PROHIBITION.

Mr. N. R. GUNJAL for Mr. N. B. CHANDRACHUD (Poona City) : (a) Will Government be pleased to state whether they adhere to the policy of total prohibition as the ultimate goal of their excise policy ?

(b) If so, in how many years is the goal to be reached ?

(c) What steps have Government taken during the last five years to reach the goal ?

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

(b) The Honourable Member is referred to paragraph 4 of Government Resolution No. 8617/24 dated 11th April 1928 which has already been published.

(c) The various measures taken by Government are mentioned in the Reports on the Administration of the Excise Department in the Bombay Presidency, Sind and Aden for the last five years. Copies of these reports have been supplied to all the members of this House.

VOLUNTEERS, SHOLAPUR.

Mr. N. R. GUNJAL for Mr. N. B. CHANDRACHUD (Poona City) : (a) Has the attention of Government been drawn to the fact that volunteers proceeding to Sholapur with the Indian national flag have been detained by the police, assaulted and then taken to some distant place and left there to take care of themselves ?

(b) If so, what steps, if any, have Government taken to stop such acts ?

(c) Are Government aware that accounts of maltreatment of the volunteers at the hands of the police have appeared in several newspapers ?

(d) Have Government taken steps to ascertain whether the accounts are correct or not ?

(e) Have Government issued any orders on the subject to the heads of the district at Sholapur ?

(f) Will Government be pleased to state under what law the volunteers are removed forcibly in motor cars and assaulted ?

The Honourable Sir ERNEST HOTSON : (a) to (e) Government have seen allegations of the description referred to by the Honourable Member. His attention is invited to the press note dated the 2nd July 1930 issued by the Director of Information, a copy of which was placed on the Council Table during this session.

(f) The volunteers were not assaulted. They were removed by order of the Military Commander in carrying into effect the Martial Law Regulations.

SHOOTING OF SON OF MR. RANADE, SHOLAPUR.

Mr. N. R. GUNJAL for Mr. N. B. CHANDRACHUD (Poona City) : (a) Has the attention of Government been drawn to the letters of Mr. Ranade, a Government pensioner, which appeared in the "Kesari" regarding the shooting of his son while the boy was standing on the terrace of his house at Sholapur ?

(b) Have Government made any inquiry into the matter and what is the result of such inquiry ?

The Honourable Sir ERNEST HOTSON : (a) Yes.

(b) An enquiry under Section 202, Criminal Procedure Code, is being made by the District Magistrate.

MARTIAL LAW CASES, SHOLAPUR.

Mr. N. R. GUNJAL for Mr. N. B. CHANDRACHUD (Poona City) : (a) Will Government be pleased to state the names of the persons convicted under martial law in Sholapur, the offence or offences for which they were convicted and the sentences passed in each case ?

(b) Will Government be pleased to place on the Council Table a copy of the judgments in the cases tried by martial law ?

The Honourable Sir ERNEST HOTSON : (a) It is assumed that the Honourable Member desires particulars of offences against the Martial Law Regulations, and not of offences against the ordinary laws, which took place while martial law was in force. A statement giving this information is placed on the Council Table.

(b) Copies of these judgments are not available. The time available before the dissolution of the Council is too short to enable them to be obtained.

Statement showing persons convicted of offences against Martial Law Regulations

Name of person convicted	Regulation under which convicted	Sentence
By MILITARY COURT		
1. Ramkrishna Ganeshram ..	11	7 years' rigorous imprisonment and fine Rs. 2,000.
2. Maruti Vithoba ..	7	Rs. 50.
3. Vishvanath Malkarjun ..	7	Rs. 25.
4. Ningappa Sintramappa ..	7	Rs. 100.
5. Ram Vanapa ..	11	15 strokes with the light rattan.
6. Sidlingaya Malaya ..	11	2 years' rigorous imprisonment and fine Rs. 1,000.
7. Vyankatesh ..	11	5 years' rigorous imprisonment and fine Rs. 2,000.
8. Tulsidas Sumbhanrao ..	8 and 11	7 years' rigorous imprisonment and fine Rs. 3,000.
9. Sayappa Hanmantu ..	8	1 year's rigorous imprisonment.
10. Malkarjun Chawappa ..	8	1 year's rigorous imprisonment and fine Rs. 500.
11. Kondo Dadaji ..	13	2 years' rigorous imprisonment and fine Rs. 1,000.
12. Maruti Prabhappa ..	13	Do. do.
13. Shivdas Baburao ..	13	Do. do.
14. Shidappa Krishnappa ..	13	15 strokes with the light rattan.
15. Vishvanath Balkrishna ..	6 and 11	Do. do.
16. Valchand Motichand ..	11(a)	Rs. 2,000.
17. Bandu Krishnath ..	8	10 strokes with the light rattan.
18. Manikchand Ramchand Shah ..	11	6 months' rigorous imprisonment and fine Rs. 10,000.
19. Shankar Kisandas ..	8(b)	1 year's rigorous imprisonment and fine Rs. 500.
20. Ganpat Ramchandra ..	8(b)	Do. do.
21. Vishvanath Virupaksha ..	8(b)	2 years' rigorous imprisonment and fine Rs. 1,000.
22. Malka Arya Satwaji ..	8 and 13	2 years' rigorous imprisonment and fine Rs. 2,000.
23. Apparao Deoba ..	8 and 13	2 years' rigorous imprisonment and fine Rs. 1,000.
24. Malappa Revanshamapa ..	8(b)	2 years' rigorous imprisonment and fine Rs. 2,000.
25. A. Kurban Hussain ..	8(b)	2 years' rigorous imprisonment and fine Rs. 500.
26. Shrikrishna Laxminarayan Sharda.	8(b)	2 years' rigorous imprisonment and fine Rs. 5,000.
27. Jagannath Bhagwan Shinde ..	8(b)	1 year's rigorous imprisonment and fine Rs. 500.
28. Shivappa Gurappa ..	7	Rs. 20.
29. Sinanum Gurappa ..	7	Rs. 20.
30. Sangappa Revansidapa ..	7	Rs. 20.
31. Shevapa Rupa ..	7	Rs. 20.
32. Sharnappa Gursapa ..	7	Rs. 20.
33. Malappa Gurappa ..	7	Rs. 20.
34. Harihar Gurunath ..	8(b)	1 year's rigorous imprisonment and fine Rs. 500.
35. Chanappa Shantivirappa ..	8(b)	Do. do.
36. Basappa Basvanti ..	8(b)	Do. do.
37. Dattu Shivram ..	8(b)	1 year's rigorous imprisonment and fine Rs. 300.

Name of person convicted	Regulation under which convicted	Sentence
BY MILITARY COURT—contd.		
38. Barkatlal Kisanlal ..	8(b)	1 year's rigorous imprisonment and fine Rs. 2,000.
39. Nagappa Sidramapa ..	8(b)	Do. do.
40. Motichand Ganesh ..	8(b)	Do. do.
41. Vasudeo Jagannath ..	8(b)	1 year's rigorous imprisonment and fine Rs. 1,000.
42. Malkarjun Panchappa ..	8(b)	1 year's rigorous imprisonment and fine Rs. 2,000.
43. Shankar Ramchandra ..	7	3 months' rigorous imprisonment and fine Rs. 1,500.
44. Ramchandra Shankar Rajwade ..	8 and 11	7 years' rigorous imprisonment and fine Rs. 10,000.
45. Dhonapa Lingappa ..	11(a)	Rs. 10.
46. Nana Apparao ..	11(a)	Rs. 10.
47. Ashappa Tukaram ..	11(a)	Rs. 10.
48. Viahnu Shridhar ..	11(a)	Rs. 10.
49. Shidram Chondappa ..	13	Rs. 20.
50. Chandsaheb Dadumiya ..	13	Rs. 20.
BY CIVIL MAGISTRATES		
51. Hussain Nuransaheb ..	13	Rs. 20.
52. Allabux Maliksaheb ..	13	Rs. 20.
53. Ladinsaheb Madasaheb ..	13	Rs. 20.
54. Nablal Mahmdasaheb ..	13	Rs. 20.
55. Allabux Kasimsaheb ..	13	Rs. 20.
56. Vithal Saibu ..	13	Rs. 15.
57. Chandsaheb Narudin ..	13	Rs. 15.
58. Laxman Khando ..	13	Rs. 15.
59. Tuljaram Genu ..	13	Rs. 20.
60. Bhanudas Aba ..	13	Rs. 20.
61. Mohidin Khan Khajekha ..	13	Rs. 15.
62. Hussain Allisher ..	13	Rs. 15.
63. Mahmud Saiphani ..	13	Rs. 15.
64. Imam Mahmud ..	13	Rs. 15.
65. Revansidha Satlingapa ..	13	Rs. 15.
66. Gulab Sakhsram ..	13	Rs. 20.
67. Ananda Gyanoba ..	13	Rs. 20.
68. Ganpat Ranba ..	13	Rs. 15.
69. Sopani Baji ..	13	Rs. 15.
70. Keru Manu ..	13	Rs. 15.
71. Satappa Hirappa ..	13	Rs. 15.
72. Kashiram Govind ..	13	Rs. 15.
73. Sidram Dhanappa ..	13	Rs. 20.
74. Vasudeo Vinayak ..	1 and 11	1 year's rigorous imprisonment and fine Rs. 200 or 4 months' rigorous imprisonment.
75. Anant Vishnu ..	1 and 11	Do. do.
76. Manoharlal Ranchoddas ..	1 and 11	Do. do.
77. Purushottambhai Umedbhai ..	11	2 years' rigorous imprisonment and fine Rs. 300 or 3 months' rigorous imprisonment.
78. Lalchand Shrikrishna ..	11	Do. do.
79. Damodhar Vishvanath ..	8 and 11	Rigorous imprisonment for 3 months and fine Rs. 20 or one month's rigorous imprisonment
80. Chaturbhuj Narsing ..	8 and 11	Do. do.
81. Ramchandra Laxman ..	8 and 11	Do. do.

Name of person convicted	Regulation under which convicted	Sentence
BY CIVIL MAGISTRATES—contd.		
82. Dadu Appaji	11	9 months' rigorous imprisonment and fine Rs. 20 or 3 months' rigorous imprisonment.
83. Krishnarao Babaji	11	Do. do.
84. Sidram Pandurang	11	9 months rigorous imprisonment and fine Rs. 20 or 3 months' rigorous imprisonment.
85. Pralhad Gajanan	11	Do. do.
86. Babu Genu	11	Do. do.
87. Ratanchand Premchand	11	Do. do.
88. Shrinivas Vajankalappa	11	Do. do.
89. Shrikrishna Murti Vyankatcharaya.	11	Do. do.
90. D. Krishnamurti D. Raghvendracharya.	11	Do. do.
91. Ramchandra Mahadeo	11	Do. do.
92. R. Chandra Shekhrao Vyasrao	11	Do. do.
93. Narayanmurti Shamanna	11	Do. do.
94. K. Krishna Swami P. Chakraborti.	11	Do. do.
95. W. Ramchandra W. Gundrao	11	Do. do.
96. T. R. Shamanna	11	Do. do.
97. Gajanan Vasudeo	11	Do. do.
98. S. Changaya Sunderrao	11	Do. do.
99. Ramchandra Jagannath	11	Do. do.
100. Laxman Vithal	11	Do. do.

DISTRICT OFFICERS : RESIGNATIONS.

Mr. H. V. KOLHATKAR for Rao Bahadur GOVINDBHAI H. DESAI (Kaira District) : Will Government be pleased to state—

(a) How many (i) village servants, (ii) talatis, (iii) clerks, and (iv) officers, in the districts of Ahmedabad, Kaira, Broach and Surat have resigned their posts on account of the non-co-operation movement;

(b) how many of these resignations were given direct to their superior officers and how many through the Congress Committee;

(c) how many of them were subsequently withdrawn, how many were accepted and how many are pending consideration?

The Honourable Mr. J. GHOSAL : (a) A statement giving the required information in regard to officers, talatis and village servants is placed on the Council table. It has not been possible to collect similar information regarding clerks within the available time.

(b) and (c) Of the two officers who resigned their posts, one submitted his resignation to Government and the other to the Commissioner, Northern Division. Their resignations have been accepted. It has not been possible to obtain further information in regard to these clauses before the expiry of the current session.

Statement showing resignations of (i) village servants, (ii) talatis, (iii) clerks, and (iv) officers who have resigned their posts on account of the non-co-operation movement.

District	Village servants		Talatis		Officers		Remarks
	No. re-signed	No. with-drawn	No. re-signed	No. with-drawn	No. re-signed	No. with-drawn	
Ahmedabad ..	219	20	1	..	1	..	
Kaira ..	503	214	24	12	1	..	
Broach ..	312	24	..	..	..	..
Surat ..	81*	..	35	..	..	..	*Out of these, three have been dismissed.

CHOURAS : REPAIRS.

Mr. H. V. KOLHATKAR for Rao Bahadur GOVINDBHAI H. DESAI (Kaira District) : Will Government be pleased to state—

(a) whether the non-existence in some parts of Gujarat of chouras or their dilapidated condition in villages was felt as a serious handicap by Government servants travelling on duty during the social boycott due to the current non-co-operation movement ?

(b) whether they propose taking steps to build and repair them, as may be necessary ?

The Honourable Mr. J. GHOSAL : (a) Yes.

(b) The Honourable Member is referred to the reply given to clause (b) of his question on the same subject printed at page 912 of the Bombay Legislative Council Debates, Volume XXVIII, Part XIV.

LOCAL BOARDS : COLLECTOR'S ORDERS UNDER SECTION 125 OF THE LOCAL BOARDS ACT.

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) the instances in the Southern Division since 1923, when the Collector of a district had occasion to issue orders under section 125 of the Local Boards Act and the instances in which that order was confirmed by the Government ;

(b) the cases in the Southern Division since 1923 in which the Collector interfered in the Local Board affairs by an order under section 125 of the Local Boards Act because the Board was in his opinion guilty of wasting public money or because the contracts given by the board or its president were in his opinion illegal and void ;

(c) the instances in the Southern Division since 1923 wherein the Collector or the Government objected to contracts given by the Presidents of the taluka local boards or of the district local

boards which, though illegal in the first instance, were legalised by subsequent ratification by their respective boards ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) (1) Suspension of the resolution of the District Local Board, Ratnagiri, regarding reduction of the vaccination establishment. The Collector's Order was confirmed by Government.

(2) Construction of the Talavli Saku bridge by the Taluka Local Board, Pen. The Collector's Order was approved by the Commissioner and report made to Government.

(b) The Talavli Saku affair.

(c) None.

N.B.—The report from the Belgaum District has not been received.

LOCAL BOARD, PEN TALUKA : CONTRACT FOR TALAVALI SAKU.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether until the Collector of Kolaba issued on the 26th July 1929 his order under section 125 of the Local Boards Act, the administration of the Pen Taluka Board under the presidentship of Mr. B. M. Phanse for the last 7 or 8 years has ever been found fault with either by the Collector or by the Government auditors ;

(b) whether the Collector's order dated the 26th July 1929 under sections 124 and 125 of the Local Boards Act to the President, Pen Taluka Local Board, was issued with any previous reference to the President of the Taluka Local Board, Pen, or of the District Local Board, Kolaba ;

(c) whether the Collector's order has been cancelled or confirmed up to date ;

(d) whether it is a fact that in issuing the order the Collector of Kolaba mainly relied on the report of Mr. Gupte, the mamlatdar of Pen and that Mr. Gupte was the unsuccessful candidate for the chairmanship of the first meeting of the Pen Taluka Local Board wherein the president's election took place ;

(e) whether it is a fact that till the advent of Mr. Gupte as mamlatdar of Pen and ex-officio member of the Pen Taluka Local Board, all the resolutions of that board with only one or two exceptions have been passed unanimously during the last 7 or 8 years of Mr. Phanse's presidentship ;

(f) whether it is a fact (i) that Mr. N. M. Dharkar was a rival of Mr. Phanse for presidentship of the Pen Taluka Local Board, (ii) that 3 or 4 days after Mr. Phanse's election as president, Taluka Local Board, Pen, Mr. Dharkar accompanied by Mr. Gupte went in his own motor to inspect the Talavali Saku and (iii) that complaints against its construction and also against the conduct of the president began to come in in the mamlatdar's, Collector's and District Local Board office ;

(g) whether it is a fact that on receipt of a confidential complaint from Mr. N. M. Dharkar, the President, District Local Board, Kolaba,

deputed Mr. Joshi, pleader of Mahad and the vice-president of the District Local Board to inquire into, and report on, the matter and that Mr. Joshi in his report has fully vindicated the action of the Pen Taluka Local Board ;

(h) whether Mr. Gupte, the manlatdar of Pen, had informed the Collector of this report of Mr. Joshi and whether notwithstanding that information with him, the Collector issued his order under section 125 of the Local Board Act to stop the Talavali Saku work until further orders ?

The Honourable Dewan Bahadur HARILAL D. DESAI: The information called for from the Commissioner is awaited.

PHOTOZINCO OFFICE, POONA : APPOINTMENT OF MANAGER.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether it is a fact that they intend to appoint a Royal Engineer or an Indian Civil Service Officer or a survey expert as the manager of the Government Photozinco Office in place of the old manager who died on 30th November 1929 ;

(b) is there any Government Resolution prescribing that the post should be held by an officer from one of the classes referred to in (a) ;

(c) have Government any intention to fill this vacancy by appointing a qualified Indian ;

(d) is the post still vacant ;

(e) who is at present working as a manager ;

(f) what are his qualifications and when was he employed in the post, on what pay was he started and in what place was he first employed ?

The Honourable Mr. J. GHOSAL: (a) and (b) No.

(c) Government have recently appointed a qualified Indian to the post.

(d), (e) and (f) Prior to that appointment Mr. W. H. Coombs, who has been working as temporary Assistant Manager in the grade of Rs. 300—15—450 for a number of years in the Press, was in charge as Manager, Mr. Coombs' present pay in the grade is Rs. 450 plus a special pay of Rs. 100 per mensem. He was allowed an additional pay of Rs. 100 per mensem for the period he held charge as manager.

GRAZING LANDS : POONA AND SATARA DISTRICTS.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) how many heads of cattle exist in the villages of Dehu, Lohogaon, Patas, Indori, Bhigban, Morgaon, Dapodi and Edgaon of Poona District and of Bavdhan, Dhom, Pachvad, Pande, Wathar, Mhaswad, Gulumb, Vaddoj, Dahiwadi and Limb-goia of Satara District ;

(b) the area available to them for grazing ;

(c) the nature of the grazing land ?

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

Statement showing number of cattle and the area available for grazing in certain villages of Poona and Satara Districts.

Serial No.	(a)			(b)	(c)
	Name of Taluka	Name of Village	Heads of cattle	Area available for grazing	Nature of grazing land
POONA DISTRICT					
1	Haveli ..	Dehu ..	1,462	A. 300	Gairan.
2	Do. ..	Lohogaon ..	1,456	g. 121 15	Gairan 81 G.23 and Forest 39 G. 32G.
3	Do. ..	Dapodi ..	522	Nil.	
4	Dhond ..	Dapodi ..	399	102 0	Mulki Forest.
5	Do. ..	Patas ..	2,852	1,969 0	Do.
6	Mawal ..	Indori ..	887	342 6	Gairan.
7	Indapur ..	Bhigvan ..	1,243	38 33	Do.
8	Bhimthadi ..	Moregaon ..	1,330	91 31	Do.
9	Junnar ..	Edgaon ..	2,129	372 9	Do.
SATARA DISTRICT					
10	Wai ..	Bavdhan ..	1,354	213 4	Gairan.
11	Do. ..	Dhom ..	402	12 35	Do.
12	Do. ..	Pachwad ..	508	98 17	Do.
13	Do. ..	Pande ..	288	635 10	Gairan 632A O. G., Revenue waste 3 A. 10 G.
14	Do. ..	Gulumb ..	836	218 37	Gairan.
15	Koregaon ..	Wathar Station ..	435	867 32	Unassessed waste 13 A. 11, Pasture Forest 854 A. 21 G.
16	Do. ..	Wathar Bk. ..	484	68 25	Unassessed waste.
17	Man ..	Mhaswad ..	8,471	116 10	Gairan.
18	Do. ..	Dahiwadi ..	4,454	209 8	Do.
19	Khatav ..	Vaduj ..	1,966	62 0	Free pasture.
20	Satara ..	Limb ..	3,514	} There is no area for grazing for the cattle at these two villages in charge of the Revenue Department or the Forest Department.	
21	Do. ..	Goa ..	1,293		

DISTRICT LOCAL BOARDS : CATTLE BREEDING.

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) the number of district local boards which at present conduct cattle-breeding operations ;

(b) the average yearly expenditure incurred by them on the said operations ;

(c) the number of bulls put out by them every year for breeding purposes ?

The Honourable Mr. B. V. JADHAV : (a), (b) and (c) No District Local Board is conducting cattle-breeding operations of its own, but some boards like those at Ahmedabad and Sholapur assist in the matter by subsidising the premium bull holders and contributing towards cattle shows. No bulls have actually been put out by any District Local Board. The District Local Board, Sholapur, proposes to assist in locating one bull at Sangola. The District Local Board, Satara, has sanctioned a sum of Rs. 200 for the first time as a contribution towards the purchase of bulls for that district. The District Local Board, Ahmednagar, is contemplating starting a cattle-breeding farm.

CATTLE DISEASES : CONTAGION FROM CATTLE IN INDIAN STATES.

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) the number and names of the Indian States in and adjoining the Presidency that have maintained Veterinary and cattle-breeding Departments ;

(b) whether they are aware of the fact that the cattle population of the Presidency badly suffers from contagious diseases spread by State cattle crossing their native borders in and out without any check ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) So far as Government are aware there are only three States, viz., Mysore, Hyderabad (Deccan) and Baroda, adjoining the Bombay Presidency (excluding Sind) in which organised Veterinary Departments are maintained.

(b) Yes.

FOREST ADVISORY COMMITTEE : COMPLAINTS DEALT WITH.

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) the number of Forest Advisory Committees in the Presidency ;

(b) the number of complaints recorded by them during the last year ;

(c) how many of the complaints were found to be groundless, and how many of them were suitably dealt with to the satisfaction of the complainants ?

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

(b) and (c) Information has been called for but will not be received in time to admit of a reply being given at this session.

BETEL VINE AND GINGER CROPS, BASSEIN.

Mr. N. R. GUNJAL (Poona District) : (a) Are Government aware that the betel vine and ginger plantation in Bassein suffered severely from pests in the years 1929 and 1930 ?

(b) Do Government intend to grant any concession to the cultivators in this connection ?

(c) Will Government state whether they received applications for remission of land revenue from cultivators and what the decision of Government in the matter was ?

The Honourable Mr. J. GHOSAL: The attention of the Honourable Member is invited to the reply given to a similar question put by Mr. M. M. Karbhari during the current session.*

LAND REVENUE, BASSEIN : NON-PAYMENT.

Mr. N. R. GUNJAL (Poona District): (a) Will Government be pleased to state the number of landholders and khatedars in the Bassein Taluka who withheld payment of one or more rupees out of the enhanced assessment as a form of protest against the injustice alleged to have been done to the taluka in respect of its revision settlement ?

(b) What action did the Government take against such defaulters and with what results ;

(c) Is it a fact that the Collector of Thana issued notices to some defaulting landholders calling upon them to show cause why their whole property should not be declared forfeited to Government for the non-payment of one rupee of the assessment due from them ?

(d) Are there any instances of such notices being issued to defaulters during the past few years in any other talukas ?

The Honourable Mr. J. GHOSAL: The attention of the Honourable Member is invited to the reply given to a similar question put by Mr. M. M. Karbhari during the current session.*

MARTIAL LAW, SHOLAPUR.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) (i) When Martial Law was actually introduced in Sholapur ;

(ii) On what date the Ordinance of the Viceroy about Martial Law was promulgated ;

(iii) On what day did the Government of India issue their notification applying Martial Law to Sholapur ?

(b) Will Government give a complete list of persons tried and convicted under Martial Law up to date, together with the nature of their sentences, and the offences for which they were so convicted ?

(c) Will Government state whether the District Magistrate of Sholapur was a Member of the Tribunal which tried those alleged offenders ?

(d) Were the services of the District Magistrate as a Member of the Tribunal asked for by the Military authorities and lent by the Civil Government ?

(e) Will Government place on the Council Table a copy of each of the judgments of the tribunal and copies of the proceedings of the trials including depositions of witnesses if any ?

(f) Will Government state the names of the jails in which convicts have been distributed together with the classes assigned to them for the purposes of jail treatment ?

The Honourable Sir ERNEST HOTSON : (a) (i) On the evening of the 12th May 1930.

(ii) On the 18th May 1930.

(iii) On the 15th May 1930.

(b) and (e) The Honourable Member's attention is invited to the answers given to-day to a similar question asked by the Honourable Member Mr. Chandrachud.

(c) No.

(d) The Military Commander asked for the services of a Civil Officer having judicial experience to serve as a member of the Military Court and the District Magistrate detailed the Additional District Magistrate for this service.

(f) The information required by the Honourable Member cannot be collected in time for this part of his question to be answered before the dissolution of the Council.

FIRING AT SHOLAPUR, 8TH MAY 1930.

Mr. N. R. GUNJAL (Poona District) : Will Government state—

(a) whether they received any reports from the Military or Civil authorities in Sholapur about the firing that took place in the different parts of the City of Sholapur in the noon and afternoon of Thursday the 8th May 1930 ;

(b) who actually gave the orders for firing ;

(c) whether any assistance was given by Government agency to remove to the hospital persons wounded in this firing ;

(d) the number of persons admitted into the different hospitals at Sholapur as a result of this firing so far as they know ;

(e) whether they propose to hold any inquiry into this firing and if so, the composition of the Committee proposed to be appointed by them ;

(f) whether it is a fact that Government propose to issue a proclamation of indemnity or amnesty or pardon by way of protection to these people who will offer to give evidence of personal experience before this Committee of Inquiry ;

(g) the details of the amount of ammunition debited to or used by the Police in Sholapur City on the date of the firing near the scene of the Toddy trees affair and subsequently in the City ;

(h) whether it is a fact that Government propose to give compensation to persons wounded in the firing in the City (not at the scene of the Toddy trees affair) or to the bereaved families of any deceased ?

The Honourable Sir ERNEST HOTSON : (a) Yes.

(b) The most senior officer present at the time.

(c) Two injured persons were taken to hospital by the Police after the attack on the District Magistrate and District Superintendent of Police in the noon; thereafter the state of affairs prevailing in the City made it impossible for the local authorities to remove the injured persons to hospital.

(d) It would not be possible to obtain this information in time to answer this part of the Honourable Member's question before the dissolution of the Council.

(e) No.

(f) Does not arise.

(g) 103 rounds.

(h) Some applications for compensation have been made, but orders have not yet been passed.

FIRING IN SHOLAPUR : DEATHS BY BULLET WOUNDS.

Mr. N. R. GUNJAL (Poona District): (a) Are Government aware that some sort of inquiry was made by the District Magistrate in the matter of death of a boy named Ranade by a bullet wound in the Sholapur Jain Boarding during the firing in Sholapur on 8th May 1930?

(b) What was the result of the inquiry by the District Magistrate?

(c) Are Government aware of the death of Mr. Ratilal Shah, nephew of Mr. Manikchand Shah, President of the Sholapur Municipality;

(d) was the death caused by a bullet wound;

(e) was any Government *panchnama* made about his death;

(f) if so, will Government place a copy of the *panchnama* on the Council table?

The Honourable Sir ERNEST HOTSON: (a) and (b) The attention of the Honourable Member is invited to the answer given to-day to a similar question asked by the Honourable Member Mr. Chandrachud.

(c) and (d) Yes.

(e) The usual inquest was held by a 1st Class Magistrate.

(f) A copy cannot be obtained in time to do so before the dissolution of this Council.

MILITARY ESCORT FOR POLICE OFFICERS, SHOLAPUR.

Mr. N. R. GUNJAL (Poona District): Is it a fact that the Military were requisitioned by the District Magistrate, Sholapur, to accompany the Police Officers who were sent to Barsi, Pandharpur, etc., to effect the arrests of certain people against whom warrants were issued by magisterial authority during the recent disturbances in Sholapur?

The Honourable Sir ERNEST HOTSON: Yes.

MILITARY REGIME, SHOLAPUR: COMPLAINTS.

Mr. N. R. GUNJAL (Poona District): (a) Are Government aware that a number of people in Sholapur were ill-treated by the Military sepoys and authorities in various ways during the recent Martial Law regime there?

(b) Do Government propose to make any inquiry into the matter ?

(c) Are Government aware that complaints have been made to Government and officers in the City and in the Press about shops being broken open and looted by Military sepoy and others during the Military regime ?

(d) Were Flag Satyagraha volunteers bodily ill-treated by the police or Military authorities ?

The Honourable Sir ERNEST HOTSON : (a) No.

(b) No.

(c) and (d) The Honourable Member's attention is invited to the press note dated the 2nd July 1930 issued by the Director of Information, a copy of which was placed on the Council table during this session.

MARTIAL LAW, SHOLAPUR : CONGRESS VOLUNTEERS.

Mr. N. R. GUNJAL (Poona District) : Will Government state the number of Congress volunteers who were actually charged and convicted for disobeying Military regulations during the recent Martial Law regime there at Sholapur ?

The Honourable Sir ERNEST HOTSON : The Honourable Member is referred to the answer given to-day to the question asked by the Honourable Member Mr. N. B. Chandrachud. Government regret that further information cannot be obtained before the dissolution of this Council.

MAMLATDAR OF PEN : TALAVALI SAKU AFFAIR.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI : (a) Will Government be pleased to state whether it is a fact that one Mr. Sadashiv Ganesh Mokashi, Inamdar of Pen, was summoned by the Mamlatdar of Pen under the Land Revenue Code and though he was unwilling, a statement on oath was taken from him in what is known as the Talavali Saku affair ?

(b) Will Government be pleased to lay on table the whole correspondence regarding the Talavali Saku affair ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The information called for from the Commissioner is awaited.

(b) Government regret that the correspondence in question cannot be placed on the Council table as it is confidential.

NEWSPAPER ARTICLE : "COLABA SAMACHAR."

Dr. P. G. SOLANKI for Mr. S. C. JOSHI : (a) Will Government be pleased to state whether their attention has been drawn to the leading article in the "Colaba Samachar" of Pen dated 21st September 1929 under the heading "Judicial Officer or Police Sepoy—an humble appeal to the Bombay Government and the Collector" ?

(b) If the reply to (a) be in the affirmative, the action taken by Government in the matter ?

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

(b) The President has been removed from office for misconduct and neglect of duty in connexion with the Saku affair.

TALUKA LOCAL BOARD, PEN : SPECIAL MEETING.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI : (a) Will Government be pleased to state whether their attention has been drawn to the report of a special meeting of the Pen Taluka Board held on 26th July 1929, published on page 4 in the issue of the Colaba Samachar of 27th July 1929 ?

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

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

(b) Government have not taken any action regarding the proceedings of the meeting.

TALUKA LOCAL BOARD, PEN : ORDER UNDER SECTION 125 OF THE LOCAL BOARDS ACT.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI : Will Government be pleased to state—

(a) the instances in the Southern Division since 1923 when the Collector of a district had occasion to issue orders under section 125 of the Local Boards Act ;

(b) the instances in which that order was confirmed by the Government ;

(c) the cases in the Southern Division since 1923 in which the Collector interfered in Local Board affairs by an order under section 125 of the District Local Boards Act because the Board was in his opinion guilty of wasting public money or because the contract given by the Board or its president was in his opinion illegal or void ;

(d) the instances in the Southern Division since 1923 wherein the Collector or the Government objected to the contracts given by the Presidents of Taluka Local Boards or District Local Boards which though illegal in the first instance were legalized by the subsequent ratification by their respective Boards ;

(e) whether until the Collector of Kolaba issued on 26th July 1929 his order under section 125 of the District Local Boards Act the administration of the Pen Taluka Board for the last 7 or 8 years has ever been found fault with either by the Collector or by the Government Auditors ;

(f) whether the Collector's order dated 26th July 1929, under sections 124 and 125 of the District Local Boards Act to the President, Pen Taluka Local Board, was issued after previous reference to the president of the Taluka Local Board, Pen, or of the District Local Board, Kolaba ;

(g) whether it is a fact that the order has been neither cancelled nor confirmed up to date ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a), (b) and (g) (1) Suspension of the resolution passed by the District Local Board, Ratnagiri, regarding reduction of the vaccination establishment. The Collector's order was confirmed by Government.

(2) Construction of the Talavli Saku bridge by the Taluka Local Board, Pen. The Collector's order was approved by the Commissioner and report made to Government.

(c) Talavli Saku affair.

(d) None.

(e) and (f) Government regret that the time available before the dissolution is too short to enable them to obtain the information required.

DISTILLERIES : CLOSURE.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI: Will Government be pleased to state—

(a) the loss of revenue they have sustained on account of the closing up of the liquor distilleries in the Bombay Presidency ;

(b) why the distilleries were closed ;

(c) whether liquor distillation was a sort of an industry in the Presidency proper ?

The Honourable Mr. B. V. JADHAV : (a) As the Honourable Member has not replied to the reference made to him by the Secretary, Legislative Council, requesting him to make the question clear by stating the nature of the loss of revenue referred to by him and the period for which the information is required, it is not possible to answer this clause. •

(b) Because it was considered desirable to centralise the manufacture of liquor in one place.

(c) Liquor distillation is an industry.

VILLAGE PARTITION DARKHASTS, RATNAGIRI DISTRICT.

Dr. P. G. SOLANKI for Mr. S. C. JOSHI: Will Government be pleased to state—

(a) the number of village partition darkhasts received by the Collector of Ratnagiri during the last 5 years ;

(b) how many of them have been disposed of ;

(c) how many are still pending ;

(d) the reasons for not disposing of the pending cases ;

(e) whether the staff engaged has been found to be insufficient ;

(f) whether fees at Rs. 8-8-0 per day are charged for carrying out the village partition work in the Ratnagiri District ;

(g) if the answer to (e) is in the negative, the reasons why Government do not engage additional staff for the work ;

(h) whether the daily fee of Rs. 8-8-0 charged for carrying out the village partition work includes the charges of supervising staff and of putting new boundary stones ;

(i) the number of cases in which the district superintendent of the supervising officers have not visited the villages since the commencement of partition work therein ;

(j) when the pending partition cases in the Ratnagiri District will be completed ?

The Honourable Mr. J. GHOSAL : (a) During the last five years ending 31st May 1930, 846 partition cases were received from the Civil Courts besides a balance of 173 cases at the beginning of the period.

(b) 812.

(c) and (d) Of the remaining 207 cases—

14 have been returned to the Civil Courts for heirship enquiries and sanctioning the partition of buildings ;

16 have been kept pending owing to the absence of the parties from the village ;

6 have been partly finished ;

62 have been completed by the Circle Inspectors, but there being complaints against the partition the District Inspector of Land Records, Ratnagiri, had to make local inquiries. He has completed his enquiry in 42 cases, but the partitions are to be amended. In 20 cases the inquiry is still to be made by the District Inspector ;

109 are still to be commenced. Of these 65 cases were received late during the year and 44 could not be commenced as the Circle Inspector's hands were full.

(e) There are 10 permanent Circle Inspectors for this work. This staff is generally found to be sufficient.

(f) The partition fee charged per day in this district is Rs. 8-4-0 and not Rs. 8-8-0.

(g) Additional staff is appointed whenever necessary.

(h) The daily fee of Rs. 8-4-0 does not include the supervision or boundary marks charges.

(i) In 20 cases the District Inspector of Land Records, could not visit the villages and make necessary inquiries owing to his other work. These cases are kept pending his visit to the villages.

(j) The partition work of all the cases outstanding at the end of May 1930 is expected to be finished by the end of May 1931.

SCHOOL BOARD, BELGAUM : TRANSFER OF TEACHERS.

Rao Bahadur R. R. KALE (Satara District) : (a) Will Government be pleased to state whether they are aware that the Belgaum District School Board has effected about 1,000 transfers of Primary School Masters and Mistresses within a period of 13½ months from April 1928 to June 1929 ?

(b) What was the cause that necessitated such a large number of transfers ?

(c) How many of these transfers were ordered by the Administrative Officer and how many by the Chairman ?

(d) How many of those ordered by the Chairman have been sanctioned by the School Board ?

(e) How many of the transfers ordered by the Chairman had the previous sanction of the Board and how many have been subsequently approved ?

(f) Is it a fact that these transfers were ordered by hundreds on several occasions ?

(g) Is it a fact that immediately upon the coming into existence of the new District Local Board and almost on the eve of the formation of a new School Board in the beginning of June 1929, about 250 transfers of school teachers were ordered by the Chairman, School Board, causing serious inconvenience to the teachers on account of the breaking out of the rains ?

(h) Were these 250 transfers recommended by the Administrative Officer ? If so, what opportunities had he for recommending such a large number of transfers ? If not, what was the urgency for ordering such a large number of transfers without the recommendation of the Administrative Officer ?

(i) How many of the transfers ordered during the 13½ months were by way of punishments and how many at the request of teachers themselves and how many on public grounds ?

(j) In the case of those teachers transferred by way of punishments, were proceedings previously held about the conduct of the teachers concerned or were explanations called for from them before transfers were ordered ? If not, what were the reasons for not doing so ?

(k) How many complaints, if any, have been received from the transferred teachers about the transfers and have these complaints been placed before the School Board for consideration ? If not, what were the reasons for not doing so ?

(l) Has the attention of Government been drawn to the comments in the local and the Presidency Press about the conduct of the Belgaum School Board and what steps have Government taken for putting a stop to the grievance set out therein ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) During the period mentioned, excluding the month of June 1929, there were 501 transfers of Primary School teachers.

(b) The causes are :—

(i) Opening of New Schools and Classes.

(ii) Appointment of additional assistants to undermanned schools.

(iii) Transferring of schools from village to village.

(iv) Retirement.

(v) Deaths of teachers.

(vi) Transfers of teachers to other Districts.

(vii) Recommendation of the Administrative Officer and the Beat Officers.

(viii) Requests and mutual consent of teachers.

(ix) Deputation of teachers to Training Institutions.

(x) Suggestions of the Members of the District School Board and the District Local Board and the request of the villagers.

(c) Administrative Officer 43

Chairman 7

Sub-Committee 451 of which 238 were ordered by the Chairman in anticipation of the sanction of the sub-committee.

(d) and (e) No sanction of the School Board was obtained as the School Board had delegated the power of making transfers to a sub-committee.

(f) The following statement gives information regarding the transfers made during each of the months from April 1928 to May 1929 :—

April 1928	..	..	..	18
May 1928	..	..	..	..
June 1928	..	..	..	67
July 1928	..	..	..	131
August 1928	..	..	..	94
September 1928	..	..	..	48
October 1928	..	..	..	41
November 1928	..	..	..	36
December 1928	..	..	..	17
January 1929	..	..	..	..
February 1929	..	..	..	12
March 1929	..	..	..	25
April 1929	..	..	..	12
May 1929	..	..	..	..
Total			..	501

(g) In the beginning of the month of June 1929, 226 transfers were made. It is reported that as rains break out in Belgaum during the latter half of the month of June no inconvenience was caused to the teachers.

(h) Out of the 226 transfers, 10 had been recommended by the School Board Administrative Officer, 22 had been made independently by him and the remaining were made by the Sub-Committee.

(i) Out of the 501 transfers mentioned in the reply to clause (a) above, 58 are reported to have been made by way of punishment, 250 at request and mutual consent of teachers themselves, 149 on public grounds and 44 were transfers in the locality.

(j) Out of 58 transfers made by way of punishment, 18 were ordered on account of poor work, 20 as a result of enquiries and reports made by Inspecting Officers and the remaining on account of unsatisfactory work and unpopularity in the villages. It is said that in the case of serious punishments like reduction, fine, etc., regular proceedings are held and explanations called for, but in the case of transfers by way of punishment for poor work and unpopularity, etc., no such procedure is followed.

(k) Out of the 226 teachers transferred in June 1929, six teachers transferred on public grounds complained about the inconvenience caused to them on account of being transferred. Out of these 6, one appears to have been a School Mistress who complained to the Commissioner, Southern Division, direct and the School Board is reported to have warned her for not having sent her petition through the proper channel. The other five cases were not reported to the School Board as the transfers in their case had been made on public grounds. Complaints from 29 teachers out of those transferred prior to June 1929 were received by the previous School Board. One complaint was enquired into by that Board. There is no information as to why the other

complaints were not enquired into. The present School Board has made an enquiry into these complaints and has transferred 23 teachers to convenient places. One teacher has retired. Three teachers are now reported to be satisfied with their present posts; and one case is under consideration.

(f) Yes. Government have issued circular orders to all District Local Boards including the District Local Board, Belgaum, laying down general principles on which transfers of teachers should be made and warning them that Government will refuse to approve for purposes of Government grant expenditure on account of transfers which are found to be excessive and in contravention of these principles. Government are investigating the question whether any action on these lines should be taken against the District Local Board, Belgaum.

DISTRICT LOCAL BOARD, SATARA : APPOINTMENT OF CHIEF OFFICER.

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

- (a) whether the Satara District Local Board has passed any resolution regarding the permanent appointment of a chief officer;
- (b) if so, whether Government will place a copy of it on the Council Table;
- (c) whether the Board has taken any steps as per the resolution;
- (d) if not, the reasons therefor?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) Yes on May 14th, 1929.

(b) A copy of the Resolution is placed on the Council Table.

(c) and (d) The President states that the matter will be decided by the Board at its meeting to be held at the end of this month.

RESOLUTION.—Mr. Ghorpade should continue as a probationer for two years more and he should pass the Accountant's Examination within that period and if he passes the examination he should be confirmed.

2. Government should be requested to lend a Chief Officer for one year and arrangement should be made for special training of Mr. Ghorpade during that period.

COUNTRY LIQUOR AND TODDY, SATARA DISTRICT : CONSUMPTION.

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

- (a) the figures of the consumption of and income from country liquor during the last five years in Satara district;
- (b) whether the consumption of toddy has been on the increase during the same period;
- (c) the number of toddy trees in the district, how many of them were actually planted by human agency and how many of them have been allowed to be tapped during the current year;
- (d) whether it is a fact that a large number of toddy trees have been planted on land granted by Government on a lease or otherwise;
- (e) the location of such trees;
- (f) how many individuals have been given licences for tapping toddy trees during the current year; the number of trees tapped on an average per day and the average consumption per day of toddy;

- (g) the income derived from toddy during the last five years ;
 (h) whether it is a fact that the Abkari Revenue is affected by the consumption of toddy ;
 (i) whether the fees charged for toddy license are comparatively low ?

The Honourable Mr. B. V. JADHAV : (a) Satara District.

Year	<i>Country spirit.</i>	
	Consumption in proof Gallons	Income Rs.
1924-25	.. 11,583	2,28,722
1925-26	.. 10,639	2,43,805
1926-27	.. 9,909	2,02,043
1927-28	.. 10,190	2,08,755
1928-29	.. 11,076	2,49,655
	<i>Toddy.</i>	
1924-25	.. 2,173	1,504
1925-26	.. 2,941	1,061
1926-27	.. 2,878	1,842
1927-28	.. 6,774	2,547
1928-29	.. 5,807	3,563

(b) Yes.

(c) to (f) Information will not be received in time to admit of a reply being given during the current session.

LOCAL FUND CESS, SATARA DISTRICT.

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

(a) whether it is a fact that about the year 1922 the local fund cess in the Satara District was doubled from one anna to two annas in order to supply the necessary contribution towards the cost of free and compulsory education ;

(b) whether Government will be pleased to place on the Council table a copy of the Resolution on the subject passed by the district local board together with the list of members who supported it and of those who opposed it ;

(c) the amount of the fund so raised accumulated up to the end of March 1930 ;

(d) whether it is a fact that a large amount of this fund remained unspent owing to the inability of Government to sanction the extension of free and compulsory education in the Satara District ;

(e) whether the Satara District Local Board has submitted a number of schemes for introducing free and compulsory education and have received no sanction owing to the financial stringency of Government ;

(f) since what year part of the proceeds of this fund is being spent by the Satara Board for other purposes unconnected with education such as roads, etc. ;

(g) whether the amount so spent are the proceeds of the higher rates levied since and along with the revision settlements of land revenue introduced in the Satara District;

(h) whether the attention of Government has been drawn to these facts, and if so, what steps Government intend to take in this matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) The local fund cess was doubled in the year 1924.

(b), (c), (d), (f), (g) and (h) Government regret that they are unable to supply the information required by the Honourable Member as the time necessary to enable them to collect the information before the dissolution is too short.

(e) Only one such scheme was submitted to Government and sanction to it was refused on account of financial stringency.

SHOLAPUR DISTURBANCES: "KARMAYOGI" ARTICLE.

Rao Bahadur R. R. KALE (Satara District): (a) Has the attention of Government been directed to the twenty-three specific instances in connection with the Sholapur disturbances in the issue of the "Karmayogi", dated 10th May 1930?

(b) If so, what steps have Government taken to ascertain the situation in regard to these instances as also others which may not have been so published?

The Honourable Sir ERNEST HOTSON: (a) Yes.

(b) An enquiry has been or is being made into each case by the District Magistrate.

POLICE ACTION: SALT RAIDS AT DHARASNA.

Rao Bahadur R. R. KALE (Satara District): (a) What orders were issued by Government to the police at Dharasna to prevent the raids by Satyagrahis on salt pans in May last?

(b) How many persons were wounded by the use of lathis by the police?

(c) Will Government be pleased to place on the Council table the *post-mortem* certificate on the death of one Bhailal Dayibhai of Borsad who died at the Untadi camp on the 22nd May last?

The Honourable Sir ERNEST HOTSON: (a) General orders were issued to all District Magistrates that raids on salt works must be prevented, and that if they took place, they should be dealt with under the appropriate sections of the law. The persons raiding the Dharasna Salt Works constituted an illegal assembly, and the District Magistrate dealt with them as such. He was in constant communication with Government and his policy had their full approval.

(b) Government are not in possession of exact information on this point.

(c) The report is a lengthy document and the greater portion of it is purely formal and of no public interest. The important parts are the answers to questions 4 and 28, which are laid on the table.

Extract from the memorandum of a *post-mortem* examination held at Sir D. M. Petit Dispensary, Bulsar, on the body of Bhailalbhai Dajibhai, by Dr. J. F. Henriques, L.M.S., F.C.P.S., B.M.S.

4. Substance of accompanying Report from Police Officer or Magistrate, together with the date of death, if known. Supposed cause of death, or reason for examination.

The police and the Panchnama state that a Satyagrah volunteer named Bhailalbhai Dajibhai died suddenly at Satyagrah Ashram near Dharasna camp on 22nd May 1930 at 11-30 a.m. There were no marks of violence on his body. They cannot state if he committed suicide, or was murdered or died by accident or was poisoned and so send the body for ascertainment of the cause of death.

28. Opinion as to the cause, or probable cause of death.

Death in my opinion was probably due to shock, as a result of some external violence to the abdomen.

The viscera are preserved; I do not think, however, they require to be sent to the Chemical Analyser.

Dated at Bulsar, 22nd May 1930.

BETEL VINE AND GINGER CROPS, BASSEIN.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts):
(a) Are Government aware that the betel vine and ginger plantation in Bassein suffered severely from pests in the years 1929 and 1930?

(b) Do Government intend to grant any concession to the cultivators in this connection?

(c) Will Government state whether they received applications for remission of land revenue from cultivators and what the decision of the Government in the matter was?

The Honourable Mr. J. GHOSAL: Information will not be received in time to enable the question to be answered during the current session.

LAND REVENUE, BASSEIN: NON-PAYMENT.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts):
(a) Will Government be pleased to state the number of landholders and khatedars in the Bassein Taluka who withheld payment of one or more rupees out of the enhanced assessment as a form of protest against the injustice alleged to have been done to the Taluka in respect of its Revision settlement?

(b) What action did the Government take against such defaulters and with what results?

(c) Is it a fact that the Collector of Thana issued notices to some defaulting landholders calling upon them to show cause why their whole property should not be declared forfeited to Government for the non-payment of one rupee of the assessment due from them?

(d) Are there any instances of such notices being issued to defaulters during the past few years in any other talukas?

The Honourable Mr. J. GHOSAL: (a), (b), (c) and (d) The information has been called for, but it is not possible to obtain it before the expiry of the current session.

TATTA MUNICIPALITY : ELECTIONS.

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

(a) how many members there are on the Tatta Municipality (District Karachi), Sind;

(b) how many of them are Muslims and how many Hindus;

(c) who is the President of this Municipality;

(d) how many years has he been the President of this Municipality;

(e) when were the elections to the Municipality held last;

(f) how many candidates, stating their names and nationality, were there;

(g) is it a fact that some applications for nominations were refused, by the President;

(h) if so, why were they rejected, and by whom;

(i) is it a fact that the existing President himself was the returning officer;

(j) was he also a candidate for membership or the presidentship again;

(k) is it a fact that only those applications were entertained by him (President) which were made by his party men, who had previously pledged themselves to vote in his favour for the chair;

(l) is it a fact that owing to this, no election of President took place, but that the gentleman was made the President unopposed;

(m) have protests from such persons, whose applications were rejected for no reason, or were torn away, been received by the Collector of Karachi, the Commissioner in Sind and the Government of Bombay;

(n) if so, have they made any enquiry into it;

(o) what action, if any, do Government propose to take in the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) 25 (20 Elected—5 Nominated).

(b) 14 Hindus.

11 Muhammadans.

—
25

(c) Mr. Shah Nawaz Shah. Before him Mr. Parmanand was the President of the Municipality.

(d) Mr. Parmanand was President from June 1928 to March 1930.

(e) In December 1929.

(f) A list giving the required information is placed on the council table.

(g) Yes.

(h) They were rejected by the Returning Officer, Mr. Parmanand Haridas, because they were not considered to be in order.

(i) The late President.

(j) He was a candidate for membership. It is not known whether he was a candidate for Presidentship.

(k) Government cannot say.

(l) No.

(m) Yes, from persons whose nominations were rejected.

(n) No. The persons aggrieved have filed an application under section 22 of the Bombay District Municipal Act, 1901, in the District Court, Hyderabad.

(o) The results of the application under section 22 are awaited.

Khan Bahadur M. S. KHUHRO : The reply to (1) of my question, viz., whether it is a fact that no election of President took place but that the gentleman was made the President unopposed, is "No". What is the meaning of this ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It applies to both together.

Khan Bahadur M. S. KHUHRO : If there was no election and if he was returned unopposed, how does it apply to both ?

The Honourable Dewan Bahadur HARILAL D. DESAI : So far as I can see, there was election and the gentleman was not made president unopposed.

List of candidates who stood for election at the General Election of the Tatta Municipality held on 30th December 1929

Serial No.	Name of the candidate
<i>Non-Muslim Ward No. 1</i>	
1	Mr. Parmanand Haridas.
2	" Penamal Dewanmal.
3	" Tulsidas Kundandas.
4	" Harchandrai Tahilram.
5	" Moloomal Tejanmal.
<i>Non-Muslim Ward No. 2</i>	
1	Mr. Rupchand Lakhmidas.
2	" Parshotamdas Aidas.
3	" Murlidhardas Jethanand.
4	" Tickamdas Bulchand.
<i>Non-Muslim Ward No. 3</i>	
1	Mr. Motumal Balchand.
2	" Lalchand Radhomal.
3	" Manghanmal Narsinghdas.
4	" Dewanmal Dhandhoomal.
5	" Lekhraj Tekchand.
6	" Harchandrai Tahilram.
7	" Naraindas Mulchand.
<i>Muslim Ward No. 1</i>	
1	Mr. Muhammad Rajab Muhammad Roshan.
2	" Ahmed Haji Abdulrahim.
3	" Abasalishah Rajabalishah.
4	" Lal Muhammad Kasim Dare.
5	" Hassanlalishah Ismailshah.
6	" Haji Fakir Muhammad.

Serial No.	Name of the candidate
------------	-----------------------

Muslim Ward No. 2

- | | |
|---|-----------------------------------|
| 1 | Mr. Moledino Abdul Satar Abasi. |
| 2 | „ Haji Pir Muhammad Ghulamnabi. |
| 3 | „ Haji Inayatullah Muhammad Raza. |
| 4 | „ Muradalishah Khudadinoshah. |
| 5 | „ Piaralishah Aminmuhammadshah. |
| 6 | „ Ghulamhuseinshah Karamalishah. |

Muslim Ward No. 3

- | | |
|---|----------------------------------|
| 1 | Mr. Nur Muhammad Ghulamhusein. |
| 2 | „ Muhammad Sumar Kadirdino. |
| 3 | „ Ghulamhuseinshah Karamalishah. |
| 4 | „ Piaralishah Aminmuhammadshah. |
| 5 | „ Alinawazshah Rustomalishah. |

MUKHTIARKARS AND ACTING MUKHTIARKARS: SIND.

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

(a) the respective number of acting Mussalman, Christian and Hindu Mukhtiar-kars in Sind ;

(b) the respective number of Mussalman, Christian and Hindu Taluka and Divisional Head Munshis in Sind ;

(c) the number of higher passed non-head munshis working in various offices as ordinary clerks ;

(d) the number of higher passed Mussalmans (entitled to the Head Munshigiris) superseded by Hindus ;

(e) the number of Mussalman Head Munshis (entitled to Mukhtiar-karships) superseded by Hindus ;

(f) the number of acting Mussalman Mukhtiar-kars who have been superseded by Hindus in the matter of confirmation, the period for which they have held acting jobs, and the reasons for their supersession by Hindus ;

(g) whether there are in existence any Government Resolutions making it imperative on the Government of Sind to increase the percentage of Mussalman Head Munshis, Acting Mukhtiar-kars, and Mukhtiar-kars and if such resolutions do exist whether they have been brought into effect ;

(h) if the requirements of the abovementioned resolutions have not been complied with, what steps Government propose to take in the matter ?

The Honourable Mr. J. GHOSAL: (a) Hindus 22, Mussalmans 4, Christians 2.

(b) Hindus 41, Mussalmans 35.

(c) Hindus 33, Mussalmans 11.

(d) Nil.

(e) One, owing to his bad record.

(f) One acting Mussalman has been superseded for confirmation by both Hindus and Mussalmans. He has acted continuously since August 1923, but his general record is so unsatisfactory that he is unfit

for confirmation. Owing to his advanced age, however, he is being permitted to continue to officiate as Mukhtiarkar.

(g) Apart from the Resolution of 1925 prescribing 50 per cent. as the minimum percentage of recruitment of Mussalmans to the clerical staff of all Departments in Sind, the only order of this nature in existence is that relating to the scheme introduced in 1927 for recruiting Mussalmans as taluka head munshis with a view to their being appointed to the grade of Mukhtiarkars on the conclusion of their training. A copy of the Press Note relating to this scheme is placed on the table.*

(h) The orders referred to in the preceding clause are being adhered to. The attention of the Honourable Member is invited to the Press Note recently issued by the Commissioner in Sind which removes much of the misapprehension which exists in the matter of appointment of Mussalmans as acting and substantive Mukhtiarkars. A copy of the Press Note is placed on the table.*

CO-OPERATIVE SOCIETY, SHIVNE.

Mr. H. V. KOLHATKAR (East Khandesh District): (a) Will Government be pleased to lay on the Council table a statement showing the financial position of the agricultural co-operative society at Shivne in the Haveli Taluka, district Poona ?

(b) Is it a fact that the society has gone into liquidation and, if so, who has been appointed the liquidator ?

(c) Has the liquidator submitted his report ?

(d) When was the appointment of the liquidator made ?

(e) What are the assets and the liabilities of the society ?

(f) Was any inspection under section 36 of the Co-operative Societies Act made or any inquiry under section 35 ordered and if so with what result ?

(g) Has the liquidator taken any, and if so what, steps to make payments to the depositors up to this time ?

(h) What is the amount of the total deposits with the society ?

(i) Is it a fact that several depositors made demands for their amounts but have not yet been paid anything ?

(j) If no recoveries have been made for a long period, and if the liquidator has taken no steps to pay the depositors, do Government propose to appoint another liquidator, and if so, what steps have been taken in that direction ?

The Honourable Mr. B. V. JADHAV : (a) and (e) A statement showing the financial position is placed on the Council Table.

(b) Yes. The Special Officer for liquidation, Poona, has been appointed as liquidator.

(c) Yes.

* Kept in the Secretary's office.

(d) In December 1927.

(f) No. An enquiry under section 43 of the Bombay Co-operative Societies Act was, however, ordered and the Society cancelled.

(g) As recoveries are very poor, it has not been possible so far to make any payments to the depositors.

(h) Members Rs. 114-4-5 ; Non-members Rs. 42,381-2-0.

(i) Yes.

(j) Every possible attempt is being made to effect recoveries and a change of the liquidator is not likely to improve matters.

Mr. H. V. KOLHATKAR: How long will it take approximately to make the payments ?

The Honourable Mr. B. V. JADHAV: I cannot say.

Balance-sheet of the Shivne Co-operative Society as at 30th June 1930.

Liabilities		Assets	
	Rs. a. p.		Rs. a. p.
Members' deposit (with interest).	114 4 5	Loans outstanding ..	52,733 9 11
Non-members' deposit (with interest).	42,381 2 0	Investment ..	300 0 0
Liquidation charges ..	2,077 6 9	Liquidation charges ..	1,398 7 6
Poona Central Co-operative Bank, Ltd.	473 13 2	Miscellaneous Debt (such as Bhaiya's pay, maintenance allowance, Land Revenue Assessment, etc.)	234 0 10
Surplus Assets ..	14,543 10 6	Cash in hand ..	4,924 2 7
	59,590 4 10		59,590 4 10

DISTURBANCES AT SHOLAPUR, TRIAL OF OFFENDERS.

Mr. H. V. KOLHATKAR (East Khandesh District): Will Government be pleased to place on the council table a list of persons tried at Sholapur either under the martial law or before the ordinary courts for offences connected with the recent disturbances at Sholapur stating the nature of the offences committed by each of them and the punishments meted out to each of them ?

The Honourable Sir ERNEST HOTSON: The Honourable Member's attention is invited to the reply given to-day to a similar question asked by Mr. N. B. Chandrachud. A further list giving details of offences against the Civil Law is placed on the Council Table. To collect all the details required by the Honourable Member would be impossible before the end of this Session.

List of persons tried for offences against the Civil Law.

Name	Offence	Sentence
Chitale	Section 117, Indian Penal Code.	2 years' rigorous imprisonment and fined Rs. 300.
Joshi	Do. ..	2 years' rigorous imprisonment and fined Rs. 200.
B. N. Pande	Section 117, Indian Penal Code and Section 47, Salt Act.	Do. do.
S. P. Arya	Do. ..	Do. do.
Raghunath Santram ..	Section 353, Indian Penal Code.	Fined Rs. 50.
Narayan Nagappa ..	Do. ..	Do.
Govind Rakhmaji ..	Do. ..	Do.
Sidram Laxman	Do. ..	Do.
Baratalli Babealli ..	Section 188, Indian Penal Code.	Convicted and let off with a warning.
Balkrishna Hari Phansalkar ..	Section 117, Indian Penal Code,	18 months' rigorous imprisonment and a fine of Rs. 300 or 3 months' rigorous imprisonment.
Gursitappa Changvirappa Antad.	Sections 143, 448 and 380, Indian Penal Code.	3 months' rigorous imprisonment and fine of Rs. 500, or 3 months' rigorous imprisonment.
Chanvirappa Malappa Mainale	Do. ..	3 months' rigorous imprisonment and fine of Rs. 250 or 2 months' rigorous imprisonment.
Shidramappa Vardhappa Kurle.	Do. ..	Do. do.
Girmalappa Shidappa Kurle ..	Do. ..	15 stripes with a light rattan.
Rupsing Gursidappa Shivgaunde.	Do. ..	Do. do.
Gurbasappa Malappa Tadalage.	Do. ..	Do. do.
Shivappa Virappa ..	Do. ..	Do. do.
Mahantappa Basappa Konde ..	Do. ..	3 months' rigorous imprisonment and fine of Rs. 250 or 2 months' rigorous imprisonment.
Balkrishna Vasudeorao ..	Section 47, Salt Act and section 117, Indian Penal Code.	1 year's rigorous imprisonment and fine of Rs. 200 or 3 months' rigorous imprisonment.
Govind Mahadeo Bapat ..	Sections 47 (a) and (c), Salt Act and section 117, Indian Penal Code.	6 months' rigorous imprisonment and fine of Rs. 20 in respect of each of the two offences under section 47 (a) and (c) of the Salt Act, or 1 month's rigorous imprisonment in default. One year's rigorous imprisonment and fine of Rs. 20 or 1 month's rigorous imprisonment under section 117. Sentences to run consecutively.

Name	Offence	Sentence
Shridhar Vithal Kakirde ..	Section 47, Salt Act, and 117, Indian Penal Code.	6 months' rigorous imprisonment and fine of Rs. 20 in respect of each of the two offences under section 47 (a) and (c) of the Salt Act, or 1 month's rigorous imprisonment and fine of Rs. 20 or 1 month's rigorous imprisonment under section 117. Sentences to run consecutively.
Rangnath Narhar Kanewar ..	Section 117, Indian Penal Code.	Fined Rs. 100 or 6 months' rigorous imprisonment.
Sadashiv Vishnu Kulkarni ..	Section 117, Indian Penal Code, and section 47, Salt Act.	15 months' rigorous imprisonment and Rs. 200 fine or 4 months' rigorous imprisonment.
Kalyan Laxaman Rajopadye	Do. ..	1 year's rigorous imprisonment and Rs. 100 fine, or 3 months' rigorous imprisonment.
Mallappa Revanshidappa Dhansheti.	Sections 148, 435, and 302 Indian Penal Code.	Sentenced to death.
Shrikisan Laxminarayan Sarda.		
Jagannath Bhagwan Shinde .. Abdul Rasul Kurbanhusain ..		

FLAG SATYAGRAHIS : ILL-TREATMENT AT SHOLAPUR.

Mr. H. V. KOLHATKAR (East Khandesh District): (a) Have Government taken any steps to inquire into the truth of the statements regarding the ill-treatment meted out to the flag satyagrahis at Sholapur?

(b) Were the persons who so suffered and made statements regarding such ill-treatment ever examined by the Director of Information before or after he stated that their statements were false?

(c) If not on what material was the press note based?

The Honourable Sir ERNEST HOTSON: (a) Yes.

(b) No.

(c) On reports furnished by the District Magistrate and the Civil Surgeon.

ISMAIL COLLEGE, ANDHERI : ADMISSIONS.

Mr. H. V. KOLHATKAR (East Khandesh District): (a) What is the number of students admitted in the Ismail College at Andheri this term in each of the classes?

(b) What is the number of Muhammadan and non-Muhammadan students?

(c) How many scholarships have been given to the latter class of students?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) 75 students in the First Year Arts Class and 20 in Inter Arts Class.

(b) 71 and 24 respectively.

(c) There are 10 open scholarships in the College. They have not been awarded yet pending the receipt of information in certain cases regarding the examination results and the general career of the students.

MARTIAL LAW, SHOLAPUR : PROCLAMATION BY LOCAL GOVERNMENT.

Rao Bahadur R. R. KALE for Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : (1) Did Government direct the means and the manner in which the martial law was to be proclaimed at Sholapur in accordance with section 2 of Ordinance No. 4 of 1930 ?

(2) Will Government be pleased to place on the Council table a copy of such direction if issued ?

The Honourable Sir ERNEST HOTSON : (1) Yes.

(2) A copy is placed on the Council table.

Home Department.

Bombay Castle, 17th May 1930.

No. S. D.-1666-A.—In exercise of the powers conferred by section 2 of the Sholapur Martial Law Ordinance, 1930 (IV of 1930), the Governor in Council is pleased to direct that in the area to which the said Ordinance extends martial law shall be proclaimed by beat of drum and by exhibiting copies and translations in Marathi and Kanarese thereof at the Municipal Office, the Collector's office and at such places within the area to which the said Ordinance extends, as the District Magistrate of the Sholapur District thinks fit.

By order of the Governor in Council,

(Signed) G. F. S. COLLINS,

Secretary to the Government of Bombay.

To

The District Magistrate, Sholapur.

ROHRI CANAL CIRCLE : HEAD CLERK MR. HAZARIMAL.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : (1) Will Government please state the age of Mr. Hazarimal Buttani, the head clerk of the Rohri Canal Circle ?

(2) When should he have retired in the ordinary course ?

(3) How many extensions have been given to him up to now ?

(4) Why he is being given extensions of service ?

(5) Why was Mr. Hazarimal transferred from the North-Western Circle to his present post ?

(6) When do Government propose to put him on the retired list ?

(7) Will Government be pleased to state in a tabular form the names of all clerks, tracers, overseers, draftsmen and men in any grade of service employed in the North-Western Circle and the Rohri Canals bearing the surname of Buttani or who are residents of Sehwan or of that taluka and the names of Mr. Hazarimal's nearest relatives such as sons and cousins employed in the Lloyd Barrage ?

(8) Are Government aware that there were serious complaints that Mr. Hazarimal was using his official position to benefit himself and his relatives ?

(9) Are Government aware that the Chief Engineer or some other high officer had severely reprimanded Mr. Hazarimal for such conduct ?

(10) What steps do Government propose to take in the matter ?

The Honourable Sir GHULAM HUSSAIN: (1) 55 years.

(2) He could be retained in service until 60 years of age.

(3) None.

(4) He is now being given 1 month's extension to meet the convenience of Government.

(5) To fill a vacancy caused by the sudden death of the previous Head Clerk to the Superintending Engineer, Rohri Canal Circle.

(6) In August 1930.

(7) Government are not in possession of the information required and they regret that the time available before the dissolution of the Council is too short to enable them to obtain it.

(8) No.

(9) No.

(10) Does not arise.

SUB-REGISTRAR OF MIRPURKHAS : ALLEGATIONS OF CORRUPTION.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (a) Will Government be pleased to state whether their attention has been drawn to a note in the *Musliman* of Mirpurkhas dated 19th May 1930 and to some earlier issue in which allegation was made to the effect that the editor had received a complaint from a gentleman who alleged that he paid a bribe to Mr. Anandram, Sub-registrar of Mirpurkhas, and that the editor has passed that letter on to the District Magistrate for enquiries ?

(b) What is the result of the enquiries, if any, made by the District Magistrate ?

(c) Is it a fact that in the case of the *Crown vs. Mahomed Hasham* as many as 12 witnesses who were respectable zamindars of the district came forward to corroborate their written letters to the accused editor that they had paid bribes to Mr. Anandram, the Sub-registrar of Mirpurkhas ?

(d) Are Government aware that one of the witnesses in the case who gave evidence of corruption was a manager of the local co-operative bank ?

(e) Is it a fact that all the prosecution witnesses and the trying magistrate were Hindus ?

(f) Is it a fact that the editor was convicted of defamation on the magistrate holding that—

(i) there was a solitary witness to each transaction,

(ii) however big a zamindar's or a witness's status in life may be, all witnesses were affected with communal bias and hence unreliable,

(iii) the postal envelopes were not produced by the accused, and

(iv) the letters alleging the giving of bribes produced in the court were detected or got written by the accused after he entered upon defence ?

(g) Is it a fact that one of the prosecution witnesses, viz., Mr. Persumal admitted in court that he had seen and read some of those letters with the accused even before the complaint was filed ?

(h) Were the witnesses of high status who gave evidence of having paid bribes or of having been a party to it were protected by the court in this case ?

(i) If the reply to (h) is in the negative, what steps have Government taken against them since the Court has disbelieved their statements ?

The Honourable Mr. B. V. JADHAV : Information will not be received in time to admit of a reply being given during this session.

KARACHI MUNICIPALITY : NOMINATION OF PRESIDENT, DISTRICT LOCAL BOARD, KARACHI.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : (a) Will Government be pleased to state the number of years that the President of the District Local Board, Karachi, has remained as a nominated member on the Karachi Municipality during the last 15 years ?

(b) What were the reasons that led Government to nominate the President of the District Local Board on the Municipality ?

(c) What were the reasons for not nominating the President of the District Local Board for the triennial period 1930-32 ?

(d) Are Government aware that the relations subsisting between the present President and the Collector, Mr. Gibson, were far from satisfactory and that Mr. Gibson was the officer recommending the nominations ?

(e) Is it a fact that during the last fifteen years the President, District Local Board, was always nominated on the Municipality as long as that office was held by a non-Muslim ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Since 1921.

(b)-(e) Government regret that the time available before the dissolution is too short to enable them to obtain the material for a full and correct reply.

KARACHI MUNICIPALITY : NOMINATIONS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : (a) Will Government be pleased to state what is the policy underlying and directing the principles on which nominations are made on the Karachi Municipality ?

(b) Is it a fact that Government's policy used to be to supply deficiencies of representations of different communities by nomination ?

(c) Will Government be pleased to place on the Council table a statement in a tabular form showing the following particulars :--

(1) Population of Karachi City ;

(2) Number of—

(i) Elected members from general constituencies ;

(ii) Nominated members ;

(iii) Members elected from other interests ;

(3) Total number of members in the Corporation ;

(4) Percentage of members to the total population ;

(5) Percentage of Muslim members to the total number of members ?

(d) Why have not Government nominated more Muslims to make up for the deficiencies of the election ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The main objects of making nominations on the Karachi and other municipal boards are to secure representation for the minorities, to adjust the disparities of representation by election between the various communities, to secure the presence of experts on the local bodies and to obtain the co-operation of those who have experience of the working of local bodies but do not care to seek election.

(b) That was and is one of the aims of Government.

(c) A statement giving the required information is attached.

(d) Information on the point has been called for from the Commissioner in Sind, who makes nominations on the Karachi Municipal Board, but will not be available before the dissolution of the Council.

Statement giving the particulars asked for in clause (c) of Mr. Haji Mir Mahomed Baloch's question.

Population	Elected members from the constituencies	Nominated members	Members elected from other interests	Total No. of members in the Corporation	Percentage of members to the total population	Percentage of Muslim members to the total number of members
201,611	44	6	4	54	026 i.e., 1 for 3,840 (approx.) souls.	31

DISTRICT LOCAL BOARDS : APPOINTMENT OF OFFICERS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether they have changed their policy set out in the assurance to the Council " that Government's approval is final and that Government had never refused their approval to the appointment of any officer after once that officer was selected by a local board and that they have never interfered in such appointments" (*vide* Bombay Legislative Council Debates, Volume XX, page 391) ;

(b) if the reply to (a) is in the affirmative, the reasons for changing the policy ;

(c) whether they have refused approval to any officer of a local board after the declaration of that policy in the Council and if so, the name of the boards in which cases such action was taken ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) The Honourable Minister stated that he was not aware of "any instance in which Government has refused its sanction to the appointment of a Chief Officer who has been selected and recommended by the District Local Board."

(b) Does not arise.

(c) Government regret that the time available before the dissolution is too short to enable them to obtain the material for a full and correct reply.

POLICEMEN'S ATTACK ON LADIES, VIRAMGAM : 8TH MAY 1930.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (a) Will Government be pleased to state whether their attention has been drawn to the statements of several ladies printed on page 33 of the weekly issue of the *Praja Mitra* and *Kesari* of 18th May 1930 ?

(b) If so, what steps have Government taken to enquire into the matter and to punish those policemen who are alleged to be responsible for such dastardly and cowardly attacks on defenceless women ?

(c) Will they place on the Council table all the papers regarding the enquiries made by them ?

(d) What instructions have been given to the policemen about dealing with the Satyagraha people and their sympathisers ?

(e) Do they intend to appoint an independent commission of enquiry into the conduct of the police; if not, why not ?

The Honourable Sir ERNEST HOTSON: (a) Yes.

(b) and (c) In view of the serious nature of the allegations, the Commissioner was directed to make an official enquiry on the spot. A copy of the Commissioner's finding is placed on the Council Table.* Government have accepted the finding, and do not propose to take any action against the policemen.

(d) This question is not clearly understood. Government have issued instructions to their officers regarding the policy to be followed in dealing with the Civil Disobedience movement, but not to the rank and file of the police. The ordinary rules are in force, that on all occasions the minimum of force is to be used and that women are not to be touched at all, if it can be avoided.

(e) No. They are satisfied that the enquiry made by the Commissioner was thorough and that no object would be served by instituting any further enquiry.

TRIAL OF SATYAGRAHIS : EXCLUSION OF THE PUBLIC.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (a) Will Government be pleased to state whether their attention has been drawn to the articles and letters in the *Sind Observer* dated the 14th and 15th May 1930 and in the *Sind Herald* dated 17th May 1930 about the trial

* Kept in the Secretary's office.

of Srijut Rustomji K. Sidhwa and other Satyagraha volunteers in Karachi jail on 14th May 1930 ?

(b) Is it a fact that the Magistrate refused admission to the Court to the editors of the papers mentioned in (a) ?

(c) Are Government aware that the *Sind Observer* is the leading English daily in Sind eagerly read by all the Indians in Sind ; if so, why was the editor of such a newspaper excluded from attendances at the trial ?

(d) Is it a fact that several representatives of Anglo-Indian papers were admitted in the Court ?

(e) Are Government aware that pleaders were refused admission to the Court ?

(f) Are Government aware that on the occasion of the trial of Srijut Naraindas A. Bechar and others in the jail, several pleaders, public men and editors of newspapers were admitted to the Court ?

(g) Are Government aware that the person of Mr. Jamshed N. R. Mehta, the Mayor of Karachi, for the last eight years, was ordered to be searched by the Magistrate, Mr. Richardson ?

(h) Was the order of the Magistrate excluding Indian editors of important newspapers in Sind, pleaders and public men made under the orders of Government ?

(i) Is it the policy of Government to exclude the public from the trials of public men ?

The Honourable Sir ERNEST HOTSON : (a) Yes.

(b) No list has been kept of persons who were not granted admission.

(c) It is understood that the "Sind Observer" has a fairly wide circulation in Sind. No discrimination was made against the Editor. Very few people could be admitted because the room is very small. Preference was given to the relatives of the accused.

(d) Only one was admitted.

(e) None of the accused persons were represented by pleaders.

(f) As many persons were admitted as the room could accommodate : their names are not on record.

(g) The Magistrate gave no such order.

(h) Does not arise.

(i) Not when accommodation is available.

EX-ENGINEER, MR. CALDWELL.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) the terms on which Mr. Caldwell, formerly an Executive Engineer, Bombay, was appointed in the Development Department and the dates on which he joined and left the Department respectively ;

(b) whether it is a fact that Mr. Caldwell was given a month's notice, in accordance with the conditions of his temporary employment, at the time of terminating his services ;

(c) what and how much leave was given to him at the time of terminating his services ;

- (d) what was the amount of Provident Fund paid out to him ;
- (e) whether it is a fact that Mr. Caldwell was not given any charge sheet nor was dismissed from Government service ;
- (f) whether it is a fact that certain allegations of corruption were made against him by witnesses, protected by Court, in the Harvey-Nariman libel case ;
- (g) whether it is a fact that the allegations referred to in (f) were found to be worthless on a subsequent enquiry by Government ;
- (h) whether it is a fact that under Government Resolutions, Finance Department, No. 2765, dated 19th March 1925, No. 4780, dated 23rd May 1929, etc., and under the various provisions of the Public Works Department Code, Chapter V, etc., no public servant is to be discharged or reduced or dismissed or in any manner punished without a regular enquiry affording all opportunities to the officer concerned of explanation and cross-examination and without written orders stating the nature of his proved guilt ;
- (i) whether it is a fact that no such enquiry, judicial or departmental, was ever conducted against Mr. Caldwell ;
- (j) whether it is a fact that Government has issued a circular No. D. D. 1679, dated 14th August 1929, debarring Mr. Caldwell from any further employment in Government service in any capacity whatever, and that such an order is worse than dismissal in its effect inasmuch as a dismissed officer can be re-employed by Government but Mr. Caldwell cannot be ?

The Honourable Sir GHULAM HUSSAIN (a) Mr. Caldwell was appointed as a temporary Executive Engineer in charge of the Mechanical Section under the Superintending Engineer, No. 4 Project Division of the late Development Department, with effect from 2nd April 1921, on a salary of Rs. 1,200—100—1,400 per mensem subsequently increased to Rs. 1,200—100—1,400—50—1,600, plus a conveyance allowance of Rs. 150 per mensem contingent on the maintenance of a four-seated motor car for the performance of his official work. His services were terminated with effect from the 16th July 1926.

- (b) Yes.
- (c) Leave on average pay for one month and twenty-two days and on half average pay for one month and eight days ; total three months.
- (d) Mr. Caldwell was not a subscriber to the General Provident Fund.
- (e) In June 1928 Government appointed a Committee consisting of certain non-official members of the Legislative Council to advise them as to what action should be taken in connection with certain allegations of corruption as disclosed in the Harvey-Nariman case and other allegations of corruption in the Development Department. On the advice of this Committee, information was laid on the 18th May 1928 before the Third Presidency Magistrate against four *ex-officers* of the Development Department, viz., Mr. Abdul Hamid, Mr. M. H. Gazdar, Mr. W. K. Caldwell and Captain C. Carmichael, with a request to order, under section 202 of the Criminal Procedure Code, investigation by the Police of the offences alleged to have been committed by the *ex-officers*. On

receipt of the Police Report, the Magistrate ordered the issue of process against Messrs. Hamid, Gazdar and Carmichael. As regards Mr. Caldwell, the Magistrate did not consider that any case had been made out against him and refused the issue of process. When the case against Mr. Abdul Hamid the first of the three accused, came up before the Magistrate, Mr. S. G. Velinkar, Bar-at-Law, who appeared for the Crown found, after going through the evidences of the witnesses in the Harvey-Nariman case and the statements made by them before the Police, that the case against Mr. Hamid was not strong enough to obtain his conviction. The Special Enquiry Committee, before whom Mr. Velinkar's opinion was placed, advised Government not to sanction the prosecution of Mr. Hamid. The Committee also recommended that whatever decision Government reached on the opinion of the Committee referred to in the preceding sentence, these *ex-officers* of Government should not be re-employed by Government in future. This recommendation was accepted by Government who accordingly issued orders in Government Circular Memorandum No. S. C. 1679, dated the 14th August 1929, directing that the four *ex-officers* should not be given further employment in Government service in any capacity.

(f) Mr. Caldwell was served with notice on 8th April 1926 and his services were terminated on 16th July 1926.

(g) The attention of the Honourable Member is invited to the reply to clause (e) of the question.

(h) Mr. Caldwell's services were terminated because the Division of which he held charge was abolished and its work transferred to another Division to effect economy. He was neither reduced nor dismissed.

(i) and (j) The attention of the Honourable Member is invited to the reply to clauses (e) and (h) of the question. The question raised by the Honourable Member in the concluding portion of clause (j) does not arise as officers who have been dismissed are not re-employed by Government.

TATTA MUNICIPALITY : DEPOSIT BY CANDIDATES FOR ELECTION.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (a) Will Government be pleased to state the amount of deposit provided under the Election Rules of the Tatta Municipality in Sind, to accompany nomination papers of the candidates for municipal seats ?

(b) How many nomination papers were received under the Rule for the last General Elections, and what was the total amount of such deposit received ?

(c) Has this total deposit amount been credited to the deposit account and kept intact or has it been utilized for other municipal ordinary purposes, in discharging other claims on the Municipality ?

(d) If the deposit money has been so utilized, who is the officer who has so acted, and has he the authority in law to do so ?

(e) If the amount mentioned has been misapplied, what steps do Government intend to take to refund the deposit to the candidates without any loss of time ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) Rs. 100.

(b) Thirty-four nomination papers were received. The total amount was Rs. 3,100.

(c) The total amount of Rs. 3,100 has been credited into the deposit account in the municipal registers but as there is no separate deposit account maintained in the Government treasury where the money is banked, the whole amount has been merged into the general funds of the Municipality. Out of the sum of Rs. 3,100, about Rs. 1,100 have already been repaid on application.

(d) and (e) Do not arise.

LOCAL BOARD, KARACHI: GOVERNMENT GRANT.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) the amount of grants given every year to the Local Board, Karachi, for the last four years ending with 31st March 1929;

(b) the amount of grant sanctioned by the Commissioner in Sind for the year 1929-30;

(c) whether the grant referred to in (b) was not paid to the board up to the 15th February 1930;

(d) if so, what are the reasons for withholding the grant;

(e) whether it is a fact that the grant was withheld because of objection being taken to the qualifications of overseers who have been in the service of the board for many years before 1929-30? If so, why the objections have been raised only now?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) The following statement shows the amounts paid to the Board during the last four years:—

	Rs.
1925-26	.. 69,000
1926-27	.. 77,100
1927-28	.. 59,360
1928-29	.. 57,600

(b) Rs. 27,200.

(c) Yes.

(d) and (e) Government regret that the time available before the dissolution is too short to enable them to obtain the material for a full and correct reply.

DISTRICT LOCAL BOARD, SATARA: CHIEF OFFICER.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state—

(a) the full name and qualifications of the present Chief Officer of the Satara District Local Board;

(b) whether he has passed any Accountancy Examinations;

(c) his salary per month and the Government's contribution towards it separately;

(d) whether the Board has passed any resolution in connexion with his permanent appointment there;

(e) if so, whether a copy of that resolution will be placed on the Council Table?

The Honourable Dewan Bahadur **HARILAL D. DESAI**: (a) Mr. Balwant Dattajirao Ghorpade, B.A.

(b) No.

(c) Rs. 210 per mensem. No Government contribution is paid to the Board on account of the Chief Officer's pay.

(d) and (e) A copy of the resolution passed by the Board is placed on the Council Table.

RESOLUTION.—Mr Ghorpade should continue as a probationer for two years more and he should pass the Accountant's Examination within that period and if he passes the examination he should be confirmed.

2. Government should be requested to lend a Chief Officer for one year and arrangement should be made for special training of Mr. Ghorpade during that period.

WATANDAR FAMILIES : PARAI ADOPTIONS.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state—

(a) the names of the Parai Adoptees in the Watandar families of the Dharwar District whose watans have been settled under the Gordon Settlement, with the names of their families and the dates of their adoption;

(b) whether those parai adoptees have been held by Government to be khatendars (representative watandars) or co-parceners;

(c) whether in the case of these adoptees Government gave their sanction?

The Honourable Mr. J. GHOSAL: Government regret they have not been able to collect all the information as yet.

Sardar G. N. MUJUMDAR: Will Government be pleased to supply the information regarding the Watandar families even after the dissolution of this Council?

The Honourable Mr. J. GHOSAL: This is one information which it is practically impossible to collect without making detailed enquiries, which we are not prepared to do.

Sardar G. N. MUJUMDAR: If sufficient time is given, will Government please supply the information?

The Honourable Mr. J. GHOSAL: It is a very large order and I am afraid I cannot promise to do so.

INAM VILLAGE OF KARHATI : GOVERNMENT MANAGEMENT.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state with reference to the statement that "the Inamdar's dues were regularly and duly collected and paid to him

during the management of this village by the Collector of Poona" (*vide* page 1334 of Volume 26, Bombay Legislative Council Debates)—

(a) whether it is a fact that the Inamdar of Karhati, taluka Bhimthadi, district Poona, was paid his dues in December 1928, even though the revenues of 1927-28 were collected before or in April 1928;

(b) if so, the reasons for the delay in making payment to the Inamdar;

(c) whether the revenues recovered in the year 1928-29 were not paid to the Inamdar till the end of January 1930;

(d) if so, the reasons therefor?

The Honourable Mr. J. GHOSAL : (a) It is not a fact that the revenue of the village of Karhati for the year 1927-28 was collected before April 1928. Bhimthadi is a rabi taluka, and the revenue collection is started in March. The revenue for 1927-28 was collected in the months of April to June 1928. The amounts payable to the inamdars were however credited to the taluka account through a mistake on the part of the taluka staff. The amounts were subsequently paid to the inamdars by refund bills in November 1928.

(b) The inamdar Mr. D. R. Vaidya applied to the Prant Officer on 3rd June 1927 requesting him to extend the period of management under section 94-A, Land Revenue Code, for six years more from 1926-27. This question was not settled till May 1929 and the Mamlatdar therefore credited the inamdar's revenue to the taluka accounts. This was a mistake and it was pointed out by the Collector's office when it was noticed. Delay was also caused by the fact that the whereabouts of one of the inamdars by name Laxmibai were not known and had to be ascertained by enquiry.

(c) and (d) The recoveries for 1928-29 were first credited to Government in satisfaction of the amount of judi, etc., payable to Government, and the remaining amount was remitted to the inamdars who were first paid in May 1929. Later on in October 1929 a further sum of Rs. 674 was recovered and paid to the inamdars. There are still small arrears and they are expected to be recovered soon. It is therefore not a fact that the inamdar was not paid till the end of January 1930.

INAM VILLAGE OF KARHATI: REVENUE COLLECTIONS.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

(a) whether according to the 0-13-0 and 0-8-0 anna valuation for the years 1927-28 and 1928-29 the amounts of revenues to be collected in the inam village of Karhati, taluka Bhimthadi, district Poona, were about Rs. 4,000 and Rs. 3,000 respectively;

(b) whether the revenues actually collected in those years were Rs. 2,838-11-1 and Rs. 1,810-5-10 only respectively?

The Honourable Mr. J. GHOSAL : (a) The land revenue recoverable according to the annewari in the years 1927-28 and 1928-29 was Rs. 3,112-1-6 and Rs. 2,925-8-6 respectively and not Rs. 4,000 and Rs. 3,000 respectively as stated in the question.

(b) The revenue actually collected in cash in 1927-28 was Rs. 2,838-11-1, while Rs. 292 were to be adjusted in the accounts as the inamdars have their own khatas to this amount in the village. In 1928-29, Rs. 1,810-5-10 were collected up to the end of July while Rs. 674-7-6 were collected later in October 1929 by giving assistance to the inamdars. Rs. 292 were to be adjusted for this year also in the inamdars' khatas. There now remains a balance of Rs. 149 which is recoverable partly from absent defaulters and partly from insolvent rayats.

**INAM VILLAGE OF KARHATI : SECTION 94-A OF THE LAND
REVENUE CODE.**

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

(a) the reasons for the extension of section 94-A of the Land Revenue Code to the village of Karhati twice up to July 1926 while there was no hereditary village accountant owing to the commutation of Kulkarni Watan there in about 1915 ;

(b) whether it is a fact that the commutation of the Kulkarni Watan, the insertion of section 94-A in the Land Revenue Code, the issue of Government Resolution No. 3334 of 19th March 1915 and the application of the Inamdar of Karhati for revenue collection under section 94-A were consecutive or concurrent events ;

(c) with reference to my questions and replies on the 10th August 1929 (Volume 26, page 1334, Bombay Legislative Council Debates) whether the Collector of Poona, the Commissioner, Central Division, or the Government finally decided on 3rd May 1929 that the said section of the Code could not be made applicable to that village ;

(d) the reasons for nearly three years' delay from the 1st of August 1926 to 3rd May 1929 in finally deciding the matter ?

The Honourable Mr. J. GHOSAL : (a) Section 94-A was extended to this village in 1914-15 for a period of six years and again in 1920-21 for another period of six years. A talati was first appointed to this village on 4th March 1916. Before that there was a hereditary village accountant as well as a hereditary patil. Hence the extension of section 94-A sanctioned in 1914-15 was correct. The further extension for six years in 1921 was granted by the District Deputy Collector. In the absence of the correspondence which cannot be traced, Government are unable definitely to ascertain how the extension came to be sanctioned though there was no hereditary village accountant in the village then. The requirements of section 94-A may have been overlooked or it may have been thought that as only one representative watandar had given his consent to the commutation of his right of service, section 94-A could still be applied.

(b) The kulkarni watan of the village was held by two persons holding a share of annas 8 each. It was commuted on the dates given below :—

(1) 0 8 0 share—4th March 1916.

(2) 0 8 0 share—22nd July 1929.

Thus the commutation was completed on 22nd July 1929 whereas section 94-A, Land Revenue Code, was inserted in 1913.

As stated in the reply to clause (a) above the correspondences containing the inamdar's application and the orders passed thereon are not traceable and so the date of the inamdar's application is not known.

(c) The Collector in consultation with the Commissioner.

(d) The inamdar applied to the Prant Officer on 3rd June 1927 for the extension of the period by six years more. The matter was decided on 3rd May 1929. Thus the delay was less than two years, *not* nearly three years as suggested in the question. This delay was chiefly due to the previous correspondence having been misplaced. The missing papers were eventually traced towards the end of October 1928.

Sardar G. N. MUJUMDAR : Has it not been decided by Government in 1925 that the Karhati village is not a Sharakati Dumala village ?

The Honourable Mr. J. GHOSAL : The final decision has not yet been taken.

Sardar G. N. MUJUMDAR : Was the decision which was communicated to me in reply to my letter, namely, that the village was placed as Sharakati, but after thorough inquiry afterwards it was removed from that class ?

The Honourable Mr. J. GHOSAL : There was some declaration to that effect but it was through some mistake. The matter is now under consideration.

Sardar G. N. MUJUMDAR : When was the mistake discovered ?

The Honourable Mr. J. GHOSAL : After the decision was communicated.

INAM VILLAGE OF KARHATI : TENURE.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

(a) the tenure of the Inam village of Karhati in taluka Bhimthadi, district Poona ;

(b) the class of inam in which it is at present ?

The Honourable Mr. J. GHOSAL : (a) Permanent enfranchised private property.

(b) Class II, personal inam.

DHARWAR VATANDARS : GORDON SETTLEMENT.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

(a) whether the Dharwar zamindars (vatandars) had at the time of the Gordon Watan Enquiry Committee, unanimously offered to pay six annas per rupee of the registered emoluments in order to obtain sanads which would fix in perpetuity the Government demand on account of service and confer on them an irrefragable right to their Watans ;

(b) whether it is a fact that the above proposal was submitted to Government by the Gordon Watan Enquiry Committee in their letter No. 30, dated the 27th February 1864 ;

(c) whether it is a fact that the proposal was accepted and confirmed by Government in their Government Resolution No. 1390, dated 13th April 1864 ;

(d) if so, how the third condition was inserted in the sanads issued to the Dharwar District Watandars ?

The Honourable Mr. J. GHOSAL : (a) Yes.

(b) Yes.

(c) Yes.

(d) It has not been possible to obtain this information before the expiry of the present session.

BELGAUM WATANDARS : GORDON SETTLEMENT.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

(a) whether the Gordon Commission proposed to Government in their letter No. 34 of 1864, dated 16th March 1864, that the settlement of watans in Belgaum District should be at the rate of 5 annas per rupee on all emoluments which have not been finally adjudicated and at the rate of 3 annas per rupee on all those emoluments which have been declared continuable in perpetuity, subject to the Government (? demand) for service, and whether it is a fact that the Watandars had accepted this settlement in order to obtain sanads from Government without asking for any special privileges ;

(b) whether the above proposal of the Commission was accepted and confirmed by Government Resolution No. 2140, dated 8th June 1864 ;

(c) if so, how the third condition regarding Parai adoption was inserted in the sanads issued to the watandars of the Belgaum District ;

(d) whether it is a fact that only the representative watandars were consulted during the Gordon Commission Enquiry ;

(e) if so, whether Government hold that the co-parcener watandars are in any way affected by the contracts with Government made by the representative watandar without the knowledge and consent of such co-parcener watandars ?

The Honourable Mr. J. GHOSAL : (a) Yes.

(b) Yes.

(c) It has not been possible to obtain this information before the expiry of the session.

(d) This appears to be so as the Commission was asked to deal with only the responsible heads of the watans or of recognised sharers of the watans.

(e) Yes.

NON-AGRICULTURAL ASSESSMENT : VILE PARLE AND JUHU.

Dr. R. T. NARIMAN (Bombay City, South) : (a) Will Government be pleased to state whether coercive measures are being adopted in Vile Parle and Juhu against the owners of properties for collection of non-agricultural assessment ?

(b) Has any protest been received from the owners ?

(c) Have the owners claimed exemption on the ground that they are exempt from the assessment in consequence of the proclamation of 1801 ?

(d) Will Government be pleased to lay on the Council table a copy of the proclamation ?

(e) Are Government aware that the High Court has held that there cannot be altered or additional assessment having regard to the proclamation of 1801 ?

(f) Are Government aware the two Judges of the High Court have held that there cannot be non-agricultural assessment on Bagayat or oart land ?

The Honourable Mr. J. GHOSAL : (a) Yes ; but final orders for forfeiture of land have not been passed in any case.

(b) and (c) Yes, some plot holders of Juhu and Vile Parle have made representations on the ground that in consequence of the proclamation of 1801 they are exempt from the payment of non-agriultural assessment. The first such representation was received in October 1929. Till then they never claimed exemption.

(d) A copy is laid on the Council table.

(e) and (f) The attention of Government has been drawn to this and the question is under their consideration.

Dr. R. T. NARIMAN : Do Government at all think of passing orders ?

The Honourable Mr. J. GHOSAL : To begin with, Government do not pass such orders. The Collector passes such orders.

Dr. R. T. NARIMAN : The Collector passes orders with the consent of Government ?

The Honourable Mr. J. GHOSAL : Collectors have got full powers.

PROCLAMATION.

First.—The Governor in Council is pleased to make known, for the particular information of the Inhabitants of Salsette, that, in pursuance of his determination communicated to them on the 12th June last, to ameliorate their situations by rendering them perpetual proprietors of the soil they now occupy, under a very moderate and fixed rent payable to the Government, formal grants of the property in question will be issued through the Collector, under the seal of the Company, and Signature of the Secretary to Government, to such present occupants of the soil on Salsette as may be desirous, and shall in consequence make application to the Collector on the spot or to the Government at Bombay, to obtain them.

Second.—The Deeds of property above alluded to will, for the greater convenience and better understanding of the Inhabitants to whom they may be issued, be printed in separate columns of English, Portuguese and Marhatta or Guzerattee.

Third.—Each Deed will contain the following Stipulations, viz. :—

First.—A fixed and permanent proprietary right in the soil with liberty of selling, mortgaging and bequeathing to the full extent of former notifications, and subject only to a fixed Revenue payable to Government.

Second.—The Revenue payable to Government will be fixed agreeably to the late Demp Settlement, and the amount will be specified in each Deed. The Grain assessment, (constituting the criterion of the amount of Revenue derivable to Government from each Landholder) to be paid either in money or kind, and in such proportions of money or kind, as may best suit the convenience of the Inhabitants—if any part or the whole is paid in money, it will, from *Margsheer* to the end of the next ten years, be received at the following rates:—

For White Batty, at the rate of Rs. 20 per Morah.

For Black Do. Rs. 16 do.

Third.—The amount of Grain assessment specified in each Deed of property will be considered invariable to the present possessors and their posterity, and never to be changed or enhanced whatever may be the quantity, description, or value, of the produce of the Soil; the increase or augmentation of the value of which will therefore be the unincumbered reward of the industry and good management of each Proprietor.

Fourth.—The Governor in Council trusts that terms so well calculated to promote the interests and happiness of the Inhabitants of Salsette will be received with satisfaction by all those who are the objects of the benefits they are intended to produce, and that the good effects of these salutary Regulations will soon be manifest in a progressive addition to the Wealth and Prosperity of this Island, which has long been, and must ever continue, an object of his special care and attention.

By order of the Honourable the Governor in Council,

ROBERT RICKARDS,

Secretary to Government.

Bombay Castle, 10th August 1801.

GRASS SUPPLY FOR FAMINE PURPOSES: REVISION OF CONTRACT.

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(a) whether the rate of Rs. 12 in the contract with the Mofussil Grass Trading Company for a period of 9 years for supply of grass for famine purposes was revised after 3 years as contemplated by clause 4 of the contract;

(b) if the answer to (a) is in affirmative when the rate was revised and what it was;

(c) if the answer to (a) is in negative, why it was not revised;

(d) whether any royalty under clause 3 (3) was charged after three years;

(e) if the answer to (d) is in affirmative, when royalty was charged, and what it was;

(f) if the answer to (e) is in negative, why it was not charged?

The Honourable Mr. B. V. JADHAV: (a) No.

(b) Does not arise.

(c) The rates were not revised because there was no alteration in the prices of the various items of expenditure in connection with collection, carting, pressing, baling and storing grass.

(d), (e) and (f) Information is not available with Government and it is not possible to obtain it before the expiry of the current session.

Mr. HOSENALLY M. RAHIMTOOLA: Was not the contract made in the boom times?

The Honourable Mr. B. V. JADHAV: It was.

Mr. HOSENALLY M. RAHIMTOOLA: Then why were the rates not revised after three years? Will the Honourable Minister enquire

into this whole affair, as to why the rates were not revised and why no royalty was charged ?

The Honourable Mr. B. V. JADHAV : It is no use flogging a dead horse. Enquiries have already been made.

GRAZING LAND FOR DHANGARS.

Mr. R. G. SALGAR (Sholapur City) : Have Government taken any steps to help Dhangars to graze their cattle in forest or any other land ?

The Honourable Mr. B. V. JADHAV : It is not understood what special help the Honourable Member refers to in the question. If the Dhangars in any particular locality have any difficulties and represent the same to the proper authorities, endeavours will be made to remove them if possible.

REVENUE DEPARTMENT : SUBORDINATES.

Mr. SHAIKH ABDUL AZIZ (West Khandesh District) : Will Government be pleased to state—

(a) the number separately of the mamlatdars, aval karkuns, karkuns, circle inspectors and talatis in Satara District and how many of them are Mahomedans ;

(b) what is the number of the clerks who were permitted to appear for the revenue qualifying test examination during the last three years and how many of them were Mahomedans in each year ?

The Honourable Mr. J. GHOSAL : (a) There are nine substantive Mamlatdars in the Satara District none of whom is a Mahomedan. Information regarding acting Mamlatdars and the non-gazetted officers mentioned in the question has been called for but has not yet been received.

(b) It is not possible to obtain this information before the expiry of the current session.

SURVEY NOS. 3 AND 126, SHERGAON.

Mr. SHAIKH ABDUL AZIZ (West Khandesh District) : Will Government be pleased to state—

(a) whether survey No. 3 and survey No. 126 at Shergaon, district Ahmednagar, were one and the same a few years ago and that in the record of right in 1907 or thereabout both the numbers known as Shaharbwadiwala number were recorded as a Mahomedan burial ground ;

(b) if the answer to (a) is in the affirmative, why the number was sub-divided ;

(c) whether it is a fact that the number was sub-divided in order to give some land to other persons such as one Dondiram Marwadi, a Hindu gentleman, to build a dharamshala for Hindus;

(d) whether it is a fact that the Mahomedans applied to Government to give that burial ground to them as it contains the tombs of their forefathers;

(e) if the answer to (d) is in the affirmative, what is the reason for refusing their request;

(f) whether some portion of survey No. 3 or survey No. 126 is intended to be given or has already been given to one Mr. S. N. Danial for utilising it for sports in spite of opposition from the Mahomedans;

(g) whether Mr. Danial himself admits the land to be a burial ground and is ready to give it back if desired by Government;

(h) whether Government will place all the records concerning the above numbers on the Council table?

The Honourable Mr. J. GHOSAL: The information required will not be received in time to admit of a reply being given during the current session.

ASSISTANT ENGINEERS: INCREMENTS AND ALLOWANCES.

Mr. A. N. SURVE (Bombay City, North): (a) Will Government be pleased to state the reasons why Mr. O. D. O'Sullivan, Assistant Engineer, Presidency Division, is permitted to draw Rs. 200 per mensem as house-rent allowance?

(b) Were his predecessors in office permitted to draw the house rent allowance?

(c) If not, why Mr. O'Sullivan is given this privilege?

(d) Will Government place a copy of the Government Resolution sanctioning this house-rent allowance on the Council Table?

(e) What is the number of assistant engineers, Presidency Division, and their names, educational qualifications, length of service and what is the amount of house-rent allowance they draw?

(f) If no house rent allowance is given to them, what are the reasons therefor?

(g) Is it a fact that all the assistant engineers are required not to draw the annual increment of Rs. 20 for the current year?

(h) What is the amount of money saved thus?

(i) What are the reasons which made Government pass such an order?

(j) As against the saving thus effected, what is the amount of extra expenditure incurred in giving new allowances of the nature given to Mr. O'Sullivan?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) Mr. O. D. O'Sullivan, Assistant Engineer, was provided with accommodation in "Colaba Castle" until it was leased to the Trustees of the late Mr. Merwanji Rustomji Dalal. As he had to vacate that residence at short notice and as it was considered necessary that he should live close to his work, a house-rent allowance was sanctioned to him.

(b) No, but his two immediate predecessors had Government residences allotted to them.

(c) Please see concluding portion of the reply to clause (a) above.

(d) A copy of Government Resolution (Revenue Department) No. 6641/24, dated 25th April 1927, is put up on the Council table.

(e) There are six Assistant Engineers. The required further information is given below :—

Name	Educational qualifications	Length of service
1. Mr. O. D. O' Sullivan.	Educated at Black Rock School and College, Dublin—First Arts. Entrance Examination, Royal Military Academy, Woolwich. Sub-Engineer's Diploma, College of Engineering, Roorkee. Preliminary Examination for Corporate Membership, Institution of Civil Engineers, London.	Yrs. M. 19 1
2. Mr. F. V. Amor	St. Vincent High School, Poona and Deccan College, Poona—Previous Examination in Arts. L. C. E. of the College of Engineering, Poona.	23 0
3. Mr. H. R. Desai	Madressa High School, Navsari and Wilson College, Bombay. Previous Examination in Arts. L. C. E. of the College of Engineering, Poona.	20 5
4. Mr. F. B. Writer	Studied at Ripon High School, Bombay, up to Matriculation course.	30 7
5. Mr. D. B. Naik	Studied at Byramjee Jeejeebhoy High School, Thana, up to Matriculation course. Passed 2nd Art Examination, Sir, J. J. School of Art, Bombay, and Sub-Overseer's Examination and Manual Training Examination (Workshop Practice), College of Engineering, Poona.	18 4
6. Rao Sahab Kikere Ramaswamy.	Studied up to Matriculation course, Maharaja's College, Mysore. Passed Surveyor, Overseer and Draftsman's Examination, Government Engineering Institute, Mysore, and Government Technical Examination, Madras.	20 0 20 0

None of the above Assistant Engineers, except Mr. O'Sullivan, draws house rent allowance.

(f) As a rule house rent allowance is not admissible to Assistant Engineers stationed in Bombay.

(g) No; the drawal of the annual increment has been postponed by one year in the case of subordinates promoted to the Bombay Service of Engineers up to and including the year 1926 with certain exceptions.

(h) About Rs. 25,000.

(i) There has been a reduction in the rate of sub-divisional allowance which was a component factor in the original fixation of the initial pay of these officers, and in accordance with a proviso attached to their pay it has been reduced proportionately by postponing the drawal of the annual increment by one year of the officers concerned.

(j) Government have sanctioned no such new allowances.

Lands: Bombay.

Colaba Castle,

Lease of, to the Trustees of the late
Mr. Merwanji Rustomji Dalal.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Resolution No. 6641/24.

Bombay Castle, 25th April 1927.

Letter dated 26th May 1926 from Messrs. Craigie, Blunt and Caroe, Solicitors—
Inquiring on behalf of their clients, the Trustees of the late Mr. Merwanji Rustomji
Dalal, whether Government will be prepared to restore Colaba Castle to the Trustees
and, if so, on what terms.

Government memorandum No. 6641-G/24, dated 1st June 1926 to the Collector of
Bombay.

Memorandum from the Collector of Bombay, No. L.N.D.-369, dated 11th June 1926
to the Executive Engineer, Presidency Division.

Memorandum from the Executive Engineer, Presidency Division, No. 5377, dated
15th June 1926 :—

* * * * *

" 2. Colaba Castle has been divided into two residences for Government Officers and
is at present occupied by the Manager, Government Central Press, and by an Assistant
Engineer, Public Works Department. If the building were to be sold, it would be
necessary to find other accommodation for these two officers. The present estimated
value of the building is Rs. 74,225; the book value is Rs. 81,627."

Memorandum from the Collector of Bombay, No. L.N.D.-369, dated 24th June 1926 :—

" Returned with compliments to Government, Revenue Department.

" 2. The questions are—

- (1) Whether Government should part with Colaba Castle at all.
- (2) If so, what price would make it worth while to part with it.

" 3. The property will lose its frontage on the sea by the reclamation, and will then
be a much less desirable residence.

Government are creating a lot of new land here with better amenities, so that the sale
of the land could be treated as a sale of reclaimed land in advance and the capital sum
acquired on the sale regarded as an allocation towards the building of a new bungalow
on the reclamation, the interest meanwhile being set against the cost of housing the
two officers till the new bungalow is built. Possibly a lease could be profitably acquired
of one of the Government of India bungalows on Queen's Road. The present bungalow
is far from the present site of the Government Central Press and the Manager's post is
also to be Indianised.

" 4. The area of the land under the building is 2,299 square yards worth about Rs. 65
a square yard as a cleared site. The Executive Engineer puts the value of the building
at Rs. 75,000. By a combination of these values, the value to Government of the whole
would be about Rs. 2½ lakhs. Interest on this at 5 per cent. is Rs. 11,250 which works
out to Rs. 936 a month which is a high price to pay for housing these two officers.

" 5. If the applicant is ready to pay Rs. 2½ lakhs for the freehold plus possibly some
pretium affectionis, or as would be preferable from the revenue point of view to take
a lease renewable every 99 years on a rent based on 5 per cent. of the value of the land
and pay cash for the building, only, the proposal would be well worth considering.

" 6. I am returning this through the Development Department in order that they
may *inter alia* indicate whether they would provide temporary accommodation for these
two officers if necessary on a rent below that indicated."

Reference No. 21-C/S.B., dated 21st July 1926 from the Development Department.

Letter dated 21st June 1926 from Messrs. Craigie, Blunt and Caroe, Solicitors.

Government reference dated 5th October 1926 to the Collector of Bombay.

Memorandum from the Collector of Bombay No. L.N.D.-369, dated 14th October 1926 :—

"Returned with compliments.

"2. There are no existing Government buildings available for these officers. But it is a simple matter to make temporary and cheaper arrangements for housing them. There is a good deal of vacant accommodation in the Fort. Government may allow the officers to make their own arrangements and agree to pay the difference in rent over 10 per cent. of the pay and to reimburse them for the cost of removal to a limit of Rs. 250 each, provided—

(1) The accommodation is approved by Government ;

(2) The cost to Government over 10 per cent. of pay does not exceed Rs. 250 in each case. There are precedents for this and it is the only arrangement which can be made quickly. The first condition is desirable ; the Assistant Engineer, at any rate, so the Executive Engineer states, should be close to his work.

"3. The actual saving by this arrangement would depend on the price received for the land under Colaba Castle. But when Government will have so much land to sell the disposal of this plot will represent almost wholly profit.

"4. The arrangement would only be temporary because Government propose building flats on the Bird Cage site in Colaba, and have, I understand, from the Executive Engineer received an estimate for Rs. 2,75,000 from the Consulting Architect for building six flats. These should possibly be built on the reclamation but that is another matter. It may not be possible to sell Colaba Castle at a reasonable price, and in that case no orders will be necessary. But I may be authorised to negotiate with Messrs. Craigie, Blunt and Caroe, on the assumption that vacant possession would be guaranteed within a month or two of the acceptance by Government of their offer."

Government memorandum No. 6641-G./24 dated 18th November 1926 to the Collector of Bombay.

Letter from the Collector of Bombay No. L.N.D.-369, dated 7th February 1927.

Letter from the Collector of Bombay No. L.N.D.-369, dated 24th February 1927 :—

"With reference to Government memorandum No. 6641-G./24 and in continuation of my No. L.N.D.-369, dated 7th instant, I have the honour to forward plan No. 17 of 29th February 1927 showing with a red line City Survey No. 44 of Colaba Division Government land measuring 2,299 square yards containing the storeyed bungalow known as Colaba Castle formerly held under a sanad under which the land was resumable for a public purpose on payment of the market value of the buildings, and resumed in accordance with Government Resolution No. 2912, dated 23rd March 1912, on payment of Rs. 73,821 for the buildings. The Executive Engineer's book value of the building is Rs. 81,627 but in actual fact the building is an incubus to the land, because the only means of recovering from the land a rent commensurate with its market value would be by removing the building and putting up flats. The land adjoins the military zone at Colaba and at the present moment there is a very keen demand for flats in this area.

"2. Messrs. Craigie, Blunt and Caroe on behalf of the Trustees of the late Mr. Merwanji Dalal have agreed to take a lease of the property on the following terms and conditions :—

(1) The price to be paid will be Rs. 1,43,000 being at the rate of about Rs. 60 per square yard for the land plus Rs. 5,000 for the demolition value of the building.

(2) Of the purchase price Rs. 28,000 will be paid in cash, Rs. 10,000 having been deposited already (to be refunded if Government do not sanction the lease) and the remaining Rs. 18,000 within 14 days of the sanction of Government to the lease being communicated to the lessee.

(3) The lease to be for a term of 99 years from the date on which vacant possession of the property is handed over to the lessee, once renewable on the same conditions for a further 99 years, but at revised rent.

(4) Rent to be paid at Rs. 5 per cent. on the sum of Rs. 1,15,000 being the balance of the price of the land and building, during the first term of 99 years.

(5) The lease to contain all the covenants usually appearing in leases of Government land in Bombay.

(6) The lease in duplicate to be prepared by the Solicitor to Government at the cost of the lessees in every respect including stamp and registration fees.

(7) Government to give vacant possession of the property within two months of the lessees being informed of their sanction to the lease.

"3. The proposal registers a satisfactory valuation of land at a locality in which it is extremely desirable that this should be done. I think that Rs. 5,000 is probably a fair computation of the demolition value of the building, but it is not meant of course as a valuation. The purchase price of Rs. 1,43,000 should be considered as a whole and I think it must be regarded as satisfactory in that on a 5 per cent. basis it gives a rent of nearly Rs. 600 or Rs. 800 with Municipal taxes and outgoings. This is considerably more than the property could produce. It compares extremely favourably with the only two instances of private sales in this locality which have occurred in recent years. In the particular circumstances in which Government, as the potential owner of an enormous estate in this locality, are placed, I think that this offer should be accepted."

Letter from the Collector of Bombay, No. L.N.D.-369, dated 12th April 1927:—

"I have the honour to invite a reference to my No. L.N.D.-369, dated 24th February 1927. Messrs. Craigie, Blunt and Caroe, Solicitors, on behalf of the Trustees of the late Mr. Merwanji Dalal, have written to me to say that their clients consider it desirable to take possession of the Colaba Castle before, if possible, the ensuing monsoon. If Government agree to the Collector's proposals contained in his No. L.N.D.-369, dated 24th February 1927, Government may be pleased to issue early orders in the matter."

RESOLUTION.—The lease of Colaba Castle to the Trustees of the late Mr. Merwanji Rustomji Dalal on the terms and conditions stated in paragraph 2 of the Collector's letter No. L.N.D.-369, dated 24th February 1927, is sanctioned.

2. Colaba Castle is at present occupied by the Manager, Government Central Press, and the Personal Assistant to the Executive Engineer, Presidency Division. According to condition No. 7 of the lease vacant possession of the property is to be given to the lessees within two months of their being informed of Government sanction to the lease. The lessees desire to take possession before, if possible, the coming monsoon. The officers now occupying the Castle should therefore be called upon to make their arrangements at once and to give vacant possession within one month at the latest, from the date of these orders.

3. The Manager, Government Central Press, is entitled to free quarters, while the Personal Assistant to the Executive Engineer, Presidency Division, pays rent. As these officers will have to vacate the premises, Government are pleased to sanction a house-rent allowance of Rs. 275 per mensem in the case of the Manager and of Rs. 200 per mensem in the case of the Personal Assistant. The allowance should be granted with effect from the date on which they vacate the Castle. Both officers should be allowed to draw removal charges to the extent of Rs. 250 each.

4. Orders regarding the provision of funds will be issued separately.

5. Messrs. Craigie, Blunt and Caroe should be referred to the Collector of Bombay for a reply to their letter, dated 26th May 1926.

By order of the Governor in Council,

(Signed) M. R. DAVAR,

(For A. S. V. Acott),

Deputy Secretary to Government.

G. R. No. 6641/24, R. D., dated the 25th April 1927.

To

The Collector of Bombay,
The Superintending Engineer, N. C.,
The Executive Engineer, Presidency Division,
The Superintendent, Government Printing and Stationery, Bombay.
The Manager, Government Central Press,
The Accountant General,
The Solicitor to Government,
The Public Works Department,
The General Department,
The Development Department,
The Finance Department,
O. D. O'Sullivan, Esquire.

PARVATI TEMPLE, POONA, AND KALA RAM TEMPLE, NASIK.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to place on the Council table a copy of the instrument creating

the trust or any document, or statement of tradition or convention or any rule which regulates—

- (a) the appointment of trustees of the Parvati and Kala Ram temples (Poona and Nasik respectively);
- (b) their management of the temple properties; and
- (c) the mode of checking the accounts of moneys received by them from the Government and the public?

The Honourable Mr. J. GHOSAL :

Parvati Temple, Poona.

(a) and (b) There is no trust. There is therefore no instrument of trust. There is, however, a temple committee which was first appointed in 1841-42. At that time Government withdrew from the management of the Sansthan and entrusted it to a committee the members of which were required to regulate their procedure according to any special custom observed at the Sansthan. Government also withdrew from all concern with any nominations to the managing committee who make appointments in it according to majority of their own votes.

(c) There is no specific provision for the checking of the moneys received from Government and the public. Under the orders of 1841-42 the Committee are required to preserve proper accounts of the Sansthan property and to produce them whenever demanded by the Collector or the Court Adalat. Since that date, however, Act XX of 1863 has come into operation, and it seems doubtful whether accounts could be demanded in view of the provisions of section 22 of the Act which, *inter alia*, preclude Government and their officers from taking any part in the management or appropriation of any endowment made in favour of such temples.

Kala Ram Temple, Nasik.

(a) and (b) There are no trustees of the Kala Ram temple. There is a temple committee which manages the upkeep of the buildings and Nagarkhana. The appointments to the committee are made by co-option. There are no documents in this connection and the management is by custom. The management is threefold—

- (1) by Pujaris in respect of the inam village Shingwe Bahule, inam land at Nasik and the Mokasa Amal of Saturli;
- (2) by the temple committee first appointed in 1848;
- (3) by the Raste family in respect of the Rathotsav grant.

(c) No check is exercised by Government over the amounts paid by them. No contributions are received from the public. Section 22 of Act XX of 1863 also applies in this case.

Mr. A. N. SURVE : The reply to part (c) of the question is that no check is exercised by Government over the amounts paid by them. What remedy is there to check misapplication of funds granted by Government?

The Honourable Mr. J. GHOSAL : Government give a grant but it is for the community as a whole to see that there is no misapplication.

Dr. B. R. AMBEDKAR: The Honourable Member's reply is that section 22 of Act XX of 1863 applies in this case. Does the Honourable Member know that the Act does not apply to Bombay?

The Honourable Mr. J. GHOSAL: That particular section applies to the whole of India.

Dr. B. R. AMBEDKAR: Can the Honourable Member say how much grant is paid to the Parvati temple?

The Honourable Mr. J. GHOSAL: I am afraid I have not got the figures here.

PARVATI TEMPLE, POONA: NOTICE BOARDS.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state—

(a) whether it is a fact that till recently there was a notice board bearing the signature of the District Magistrate, Poona, at the Parvati temple stating that it was open to members of the Hindu religion;

(b) is it there now; if not, by whom, when and under whose authority was it removed;

(c) is it true that the trustees of the said temple have placed their own new board in place of the old one and that the new board is restrictive in its nature as compared with the old one;

(d) if so, under what authority have the trustees acted in removing the old notice board over the signature of the District Magistrate and replacing it with their own new board of a restrictive kind;

(e) have Government taken any action against the trustees for the removal of the said board;

(f) if they have not, the reason therefor and is it their intention to take action in the matter?

The Honourable Mr. J. GHOSAL: (a) Yes.

(b) and (d) The old notice has been removed by the trustees under the authority conferred upon them for the management of the temple.

(c) Yes, but there is no practical difference between the two notices.

(e) No.

(f) No. It is the policy of Government to preserve strict neutrality in matters connected with religious institutions. Section 22 of Act XX of 1863 also applies.

Mr. A. N. SURVE: Part (a) states that the Parvati temple was open to the members of the Hindu religion. Part (c) states that a new notice board has been placed. Formerly the temple was open to members of Hindu religion. Now the depressed classes are excluded. Therefore I ask whether there is no difference. It is stated that there is no practical difference between the two notice boards. I say there is practical difference.

The Honourable Mr. J. GHOSAL: I have not seen the notice. I will get a copy of the notice and make enquiries.

Dr. B. R. AMBEDKAR: How long Government propose to preserve neutrality in this matter?

The Honourable Mr. J. GHOSAL: As long as Government consider necessary.

Dr. B. R. AMBEDKAR: Is not the Government of Bombay aware that Government of India has given up the attitude of neutrality by the passage of Sarda Act?

(No answer).

SURVEY SETTLEMENT, DEVGAD: CLASSIFICATION OF LAND.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state—

(a) the figure of the total jamabandi of Devgad Taluka (Ratnagiri District) before the first survey settlement;

(b) the figures of the total assessment fixed at the first survey settlement and the revision settlement;

(c) the figures of reductions made in that amount from time to time before the introduction of the revised 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 Devgad landholders had been complaining about the errors in classification (committed by survey officers) since the year 1891;

(g) whether they ever made any detailed investigations into that complaint;

(h) if so, whether the papers of the investigation will be placed on the Council Table?

The Honourable Mr. J. GHOSAL: (a) Rs. 81,906.

(b) Rs. 1,41,329 and Rs. 1,39,869 respectively.

(c), (d) and (e) The attention of the Honourable Member is invited to paragraph 41 of Government Selection No. DCXXXVI—New Series—containing papers relating to the revision settlement of the Deogad Taluka, a copy of which has been kept on the Council Table.*

(f) Yes.

(g) and (h) Government have recently ordered such an inquiry, but the report of the Enquiry Officer has not yet been received.

REVENUE SETTLEMENTS, DEVGAD: GOVERNMENT RESOLUTIONS.

Mr. A. N. SURVE (Bombay City, North): Will Government kindly place on the Council Table copies of all the resolutions passed by them in connection with the original survey settlement and the revision settlement of Devgad Taluka, Ratnagiri District, since the year 1891?

The Honourable Mr. J. GHOSAL: Presumably the Honourable Member's question refers to Resolutions dealing with the rates of assessment. Copies of such Resolutions† are placed on the Council Table.*

* Kept in Secretary's office.

† (1) Government Resolution No. 8816, dated 21st December 1891.

(2) Government Resolution No. 8396, dated 29th November 1902.

(3) Government Resolution No. 7322, dated 7th August 1914.

(4) Government Resolution No. 3937, dated 5th July 1926.

GOVERNMENT CENTRAL PRESS, BOMBAY : APPRENTICES.

Mr. A. N. SURVE (Bombay City, North): With reference to the question asked by Rao Bahadur S. K. Bole, M.L.C., in connection with the departmental examinations in the Government Central Press, Bombay, printed at pages 1478-80 of Vol. XXVIII of the Bombay Legislative Council Debates, will Government kindly state what facilities for learning press work were given to the persons mentioned in the list printed on page 1479, and also the different kinds of work done by each during the period of their service before the examination ?

The Honourable Sir GHULAM HUSSAIN : Government regret that the time available before the dissolution is too short to enable them to obtain the material for a full and correct reply.

GOVERNMENT CENTRAL PRESS, BOMBAY : HOUSE RENT ALLOWANCE
OF MR. JOSHI.

Mr. A. N. SURVE (Bombay City, North): (a) Will Government kindly place on the Council Table a copy of one of the pay bills of Mr. M. V. Joshi, while he was Assistant Manager of the Government Central Press, Bombay, in the year 1925-26 and was drawing the full house allowance prescribed for staying within one mile radius of the press, although he was staying three miles away from it ?

(b) Will Government kindly mention the rule or authority which invests a superior officer with discretion to allow a subordinate officer to draw full house rent allowance prescribed for residing within one mile from the press, when as a matter of fact the latter was residing at a distance of three miles as in the case of Mr. M. V. Joshi of the Government Central Press ?

(c) With reference to the question of Rao Bahadur S. K. Bole, M.L.C., in connection with the house rent allowance drawn by the Assistant Manager, Government Central Press, Bombay, printed at page 1480 of Vol. XXVIII of the Bombay Legislative Council Debates, will Government state whether the Manager has certified on the pay bill that Mr. M. V. Joshi resided within one mile radius of the press ?

The Honourable Sir GHULAM HUSSAIN : (a) Government do not consider that any useful purpose will be served by placing the document in question on the Council Table.

(b) The Heads of Departments have an inherent authority to exercise their discretion in administrative matters which do not require the sanction of Government.

(c) No.

MUNICIPAL AMENITIES : JUHU.

Mr. A. N. SURVE (Bombay City, North): (a) Are Government aware that the residents of Juhu get practically no municipal amenities in return for the taxes paid by them ?

(b) If so, what do Government propose to do in the matter ?

(c) Has the Santa Cruz Notified Areas Committee offered to construct roads and give other municipal amenities to the residents if the municipal administration of Juhu South is handed over to that Committee ?

(d) If so, what objections Government have against placing Juhu under Santa Cruz ?

(e) Do Government propose to sanction the levy of a toll on all vehicular traffic on Juhu road from Santa Cruz applied for both by the Santa Cruz Notified Areas Committee and by the Juhu Municipality some years back ?

(f) If not, how much longer will Government take to arrive at a solution by which Juhu gets some municipal amenities to justify the taxes paid to the Municipality ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) The Juhu Municipality provides amenities such as lighting, sweeping of roads and repairs to roads, payment of contribution to the District Local Board for primary education and for maintenance of the vaccination staff, as far as its resources permit.

(b) Does not arise.

(c) Yes.

(d) The residents of Juhu are opposed to the proposal. On the other hand they have represented to Government that Tara should be merged in Juhu. Government have come to no final decision.

(e) The question is under the consideration of Government.

(f) Does not arise, in view of the reply to clause (a).

Mr. A. N. SURVE: The municipality maintains only kutchha roads, lights only 12 kerosene oil lamps, has an annual income of over Rs. 11,000, but spends only Rs. 3,337 out of it and keeps a large balance on hand. Does this not show that the municipality is not discharging its duties properly ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Government do not think so.

PRIMARY EDUCATION : ADDITIONAL TEACHERS APPOINTED
AFTER THE TRANSFER OF CONTROL.

Mr. V. A. SURVE (Ratnagiri District): (a) Will Government be pleased to place on the Council table a list showing the dates of transfer of control of primary education to the different district local boards ?

(b) Is it a fact that when the control of primary schools was with the Educational Department the scale of pupils per teacher usually followed was 30 ?

(c) What was the number of additional primary teachers wanting in each of the districts in the presidency according to the above scale ?

(d) Will Government be pleased to place on the Council table a list showing the number of new primary teachers appointed by each district local board after the transfer of control to make up the number of teachers wanting at the time of the transfer of control ?

The Honourable MOULVI RAFI UDDIN AHMAD: (a) The accompanying statement gives the information asked for.

(b) to (d) Government regret that they have not been able to obtain the necessary information to answer these clauses.

Name of the District Local Board.	Date of transfer of control.
<i>Central Division</i>	
Satara	1st June 1925.
Sholapur	1st August 1925.
Ahmednagar	1st June 1925.
East Khandesh	1st July 1925.
West Khandesh	1st December 1925.
Poona	1st September 1926.
<i>Southern Division</i>	
Dharwar	1st March 1926.
Belgaum	1st February 1926.
Bijapur	1st January 1927.
Kanara	1st March 1926.
<i>Bombay Division</i>	
Bombay Suburban	1st September 1925.
Thana	1st July 1925.
Nasik	1st October 1925.
Kolaba	1st April 1927.
Ratnagiri	1st June 1926.
<i>Northern Division</i>	
Ahmedabad	Control not yet transferred.
Surat	1st September 1929.
Broach	1st May 1930.
Kaira	Control not yet transferred.
Panch Mahals	1st April 1926.
<i>Sind</i>	
Hyderabad	1st September 1926.
Nawabshah	1st November 1926.
Karachi	1st April 1926.
Larkana	1st March 1926.
Sukkur	1st July 1926.
Thar and Parkar	1st April 1929.
Upper Sind Frontier	1st April 1926.

✓GRAZING LAND : PATAS.

Mr. V. A. SURVE (Ratnagiri District): (a) Will Government be pleased to state whether they are aware that the grazing land in the village of Patas in the Poona District which was handed over to the village panchayat has been taken back by Government;

(b) if so, under what authority the Collector took back the land ?

The Honourable Mr. J. GHOSAL: (a) and (b) The Prant Officer originally transferred the whole of the available area of waste and pasture lands measuring 1,149 acres and 24 gunthas to the Village Panchayat as grazing area. This was far in excess of the needs of the cattle in the area under the management of the Panchayat. The Collector therefore reversed the Prant Officer's order under section 211, Land Revenue Code, withdrew the excess area and left with the Panchayat an area of 636 acres and 39 gunthas which is sufficient for the grazing needs of the village. ✓

REVENUE DEPARTMENT CLERKS, RATNAGIRI DISTRICT :
HOUSE RENT ALLOWANCE.

Mr. V. A. SURVE (Ratnagiri District) : Will Government be pleased to state—

(a) whether they have received any applications from the clerks in the Revenue Department in the Ratnagiri District for house rent allowance ;

(b) if so, whether they will place copies thereof on the Council Table ;

(c) if the answer to (a) is in the affirmative, what steps have been taken by them in the matter ?

The Honourable Mr. J. GHOSAL : (a) No.

(b) and (c) Do not arise.

TALATIS IN RATNAGIRI DISTRICT : DISCHARGE FROM SERVICE.

Mr. V. A. SURVE (Ratnagiri District) : Will Government be pleased to state—

(a) the number of talatis in the Ratnagiri District who were removed from service owing to strike ;

(b) how many of them were given a pension or a gratuity ;

(c) what is the number of discharged talatis who did not get either a pension or a gratuity ?

The Honourable Mr. J. GHOSAL : (a) 149.

(b) 2.

(c) 125. The remaining 22 were re-employed.

TALATIS, RATNAGIRI DISTRICT : CONDITIONS OF SERVICE.

Mr. V. A. SURVE (Ratnagiri District) : Will Government be pleased to state—

(a) the number of talatis in Ratnagiri District ;

(b) on what pay do they begin their service, and what is the maximum pay which they may expect to get ;

(c) what is the difference in the pay of these talatis and the pay of Karkuns in taluka kacheris ;

(d) are the talatis required to stay at the taluka headquarters and to work there ; if so, for how many months in the year ;

(e) are they paid any extra allowance for such work ;

(f) are they given pattavalas to work under them when they are working in the villages ;

(g) do Government provide them with any facilities such as chavdis, enclosures to keep their papers, etc., safe when they are on duty in villages ;

(h) are they required to take their daftars to long distances, when required by officers on inspection tours, if so, are they paid any cooly charges for this ;

(i) what is the amount which Government give them under miscellaneous (सादिलवार) ;

(j) has their work increased since the introduction of the record of rights;

(k) what increase in their pay has been sanctioned since the introduction of the record of rights?

The Honourable Mr. J. GHOSAL: (a) 103 talatis and 14 assistant talatis.

(b) Talatis are paid on a scale of Rs. 25—1—40 and assistant talatis receive Rs. 20 per mensem.

(c) Karkuns are paid on a scale of Rs. 30—5/2—80.

(d) Talatis are not usually required to work at taluka headquarters; they are only required to stay there for any period between a fortnight and two months during the rainy season for closing the jamabandi accounts, for the inspection of their daftars, and for some special work, if there be any, such as the rewriting of Record of Rights.

(e) No.

(f) Yes.

(g) They are permitted to use the chavdis. They are not supplied with boxes to keep their papers in.

(h) The reply to the first question is the negative. The second does not arise.

(i) This is given at the rates of Re. 1, Rs. 1-8-0 and Rs. 2 per mensem according to the size of the saza.

(j) Yes.

(k) The talatis' pay prior to the introduction of the Record of Rights ranged from Rs. 10 to Rs. 18. Their present pay is as already stated.

REVENUE DEPARTMENT, RATNAGIRI DISTRICT: LOWER GRADE CLERKS.

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state—

(a) the minimum and the maximum pay of the clerks lower in rank than the Aval Karkuns in the Revenue Department of the Ratnagiri District and what is the rate of annual increment given to them;

(b) what is the number of such clerks in the lower grade in the Ratnagiri District; how many of them are matriculates or undergraduates and how many of them know the vernacular of the district;

(c) how many matriculates or undergraduate clerks in the lower grade who are qualified for higher grades have reached the maximum of the lower grade but have not been promoted to the higher grades for want of vacancies; for how many years has each of them been drawing the maximum pay of the existing lower grade;

(d) are Government aware that the stagnation in the lower grades is due to unequal distribution of the different grades sanctioned for the district;

(e) do the clerks in the lower grades in the Revenue Department of the Ratnagiri District receive a biennial increment;

(f) Are Government aware that the increments given to postal clerks are annual ones;

(g) what is the number of clerks in the Revenue Department of the Ratnagiri District who have passed the Test Examination for higher posts but who have not yet been promoted to the Aval Karkun's posts;

(h) how many of them are (1) graduates, (2) undergraduates and (3) matriculates or have passed similar examinations?

The Honourable Mr. J. GHOSAL: (a) The clerks are paid on a scale of Rs. 30—5/2—80.

(b) The number of such clerks is 133 of whom 59 are either matriculates or undergraduates. They all know the vernacular of the district.

(c) The reply to the first part of the question is "None." The second part does not arise.

(d) This is not a fact.

(e) Yes.

(f) Yes.

(g) Nil.

(h) Does not arise.

MAHAD-DHARAMTAR ROAD.

Mr. V. A. SURVE (Ratnagiri District): (a) Are Government aware that the ascent at Dasgaon on the Mahad-Dharamtar Road is very difficult;

(b) If so, do Government propose to take any, and if so, what steps in the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) Yes. The slope is, no doubt steep, but as it is so for a short length only, it is at present being negotiated successfully by motors.

(b) The question of easing the steep gradients is under the consideration of Government.

COLLECTOR'S AND DEPUTY COLLECTORS' CLERICAL STAFF, RATNAGIRI DISTRICT: ALLOWANCES.

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state whether the clerical staff of the Collector and Deputy Collectors, Ratnagiri District, get any allowance other than travelling allowance; if so, at what rate?

The Honourable Mr. J. GHOSAL: A reply to this question has already been given. The attention of the Honourable Member is invited to page 188 of Volume XXIII of the Bombay Legislative Council Debates, July-August 1928.

POPULATION FIGURES, BOMBAY PRESIDENCY.

SYED MIRAN MUHAMMAD SHAH (Hyderabad District): Will Government be pleased to state—

(a) the total population of the Presidency of Bombay including Sind;

- (b) the percentage of males and females to the total population ;
 (c) the percentage of males under eighteen years of age to the males above eighteen ;
 (d) the percentage of females under fourteen years of age to the females above fourteen ;
 (e) the source of information for these figures and percentages and the basis for believing the authenticity of these sources ;
 (f) the percentage of urban and rural population to the total population of the Presidency of Bombay including Sind ;
 (g) the percentage of population who have got settled homes and nomadic people to the rural population of the Presidency of Bombay ;
 (h) the names of tribes who have no settled homes within the limits of the Presidency ;
 (i) whether there exist any arrangements for recording the births of children in the families of these nomadic people ; and, if so, what the arrangements are ?

The Honourable Sir GHULAM HUSSAIN : (a) 26,757,648.

(b) Males	Females
52 1/8	47 7/8

(c) and (d) The information is not available on the records of Government and in view of the approaching Census, they do not consider that any useful purpose is likely to be served by collecting it. Information regarding males and females between the ages of 10-15 and 15-20 is given in Imperial Table VII, Volume VIII, Part II, of the Census of India Report, 1921 (Bombay Presidency).

(e) The Census of India Report, 1921, Volume VIII, Part II (Tables).

(f) Urban	Rural
21 1/7	78 6/7

(g) *Vide* reply to (c) and (d) above.

(h) and (i) The information required is given in the accompanying statement.

Statement giving the information in regard to parts (h) and (i) of the Council Question put by Syed Miran Muhammad Shah (Hyderabad District).

Part (h) of the Council Question.

Part (i) of the Council Question.

SIRD.

Kocheria, Palaries, Wals, Kuchrias (wandering), Lohars, Ods, Waghria, Sanyasi Fakirs, Sami Fakirs, Charan Fakirs, Bhat, Shashia, Gurgilla, Machia, Kaheri Fakir, Rora Lori, Bouriaha, Bazigars, Bagria, Bhils, Kalhoras, Kehari Beggars, Beragi Beggars, Shahbania, Pathans, Birohia, Menghwars, Keharis, Marwaries, Rind Bhambh, Khosa, Lund Baloch, Shar, Hiskanis, Chandia, Brohia, Kehri, Mechhi, Kiria, Bogria, Kuchria, Jungam, Suthria, Nanga Kolhi, Jandahra, Loras and Baloch Brahuia.

No special arrangement exists for recording the births of children in the families of these tribes. They are, as far as possible, recorded in the ordinary births and deaths register in the village in which they reside at the time. The tapedar also collects information about births during the course of his tour.

NORTHERN DIVISION.

Chhara, Vanzara, Saranis, Vadi, Lavaria, Vadva Vaghri, Adodia, Sindhi, Bajania, Kanskiwala, Vaghri, Bharwad, Warli, Katkari, Mang Garudi, Faseparahi, Charan, Thakur, Dhorkoli, Kathodi.

No special arrangements exist for recording the births of children in the families of these tribes, but they are recorded in the birth and death registers by the Patels of the villages, within the limits of which the children are born, provided that the occurrences come to their notice.

CENTRAL DIVISION.

Nandiwala and Makadwala, Mang Garqdis, Phase Pardhi, Beldar (Wadars), Bharadi, Kunchiwala, Bhat, Vaidus Joshi (Kudmude Joshi), Garudi, Panchal, Shikalkari, Gopal (Gujarati Gopal, Bhil Gopal), Gound, Raj Gonds, Haran Shikari, Raj Pardhis, Kanjar (Kanjarbhat), Bandiwadar, Dhara, Waghari, Tadavi, Uchale, Kochar, Ghatichor, Korwar, Paslor, Ghati Wadar, Chitrakhathi, Wandering Gosavi (Lavange Gosavi), Irani, Kolhati (Gujarati Kolhati), Dombari, Darveshi, Wasudeo, Lamanis, Bhil, Tir Mali, Kaikadi, Bagadi, Dhangar, Ghisadi, Katkari, Mariaiwala, Bhil Pardhis, Dauri Gosavi, Kanfate Gosavi, Ram Pardhi, Vyankobawala, Bahurupi, Komti, Chapparband, Mati Wadar, Chandanwala, Chenduwala, Kushi Kormi.

It is the duty of the Police Patil of every village to record all births taking place within his village, and consequently though there are no special arrangements about recording births of children in the families of these tribes, the village officers of the villages in which these tribes camp record the births in the usual way as far as practicable.

SOUTHERN DIVISION.

Iranis, Beldars, Kolatis, Charans, Kharvas, Sudgadsiddars, Kunchikorwars, Durgimurgis, Gollars, Waddars, Dombars, Lamanis, Kidbudkis, Nandibails, Ghatichors, Dasars, Harinshikaris, Mangarudis, Gujarati bhnts, Belpattars, and Mammis.

No special arrangements have been made to record the births among these tribes. The procedure outlined on pages 154 and 155 of the Revenue Account Manual is followed. The village Patil within whose limits the birth takes place and the Municipality, if the birth is within its limit, record them.

BOMBAY SUBURBAN DISTRICT.

The Irani Tribe who have no settled homes in the limits of this Presidency often visit the District.

If any birth occurs, the same is recorded by the Police Patil, or the Municipality as the case may be.

TALUKA BOARD, CHIPLUN : CONSTRUCTION WORKS.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether it is a fact that the President, District Local Board, Ratnagiri, paid on the 8th February 1930 an advance of Rs. 2,000 to the President, Taluka Board, Chiplun, for purchasing material for constructing a school building at Khadpoli, bridges at Hoom and Valope and water works at Palshet in Chiplun taluka ;

(b) whether it was paid under the sanction of the District Local Board, Ratnagiri ;

(c) whether the payment has been held to be legal ;

(d) whether it is a fact that the estimates for these works were not sanctioned by the district local board, when the amount of advance of Rs. 2,000 was paid by the President, District Local Board, Ratnagiri, to the President, Taluka Local Board, Chiplun;

(e) whether it is a fact that the President, Taluka Local Board, Chiplun, submitted bills for the above works to the District Local Board, which showed that payments for some items of works shown in the bills were made by him, whereas the works were actually not carried out at the time;

(f) whether the amount claimed from and paid by the President, Taluka Local Board, Chiplun, on 31st March 1930, was in excess of the cost of materials purchased and the building work done;

(g) whether the above works were required to be completed before the close of the financial year;

(h) if so, were they so completed?

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

(b) No.

(c), (d), (e), (f), (g) and (h) Government regret that they have been unable to obtain the material for a full and correct reply before the dissolution of the Council.

Mr. SYED MUNAWAR: As regards (b) Government has replied "No". If it is a fact that the money was paid without the sanction of the District Local Board, is it not a serious irregularity?

The Honourable Dewan Bahadur HARILAL D. DESAI: I cannot add anything further.

Mr. SYED MUNAWAR: As regards (c) may I know if the Honourable the Minister for Local Self-Government will be pleased to collect the information at a later date?

The Honourable Dewan Bahadur HARILAL D. DESAI: I shall collect the information but I am not sure whether it will be possible to give the information in the Council.

Mr. SYED MUNAWAR: Will the Honourable the Minister be pleased to communicate the information to me personally?

The Honourable Dewan Bahadur HARILAL D. DESAI: I am not sure whether it will be possible for me to do so.

Mr. SYED MUNAWAR: Supposing I wrote to the Government, will he be pleased to send me the information?

The Honourable Dewan Bahadur HARILAL D. DESAI: If the information is collected, I will certainly do so.

Haj Committee: Election of Representatives.

Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) whether their attention has been drawn to the recommendation of the Haj Committee regarding the various constituencies for electing representatives to the Haj Committee;

(b) whether they are aware that the constituencies suggested have been complained against as not being sufficiently representative ;

(c) whether it is a fact that the Police Commissioner, Bombay, has made certain suggestions to Government with regard to the revision of the constituencies on a widely elective basis ;

(d) if so, the steps they propose to take in the matter ?

The Honourable Sir GHULAM HUSSAIN: As the Honourable Member is aware, the Local Government are merely the agents of the Government of India in regard to this matter. Their information is, however, as follows :—

(a) By "Haj Committee" the Honourable Member presumably intends to refer to the Haj Inquiry Committee appointed by the Government of India. Government have seen the recommendations made in the Report of this Committee regarding the composition of Haj Committees.

(b) No.

(c) and (d) No such suggestions have been made to Government by the Commissioner of Police.

Mr. SYED MUNAWAR: As regards (b) may I know if the Honourable the General Member has not heard complaints regarding the incomprehensive nature of the suggested constituencies for representation on the Haj Committee ?

The Honourable Sir GHULAM HUSSAIN: Personal knowledge cannot be imported into a reply on behalf of Government.

TANNERIES, BOMBAY CITY.

Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) whether it is a fact that some tanneries in Bombay City have closed down and, if so, the reasons therefor ;

(b) whether there is any Government expert or specialist to give advice on the development of the tannery business ;

(c) if not, whether they propose to take any measures for its development ;

(d) whether large capital is involved in the tanning industry and whether a large labour population is engaged in the trade ?

The Honourable MOULVI RAFI UDDIN AHMAD: (a) In the year 1927-28 there were 33 tanneries working in Bombay City and in 1928-29 there were 26. The reasons for closing some concerns are not known.

(b) The reply is in the negative.

(c) It is hoped to provide for a tanning expert and a staff to demonstrate improved methods in the next financial year, if funds permit.

(d) As all the tanneries, with the exception of one, are privately owned, the information required by the Honourable Member cannot be obtained.

It is understood, however, that about 2,500 people are engaged in this industry.

Mr. SYED MUNAWAR: The reply to (d) is given that 2,500 people are engaged in the tannery industry. If Government could collect this information by some means, were they not in a position to collect through the same medium further information asked in my question?

The Honourable MOULVI RAFIUDDIN AHMAD: They could not.

GOVERNMENT SERVICE : BACKWARD CLASSES.

Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) with reference to the Press Note No. 34, dated 19th February 1925, whether during these five years the minimum percentage of recruitment from members of the backward communities to the clerical staff of all Departments in the Presidency proper has been reached;

(b) if not, whether it is due to a sufficient number of well qualified candidates not forthcoming;

(c) the steps they have taken to advertise vacancies;

(d) the number of candidates recommended by public bodies like the Mahomedan Educational Society, Bombay, for appointments and the number so far appointed by Government;

(e) the further steps, if any, they propose to take in the matter?

The Honourable Mr. G. B. PRADHAN: (a), (b) and (d). The prescribed percentages have not been reached in all Departments but Government have closely watched progress by means of occasional reports and have assured themselves that their orders have been satisfactorily put into practice. It is not possible during the current session to collect the exact figures for all Departments.

(c) Attention of the Honourable Member is invited to paragraph 5 of Government Resolution, Finance Department, No. 5011, dated 26th September 1928, published at pages 2261-2263 of Part I of the *Bombay Government Gazette* dated 25th October 1928. Government have from time to time called for reports to ensure that these orders are observed.

(e) Government will continue to ensure compliance with these orders by examination from time to time of the actual figures of recruitment.

ISMAIL COLLEGE, ANDHERI : LODGING FEES.

Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) whether it is a fact that Rs. 7 per mensem per student is charged as rent from students in the Ismail College, Andheri, Hostel and in consequence thereof some students have left the College while some others who are too poor to afford to pay the rent are likely to leave the College soon;

(b) whether it is a fact that in the Wilson College Hostel, Bombay, only Rs. 3 per student are charged per month ;

(c) whether it is a fact that the building is an endowment and that the majority of the students in the College are poor Mussalman students ;

(d) whether Government intend to take any action in the matter ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) The rate of rent payable per student for hostel accommodation at the Ismail College has not yet been decided.

(b) Government regret that owing to the shortness of time available it is not possible to obtain the required information in time for the current session.

(c) and (d) Government will take account of these facts in coming to their decision.

Mr. SYED MUNAWAR : How long will they take to decide in the matter ?

The Honourable MOULVI RAFIUDDIN AHMAD : Since the answer was given, Government have issued orders to charge Rs. 18 per term per student.

LAND MORTGAGE BANKS, BOMBAY.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) the number of land mortgage banks at present working in the Presidency ;

(b) whether besides the banks at Dharwar, Broach and Pachora, as mentioned on page 19 of the Co-operative Societies Report for the year ending 31st March 1929, the proposal to start similar banks in West Khandesh and Satara districts, as forecasted on page 20 of the same Report, has been carried into effect ;

(c) the number of agricultural landholders that have so far taken advantage of these facilities at the various places, the number that were refused loans and the reasons therefor ;

(d) whether the detailed economic enquiry into the indebtedness of the agriculturists to the Sowkars as suggested by the Registrar of Co-operative Societies on page 19 of the Report has been taken up ;

(e) if so, when and with what result ;

(f) if not, when the same will be taken up ;

(g) whether Government have given an official "of the status of an Aval Karkun, as expert valuer of land" to each land mortgage bank as mentioned in Press Note No. 203, dated 12th October 1927 ;

(h) whether the valuation of land determined by them is generally accepted by the agriculturists ;

(i) whether "50 per cent. of the value of the land mortgaged" is given as loan to agriculturists as stated in the said scheme ;

(j) if so, the general results and the future prospects of the scheme ?

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

(b) No.

(c) Information has been called for but will not be received in time to admit of a reply being given during this session.

(d) No.

(e) Does not arise.

(f) Government are unable to say.

(g) Yes. Government paid for their salaries during the first year of their employment as expert valuers.

(h) Government have no information on the point.

(i) Government have laid down the limit of 50 per cent. It is for the individual bank to decide whether in a given case loan to the extent permitted should be granted.

(j) The scheme of land mortgage banks is still in an experimental stage and Government are not yet in a position to pass any opinion upon the success of the scheme.

BANDHARAS, DEOLE.

Rao Saheb R. V. VANDEKAR (Nasik District): (a) Will Government be pleased to state whether they are aware that the dam No. 3 in the river Kolti at Deole, taluka Kalvan, Nasik District, is a kutcha earthen built one and that water from this Bandhara flows to the pucca Bandhara in the Bhavadi river;

(b) Is it a fact that the cultivators of the Deole village used water from the pucca dam of the Bhavadi river for irrigation purposes and were permanently assessed from the time of the last revision survey;

(c) Is it a fact that owing to the scarcity of water in the said river for the last twenty years they have been exempted from paying the perennial irrigation cess, as a permanent remission;

(d) Is it a fact that the cultivators of the village were then given to understand that they should pay water-cess whenever they used water from the Bandhara and that they need not apply for permission;

(e) Is it a fact that since last year the cultivators began taking water from the Bandhara when they found some water in the river after obtaining the necessary permission, and were not charged according to the old assessment rates but are charged for every crop, according to the new rates;

(f) Have the cultivators made any representations requesting Government to charge them according to the old irrigation assessment rates and not to assess them for every separate crop, and requesting that the recovery of such assessment as had already been made be refunded to them;

(g) When did Government receive such representations and what steps have Government taken in the matter?

The Honourable Mr. J. GHOSAL: (a) Yes. A dam is built only when water is available.

(b) Yes.

(c) Owing to the scarcity of water the water assessment on this bandhara was abolished in the year 1914, but this abolition has not been

carried into the village accounts, and the water assessment is being remitted every year.

(d) Yes. The people were informed as indicated.

(e), (f) and (g) Yes. The villagers applied to the Collector in this matter on 12th and 14th August 1929. It was found on enquiry that there was sufficient water in the bandhara in the year 1928-29, and hence the Prant Officer's order regarding the levy of water assessment under section 55 of the Land Revenue Code was allowed to stand. The matter is being enquired into further and the necessary further steps will be taken after the enquiry is complete. The water supply was not plentiful and constant this year and no water assessment has therefore been charged.

**BILL No. XXVIII OF 1930 (A BILL FURTHER TO AMEND THE
INDIAN REGISTRATION ACT, 1908, IN ITS APPLICATION
TO THE PRESIDENCY OF BOMBAY).**

The Honourable Mr. B. V. JADHAV: Sir, I move that Bill No. XXVIII of 1930 (A Bill further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay) be read a third time.

Question proposed.

Mr. D. D. NANAVATI: Sir, I have to move verbal amendments to alter certain words in the amendments that were passed yesterday in this House. I have handed you a typed copy and if you will go through them, you will find that there will be no objection to alter the words as proposed. The amendments are:

(1) "In clause 1 add a zero after the figures '193' to read '1930'."

(2) "In clause 3 of the Bill, sub-section (2) of section 70 C substitute the following:

"On the issue of such notification it shall be translated into the vernacular of the district and shall be posted in a conspicuous place at the Registration Offices affected by the notification."

(3) "For the proviso to clause (b) of section (1) 70 D substitute:

"Provided that before transmission of the document to the Photo Registrar the party presenting the document may require the registering officer to have it copied by hand under section 52 on payment of an additional copying fee."

(4) "For the words added in the beginning of sub-clause (3) of section 70 D substitute:

"Where this part applies the sections mentioned below shall be deemed to be modified as follows."

Question proposed.

Mr. N. R. GUNJAL (Poona District): Sir, I oppose the third reading of the bill.

Amendments put and carried.

Question, "That Bill No. XXVIII of 1930 as amended, be read a Bill read a third third time," put and carried.

time.

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

BILL No. XXVI OF 1930 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY POLICE ACT, 1902) Resumed.

The Honourable Sir ERNEST HOTSON: Sir, I move that Bill No. XXVI of 1930 (A Bill further to amend the City of Bombay Police Act, 1902) be read a third time.
Third reading.

Question proposed.

Mr. D. D. NANAVATI: Sir, I have to make a slight verbal amendment in clause 1, namely:

"In clause 1, add a zero after the figures '193' to read '1930'."

Question put and carried.

Question, "That the Bill, as amended, be read a third time," put and Bill read a third carried.

The Honourable the PRESIDENT: Bill No. XXVI of 1930 (A Bill further to amend the City of Bombay Police Act, 1902), is now read a third time and passed into law.

SUPPLEMENTARY GRANTS.

Road Works to be started out of the Petrol Tax.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I make a demand for a supplementary grant* of Rs. 10,34,900 to be added to 41-Civil Works, Partly Reserved and Partly Transferred, for Road Works to be started out of the Petrol Tax. We have got an amount of Rs. 17,20,000 out of the Petrol Tax as Bombay's share, and the schemes which have been approved by the Government of India and by the Roads Board in April last are stated in the statement placed before the House. The works are urgent and necessary and form part of trunk roads which have been approved by the Government of India. I therefore submit that the necessary sanction will be given by the Legislative Council to the proposals made.

Question put and carried.

Creation of an additional post in the Bombay Educational Service, Class I.

The Honourable MOULVI RAFIUDDIN AHMAD: Sir, I make a demand† for a token grant of Rs. 10 under 31-Education for the creation of an additional post in the Bombay Educational Service, Class I.

The facts are fully given in the note supplied to the honourable members. As the House is aware, recruitment to the Indian Educational Service is abolished and as the reorganization of the service is not yet complete, there is a dearth of Inspecting Officers in the higher branch of the service. There is a very urgent demand for the creation of at least one post of Educational Inspector. This is the least that is required and, therefore, the demand is for one post only. Every possible

*Appendix 34.

†Appendix 35.

information that was available was given to the Finance Committee which has approved of the demand.

Question put and carried.

*Additional expenditure under "26-Police" on account of
the Civil Disobedience Movement.*

The Honourable Sir ERNEST HOTSON: Sir, I make a demand of Rs. 14,19,200 under 26-Police, Reserved. The facts are fully given in the statement* of the demand which has been circulated.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Sir, I wish to offer a few remarks on the note that has been placed in our hands in regard to this demand. It is stated here that the civil disobedience movement has necessitated the provision of large additional forces, the grant of special compensatory allowances to officers and men serving in districts where their duties are unusually onerous and they are exposed to severe boycott, and to constables and head constables in Bombay city for similar reasons. As far as the reference to the boycott of constables and head constables in the city of Bombay is concerned, I submit that that reference is not accurate.....

The Honourable Sir ERNEST HOTSON: That is not intended to be covered. Their duties are onerous, there is no question of boycott.

Mr. A. N. SURVE: I challenge the statement that constables and head constables in the city of Bombay are boycotted, and I say that that statement is not accurate.....

The Honourable Sir ERNEST HOTSON: It does not say "for the same reasons". It says "for similar reasons".

Mr. A. N. SURVE: The second point is with regard to paragraph 2, sub-clause 1, part (b), wherein it is stated that 1,450 men out of the military reservists are to be engaged. My point is that as a rule the military reservists should not be employed to do the duties of city police.....

The Honourable Sir ERNEST HOTSON: They are being enlisted for the district police and not for the city police.

Mr. A. N. SURVE: Whether for the districts or the city, the men engaged from the military reservists with military training should not be posted to do the duty of civil police.....

The Honourable Sir ERNEST HOTSON: They are now being given special training for their duties as civil police.

Mr. A. N. SURVE: The third point is that, perhaps, after all, peace and tranquillity in the country should be established by goodwill of the subjects and not by force. That is the only thing which I want to point out.

The Honourable Sir ERNEST HOTSON : I have no further remarks to make, Sir.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Sir, I want to say a few words on this grant. The Government of Bombay have had to incur this expenditure on account of the civil disobedience movement. This movement is not for any local grievance but it is an All-India movement and, therefore, the whole expenditure should come from the Government of India and should not be borne by the Government of Bombay. I hope, Sir, that the Honourable the Finance Member will make proper representations to the Government of India and will recover the expenditure from the Government of India and not throw the burden on this province.

Mr. P. R. CHIKODI (Belgaum District) : Sir, I entirely endorse the view put before this House by my honourable friend Mr. Hoosenally.

The Honourable Mr. G. B. PRADHAN : Sir, I can tell honourable members that we have already made a representation to the Government of India and, if it is at all possible to get the money out of the Government of India, certainly we shall be glad to do so. We have made a representation, but I do not know whether our contention will be accepted by the Central Government.....

Mr. P. R. CHIKODI : Was not this expenditure incurred because of the breaking of the Salt Act which is an All-India Act ?

The Honourable Mr. G. B. PRADHAN : All these arguments have been used, but whether the Government of India will accept them or not I cannot say.

Question put and carried.

Token grant for entertainment of Additional Deputy Collectors and one Special Assistant in the Surat and Kaira Districts.....Rs. 10.

The Honourable Mr. J. GHOSAL : Sir, I move for a token grant of Rs. 10 under General Administration (Reserved). The reasons have been fully explained in the note,* and I have nothing to add.

Question put and carried.

Token grant for grant of special pay, as a temporary measure to talatis in GujaratRs. 10.

The Honourable Mr. J. GHOSAL : Sir, I move for a token grant of Rs. 10 under General Administration (Reserved), for grant of special pay, as a temporary measure to talatis in Gujarat. I have nothing to add to the note † which fully explains all the details. It was unanimously approved by the Finance Committee.

Question proposed.

Mr. NOOR MAHOMED : May I request the Honourable Members on the Government Benches what demands they are asking for ?

The Honourable the PRESIDENT : It was called out. It is demand No. 20.

*Appendix 37.

†Appendix 38.

Mr. NOOR MAHOMED: We do not know what is passing.

The Honourable the PRESIDENT: It is for him to be on the watch.

Dr. P. G. SOLANKI: Sir, I am glad that this demand is made. There is no doubt that the talatis in Gujarat are undergoing a lot of hardship. But the inferior village servants have also to undergo similar hardships but there is no mention about these unfortunate inferior village servants in this demand. In the Jalalpore taluka, of the Surat district, the social boycott of Government servants is very rigorous and the inferior village servants are not spared from the boycott, I daresay they are the most harassed people. There was a public meeting of all the inferior village servants of hundred villages of Jalalpur taluka and I had the good fortune to go and listen to their complaints. There was a bitter complaint from all those present that Government is not doing anything for them even under the present circumstances. Since British rule began, they are getting the same pittance as pay up till now, even though the prices of necessaries of life have increased and other servants have got promotions and increments everywhere. Over and above that, to add to their misery the lands of some of these inferior village servants have been confiscated on some excuse or other on various occasions and handed over to *Dublas*. I have heard that about 19 talatis had resigned in Jalalpore Taluka. I do not know under what pressure or excuse they resigned even though this increment was promised and was to be given to them, and they were perfectly aware of this increment. I believe that the pressure from the Patels and the village community might have forced them to resign in order to escape persecution and social boycott. But even under this pressure of persecution and social boycott these inferior village servants, i.e., Vethias in Jalalpore taluka have remained firm and they have not sent in their resignations and are yet faithfully and loyally serving the Government. There might be few and far between instances where these inferior village servants, i.e., Vethias, must have surrendered to the pressure and social boycott in villages where there was too much pressure and too much hardship inflicted upon them. Sir, I plead on behalf of these inferior village servants and Vethias and I appeal to the Honourable the Revenue Member to take into consideration their pitiable case when he is so favourably inclined to give some increment or allowances to the talatis. Sir, these Vethias or inferior village servants are voiceless, and they could not approach either the Collector or the Mamlatdar or the Commissioner. I echo their voice here and I plead on their behalf before this honourable House and I believe that the Collector as well as the Honourable the Revenue Member and the Commissioner of N. D. would look into the matter and be liberal-minded and give them same relief as they are inclined to give to the talatis under these trying circumstances. I support this demand for grant with a firm belief that the case of the Vethias of Surat District and particularly of Jalalpore Taluka and Vartanias, of Gujarat will be very favourably considered and the needful would be done by the Revenue Department, from the Honourable the Revenue Member downwards to the Commissioner and the Collectors of Gujarat Districts.

Mr. J. H. GARRETT: Sir, I wish to refer to the suggestion which has been made by my honourable friend Dr. Solanki, in which he puts forward the proposal that this concession which has been proposed for talatis should also be extended to the inferior village servants. The reason that it has not been found necessary to apply for a grant for this purpose is that the talati is usually an outsider; he is not a resident of the saza or village in which he works. He is therefore subjected to very considerable hardship when he proceeds to the village to carry out his duties, and it is extremely difficult for him to make any headway at all. His supplies are cut off, people refuse to meet him, and he is subjected to insults; and under these circumstances it is very necessary that he should be given some compensation for all these hardships. The inferior village servants who are classed under numerous designations in Gujarat are of course the ordinary inhabitants of the village, and they have various ways of overcoming any sort of hostility or oppression to which they may be subjected in pursuance of the civil disobedience movement. They are not put to any additional expense, and although outwardly they may be subjected to some oppression when they refuse to resign, it is not serious as in the case of those who come from outside. It is admitted of course that the inferior village servants are at present given very low pay, and the question of their permanent remuneration is a large one which does not come up at the present time, but I think I can assure the honourable member that this question is receiving attention, and as finances permit, no doubt they will be put on a more favourable basis.

The Honourable Mr. J. GHOSAL: Well, Sir, as regards these inferior village servants, we did enquire whether they wanted any help or not. I was informed that it was not necessary at that time. If at any time it is found that they require help, I can assure the honourable member that we will not be backward, and will give them the same support as we have given to the talatis affected by the civil disobedience movement.

Dr. P. G. SOLANKI: Am I to understand that they will be helped if necessary?

The Honourable Mr. J. GHOSAL: Certainly; if we find at any time that it is really necessary. I have nothing more to add.

Question put and carried.

Token grant for creation of a post of Professor of Arabic at the Ismail College, Andheri
.....Rs. 10.

The Honourable MOULVI RAFIUDDIN AHMAD: Sir, I move for a token grant of Rs. 10 for the creation of a post of Professor of Arabic at the Ismail College, Andheri. The facts are fully given in the note*. The necessity for the post has been made out and the Finance Committee has approved of it. I hope the House will vote the demand.

Question put and carried.

PUBLIC ACCOUNTS COMMITTEE'S REPORT FOR 1928-29.

The Honourable Mr. G. B. PRADHAN: Sir, I move the motion that stands in my name, as follows:-

"That the Report of the Committee on Public Accounts on the Appropriation Accounts of the Government of Bombay for the year 1928-29 and the Report of the Accountant General thereon be recorded."

I will make only a few observations. The honourable House remembers that one supplementary grant, No. 4, has been kept over till the consideration of this report is concluded. In that connection, I would request the attention of the honourable members to paragraph 7, page 3, of the Public Accounts Committee's Report. The members of the committee say:

"We have examined the causes of excesses to which attention has been drawn by the Accountant General in paragraph 26 of the report, and we recommend the Council to pass the demand for a grant to cover the excesses which is being placed before it during the current session."

The honourable members will find that the honourable member, Mr. Hoosenally Rahimtoola, has appended a note in which he says that there was no revenue balance available. If the revenue of 42, Development Department, is credited to the provincial balance, he will be able to understand the exact position. He has made a mistake. The honourable member Mr. Wiles will explain the point.

I should like to bring to the notice of honourable members the last paragraph of the report of the Public Accounts Committee. The Public Accounts Committee is an important body, two-thirds of the members of which are non-officials, who must be able to criticise the actions of Government with regard to financial matters. Government welcome such criticism, because naturally there may be omissions and commissions on the part of Government. There is the Accountant General on the Committee and Government give every facility for this committee to make criticisms and suggestions to Government. But I am sorry to say that the attendance was so poor that the committee was compelled to make the following remarks:

"In conclusion, we desire to emphasise that the heavy responsibility which rests upon this Committee can be adequately discharged only if non-official members are prepared to devote considerable time to its labours. And we recommend that the following rule be put into immediate effect, namely, that elected members of this Committee who fail to attend half of the time of its sitting each day shall not be entitled to draw travelling and other allowances for that day."

This is the drastic recommendation which non-official members are obliged to make, because of the poor attendance at the sittings of the Committee. I bring this to the notice of honourable members who are either on the committee or who are likely to be elected to the committee in order to impress on them the heavy responsibility they undertake when they become members of the committee and that the Government and the Council look to them for their criticism and advice.

There is nothing more particular except that the Committee say that the orders about surrenders and so on should be drastically carried out.

Question proposed.

Rao Bahadur R. R. KALE (Satara District): Sir, in addition to the observations made by the Honourable the Finance Member with regard

[Rao Bahadur R. R. Kale]

to non-official members not attending meetings of the Public Accounts Committee, I have to point out that the report labours under a great disadvantage at this time, because of the resignation of certain members. Therefore, at the sitting of that committee held before the Council session, there was a less number of honourable members present, as those vacancies were filled in, only after the Council session began. I think that these newly elected members have hardly had time to devote to this rather important matter.

The Honourable Mr. G. B. PRADHAN: Those who were newly elected could not have attended the meetings.

Rao Bahadur R. R. KALE: It is stated in the report of the Public Accounts Committee for 1927-28 that the Auditor General Sir Frederick Gauntlett was present and made appropriate suggestions as to the onerousness and responsibility of the duties which devolve on the members of the Public Accounts Committee. It seems to me that the work done by the Public Accounts Committee does not reflect any credit on this House. Last year, it was pointed out that Government should undertake a comprehensive review of the financial situation and of the constructive proposals which may be produced in future for rapid progress of the nation-building departments. I do not know of any review having been presented or thought of.

The Honourable Mr. G. B. PRADHAN: One memorandum was presented last year.

Rao Bahadur R. R. KALE: At this fag end of the session, I do not think any useful purpose will be served by going further into the matter and taking the time of the House. As the Public Accounts Committee will continue to sit till the new committee is elected.....

The Honourable Mr. G. B. PRADHAN: There is no work for the committee to do.

Rao Bahadur R. R. KALE: If the committee is not able to do any work, then there is no use in fact. If the members are to be of any use, they should be given an opportunity of doing work in this connection.

Then, the Accountant General and the Auditor General have made sufficient criticism and I hope the Finance Department will take due notice of them. These criticisms seem to me to be of an important character. The Government of Bombay in the Finance Department will, I hope, pay attention to these criticisms and try to adopt the necessary measures for improving the machinery of control which has been suggested by the Public Accounts Committee.

Mr. R. G. PRADHAN: What will be the position of the members who are now on the Public Accounts Committee?

The Honourable Mr. G. B. PRADHAN: According to the rule, until a new public accounts committee is appointed, these members will continue as members of that committee, though they will not be members of the Legislative Council.

Mr. A. N. SURVE (Bombay City, North): Sir, about the note which has been appended to this report by the honourable member Mr. Rahimtoola, he says that we are carrying on the administration without funds....

The Honourable Mr. G. B. PRADHAN: That is not correct.

Mr. A. N. SURVE: We have heard the explanation given by the Honourable the Finance Member. In that matter I wish to point out the discussion that took place at that particular time. The Accountant General in several places has made it quite clear that if sufficient time was available he would give proper information. He said that at the time when this came up for consideration.

I am, for example, referring to a few remarks of the Accountant General on page 4, part II. On page 4 of Part II of the Report and Proceedings—Mr. Shah says:

“We have undertaken an analysis of the accounts. The analysis is not yet complete. The closing balance is shown on page 4 of the report as Rs. 271·76 lakhs. For the present we cannot give you more detailed figures than those given there.”

Again, to the same purpose, he says on page 5:

“It would be possible but it would involve a lot of time and work.”

That shows the opinions and the Committee has regarded this as the final. It is on page 7:

“The Chairman: The Committee, I take it, is agreed that an analysis of the provincial balances is required.”

The Committee agreed to this recommendation. Therefore we find that the information was not fully worked out. It is a very serious state of affairs and something must be done to see that this state of affairs exists no longer.

Then, as regards the attendance of members, I may just draw the attention of this House to page 94. It gives the attendance on 3rd July. You will notice from the names mentioned that only one non-official member (Mr. Rahimtoola) was present. All the others were absent. That means that the members appointed by this House have failed to discharge the task that was entrusted to them.

The recommendation made by the Committee in paragraph 41 is good as far as it goes. But I would suggest a further recommendation that every candidate for election to the Public Accounts Committee should make a declaration that if he is appointed he will attend the meetings regularly.

With these words, I support the motion that is before the House.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, this Committee appears to be rather an unfortunate Committee. The work before the Committee is so laborious that there is poor attendance at the Committee meetings. And generally when the report of this Committee comes before this House, either there is very little time given to the members to read the report or the report is brought at such a moment that the members are not in a mood to consider or discuss this very important item. Sir, my honourable friend for Satara (Rao Bahadur

[Mr. Hoosenally M. Rahimtoola]

Kale) enquired whether the Public Accounts Committee could examine the financial position before the next budget session. I might draw his attention to paragraph 23 of the Appropriation Report (page 17) wherein the Accountant General has stated what the duties of the Public Accounts Committee are.

Sir, the duty of the Public Accounts Committee is to see whether Government have spent the funds according to the budget sanctioned by this House. As regards the providing of means, that is either for the Government or for this House. And, last year, if I mistake not, the Auditor General (Sir Frederick Gauntlett) pointed out that it was not the function of the Public Accounts Committee to suggest ways and means to Government or to this House.

Sir, if one were to study the report carefully and exhaustively, it provides so much material that one would require several hours if one were to do full justice to it in this House. Unfortunately, the time at the disposal of the House is very little. I therefore propose to deal briefly with the more important points arising out of the report.

Sir, the Auditor General in paragraph 42 of his report draws specific attention to the financial position of this Presidency. I draw the attention of the House to page 11 of the letter of the Auditor General, paragraph 42 (a). 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."

Then the Auditor General goes on to say :

"Paragraph 9 on pages 6-7 of the Report indicates that, while there have been revenue deficits successively since the year 1925-26, the Government hope to balance revenue and expenditure during 1929-30 and in 1930-31."

and I believe that they will miserably fail in this.

"It remains to be seen how far this hope will be realised. I note that during the year under report the provincial Government overdrew its account with the central Government to a small extent during certain months, see paragraph 8 on pages 5-6 of the Report."

From the last sentence of paragraph 42 (a) of the letter there can be no doubt that the financial position of this Presidency is causing great anxiety and the need for some steps is imperative.

The Public Accounts Committee has also in its report drawn the attention of this House to the paragraph in the Auditor General's letter with regard to the financial position of this Presidency.

Sir, as regards the balances, my figures are taken entirely from the Appropriation Report and I have indicated the paragraph from which these figures have been taken. These are official figures and are more reliable than the figures of the Finance Department.....

The Honourable Mr. G. B. PRADHAN: Our figures are the same.

Mr. HOOSENALLY M. RAHIMTOOLA: The Honourable the Finance Member says that the Finance Department's figures and those of the Accountant General are the same. May I point out to the Honourable the Finance Member that the figures of deficits or surplus for the last 8 years given by him in the Budget (Blue Book) are not the same as those given by the Accountant General? We do not know as to which figures are correct: how they are worked out I am not in a position to say. The figures of the Finance Department are quite different from those given by the Accountant General at page 6, paragraph 9. Sir, if these figures are correct, it is really a gloomy aspect. It means that for the last three or four years the province is living on borrowed money. Sir, I shall be glad to know that there is some mistake somewhere and that there is no deficit balance but there is a surplus balance. The Public Accounts Committee, in one of the recommendations, has asked the Finance Department to work out and say what the balance of the province consists of. But it seems wonderful that Government do not know what their balance is. What is the use of having a Finance Department when they cannot say what their balance is? They require months to find out. They are not in a position to say whether they are meeting payments out of the net surplus of previous years, or out of borrowed money or out of the Provincial Loan Accounts Fund. They were not aware until it was pointed out by the Auditor General in paragraph 4 of his letter. They were asked to state whether the amount of Rs. 29 lakhs paid every year to the Government of India was paid out of the surplus or out of the Provincial Loan Accounts Fund. But the Finance Department was not in a position to give any definite answer.

Sir, in paragraph 22 of the Accountant General's report the Accountant General has stated that this province would require about 16 crores more for the future work. The Public Accounts Committee has requested Government to reconsider their Loan programme and see whether they can revise and curtail it in view of the financial conditions of this province.

Sir, I do not like to take more time of the House but I would like to refer briefly to one or two items which have been referred to by the Public Accounts Committee. I refer to the contract for hospitals. On pages 201 and 202, paragraph 8 of the Accountant General's review, it is mentioned. It was brought out at the Public Accounts Committee meeting that in one of the hospitals the rate of ice was 13 annas and in another it was Re. 1 and 9 annas. Several matters were brought to the notice of the Public Accounts Committee as to how the contracts were made and it was curious that out of the three Ministers who were at one or the other time during the last seven years in charge of the department, not one of them was successful in improving the department. The Public Accounts Committee has made certain recommendations in this matter and I hope they will be taken into consideration.

At page 354, paragraphs 14, 15 and 16 will show how careful Government officers were in looking after public interests. In one case I know

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the contractor was given a bonus. The original intention in paying this bonus was to expedite the work of Block 8, but it was paid on the work of the other block.....

The Honourable Sir GHULAM HUSSAIN: What year is the honourable member referring to?

Mr. HOOSENALLY M. RAHIMTOOLA: I refer to the report for 1928-29.

The Honourable Sir GHULAM HUSSAIN: In what year was the bonus paid?

Mr. HOOSENALLY M. RAHIMTOOLA: In October 1928.

In another case, the officer in charge went to the length of incurring a risk of lakhs of rupees. What was the risk incurred? In order to enable a contractor to finish his contract in time, the officer went to the length of incurring risk to the extent of lakhs. There are other instances to which I may refer you. On page 353 there is a reference to damage to cables. Was this risk justified? What was done by Government? The usual reply that the officer has retired and his pension cannot be touched was given.

Sir, I may mention that there was the closest co-operation between the official and the non-official members of this Committee, and that all the resolutions passed were unanimous and that the officials were sometimes stronger in their criticisms than the non-officials. In this connection I would ask the members of this House to remember that when they appoint a new committee, they must always see to it that all party, communal and such other considerations are put aside and only such members who are prepared to give their time and attention not only to study the reports, but to sit the full time in the committee's meetings are elected. If proper work is to be done on this committee, the members must be prepared to sit from day to day for three to four hours a day for about a fortnight. If members are prepared to do this, then only they should be nominated for election to this committee.

It may be said that the Public Accounts Committee is a committee for flogging a dead horse, that the committee has to deal with expenditures incurred two years before. The committee may not be able to check or improve things which have already occurred, but it can lay down lines for future improvement of the working of the several departments of Government and in this manner it can do a lot of good to the presidency.

Mr. G. WILES: Mr. President, Sir, Finance and Accounts is a very dull subject, and I congratulate my honourable friend from Bombay that he is the only member of the Public Accounts Committee who was able to stay the course. I propose now only to deal strictly with the Finance Department aspect of the criticisms which have been made.

My honourable friend Mr. Hoosenally Rahimtoola has, in the note which he has attached to the report of the Public Accounts Committee, added to the remarks of the Public Accounts Committee certain criticisms

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of his own. As I saw those criticisms only after they had been put into print, I was not able to discuss them with the honourable member before they were published, but I should like to take the occasion now to point out where he has been led to make a mistake.

His first criticism is that if his figures are correct, then the Bombay Government has for a number of years been carrying on the ordinary day to day administration from borrowed funds. My answer to that is that his figures are not correct and that therefore his criticism is not founded on good foundations. The error, which he might have discovered and which I could have pointed out to him, is due to one of those changes of accounts which have so often in the past led honourable members into error, but if he will look into the current Blue Book, he will see that in the foot-note there is an explanation of the fact to which he refers that our figures of deficits are apparently different from those supplied by the Accountant General. But if he will make the change, which was contemplated in these figures, he will find that our figures are exactly the same as those which were published in the appropriation report and in the White Book. The foot-note runs :

"Receipts under 42-Bombay Development Scheme have been included as 'ordinary revenue', because that is being done from 1929 onwards."

From 1929 onwards, revenue receipts which had hitherto been shown under the Development Scheme under Capital Heads were transferred to a revenue head and in order that proper comparison may be made with the past years that system of accounting has been shown throughout. These figures which he has taken in his note show that there is a total deficit, counting from the introduction of the Reforms, of Rs. 383 lakhs, and he shows by detailed figures year after year that we ought to have a *minus* balance of 78 lakhs. The Blue Book shows that by taking into consideration these revenue receipts which had hitherto been shown under the Capital Head, there is no deficit, there is no *minus* balance of 78 lakhs. On the contrary, there is a *plus* figure of 82 lakhs. If you will take your figure of *minus* 78 and add to it 172 lakhs, which are really revenue receipts, but were credited to XLII-Development up to last year, you will see that there would be a *plus* figure of 94 lakhs as against the 82. The additional 12 lakhs may be taken to be the deficit in the Provincial Loan Fund. It is not therefore true to say that the Bombay Government has been living on borrowed funds, though it is perfectly true to say that for the last two or three years the Bombay Government has been using up its surplus balances.

We are criticised for not knowing what our balances consist of, whether we have got a balance at all. I do not admit the justice of that criticism, because year after year in the Blue Book we have given to the best of our ability a statement showing what we think our balances consist of. We do know what they are. It is not true to say that we do not know whether we are meeting our deficits out of the Famine Fund or the Provincial Fund or anything else. We know exactly what is in the Famine Fund. We know whether we have any surplus from borrowed

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funds from previous years carried over. So that the honourable member's criticism is wrong.....

Mr. HOSENALLY M. RAHIMTOOLA: I asked the Finance Secretary to give me the details of the provincial balances but they could not supply the information. If that information had been supplied to me, I would not have made the criticism. If the Honourable the Finance Member is even now able to give that information, I shall be prepared to withdraw that criticism, if I find that my facts are not correct.

Mr. G. WILES: The honourable member will recall that his inability to give a description of our balances was expressed by the Accountant General. The Accountant General was unable to give a detailed analysis of the balances, because it has not been carried out by him completely. For our own purposes and for general purposes, we know broadly what the balances consist of. We have given details, year after year, in the Blue Book. To satisfy himself the Accountant General desires to work them out for himself year by year; and this he is engaged in doing. The Public Accounts Committee have recommended that the details should be given in future, and when they have once been worked out, this will be done every year.

Another criticism made by the honourable member which I must explain is the treatment in our accounts of the Rs. 29 lakhs which we are paying to the Government of India on account of the Provincial Loan Fund. The honourable member says in his supplementary note:

"It will be seen from the above that there was no revenue balance available. The above Rs. 29 lakhs must therefore have been paid from either the Loan Balances or the Provincial Loan Account."

In view of what I have said, the honourable member will become aware that there was a revenue balance available out of which we could have paid this amount.

As regards the procedure, I must repeat, in view of his criticism, the ruling of the Auditor General on this particular point. The honourable member holds that this sum of Rs. 29 lakhs should have been put into the ordinary revenue budget, because it ought in fact to increase the deficit year by year. The Auditor General, on the other hand, giving his ruling to the Accountant General, wrote as follows:—

"A financial purist might well hold the opinion that the repayment of the pre-Reform Provincial Loan Account Debt should be made out of Revenue. No such obligation, however, has been imposed upon any Provincial Government by the Devolution Rules. Those rules were framed deliberately so as to leave the choice to each Provincial Government."

Mr. HOSENALLY M. RAHIMTOOLA: I have not disputed that. What I want to know is, from what has the Rs. 29 lakhs been paid? Out of revenue balances or capital balances?

Mr. G. WILES: A debit of Rs. 29 lakhs has been shown year by year under the Capital Accounts of the Bombay Government.

Mr. HOOSENALLY M. RAHIMTOOLA: Borrowed funds?

Mr. G. WILES: From time to time notes have been attached to the Blue Book, in which I have explained the reason for this procedure, and how this Rs. 29 lakhs was proposed to be met. I pointed out that, in the year 1924-25 I think, the Bombay Government changed its system, its policy rather, of having very large takavi loans outstanding. They were reduced to a very considerable extent, and therefore, for the next few succeeding years it was possible to meet this Rs. 29 lakhs, naturally, year by year, from the surplus receipts. The exact figures I am not able to give to the honourable member, as I told him, because the Accountant General has not yet carried out his detailed analysis of the balances. But the broad facts are that this amount of Rs. 29 lakhs has been met for the most part out of the surplus in the Provincial Loans Account, and it has not been met out of surplus revenues, certainly to the extent of more than Rs. 12,00,000. That is to say, very nearly Rs. 3 crores have been paid not out of current revenues but mostly out of surpluses from the Provincial Loan Account.

There is one other point which I must briefly refer to. The honourable member referred to the transfer of the Mahi Kantha Political Agency to the Government of India, and he wanted to know why nothing was said about the saving of Rs. 10 lakhs effected thereby. I do not know why the Accountant General has referred to it in his report. The transfer of these States took place at the time of the introduction of the Reforms, in 1921. For a few years after that, there was a dispute regarding the payment of the charges for the agency police. In the year 1924-25 that question was settled. It was decided that the Government of India should pay those charges, and accordingly the Government of India paid up all the arrears. From that year onwards we had at our disposal Rs. 10 lakhs. But that is all ancient history. We have had this saving every year since 1924-25, and that is the year with which we make most of our comparisons to-day. So that, it is not true to say that we have concealed this saving; if you look up the Blue Book for that year, you will see a direct statement of this transaction.

Mr. HOOSENALLY M. RAHIMTOOLA: It was not mentioned in the memorandum placed before the Committee.

Mr. G. WILES: Certainly not. It happened long ago. A comparison is generally made with the figures of 1924-25, i.e., after this change has been carried out. This was one of the adjustments which had to be made after the introduction of the Reforms between the Central Government and the Provincial Government. We had a number of such items, as you will remember between the years 1921-22 and 1924-25, and this was about the last item.

There is only one other point, and that is regarding our projected borrowings. The Public Accounts Committee have recommended that Government will reconsider their borrowing programme. Most of these items which are referred to by the Accountant General are, I am afraid, projects to which we are committed, projects already under construction. Those it would probably not be politic to curtail. But I can assure the

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honourable House that in future projects for borrowing money will not be entered into without giving full details to the honourable House.

Mr. P. R. CHIKODI (Belgaum District): Sir, I rise to support the motion before the House. Before doing so, I wish to say that the rebuke administered by the Public Accounts Committee to the members who were absent, or who had not been attending the meetings of the committee is entirely justified. But the members are not to blame so much as those who elected them. The official members are not taking part in the elections to the Public Accounts Committee. It is the non-official side that elects these members, and the non-official side of the House ought to remember that the responsibilities and duties of this committee are very great, and unless proper attention is paid to the financial position by the committee, the most important subject over which this side of the House has got control is absolutely neglected. Therefore, it is most unfortunate that this subject is being talked over at this time, when there is only an hour before the House is going to be prorogued, and it will be dissolved in a few days altogether. It is no use our discussing this subject in an empty House. I do not think any useful purpose will be served thereby. However, I wish to say one word.

There have been very serious cases of negligence on the part of various departments in the matter of surrenders and so on. It is absolutely necessary that a more drastic step should be taken and pressure should be brought upon the heads of various departments that they should frame their budgets so as to be able to spend all the money voted. To the extent of 12 per cent. the amount voted remains unspent. If that money had not been unnecessarily held up, it would have been usefully spent for other purposes, for which honourable members of this House have been clamouring. I think that the Finance Department should send for the heads of spending departments and instruct them to ask for amounts that are absolutely necessary. With these words I commend the motion for the acceptance of the House.

The Honourable Mr. G. B. PRADHAN: Mr. President, the point about 29 lakhs has already been explained by the Finance Secretary. May I know from the honourable member how Government are not in order in making repayments out of provincial loans? Money was borrowed before the Reforms for tagavi and other loan advances. At the time of the Reforms, we made up a total of the amounts we borrowed from the Government of India and there were arrears to be paid to the Government of India. As money came from our debtors when they were due, we repaid it to the Government of India to be credited to our loan account. If we make repayment of our loan to the Government of India, how is it wrong on the part of the Bombay Government to do so?

Mr. HOOSENALLY M. RAHIMTOOLA: When did I say it was wrong?

The Honourable Mr. G. B. PRADHAN : The money that we receive from our debtors and from the recovery of tagavi loans, we credit to the Provincial Loan Account. As we get these amounts, we pay to the Government of India in repayment of the total amount we have borrowed from them. If the amount received from the debtors is paid towards the liquidation of a loan, where is the wrong ? The pre-reform debt is the total of these debts. We are perfectly justified in paying out of the money which comes to us from our debtors. If I am a banker, I can make repayment of the money I receive from debtors towards the loan I have taken from a bank. How am I wrong ?

Mr. HOSENALLY M. RAHIMTOOLA : I never said it was wrong. All that I wanted to know was whether you had sufficient amounts from recoveries of previous advances to repay 29 lakhs every year.

The Honourable Mr. G. B. PRADHAN : Then, the honourable member is perfectly justified in bringing to the notice of this honourable House and of Government the straitened state of the finances of this presidency. We are perfectly alive to it. Honourable members complain that whenever they ask for money Government say that they have no funds. In various ways honourable members ask for more and more expenditure. But when Government want additional taxation and want to put the Stamp Act on the statute book, there is opposition from honourable members. Still every honourable member will send in suggestions for increased expenditure. We are perfectly aware of the straitened financial condition and very great care will be taken to see that the expenditure is curtailed. I do not think that any other suggestion was offered except that honourable members enlarged on the view taken by the Public Accounts Committee as regards the interest that should be taken by non-official members of the committee and I hope that the observation of the committee will have the effect of having better members on the committee.

Question put and carried.

Supplementary Grants.

Supplementary grant to cover excesses under certain Heads.

The Honourable Mr. G. B. PRADHAN : Sir, there remains only the supplementary demand* 4. I put it the other day but it was kept back till the Public Accounts Committee report was considered and recorded. I now move for a supplementary grant to cover excesses as shown below :—

	Amount of excess.
	Rs.
(1) 5, Land Revenue—Reserved	5,025
(2) 7, Stamps—Reserved	55,733
(3) 22, General Administration—Transferred	848
(4) 27, Ports and Pilotage—Reserved	296
(5) 32, Medical—Transferred	47,225

* Appendix 14.

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	Amount of excess. Rs.
(6) 45, Superannuation Allowances and Pensions—	
Reserved	1,57,981
(7) 55, Construction of Irrigation Works—Reserved..	1,37,152
(8) 60-B, Payment of Commuted Value of Pensions—	
Reserved	19,456

I wish to bring to the notice of the honourable members that the Public Accounts Committee and the Accountant General have examined these excesses and considered the reasons for them. They are entered in paragraph 7 of the report. The Legislative Council should sanction these excesses.

Question put and carried.

(At this stage the Honourable the President vacated the Chair and the Deputy President, Rao Bahadur Kampli, occupied it)

RESOLUTION REGARDING APPRECIATION OF THE PRESIDENT'S SERVICES.

Rao Bahadur R. R. KALE (Satara District): Sir, before we finish our session I wish to ask your permission to move a resolution recording our appreciation of the services rendered by the Honourable the President. I have already given you a copy of that resolution.

The DEPUTY PRESIDENT: Permission has been asked for a resolution to be moved in this Council. If Government have no objection, I wish to grant the permission.

The Honourable Sir ERNEST HOTSON *nodded assent.*

The DEPUTY PRESIDENT: Permission is granted.

Rao Bahadur R. R. KALE: Sir, the resolution which I wish to place before the House is this:

“This Council places on record its high appreciation of the uniform courtesy and consideration shown by the Honourable the President of this Legislative Council to all honourable members, of the great patience, tact and ability shown by him throughout his term of office as President and of the care with which he has striven to discharge the onerous and exacting duties of his office.”

This is the last session of the present Council and we do not know whether all of us will assemble here in this House when it re-assembles after the general elections. Therefore, it is in the fitness of things that we should place on record what we feel regarding our worthy President.

We are all aware that the duties of this Chair are very exacting, very hard and very strenuous. Great care is required, as also patience and impartiality, in the discharge of the responsible duties attached to the Chair. Our President, besides, unlike his illustrious predecessors, had not been in this House for long and yet with his short experience as a member and as a Minister of this House during the last Council, he has done credit to the office to which we all elected him. (*Hear, hear.*)

[Rao Bahadur R. R. Kale]

I do not wish to take more time of the House, but certainly we do feel on this occasion that it is very necessary that we should pay our humble tribute to the services which he has rendered while in the Chair. (*Cheers.*)

Question proposed.

Mr. R. G. PRADHAN (Nasik District): Mr. Deputy President, I heartily associate myself with the resolution which has been moved by my honourable friend for Satara (Rao Bahadur Kale). It is not a mere conventional resolution. It expresses what we really feel and think about our highly esteemed and worthy President. I do not know whether there is any other office which is so exacting and so difficult as that of the Honourable the President of this House. In the first place, however exciting the times may be, however difficult any question may be, the President is expected not to express any views and not to take any side on that question. Then, Sir, in the day to day conduct of the proceedings of this House, he has to show infinite patience, infinite forbearance and the utmost impartiality and to maintain the prestige and the privileges of this honourable House. Our worthy President has filled the Chair for the last four years and I have not the least hesitation in saying that he has discharged the difficult and onerous duties of his office with the greatest tact, with the greatest sympathy and consideration for every member of this House, however new he may be; and he has done his best to maintain the great traditions of this House and to uphold the dignity of this House. I think every honourable member will agree with me when I say that this House expresses its fervent hope that he will be re-elected and that we shall have the pleasure of seeing him again occupying and gracing the Chair of this honourable House.

Sardar S. A. SARDESAI (Bijapur District): Sir, I have great pleasure in supporting the resolution which has been moved by my honourable friend for Satara, and I associate myself with this resolution on behalf of my constituency of Bijapur and the party to which I have the honour to belong.

Sir, the Honourable the President occupies the same honourable position as the Speaker of the House of Commons occupies. In the discharge of his duties he has done credit to himself and the constituency to which he has the honour to belong. I have specially marked, during the course of these last four years, his ability to discharge his duties; and also how he freed the Government members from many complicated situations that had arisen (*Laughter*). Sir, as President he is supposed to be above politics and in this respect he did great honour to the post of President. Many honourable members may not know why his surname is "Dehlavi." That name is derived from his ancestors who were reputed to walk on foot from Delhi to Surat (*Laughter*). The name itself is derived from that because his forefathers used to come all along from Delhi to Surat in a short space of time.

Sir, the Honourable the President occupies a prominent place now. In the past he was Minister of Agriculture and was in charge of

[Sardar S. A. Sardesai]

several other portfolios. Of course, he is an all-round man just like Napoleon Bonaparte (*Laughter*). As a Minister also he discharged his duties very efficiently. He has derived knowledge of administration from serving 10 or 12 Indian States. Sir, whether it is the post of a Minister or the post of a President, these posts are nothing to him, because he deserves to hold better posts than these two posts. I think all parties have been satisfied with his impartiality in giving rulings on several occasions and I have no doubt that he has proved to be a worthy President. I resume my seat with the hope that the future Presidents will tread in his footsteps and will earn the same reputation that our present President has earned.

Rao Bahadur R. S. ASAVALE (Bombay City, North): Mr. Deputy President, I most heartily support the resolution which is before the House and also fully associate myself with the remarks that have fallen from the previous speakers. Sir, the Honourable the President has not only maintained the dignity of this House, but has ably conducted the business of the House. I therefore wish and pray to God that in the coming general election he may come out with great success and again be elected as President of this Council. With these few remarks, I again associate myself with the resolution.

Mr. N. R. GUNJAL (Poona District) (In Marathi): Sir, I rise to support the resolution moved for the appreciation of services of the Honourable the President. He has discharged his duties very ably in this Council. The chief characteristic in him is that he never sided with any parties. He allowed freedom to members to speak in the vernaculars and used to give his own judgments. If such Presidents graced the Chair every time, there will be sure progress in the work of the Council. He gave equal treatment to all the parties in the Council and was never partial to anybody. With these words I support the resolution.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): On behalf of the landholders, the Deccan and Gujarat Sardars and Inamdars, I fully associate myself with the sentiments expressed by the previous speakers and strongly support the resolution.

THE THAKOR OF KERWADA (Northern Division): On behalf of my constituency, I associate myself fully with what has been said by the previous speakers. I have moved with the Honourable the President for many years and I have found that he has devoted himself to the work of the Council earnestly. He was a very successful President and I wish him every success in future.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, I fully associate myself with the remarks made by the previous speakers. The Honourable the President has discharged his duties to the satisfaction of the House. He has tried to follow in the footsteps of his worthy predecessors. Sir, I have great pleasure in supporting the resolution.

Rao Bahadur S. K. BOLE : Sir, on behalf of the Labour Party, I have great pleasure to support the resolution. Our party is in existence and with the consent of the members who are present I support the resolution and fully associate myself with what has been said by the previous speakers. Our President was courteous to all and he has discharged his duties very ably. He has maintained the traditions of the House and also the dignity of the Chair. I wish him every success next time.

Khan Bahadur M. S. KHUHRO (Larkana District) : Sir, I have great pleasure in associating myself with the resolution on behalf of the Muslim members of this House. I am glad to hear that all the sections in this House have appreciated the President's work.

Rao Saheb R. V. VANDEKAR (Nasik District) : Sir, I heartily support the resolution which has been so ably moved by the honourable member from Satara (Rao Bahadur Kale). I fully associate myself with the remarks of the previous speakers. We were fortunate in having such a good president for our Council. We are all obliged to him for the very courteous treatment and courtesy he gave us during the last four years. I wish him all prosperity, good health and every good luck.

Mr. THAKURSING LALSING (Karachi City) : Sir, I support this resolution. Although I have been present in this Council only for one session I was able to see that our President carried on the work of the House in a most orderly and exemplary manner and he deserves every credit for it.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts) : Sir, with great pleasure prompted by admiration on behalf of the constituency I represent I wholeheartedly associate myself with the resolution. Although I have known the Honourable the President for a short time, I have come to feel as if I have known him for a very long time. He has discharged his duties to the entire satisfaction of the House. He is an amiable and courteous president and I have found that whenever there was any trouble in the House he acted really as a peace-maker.

Mr. D. J. C. WALLACE (Bombay City) : Sir, on behalf of the non-official European group, I desire to associate myself with what has been said by the previous speakers. I have been much impressed by the President's courtesy to every honourable member of this House and his patience and impartiality have been an inspiring example to all. I heartily support the resolution.

Mr. A. N. SURVE (Bombay City, North) : Sir, I wholeheartedly endorse and associate myself with the sentiments expressed by the previous speakers. Sir, all the members of this Council have appreciated one quality in the President and that is the quality of catching his eye. It is a great defect if the eye of a President is dull. The eye of our President is very keen and he has given full opportunity to those honourable members who had to speak or place their thoughts before the House. Sir, he has conducted the business in an able manner and has won the golden opinion of this House.

Mr. V. A. SURVE (Ratnagiri District) (In Marathi): I fully appreciate what has been said by my honourable friend Mr. Gunjal. I know the Honourable the President very well, because we are the residents of one and the same district. With these words, I support the resolution.

Mr. N. E. NAVLE (Ahmednagar District): Sir, I fully associate myself with the sentiments expressed by previous speakers. In Mr. Dehlavi we have found a President who successfully carried on the business of this House. We wish him every success in future.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, on behalf of myself and my honourable colleagues, the Ministers, I wish to associate myself heartily with all the good things that have been said with reference to the Honourable the President during the 3½ years of his occupation of the presidential chair in this House, and I associate myself also with the wishes expressed by the honourable members that he may again return to this House and worthily occupy the presidential chair once again.

The Honourable Sir ERNEST HOTSON: Sir, I associate myself with my honourable colleague the Minister who has just spoken and with the sentiments expressed in this resolution and by the other members who have already spoken and also on behalf of the Government benches.

The Honourable the President has fully maintained the high traditions which had been established by his predecessors. He has upheld and even extended the liberties and privileges of this House. His impartiality has at all times been beyond doubt. If, as my honourable friend from Bijapur said, he sometimes freed Government from difficult situations, I may say that he has very often smoothed the way for private members through the technicalities of procedure.

We are grateful to the President for all that he has done during the last four years, and I am quite sure that if he is happily returned at the next elections, we shall all welcome him back to the Chair (*Cheers*).

Resolution put and carried unanimously and with acclamation.

The DEPUTY PRESIDENT: I will convey this resolution with the permission of the House to the Honourable the President.

(The Honourable the President at this stage resumed the Chair.)

Sir, before you proceed further with the Council work, I beg leave to state that the House has authorised me to convey to you the resolution that has been just passed unanimously of appreciation of the able discharge of your duties during the time you have acted as President of this Council.

The Honourable the PRESIDENT: Gentlemen, I need not acknowledge the very kind words in which you have shown your appreciation in a long speech, but I acknowledge all that you have said very gratefully as the very best reward a President can expect from the House.

[The President]

His Excellency was generous enough the other day when he addressed the House, as the highest authority in the Presidency, to refer to me in such appreciative terms both on his behalf and on behalf of the House. I am very grateful to His Excellency and to the whole House for it.

I might just say a few words now that I have got an opportunity, that when I was elected in Bombay and went up to occupy the Chair in the Town Hall, it was the same dais which I had mounted as a boy while reciting a poem to one of the Governors of the day as a student of a school in Bombay; and little did I know, nor those who were interested in my future, that I would occupy that high place of honour in the very Town Hall and in the very city where I was educated.

There is one thing I must confess and that is, that although I did, with your assistance, get up to that Chair, I did not occupy it without extreme diffidence—diffidence because I knew that I was succeeding two very illustrious Presidents of the Council; one had the experience both of the conduct of Councils and as a Judicial officer of the highest grade in the High Court, and the other, Sir Ibrahim Rahimtoola, had also the advantage of long experience as a member of the Legislative Council, of the old regime and the new, and also as a member of the Executive Council of the Governor of Bombay and was conversant with all the procedure, which applies to the House and therefore occupied the Chair with great success. Coming in as a man with very much less experience than that of either of them, I was naturally diffident as to whether I would succeed in the performance of my duties, but honourable members will have to admit and agree with me that my success has been achieved through the assistance of you all. You have all co-operated wholeheartedly with me and that co-operation alone has given me the success to which you have referred in such appreciative terms.

I had kept one ideal before me as the President, and I hope I have shown it to the honourable House that it was not an expression on my part which may be called a lip expression of the ideal of neutrality in this House. Your appreciation to-day is a proof that I have been able to go through my onerous duties and keep to that ideal which I had before me, namely, neutrality towards all shades and parties and creeds in this House. I might have erred in my judgments and rulings, but that was—take it from me—not an error of my intention—but an error of judgment.

I feel inclined here to pay honourable members of this House a counter-compliment (and I mean it very seriously) that all honourable members have really added to the dignity and co-operated with me and exerted their best to see that the prestige of the House was upheld all through this long period of four years, and, although I had an opportunity in the time of Sir Leslie Wilson to give my impressions of the House in a humorous mood, I must acknowledge that as far as the prestige and the serious side of the work of the Council was concerned, all honourable members have done their best to uphold that. They have further shown goodwill, although they were contending parties against each

[The President]

other in this Council, goodwill in the best of spirit towards each other, which further has added to the success of the Council throughout its period.

I may mention here that although some words might have been used by honourable members which were taken objection to, there is no incident in this long period of four years which I can recall to my mind of angry words and great quarrels which could not be made up between them. Whatever was said by each member here was said in the best of spirit and with the best of goodwill.

One more and great satisfaction to the President is that he never had an occasion in any event to go so far as to name an honourable member to the House.

Another great satisfaction to me has been that the Mace of the House had always been carried and brought into the House by my Chobdar and not tried to be carried away by any honourable member.

Now I must wish you all honourable members great success in the undertaking which you will very soon enter upon, I mean the general elections. The experience that has been gained by honourable members in this House during the lifetime of this term of the Council, and in the case of some, even before that—as there are several honourable members here who have been here in previous Councils too—will not be lost to the country nor to the constituencies that they represent, and I hope they will succeed in their elections and return back to the House to put their shoulders to the constructive work that the House does.

I wish all honourable members great success and thank them again most heartily and most sincerely for the appreciative manner in which they have approved of the work that I have been able to perform. (*Applause.*)

Before proroguing the Council under the intimation I have received, I should like to inform honourable members present that I propose to follow the practice of the House of Commons, which was followed here in previous years on such occasions, and that is of giving a warm shakehand to each honourable member as he goes out of the House. After proroguing the Council I request each honourable member to take the trouble of saying a warm good-bye to me.

I have now to intimate to the House that I have received a commission from His Excellency, directing me to announce that he is pleased to order that the present session of the Legislative Council should be prorogued. Accordingly, by virtue of this commission of His Excellency, I declare this Council prorogued until the day of which due notice shall be given. This Council is now prorogued.

APPENDIX 1.

BILL No. VI OF 1930.

(A Bill further to amend the Coroner's Act, 1871, in its application to the Presidency-town of Bombay.)

REPORT OF THE SELECT COMMITTEE.

We, the members* of the Select Committee appointed to consider Bill No. VI of 1930 (A Bill further to amend the Coroner's Act, 1871, in its application to the Presidency-town 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 2.—We have omitted the heading as it already appears in the existing Act.

New Section 8.—We have deleted the words “subject to the provisions of section 9” as they are in our opinion unnecessary.

The other changes are merely verbal.

New Section 10.—Inasmuch as, in respect of the cases contemplated in this clause, there will be an inquest under sub-section 1 (d) of the new section 9, we are of opinion that the Superintendent of prison or the police officer, as the case may be, should await the orders of the Coroner before he orders the body of the deceased person to be disposed of. We have modified sub-clause (1) accordingly. This modification has made the retention of sub-clause (3) unnecessary. We have accordingly deleted it.

New Section 18.—We think that the chemical examination, if one is ordered by the Coroner, should not always be confined to the contents of the stomach and intestines. Valuable information is also likely to be obtained in certain cases by the analysis of other organs or parts of the body or of their contents. We have, therefore, amended the section as to leave the Coroner free to direct such analysis as he deems fit.

Clause 3 : New Section 21A : sub-clause (1).—We are of opinion that the inquest before a Coroner if it is to be stayed at all, should be stayed as soon as the Coroner is informed that criminal proceedings have been instituted before any magistrate and not necessarily before a Presidency

*Note.—The signatures of Dr. M. D. Gilder and Mr. H. V. Pataskar will be notified when received.

The signature of Mr. F. W. Allison, I.C.S., could not be obtained owing to his proceeding on leave out of India.

[Appendix 1—contd.]

Magistrate. Cases may conceivably occur, when the criminal proceedings may be instituted in a magistrate's Court beyond the Presidency-town of Bombay, while the inquest is going on in Bombay. We have accordingly deleted the word "Presidency" in sub-clauses (1) and (5).

We are, further, of opinion that, it should be left to the discretion of the Coroner, whether in any particular case, the inquest should be so adjourned. We have accordingly substituted the word "may" for the word "shall". The deletion of the following words is consequential.

Sub-clause (4).—The changes made in this sub-clause require the Coroner to supply to the Commissioner of Police such information required for the purpose of registration of death as may be in his possession.

Clause 5 : Second Schedule.—The changes made in item No. 8 provide for an inquest, held, for instance, in cases contemplated in sub-clause (e) of the new section 9 where the death is not necessarily sudden. Item No. 8 is now made general to provide for inquests on all deaths sudden or otherwise.

We recommend that this report together with the minutes of dissent if any and the Bill, as amended, be translated into Marathi, Gujarati, Kanarese and Urdu and published in the *Bombay Government Gazette*.

(Signed) J. E. B. HOTSON.

(„) G. F. S. COLLINS.

(„) A. C. OWEN.

(„) HOSENALLY M. RAHIMTOOLA.

(„) P. G. SOLANKI.

(„) R. G. PRADHAN.

(„) FRANK OLIVEIRA.

(„) B. G. PAHALAJANI (*subject to a minute of dissent*).

(„) A. N. SURVE.

(*Minute of dissent by Mr. B. G. Pahalajani, M.L.C.*)

The admissibility of a statement by a person suspected of having committed an offence, as indicated in section 19 (2), is extremely doubtful; it is a dangerous provision to make such a statement admissible against him in any subsequent stage. So also provision of recording material portions of statements only as provided in section 20 (1).

Proposed amendments are attached.

(Signed) B. G. PAHALAJANI.

[Appendix 1—*contd.*]

(Amendments proposed.)

(1) For section 20 (1), line 230, *substitute*—

The Coroner shall take down in writing the evidence of each witness in the manner provided for in section 356 of the Code of Criminal Procedure, 1908.

(2) After section 20 (1) *add*—

“Such evidence shall not be used at any subsequent enquiry, trial or other proceeding, for the purpose of contradiction or corroboration.”

(3) Section 19 (2)—*Omit* from line 212 words after—

“after duly warning him Magistrate” in line 219 :

and *add* as (3)—

Such statement shall not be used as evidence against the person making it in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1908.

BILL No. VI OF 1930.

A Bill further to amend the Coroners Act, 1871, in its application to the Presidency-town of Bombay.

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the Coroners Act, 1871, in its application to the Presidency-town of Bombay, in manner hereinafter appearing : And Whereas the previous sanction of the Governor General required by section 80A (3) 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 Coroners (Bombay Amendment) Act, 1930.

2. *Substitution of new sections for sections 8 to 20 of Act IV of 1871.*—For sections 8 to 20 of the Coroners Act, 1871, hereinafter called the said Act, the following shall be substituted, namely :—

“ CHAPTER III.

DUTIES AND POWERS OF CORONER.

8. *Jurisdiction to inquire into death.*—~~Subject to the provisions of section 9.~~

(1) When the Coroner is informed that the dead body of a person is lying within his jurisdiction and there is reasonable cause to suspect that such person has died under any of the circumstances mentioned in section 9 or has died a sudden death of which the cause is unknown, the Coroner may proceed to hold a preliminary inquiry on the body, without a jury.

(2) For the purpose of an enquiry under sub-section (1) the Coroner shall, as soon as practicable, after receipt of the information proceed

[Appendix 1—*contd.*]

to view and examine the body. Such view and examination shall be held in the presence of the Police Officer to whose section the case belongs and, if possible, in the presence of the relations or friends, if any, of the deceased and the Coroner may reduce to writing such observations as the appearance of the body requires. When the inquiry is concluded ~~if the Coroner is satisfied as to the cause of death and the cause of death is ascertained~~ and if a *post-mortem* examination is in the ~~his~~ opinion of the Coroner not necessary, the Coroner may authorise the body to be disposed of.

9. *Inquest by jury.*—(1) If it appears to the Coroner, either before or in the course of an inquiry under section 8, that there is reason to suspect :—

(a) that the deceased came by his death by homicide, suicide or infanticide ; or

(b) that the death was caused by an accident, or poison or machinery ; or

(c) that the death was caused by an occurrence arising out of the use of a vehicle in a street, public road or in a private place ; or

(d) that the death occurred in a prison in which the deceased was a prisoner or that it occurred whilst the deceased was in the custody of the police ; or

(e) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public ;

and in any other case, if it appears to the Coroner either before or in the course of the preliminary inquiry that there is reason for holding an inquest by jury, he shall proceed to hold such inquest, whether or not the cause of death arose within his jurisdiction.

(2) Such inquest shall ordinarily be held in the Coroner's Court-house.

(3) The Coroner may hold one inquest on the bodies of several persons provided that they all are believed to have come by their deaths, in or in consequence of one and the same incident.

(4) Every such inquest shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code and for the purpose of any such inquest the Coroner shall have and may exercise all the powers of a Criminal Court under section 476 and section 480 of the Code of Criminal Procedure, 1898.

(5) Subject to the provisions of section 14 the Coroner may hold an inquest by jury simultaneously with the preliminary inquiry.

10. *Report to Coroner when prisoner or person in police custody dies.*—

(1) When a person dies in a prison situate within the local limits of the Coroner's jurisdiction or whilst he is in the custody of the police the Superintendent of the prison or the police officer in charge of the section concerned, as the case may be, shall report the death to the Coroner and await his orders before the body is disposed of.

[Appendix 1—*contd.*]

(2) Any Superintendent of Prison, or any such police officer who fails to comply with the requirement in sub-section (1) shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

~~(3) Nothing contained in sub-section (1) shall apply to cases in which the death has been caused by cholera or other epidemic disease.~~

11. *Penalty for disposal of body to prevent an inquest.*—(1) Any person who, with the intention of preventing the holding of an inquest on a dead body which the Coroner is bound to hold under section 9, buries, cremates or otherwise disposes of it, and any person who with such intention abets such burial, cremation or disposal of a dead body shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

(2) Such punishment shall be in addition to the punishment to which such person may be liable for any offence of which he may be found guilty in respect of the death of the deceased.

12. *Power to order body to be disinterred.*—A Coroner may order a body to be disinterred within a reasonable time after the death of the deceased person, either for the purpose of taking an original inquisition where none has been taken, or a further inquisition where further inquisition is, in the opinion of the Coroner, necessary or desirable in the interests of justice.

13. *Summoning jury.*—In order to the impanelling of a jury for an inquest under section 9 the Coroner shall summon not less than five nor more than eleven respectable persons to appear before him at a time and place to be specified in the summons for the purpose of inquiring where, when and by what means the deceased came by his death.

14. *Opening Court. Jurors to be sworn.*—(1) On the day and at the hour fixed for the inquest the Coroner shall proceed to open his court by proclamation and shall call over the names of the jurors on whom summonses under section 13 have been duly served. If not less than five jurors are in attendance the Coroner shall administer an oath to each juror to give a true verdict according to the evidence.

(2) If the number of jurors in attendance is less than five, or, if in the course of an inquest at any time before the return of the verdict a juror is absent and it is not practicable to enforce his immediate attendance, the Coroner may appoint such number of persons as may be necessary to serve as jurors in the inquest.

14A. *Inquest may be on Sunday or public holiday.*—An inquest under this Act or its adjourned hearing under section 21 may be held on a Sunday or a public holiday.

15. *View of body.*—At or before the first sitting of an inquest on a body the Coroner shall view the body and if before the body has been

[Appendix 1—*contd.*]

disposed of, a majority of the jurors so desire, it shall be viewed by the jurors also :

Provided that when a preliminary inquiry on the body has been held under section 8, or if from the medical evidence or from a medical certificate, the Coroner is satisfied that no advantage will result from such viewing, the Coroner may dispense with a view of the body at the inquest.

16. *Proclamation for witnesses.*—The Coroner shall then make proclamation for the attendance of witnesses, or, where the inquiry is conducted in secret, shall call in separately such as know anything concerning the death.

17. *Summoning witnesses.*—(1) It shall be the duty of all persons acquainted with the circumstances attending the death to appear before the inquest as witnesses. The Coroner shall inquire of such circumstances and the cause of death, and if before or during the inquiry he is informed that any person, whether within or without the local limits of his jurisdiction, can give evidence or produce any document material thereto, may issue a summons requiring him to attend and give evidence or produce such document on the inquest.

(2) When any person so summoned fails to appear and the summons has been proved to be duly served on him in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure, the Coroner may, after recording his reasons in writing, issue a warrant for his arrest. Such warrant shall be executed as if it were issued under section 90 of the Code of Criminal Procedure, 1898.

(3) Any person disobeying a summons issued under sub-section (1) shall be deemed to have committed an offence under section 174, section 175 or section 176 of the Indian Penal Code, as the case may be.

(4) For the purpose of causing prisoners to be brought up to give evidence the Coroner shall be deemed a criminal court within the meaning of Part IX of the Prisoners Act, 1900.

18. *Post-mortem examinations. Fees to medical witnesses. Report of Chemical Examiner.*—(1) If before proceeding to view a body under section 8 or at the view or at any stage of an inquest by jury, it appears to the Coroner that a *post-mortem* examination of the body is necessary to ascertain the cause of death, he may direct such examination to be held by his Surgeon or by a duly qualified Registered Medical Practitioner invited to attend as a witness. The Coroner may also direct an analysis of *any of the organs or parts of the body or of their contents the contents of the stomach and intestines.* Every Medical witness other than the Chemical Examiner to Government and the Coroner's Surgeon shall be entitled to such reasonable remuneration as the Coroner thinks fit. For the purpose of such *post-mortem* examination the Coroner may order the removal of the body to any place within his jurisdiction which may be provided for that purpose.

V of
1898.

XLV
of
1860.

III of
1900.

[Appendix 1—*contd.*]

(2) Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Act, may be used as evidence in any inquest under this Act and in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898.

V of
1898.

19. *Evidence to be on oath. Evidence on behalf of accused Interpreter.*—(1) All evidence given under this Act shall, except in the case provided in sub-section (2), be on oath and the Coroner shall be bound to receive the evidence on behalf of the person who is alleged to have caused or to be concerned in causing the death of the deceased person.

(2) If such person himself wishes to make a statement it shall be the duty of the Coroner to warn him that he is not bound to make any statement; but if such person persists, the Coroner shall, without administering him any oath, record his statement after duly warning him that any incriminating statement which he may make may be used in evidence in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898.

V of
1898.

(3) For the purpose of section 26 of the Indian Evidence Act, 1872, I of 1872, a Coroner shall be deemed to be a Magistrate.

(4) Witnesses unacquainted with the English language shall be examined through the medium of an interpreter, who shall be sworn to interpret truly as well the oath as the question put to, and the answer given by each witness.

(5) After each witness has been examined, the Coroner shall enquire whether the jury wish any further questions to be put to the witness, and if the jury wish that any such questions shall be put the Coroner shall put them accordingly.

20. *Coroner to take down evidence in writing. Witnesses to sign depositions. Coroner to subscribe depositions.*—(1) The Coroner shall commit to writing the material parts of the evidence given to the jury, and shall read or cause to be read over such parts to the witness and then procure his signature thereto.

(2) Any witness refusing so to sign shall be deemed to have committed an offence under section 180 of the Indian Penal Code.

XLV
of
1860.

(3) Every such deposition shall be subscribed by the Coroner."

3. After section 21 of the said Act, the following section shall be inserted, namely:—

Cf. 16
and 17
Geo. V,
c. 59,
s. 2C.

"21A. *Inquest to be adjourned if criminal proceedings have been instituted before a Magistrate.*—(1) If on an inquest touching a death, the Coroner is informed, before the jury have given their verdict, that criminal proceedings have been instituted against some person before a Presidency Magistrate in respect of an offence touching the death of the deceased, he shall, ~~may in the absence of reasons to the contrary,~~

[Appendix 1—*contd.*]

adjourn the inquest until after the conclusion of the criminal proceedings and may, if he thinks fit, discharge the jury.

(2) After the conclusion of the criminal proceedings which it shall be the duty of the police to communicate to the Coroner, the Coroner may, subject as hereinafter provided, if he thinks fit, resume the adjourned inquest :

Provided that at such resumed inquest no inquisition shall be held against any person in respect of any offence with which he was charged or of which he could have been convicted in the proceedings referred to in sub-section (1), and no finding shall be recorded which is inconsistent with the determination of any matter by the result of those proceedings.

(3) Where the Coroner resumes an inquest which has been adjourned and the jury has been discharged, he shall proceed in all respects as if the inquest had not previously been begun and the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh inquest, except that it shall not be obligatory on the Coroner to view the body.

(4) If, having regard to the result of the criminal proceedings, the Coroner decides not to resume the inquest, he shall furnish the Commissioner of Police with a certificate stating the result of the criminal proceedings and the any particulars necessary for the registration of the death ~~so far as they~~ which may have been ascertained at the inquest.

(5) For the purposes of this section, the expression 'the criminal proceedings' means the proceedings before a Presidency Magistrate and before any court to which the accused person is committed for trial or before which an appeal from the conviction of that person is heard, and criminal proceedings shall not be deemed to be concluded until no further appeal can be made in the course thereof."

4. *Substitution of new section 31 for section 31 of Act IV of 1871.*—For section 31 of the said Act the following shall be substituted, namely :—

31. *List of Jurors. Fine on juror neglecting to attend.*—(1) The Coroner shall prepare and from time to time revise a list of sufficient number of persons of good character and adequate education, liable to serve as jurors in his Court.

(2) All male persons between the ages of twenty-one and sixty whose names are not in the Common Jury list of the High Court, shall, subject to the exemptions mentioned in section 320 of the Code of Criminal Procedure, 1898, be liable to serve as jurors in the Coroner's Court.

(3) Whenever any person has been duly summoned to appear as a juror by a Coroner, and fails or neglects to attend at the time and place specified in the summons, the Coroner may cause him to be openly called in his Court three times to appear and serve as a juror, and upon the non-appearance of such person, and proof that such summons has

[Appendix 1—contd.]

been served upon him or left at his usual place of abode, may impose such fine upon the defaulter, not exceeding fifty rupees, as to the Coroner seems fit :

Provided that the Coroner may, in his discretion, remit any fine so imposed."

5. *Substitution of a new Schedule for the Second Schedule to Act IV of 1871.*—For the Second Schedule to the said Act the following shall be substituted, namely :—

" SECOND SCHEDULE.

Form of Inquisition.

(See section 24.)

An inquisition taken at _____ on the _____ day of _____ 19____ before E. F, Coroner of _____ (in the case of A B, deceased) upon the oath of G H, I J, K L and M N, then and there duly sworn and charged to enquire when, how and by what means the said A B came to his death.

We the said jurors, find unanimously that the death of the said A B was caused, on or about the _____ day of _____ 19____, by _____

1. Cases of homicide .. a blow on the head with a stick inflicted on him by C D under such circumstances that the act of C D was justifiable (or accidental) homicide.
a stab on the heart with a knife inflicted on him by C D under such circumstances that the act of C D was culpable homicide not amounting to murder.
2. Cases of suicide .. shooting himself through the head with a pistol. Drowning himself in a tank, river or sea. Opium-arsenic, which he voluntarily administered to himself. Cutting his throat with a razor or any sharp instrument.
3. Cases of infanticide .. strangling to death a newly-born child by its mother.
by exposure caused by C D with the knowledge that it would necessarily result in the death of A B, a newly-born child.

[Appendix 1—concl'd.]

- | | |
|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4. Cases of accident | .. falling out of a boat into any river, whereby he was drowned.
a kick from a horse which fractured his skull and ruptured blood-vessels in his head. |
| 5. Cases of poisoning | .. opium or arsenic which was administered to the said A B by C D with the intention of killing him. |
| 6. Cases of death caused by machinery. | while working in a mill or a workshop being caught in moving machinery. |
| 7. Cases of death arising out of the use of a vehicle. | the wheel of a motor car or a heavy cart which was negligently driven by C D passing over his chest and causing death. |
| 8. Cases of sudden death from any other cause. | disease of the heart.
apoplexy.
sunstroke or any other disease. |

And so say the jurors upon their oath aforesaid.

Witness our hands. *E F, Coroner of*

G H, I J, K L, M N, O P (jurors)."

APPENDIX 2.

BILL No. IX OF 1930.

(A Bill to provide for and regulate the audit by Government Auditors of the Local Funds under the management or control of certain Local Bodies in the Bombay Presidency, except the City of Bombay.)

REPORT OF THE SELECT COMMITTEE.

We, the undersigned members* of the Select Committee appointed to consider Bill No. IX of 1930 (A Bill to provide for and regulate the audit by Government auditors of the Local Funds under the management or control of certain Local Bodies in the Presidency, except the City of Bombay), 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.

*Messrs. L. M. Deshpande and W. S. Mukadam were appointed members of the Select Committee, but ceased to be members of the Legislative Council before the meeting of the Select Committee was held.

The signatures of Sir Shah Nawaz Khan Bhutto, Rao Bahadur S. T. Kambli, Sardar S. B. Thorat, Mr. A. F. I. K. Pathan, Rao Sahab R. V. Vandekar, Mr. B. G. Pahalajani and Mr. H. V. Pataskar will be notified when received.

[Appendix 2—*contd.*]

Clause 3.—We have amended the definition of the word “auditor” to include the Examiner of Local Fund Accounts and his assistants and any other person, whether a Government officer or not, who may be empowered by Government to perform the functions of auditor under the Bill.

We have introduced a definition of the term “local authority”. That term as used in the Bill does not mean a local authority constituted under the Bombay Primary Education Act, 1923. The definition has been worded on the lines of the definition of the term in the Bombay General Clauses Act, 1904, and has been made to include the school board constituted under the Bombay Primary Education Act, 1923.

Clause 4.—We have redrafted this clause in order to simplify its provisions. In our opinion the clause as it stood in the Bill was obscure and the words “may be deemed to have been repealed by this Act” occurring at the end of this clause could probably be held to apply to any Act or rules which may be passed hereafter.

Clause 5.—We have inserted words in this clause to make it clear that the accounts which are to be presented for audit will be presented in a manner and form prescribed by rules under new clause 15.

Clause 6.—We have redrafted this clause entirely. The principal changes which we have introduced in this clause are:—

(1) the documents, the perusal or examination of which is necessary for audit, will be required to be produced at the head office of the local authority; (2) the power of the auditor to require the presence of any person will be confined to a salaried servant of the local authority or a person who has business or trade dealings with a local authority; (3) in regard to the President, Chairman or any honorary officer or member of the local authority, if the auditor considers that an explanation is necessary from him, the auditor will specify the point on which such explanation is necessary and will invite such President, Chairman or the officer or member to meet him at the head office of the local authority; (4) in making a requisition or issuing an invitation under this clause the auditor must give reasonable time, not less than three days, within which such requisition or invitation should be complied with; (5) we have made it clear that the auditor shall give to the local authority due notice in writing of the date on which he proposes to commence the audit.

Clause 7.—We consider that the President or Chairman or any officer or member of a local authority who is invited to meet the auditor for an explanation should not be liable to the penalty provided for in this clause if he does not attend. In our opinion the penalty should attach only to wilful neglect or refusal to comply with the requisition made under clause 6 (1) (a) or (b).

We also consider that an offence under this clause should be triable by a court not lower in rank to that of a first class magistrate. We have accordingly amended this clause.

[Appendix 2—contd.]

We have provided in this clause that, before granting sanction for the institution of proceedings under this clause, the Commissioner should give an opportunity to the person against whom proceedings are to be taken to offer an explanation.

Clause 8.—We consider that the power of making a report in respect of the accounts audited and examined should be confined to the Examiner of the Local Fund Accounts and not to any auditor. We have accordingly amended this clause.

Clause 9.—On the principle followed in clause 8, we have substituted the words "Examiner of Local Fund Accounts" for the word "auditor".

In sub-clause (b) of this clause we have stated that the deficiency or loss which has to be mentioned in the report should be a deficiency or loss which appears to have been caused by *gross negligence*.

In sub-clause (c) we have made it clear that the report will include the amount which has been *received* but which was not brought into account.

Clause 10.—We have redrafted this clause entirely in order to state clearly the various steps which are to be taken on the receipt of the report of the Examiner of Local Fund Accounts made under clause 8.

In sub-clause (1) we have provided that the President or Chairman of the local authority shall either remove or remedy any defects or irregularities which may have been pointed out in the report or give any further explanation to the Examiner in regard to those defects or irregularities.

Sub-clause (2) provides that on the receipt of reply from the President or Chairman the Examiner of Local Fund Accounts may accept the explanation given by the President or Chairman or may direct any further steps to be taken for removing or remedying such defects or irregularities.

Sub-clause (3) provides that the Examiner will send a report to the Commissioner and will also forward a copy of this report to the President or Chairman of the local authority. The proviso to this sub-clause is intended to provide for cases in which the accounts of bodies like the school boards under the Bombay Primary Education Act are required to be sent to such heads of Departments as the Director of Public Instruction who control grants which are made to the local authorities for the purpose of education. In such cases the head of the Department concerned will exercise all the powers of the Commissioner, except this power of ordering a charge or surcharge.

Sub-clause (4) requires a local authority to publish in its administration report the defects or irregularities pointed out by the Examiner together with an explanation given by the President or Chairman. Such publication is to be made in the vernacular of the district in any newspaper circulating therein.

[Appendix 2—*contd.*]

If, however, the President or Chairman of the local authority does not reply or does not give an explanation to the points raised by the Examiner, sub-clause (5) empowers the Commissioner to publish the Examiner's report with his own observations in any newspaper in the district.

Sub-clause (6) makes it clear that it is always open to the Examiner to bring to the notice of the Commissioner any instance of misappropriation or fraud.

Clause 11.—In sub-clause (1) in accordance with the change made in clause 9, we have inserted the word "gross" before the word "negligence". We have also substituted the word "may" for the word "shall" in two places where it occurs to make it clear that the power of disallowing any item spent illegally or making an order or charge or surcharge is at the discretion of the Commissioner.

We have also provided that the order of charge or surcharge for the recovery of the sums lost or misappropriated can only be passed in respect of acts committed after 1st April 1930.

Clause 12.—In our opinion the procedure against the order of the Commissioner making charge or surcharge should be by way of an application to the court and not by way of appeal. We have accordingly made amendments in sub-clauses (1) and (2) of this clause.

Clause 15.—We have deleted this clause as we consider that the powers given to the Commissioner under this Bill should not be exercised by any officer lower in rank to that of a Commissioner.

Clause 16.—(New clause 15).—In sub-clause (1) (b) we have omitted the reference to the place at which the audit is to be conducted, as under clause 6 it is specifically provided that it is to be made at the head office of the local authority.

We have also inserted a provision for making rules prescribing the manner in which all matters required to be published by the Bill should be published.

We have amended sub-clause (3) to provide that the rules made under this clause will be placed on the Council Table and it will be open to the Legislative Council to suggest any modification therein for the consideration of the Local Government.

Clause 17.—(New clause 16)—Sub-clause (2).—We consider that the provision should be inserted in the Bombay Local Boards Act, 1923, for the audit of the accounts of local boards by providing agency on the same lines as is provided for in the Municipal Acts. We have, therefore, provided that, in spite of the provisions of this Bill, it is always open to a local board to apply to Government for making rules or passing an order by which its accounts will be audited by such agency as may be prescribed by Government under rules or orders made under section 133 of the Bombay Local Boards Act.

We have made several drafting changes in the various provisions of the Bill. We do not think it necessary to refer to them specifically.

[Appendix 2—*contd.*]

We recommend that this report together with the minutes of dissent, if any, and the Bill as amended be translated and published in Marathi, Gujarati, Kanarese and Urdu in the *Bombay Government Gazette* and in Sindhi in the *Sind Official Gazette*.

(Signed) HARILAL DESAIBHAI DESAI.
 (") R. B. EWBank.
 (") J. GHOSAL.
 (") R. G. PRADHAN.
 (") N. E. NAVLE.
 (") GOVINDBHAI H. DESAI.
 (") J. C. NIXON.
 (") BHIMBHAI R. NAIK* (*subject to a minute of dissent*).
 (") M. K. DIXIT.*
 (") A. M. MANSURI.
 (") R. R. KALE.
 (") BHASABHAI RAISINGHJI.

(*Minute of dissent by Rao Bahadur B. R. Naik, M.L.C.*)

Clause 16 (2).—There is no reason why the Local Boards should have a different treatment from the Municipalities and, therefore, section 92 of the Bombay Local Boards Act of 1923 should be amended to read as under:—

(1) "Independently of the audit provided for under the provisions of the Bombay Local Boards Act, 1930, the accounts of Local Boards may be examined and audited at such intervals, in such manner and by such agency as may be prescribed in the rules of the Local Board."

(Signed) BHIMBHAI R. NAIK.

BILL No. IX OF 1930.

A Bill to provide for and regulate the audit by Government auditors of the local funds under the management or control of certain local bodies authorities in the Bombay Presidency except the City of Bombay.

(As amended by the Select Committee.)

WHEREAS it is expedient to provide for and regulate the audit by ~~Government auditor~~ of the local funds under the management or control of certain local bodies authorities in the Bombay Presidency except the

*Has since ceased to be a member of the Legislative Council.

[Appendix 2—contd.]

City of Bombay 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:—

5 & 6
Geo.V,
c. 61.

1. *Short title.*—This Act may be called the Bombay Local Fund Audit Act, 1930.

2. *Extent.*—~~This Act~~ extends to the whole of the Bombay Presidency except the City of Bombay.

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

(a) ~~“Auditor” means an auditor of the local Audit Department of the Office of the Accountant General, Bombay, empowered by Government to perform the functions of an auditor under this Act;~~

(b) ~~“Examiner of Local Fund Accounts” includes any person for the time being performing the duties of the Examiner of Local Fund Accounts;~~

(a) “Auditor” means the Examiner or any other person empowered by Government to perform the functions of an auditor under this Act;

(b) “Examiner” means the Examiner of Local Fund Accounts and includes the Assistant Examiner of Local Fund Accounts.

(c) “Local authority” means a Local authority as defined in clause (26) of section 3 of the Bombay General Clauses Act, 1904, and includes a school board constituted under the Bombay Primary Education Act, 1923.

Bom.
I of
1904.
Bom.
IV of
1923.

(e) (d) “Local Fund” means any fund to the control or management of which a local authority is legally entitled and includes the proceeds of any cess, rate, duty or tax which such authority is legally entitled to impose, and any property vested in such authority.

4. *Liability of local authorities to submit their accounts to for audit.*—

~~Notwithstanding anything contained in any enactment by which a local authority is constituted the accounts of any local authority whose accounts are declared by the Government, by a notification in the Bombay Government Gazette, to be subject to audit under this Act shall be subject to audit in all respects in the manner provided by or under this Act and any provision in any such enactment or in any rules made thereunder which may be inconsistent with or repugnant to the provisions of this Act or any rule made thereunder shall, to the extent of such inconsistency or repugnance, be deemed to have been repealed by this Act.~~

The accounts of any local authority whose accounts are declared by the Government, by a notification in the Bombay Government Gazette, to be subject to audit under this Act shall, notwithstanding anything contained in any enactment by which such local authority is constituted or in any rules made thereunder, be subject to audit in all respects in the manner provided by or under this Act.

[Appendix 2—contd.]

5. *Accounts to be submitted for audit at such period or periods as may be required.*—

~~The president or chairman, as the case may be, of every local authority whose accounts are subject to audit under section 4 shall submit for audit yearly or at such period as may be required by the Commissioner all accounts of the local fund under the control or management of that authority to the auditor or auditors empowered by the Government in this behalf.~~

The president or chairman as the case may be, of every local authority, whose accounts are declared under section 4 to be subject to audit under this Act, shall present or cause to be presented for audit all accounts of its local fund in the manner and form prescribed by rules under section 15 to the auditor yearly, or at such period or periods as may be required by the Commissioner.

6. *Power of auditor to require production of documents and attendance of persons concerned, etc.*—(1) ~~For the purpose of any audit, the auditors may~~

~~(a) by summons in writing require the production of any document, the perusal or examination of which they believe to be necessary for the elucidation of the accounts;~~

~~(b) by summons in writing require any person having the custody or control of any such document or accountable for it to appear in person before them at any such audit;~~

~~(c) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto;~~

~~(2) The auditors may, in any requisition made under subsection (1), fix a time not less than seven days within which the said requisition shall be complied with.~~

(1) For the purpose of any audit under this Act, an auditor may—

(a) require in writing the production, at the head office of the local authority, of any document, the perusal or examination of which he believes to be necessary for the elucidation of the accounts ;

(b) require in writing any salaried servant of the local authority accountable for, or having the custody or control of such documents, or any person having directly or indirectly, by himself or his partner, any share or interest in any contract with or under the local authority, to appear in person before him at the head office of the local authority and answer any question ;

(c) in the event of an explanation being required from the president, chairman or other honorary officer or member of a local authority, in writing invite such person to meet him at the head office of the local authority and shall in writing specify the point on which his explanation is required.

[Appendix 2—contd.]

(2) *The auditor may, in any requisition or invitation made under sub-section (1), fix a reasonable period, not being less than three days, within which the said requisition or invitation shall be complied with.*

(3) *The auditor shall give to the local authority not less than two weeks' notice in writing of the date on which he proposes to commence the audit.*

7. Penalty for disobeying requisition under section 6.—~~Any person who wilfully neglects or refuses to comply with any requisition lawfully made upon him under section 6 shall be liable on conviction before a Magistrate to a fine which may extend to one hundred rupees;~~

~~Provided that no proceedings under this section shall be instituted except on the written sanction of the Commissioner.~~

(1) Any person who wilfully neglects or refuses to comply with any requisition lawfully made upon him under clause (a) or clause (b) of sub-section (1) of section 6 shall be liable, on conviction before a Magistrate, to a fine which may extend to one hundred rupees ;

Provided that no proceedings under this section shall be instituted except on the written sanction of the Commissioner ;

Provided further that before giving such sanction the Commissioner shall call upon the person against whom the proceedings are to be instituted to show cause why the sanction should not be given.

(2) No court inferior to that of a Magistrate of the first class shall try any offence against this Act.

8. Audit report to be delivered sent to certain officers and bodies as Government may direct.—~~Within two months after the completion of the audit, the auditor the Examiner shall prepare a report on the accounts audited and examined and shall deliver send such report through the Examiner of Local Fund Accounts to the local authority concerned and copies thereof to such officers and bodies as the Government may direct.~~

9. Audit Report what to contain.—~~The auditor Examiner shall include in his report a statement of—~~

- (a) every payment which appears to him to be contrary to law,*
- (b) the amount of any deficiency or loss which appears to have been incurred caused by the gross negligence or misconduct of any person,*
- (c) the amount of any sum received which ought to have been but is not brought into account by any person, and*
- (d) any material impropriety or irregularity which he may observe in the accounts other than those mentioned in clauses (a), (b) and (c) above.*

10. Local authority to remedy defects : procedure to be followed after report of the Examiner under section 8.—~~(1) On receipt of a report under section 8 the president or chairman, as the case may be, of the local authority concerned shall forthwith, or where the orders~~

[Appendix 2—contd.]

~~of the local authority are required, immediately after such orders have been obtained, remedy to the satisfaction of the Commissioner any defects or irregularities that may be pointed out by the auditor and report the same to the local authority concerned.~~

~~(2) Every such local authority shall publish within three months from their receipt the audit notes with the replies thereto in any local newspaper in the district selected by it and also in its next administration report which shall be available for sale to the public. Copies of the replies shall also be sent to such officers as the Government may direct.~~

~~(1) On receipt of a report under section 8 the president or chairman, as the case may be, shall either remedy any defects or irregularities which may have been pointed out in the report and send to the Examiner, within three months of the receipt of the report, intimation of his having done so, or, shall, within the said period, supply to the Examiner any further explanation in regard to such defects or irregularities as the president or chairman may wish to give.~~

~~(2) On receipt of such intimation or explanation the Examiner may, in respect of all or any of the matters discussed in his report,~~

~~(a) accept the intimation or explanation given by the president or chairman and withdraw the objection, or,~~

~~(b) direct that the matter be re-investigated at the next audit or at any earlier date, or,~~

~~(c) hold that the defects or irregularities pointed out in the report or any of them have not been removed or remedied.~~

~~(3) The Examiner shall send a report of his decision to the Commissioner within one month of the date of the receipt by him of the intimation or explanation of the president or chairman referred to in sub-section (1) and shall forward a copy of such report to the president or chairman, as the case may be, of the local authority. If the Examiner holds that any defects or irregularities have not been removed or remedied he shall state in the report whether, in his opinion, the defects or irregularities can be regularised and if so, by what method; and if they do not admit of being regularised, whether they can be condoned and, if so, by what authority. He shall also state whether the amounts to which the defects or irregularities relate should, in his opinion, be surcharged or charged:~~

Provided that in the case of reports on the accounts of school boards and of such local authorities as are specially notified by Government in this behalf the report referred to in this sub-section shall be submitted by the Examiner to such officer, being the head of a department, as Government may direct. Such officer shall take such action as may be necessary regarding any defects or irregularities falling under clause (c) of sub-section (2) which may have been brought to notice in the report. If he is of the opinion that the amounts to which any such defects or irregularities relate should be surcharged or charged he shall forward the report to the Commissioner together with his recommendation in that behalf.

[Appendix 2—contd.]

(4) *The local authority concerned shall publish in its next administration report, which shall be open to inspection by the public, such portions of the report under section 8 as deal with defects and irregularities falling under clause (c) of sub-section (2), together with the explanation thereof, if any, given under sub-section (1) and the final report of the Examiner thereon under sub-section (3). Such report of defects and irregularities, explanation and final report shall also be published in the vernacular of the district in any newspaper circulating in the district selected by the local authority within one month of the receipt by it of the copy of the report sent to the Commissioner under sub-section (2).*

(5) *If the president or chairman of a local authority fails to give the intimation or explanation referred to in sub-section (1) within the period therein mentioned the Commissioner may, at the instance of the Examiner, publish in the vernacular of the district the whole of the Examiner's report under section 8, together with any observations which the Commissioner may make thereon, in any newspaper circulating in the district which the Commissioner may select and the cost of such publication shall be paid by Government.*

(6) *Nothing in this section or in section 9 shall preclude the Examiner at any time from bringing to the notice of the Commissioner, for such action as the Commissioner may consider necessary, any information which appears to the Examiner to support a presumption of criminal misappropriation or fraud.*

11. *Commissioner to surcharge or charge illegal payment or loss incurred caused by gross negligence or misconduct.—(1) The Commissioner shall may, after considering the recommendation of the auditor received through Examiner of Local Fund Accounts or of any head of a department under the proviso to sub-section (3) of section 10, as the case may be, and after taking the explanation of the person concerned, or making such further inquiry, as he may consider necessary, disallow every any item which appears to him to be contrary to law and surcharge the same on the person making, or authorising the making of, the illegal payment; and shall may charge against any person responsible therefor the amount of any deficiency or loss incurred caused by the gross negligence or misconduct of that person, or, any sum received which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person:*

Provided that no order of surcharge or charge shall be made under this Act in respect of any item included, or, which ought to have been included in, but was omitted from, any accounts for any period prior to the 1st April 1930.

(2) *The Commissioner shall state in writing the reasons for his decision in respect of every disallowance surcharge or charge and furnish shall send by registered post a copy thereof to the person against whom it is made.*

(3) *If the a person to whom a copy of the Commissioner's decision is so furnished sent under sub-section (2) refuses to received it take delivery thereof he shall nevertheless be deemed to have duly received it on the day on which the copy it was so refused by him.*

[Appendix 2—contd.]

12. *Recovery of surcharges and charges how made.*—(1) Every sum certified by the Commissioner to be due from any person under sub-section (1) of section 11 shall be paid by such person into the treasury or bank in which the funds of the local authority concerned are lodged, within one month from the receipt by him of the decision of the Commissioner, unless within that time such person has ~~appealed~~ *applied* to the Court or to the Government as provided in section 13.

(2) The said sum, if not duly paid, or, if an ~~appeal~~ *application* has been made to the Court or to the Government against the decision of the Commissioner as provided in sub-section (1) of section 13, such sum as the Court or the Government shall declare to be due, shall be recoverable, on an application made by the Collector to the Court, in the same way as an amount decreed by the Court *in favour of the Collector*.

13. ~~Appeal from~~ *Application against order or surcharge or charge.*—(1) Any person aggrieved by *any order of disallowance* surcharge or charge made by the Commissioner under sub-section (1) of section 11 may, within one month from the receipt by him of the decision of the Commissioner, either—

(a) apply to the District Court to set aside such ~~disallowance, surcharge or charge order~~; and the Court, after taking such evidence as it thinks necessary, may confirm, modify or remit such ~~disallowance~~ surcharge or charge and make such orders as to costs as it thinks proper in the circumstances; or

(b) in lieu of such application, ~~appeal~~ *apply* to the Government which shall pass such orders thereon as it thinks fit.

(2) Pending disposal of the ~~appeal or application as the case may be~~ all proceedings on the certificate shall be stayed if the person aggrieved makes out a *prima facie* case for ~~and obtains~~ a stay order.

14. ~~Charges~~ *Expenses in respect of audit requisitions of auditors to be payable out of local fund.*—All expenses incurred by a local authority in complying with any requisition of ~~the an~~ auditor under ~~clause (b) of sub-section (1) of section 6~~ shall be payable out of its local fund.

15. ~~Powers and duties of Commissioner to be exercised by any other officer empowered by Government~~ The powers and duties conferred and imposed upon the Commissioner by or under this Act may be exercised by any officer, not below the rank of a Collector, ~~empowered by the Government by rules made in this behalf.~~

16. 15. *Rules.*—(1) The Government may make rules, *not inconsistent with this Act*, for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the manner and form in which the accounts of a local authority, whose accounts are subject to audit under this Act, shall be kept *and presented*;

[Appendix 2—*contd.*]

~~(b) the powers and duties of auditors, including the power to require a person who may be responsible for any of the matters referred to in section 9 to appear before them, and the procedure to be followed by them for conducting an audit and the times and places at which such audit may be conducted; and~~

~~(e) the powers and duties of the Examiner of Local Fund Accounts; and~~

~~(d) prescribing the officer or officers to be empowered under section 15.~~

(c) the manner in which all matters required to be published under this Act shall be published.

(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, Government may accept the modification and re-issue the rule accordingly, or, may rescind the rule.*

17. 16. ~~Repeals and Amendments in Bom. III of 1901, Bom. VI of 1923 and Bom. XVIII of 1925.~~—(1) In the Bombay District Municipal Act, 1901— Bom. III of 1901.

(a) for sub-section (1) of section 170 the following shall be substituted, namely:—

“(1) Independently of the audit prescribed provided for under the provisions of the Bombay Local Fund Audit Act, 1930, the municipal accounts may be audited at such intervals and by such agency as may be prescribed in the rules of the municipality.”

(b) in sub-section (3) of section 170—

(i) for the comma after the word “upon” a full stop shall be substituted; and

(ii) the words “or if the auditor is a Government auditor, then such charges as may be prescribed by the Governor in Council” shall be repealed.

~~(2) Section 92 of the Bombay Local Boards Act, 1923 shall be repealed; and For sub-section (1) of section 92 of the Bombay Local Boards Act, 1923, the following shall be substituted, namely:—~~ Bom. VI of 1923.

“(1) Independently of the audit provided for under the provisions of the Bombay Local Fund Audit Act, 1930, the accounts of local boards may be examined and audited at such intervals, in such manner, and by such agency as Government, on the application of the local board or local boards concerned, directs; and

~~(3) In the Bombay City Municipalities Act Municipal Boroughs Act, 1925, for sub-section (1) of section 210 the following shall be substituted, namely:—~~ Bom. XVIII of 1925.

“(1) Independently of the audit prescribed provided for under the provisions of the Bombay Local Fund Audit Act, 1930, the municipal

[Appendix 2—*contd.*]

accounts may be audited at such intervals and by such agency as may be prescribed in the rules of the municipality.”

NOTIFICATION.

Council Hall, Poona, 29th May 1930.

No. 663.—With reference to the footnote to the Report of the Select Committee on Bill No. IX of 1930 (A Bill to provide for and regulate the audit by Government Auditors of the Local Funds under the management or control of certain Local Bodies in the Bombay Presidency, except the City of Bombay) published at pages 116-120 of the *Bombay Government Gazette*, Part V, dated the 15th May 1930, it is notified that Sir Shah Nawaz Khan Bhutto, Rao Saheb R. V. Vandekar and Mr. A. F. I. Pathan have signed the Report of the Select Committee and that Sardar S. B. Thorat has signed the same subject to the minute of dissent shown below :—

(*Minute of dissent by Sardar S. B. Thorat, M.L.C.*)

In clause (6) (1) (a), add the words “the chief executive officer of the local authority” after the word “require” in line 1 of that sub-clause of clause (6).

J. R. DHURANDHAR,

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

NOTIFICATION.

LEGISLATIVE COUNCIL OFFICE.

Council Hall, Poona, 20th June 1930.

No. 766.—With reference to the footnote to the Report of the Select Committee on Bill No. IX of 1930 (A Bill to provide for and regulate the audit by Government auditors of the Local Funds under the management or control of certain Local Bodies in the Bombay Presidency, except the City of Bombay) published at pages 116-121 of the *Bombay Government Gazette*, Part V, dated the 15th May 1930, it is notified that Rao Bahadur S. T. Kambli has signed the Report of the Select Committee subject to the minute of dissent shown below :—

(*Minute of dissent by Rao Bahadur S. T. Kambli, M.L.C.*)

I am opposed to the principle of creating liability for gross negligence, nor am I in favour of creating pecuniary liability for misconduct.

Neither Act III of 1901 nor Act XVIII of 1925 nor Act VI of 1923 contains any provisions creating such or similar liability. Duties and

[Appendix 2—concl'd.]

liabilities of members and councillors are laid down in the Acts mentioned above. If a liability of the nature referred to in sub-clause (b) of clause 9 of the Bill is to be created, it must legitimately find a place in the abovementioned Acts. If the abovementioned Acts do not lay down or prescribe any such liability, then I am afraid it would not be a right thing to create such liability in a separate Act and that too by implication as is proposed to be done in this Bill.

The expressions in sub-clause (b) of clause 9 are not well chosen; nor are they defined anywhere in the principal Acts or in this Bill. To leave the interpretations of these expressions to the whim or sweet will of the auditors or examiners is to subject honorary and public-spirited public workers to great harassment. I would suggest in the alternative that the following words, viz., "in not promptly carrying out the legal and valid resolutions of the local body concerned" be added after the word "negligence" in sub-clause (b) of clause 9 and that the word "misconduct" be omitted altogether.

To create liability for the first time and to try to apply the provisions creating such liability retrospectively is to show utter disregard of the sound canons of legislation. But strangely enough we find in this Bill that such is the aim and purpose. I would, therefore, suggest that the provision creating pecuniary liability be not brought into force before the 1st of April next following the date when His Excellency gives his assent to this Bill.

16th June 1930.

(Signed) S. T. KAMBLI, M.L.C.

J. R. DHURANDHAR,

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

APPENDIX 3.

BILL No. X OF 1930.

(A Bill further to amend the Bombay Prevention of Prostitution Act, 1923.)

REPORT OF THE SELECT COMMITTEE.

We, the members* of the Select Committee appointed to consider Bill No. X of 1930 (A Bill further to amend the Prevention of Prostitution Act, 1923) have the honour to report as follows:—

We have carefully considered the Bill and have very few suggestions to make.

We have inserted the word "owner" in sub-clause (a) of the proposed new section 8B, so as to make it clear that the sub-clause also applies to the case of an owner who himself knowingly permits his premises to be used as a brothel.

*Note.—The signatures of Mr. A. G. Bullocke, Rao Bahadur D. R. Patil and Dr. M. D. Gilder will be notified when received.

[Appendix 3—contd.]

We have amended sub-clause (b) of the proposed new section 8B and also sub-clause (2) of the proposed new section 8D by adding the words "or with both" so as to enable the Court, if it so chooses, to inflict in suitable cases the punishment of both imprisonment and fine.

In sub-clause (3) of the proposed new section 8D, there is a reference to the receipt by the landlord or lessor of a notice in writing of the conviction of a tenant, lessee or occupier. But there is no provision for the issue of such a notice. We have therefore amended sub-clause (1) of the proposed new section 8D by providing for the issue of such notices by the Court which convicts the tenant, lessee or occupier.

We recommend that this report, with the minutes of dissent if any and the bill as amended, be translated and published in Marathi, Gujarati, Kanarese and Urdu in the *Bombay Government Gazette* and Sindhi in the *Sind Official Gazette*.

(Signed) J. E. B. HOTSON.
 (") G. F. S. COLLINS.
 (") F. W. ALLISON.
 (") HOOSEINALLY M. RAHIMTOOLA.
 (") R. R. KALE.
 (") P. G. SOLANKI.
 (") G. A. D. WASIF.
 (") R. T. NARIMAN.
 (") SYED MUNAWAR.
 (") M. K. DIXIT.
 (") R. G. PRADHAN.
 (") IDA M. DICKINSON.
 (") S. K. BOLE.

BILL No. X OF 1930.

A Bill further to amend the Bombay Prevention of Prostitution Act, 1923.

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the Bombay Prevention of Prostitution Act, 1923, 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 Prevention of Prostitution (Amendment) Act, 1930.

2. *Amendment of section 2 of Bom. XI of 1923.*—In section 2 of the Bombay Prevention of Prostitution Act, 1923, hereinafter called the

Bom.
XI of
1923.
5 & 6
Geo. V,
c. 61.

Bom.
XI of
1923.

[Appendix 3—*contd.*]

said Act, for the definition of "brothel" the following shall be substituted, namely:—

"Brothel" means any house, room or place, or any part thereof, occupied or let or intended to be occupied or let as a single tenement, which is habitually used by more than one person for the purposes of prostitution."

3. *Amendment of section 3 of Bom. XI of 1923.*—In clauses (a) and (b) of section 3 of the said Act after the word "prostitution" the words "or carnal intercourse" shall be inserted.

4. *Amendment of section 5 of Bom. XI of 1923.*—In section 5 of the said Act,—

(a) in sub-section (1),—

(i) for the words "male person" the words "person not below the age of 16 years" shall be substituted;

(ii) after the word "prostitution" the words "of another person" shall be inserted; and

(iii) for the word "two" where it occurs for the first time the word "three" shall be substituted;

(b) in sub-section (2),—

(i) for the words "a male" the word "any" shall be substituted; and

(ii) after the word "generally" the words "or to be keeping or managing or assisting in the management of a brothel" shall be inserted.

5. *New sections 8A to 8D in Bom. XI of 1923. No punishment of whipping under sections 5 to 8 for females. Punishment for letting, or permitting use of, premises as a brothel.*—After section 8 of the said Act, the following sections shall be inserted, namely:—

"8A. Nothing in section 5, 6, 7 or 8 shall render a female liable to be punished with whipping.

"8B. Any person who—

(a) being the owner, tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof, with the knowledge that the same or any part thereof may be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel;

shall be punished with imprisonment, which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

"8C. *Punishment for subsequent offence.*—Any person who, having been convicted of an offence punishable under section 8B, is convicted

[Appendix 3—*contd.*]

of a subsequent offence punishable under the said section, shall be punished with imprisonment, which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and may, in addition to such punishment, be required by the Court to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Court may direct, and, in default of executing such bond, may be imprisoned for a period not exceeding six months in addition to any punishment awarded in respect of his offence.

“8D. *Determination of tenancy of premises on conviction for permitting use as a brothel or for purposes of habitual prostitution.*—(1) On conviction of the tenant, lessee or occupier of any offence under section 8B, clause (a), ~~the landlord or lessor shall~~ *the convicting Court shall give notice thereof in writing to the landlord or lessor, who shall then be* entitled to require the person so convicted to assign the lease or other contract, under which the said premises are held by him to some person approved by the landlord or lessor, which approval shall not be unreasonably withheld, and, in the event of the person so convicted failing within three months to assign the lease or contract as aforesaid, the landlord or lessor shall be entitled to determine the lease or other contract, but without prejudice to the rights or remedies of any party to such lease or contract accruing before the date of such determination.

(2) If the landlord or lessor determines a lease or contract of tenancy under the provisions of sub-section (1), the Court which has convicted the tenant, lessee or occupier may make an order for delivery of possession to the landlord or lessor within such time not being less than seven days as the Court may direct. The order shall be served on the person against whom it is made in the manner provided in the Code of Criminal Procedure, 1898, for the service of a summons, and if such person fails to comply with it, he shall be punished with imprisonment which may extend to one month or with fine which may extend to two hundred rupees *or with both*.

(3) If the landlord or lessor, after he has received notice in writing of such conviction, fails to exercise his rights under sub-section (1) and subsequently during the subsistence of the lease or contract, any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have abetted that offence, unless he proves that he had taken all reasonable steps to prevent the recurrence of the offence.

(4) Where a landlord or lessor determines a lease or other contract under this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person, without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence, he shall be deemed to have failed to exercise his rights under the provisions of this section, and any such offence committed during

[Appendix 3—*contd.*]

the subsistence of the subsequent lease or contract shall be deemed, for the purposes of this section, to have been committed during the subsistence of the previous lease or contract."

6. *Repeal of section 11.*—Section 11 of the said Act shall be repealed.

NOTIFICATION.

Council Hall, Poona, 30th May 1930.

No. 667.—With reference to the footnote to the Report of the Select Committee on Bill No. X of 1930 (A Bill further to amend the Bombay Prevention of Prostitution Act, 1923) published at pages 73-74 of the *Bombay Government Gazette*, Part V, dated the 11th April 1930, it is notified that Rao Bahadur D. R. Patil has signed the Report of the Select Committee subject to the minute of dissent shown below :—

(Minute of dissent by Rao Bahadur D. R. Patil, M.L.C.)

"In my opinion sub-clause (b) of the proposed new section 8B and also sub-clause (2) of the proposed new section 8D should remain the same as in the original bill. My chief reason for this opinion is that for a new Act like the Bombay Prevention of Prostitution Act, 1923, no option should be given to a magistrate to impose both the punishments of fine and imprisonment if he so chooses. Let us watch the working of this new Act for some time more and then amend the Act in the way as is intended by the Select Committee in the matter of punishment if it is found necessary to do so in the interests of justice."

J. R. DHURANDHAR,

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

NOTIFICATION.

Council Hall, Poona, 13th June 1930.

No. 722.—With reference to the footnote to the Report of the Select Committee on Bill No. X of 1930 (A Bill further to amend the Bombay Prevention of Prostitution Act, 1923) published at pages 73-74 of the *Bombay Government Gazette*, Part V, dated the 11th April 1930, it is notified that Mr. A. Greville Bullocke, M.L.C., has signed the Report of the Select Committee subject to the minute of dissent shown below :—

(Minute of dissent by Mr. A. Greville Bullocke, M.L.C.)

This Bill, as it emerges from the Select Committee, still retains all its worst features and appears to be of so retrograde a character and its effect so likely to replace the principal streets and places of popular resort in Bombay into the unsatisfactory condition that existed some twenty years ago and from which condition they were rescued at the expense of

[Appendix 3—concl'd.]

much time and trouble, that it is with the greatest reluctance I append my signature to the Report.

That Government should, by their own free will, contemplate turning about three thousand women out of their homes (for this is the approximate number of prostitutes stated to me by Miss Dickinson as practising their profession in this City, although the estimates of other members of Council far exceed this number) without, apparently, attempting, or desiring, to do more than rely on the exceedingly vague statements made by various representatives of the Bombay Vigilant Association as to the need of Rescue Homes where a reasonable proportion of these three thousand women could find shelter if necessary, could, were the matter of a less serious nature, only be described as ludicrous, and, I may add, that in holding this view I find myself to be by no means singular.

June 12th, 1930.

(Signed) A. GREVILLE BULLOCKE.

J. R. DHURANDHAR,

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

APPENDIX 4.

BILL No. XIX OF 1930.

A Bill further to amend the Opium Act, 1878, in its application to the Presidency of Bombay.

(As published in the "Bombay Government Gazette" of the 29th May 1930.)

1 of 1878. WHEREAS it is expedient further to amend the Opium Act, 1878, in its application to the Presidency of Bombay 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 Opium (Bombay Amendment) Act, 193 .
- 1 of 1878. 2. *Amendment of section 20 of Act I of 1878.*—In section 20 of the Opium Act, 1878, for the words "and Excise not below the rank of Inspector" the words "not below the rank of Inspector and every officer of the department of Excise not below the rank of Assistant Inspector" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Under sect^y 20 of the Opium Act, 1878, the power to investigate offences und^r Act has been restricted to officers of the Excise

[Appendix 4—contd.]

Department not below the rank of Inspector. It has been represented to Government that Excise Assistant Inspectors, especially those posted to duty on railway lines, are considerably handicapped in the performance of their duties for want of this power. As the Act stands at present opium cases detected at railway stations have frequently to be made over for investigation to the Railway Police Sub-Inspector or in his absence to the Police Jamadar. Such a procedure not only entails inconvenience and waste of time, but generally vitiates the trial without any corresponding benefit to the detecting officer, inasmuch as the Excise Assistant Inspector has to do the same amount of work as is done by the investigating officer. Excise Assistant Inspectors are at present posted to independent and extensive charges formerly held by Inspectors, and being equally well-trained can be safely entrusted with the work of investigating and prosecuting opium cases. It is therefore proposed to amend section 20 of the Opium Act, 1878, so as to empower Excise officers not below the rank of Assistant Inspectors to investigate offences under this Act.

(Signed) B. V. JADHAV.

11th April 1930.

APPENDIX 5.

BILL No. XXI OF 1930.

A Bill further to amend the Bombay University Act, 1928.

(As published in the "Bombay Government Gazette" of the
17th June 1930.)

WHEREAS it is expedient further to amend the Bombay University Act, 1928, in manner hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay University (Amendment) Act, 1930.

2. *Amendment of section 13 of Bom. IV of 1928.*—In Part (A) under the heading "II Ordinary" in sub-section (1) of section 13 of the Bombay University Act, 1928, hereinafter called the said Act,—

(a) in entry (i) the words "one electorate of" shall be deleted;

(b) for entry (i) (a), the following shall be substituted, namely:—

(a) Principals of arts colleges as follows:—

(1) one principal elected by separate elections to represent the principals of arts colleges in each group as hereinafter defined;

(2) three principals elected by the principals of arts colleges in all the groups as hereinafter defined.

[Appendix 5—*contd.*]

(c) After entry (vi) the following provisos shall be inserted, namely:—

“ Provided that,—

(1) every person elected under any of the entries (i), (ii) and (iii) shall hold the office of a Fellow only so long as he occupies the office or comes under the designation which entitled him to be so elected ; and

(2) the Fellows representing the Legislative Council of the Governor of Bombay shall hold office for the duration of the Legislative Council electing them and thereafter up to the date on which new Fellows are elected by the next Council.”

3. *Amendment of section 15 of Bom. IV of 1928.*—After sub-section (2) of section 15 of the said Act, the following sub-section shall be inserted, namely:—

“ (3) Any person, who holds any office in the University by virtue of his being a Fellow, shall cease to hold such office on his ceasing to be a Fellow.”

4. *Amendment of section 20 of Bom. IV of 1928.*—For clause (d) of sub-section (1) of section 20 of the said Act, the following shall be substituted, namely:—

“ (d) seven persons elected by the members of the Academic Council from among themselves as follows:—

(i) one to represent each Faculty by separate elections ; and

(ii) the remaining, if any, to represent the Academic Council generally.”

5. *Amendment of section 21 of Bom. IV of 1928.*—In the proviso to section 21 of the said Act for the brackets and letter (b), the brackets and letter (h) shall be substituted.

6. *Amendment of section 25 of Bom. IV of 1928.*—For clause (iii) in sub-section (1) of section 25 of the said Act, the following shall be substituted, namely:—

“ (iii) three members appointed by the Academic Council,

(iv) one University Professor appointed by the Academic Council.”

7. *Amendment of section 45 of Bom. IV of 1928.*—After sub-section (3) of section 45 of the said Act, the following shall be inserted, namely:—

“ (4) Nothing contained in sub-sections (1), (2) and (3) shall apply or shall be deemed to have applied in the case of Fellows elected by the Legislative Council of the Governor of Bombay under entry (vii) under the heading II—Ordinary (A) in sub-section (1) of section 13.”

STATEMENT OF OBJECTS AND REASONS.

Difficulties have been experienced or are expected in holding elections under the provisions of sections 13 (1) (A) (i), 20 (1) (d) read with 20 (3),

[Appendix 5—*contd.*]

and of 25 (1) (iii) of the Bombay University Act, and in co-ordinating these provisions with the terms of section 48. The University have been consulted on the subject, and the amendments embodied in clauses 2 (a) and (b), 4 and 6 of the Bill have been drafted on the lines recommended by them with a view to removing the difficulties and defining precisely the procedure which it is intended to adopt in future.

The second important purpose of the Bill is to provide that the Fellows representing the Legislative Council on the Senate shall hold office only for the duration of the Council electing them and thereafter up to the date when new elections in their places are held by the Legislative Council, and that Fellows shall hold office only so long as they occupy the office or come under the designation which entitled them to be so elected. This principle has been accepted by the University authorities and ensures that the objects of such special representation are fully secured. As a consequence of this change, it has been deemed proper to exempt the representatives of the Legislative Council from the operation of section 45 of the Act.

The provisions of the Bill are further explained in the following notes on clauses :—

Clause 2 (a) and (b).—Under section 13 (1) II (A) (i) of the Act the election of the Principals of colleges is to be made by one electorate and clause (a) provides that among the eight Principals of arts colleges, there must be at least one Principal representing each of the groups defined in Explanation (1) to section 13. Section 48 provides that every election to any authority of the University under the Act shall be made according to the system of proportional representation by means of the single transferable vote. In order, however, to secure the representation of each group, it is necessary to have a separate election from among the Principals of arts colleges comprised in each group. The remaining members can then be elected from among all the Principals of arts colleges generally by a separate election under the system of voting referred to above. The amendments bring out the original intention of the Legislature more clearly by laying down the procedure definitely and precisely.

Sub-clause (c).—The addition of the proviso to entry (vi) is intended to make it clear that the tenure of office of Fellows elected by the Bombay Legislative Council shall be limited to the life-time of the Legislative Council which elected them and they shall continue in office thereafter till their successors are appointed by the new Council so that the Legislative Council may not at any time be without representation on the Senate.

Clauses 4 and 6.—The amendments of section 20 (1) (d) and section 25 (1) (iii) are proposed for the reasons explained above under clause 2 and in the case of section 20 because it has been held that the statutes framed under section 20 (3) are inconsistent with the terms of the Act and it is not therefore at present possible to hold a valid election.

[Appendix 5—concl.]

Clause 7.—As the representatives of the Legislative Council will go out of office shortly after every dissolution which must occur every three years and may occur oftener, it appears desirable that they should not be subjected to the rotation method under section 45.

(Signed) RAFI UDDIN AHMAD.

29th May 1930.

APPENDIX 6.

BILL No. XXII OF 1930.

A Bill further to amend the Criminal Tribes Act, 1924, in its application to the Province of Sind.

(As published in the "Bombay Government Gazette" of the 24th June 1930.)

VI of 1924. 5 & 6, Geo. V, c. 61. WHEREAS it is expedient further to amend the Criminal Tribes Act, 1924, in its application to the Province of Sind 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 Criminal Tribes (Sind Amendment) Act, 1930.

2. *Extent.*—This Act extends to the Province of Sind.

VI of 1924. 3. *Amendment of Schedule I to Act VI of 1924.*—In Schedule I to the Criminal Tribes Act, 1924, under the heading "Chapter XVII" the following entry shall be inserted at the beginning, namely:—

"378. Theft in respect of cattle only.

Explanation.—For the purpose of this entry 'cattle' includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids."

STATEMENT OF OBJECTS AND REASONS.

Under section 23 of the Criminal Tribes Act, 1924, read with Schedule I as it now stands, cattle theft is not one of the offences for which enhanced punishment can be imposed on a member of a criminal tribe after previous conviction. The Committee appointed by Government in 1925 to ascertain the causes and suggest remedies for the suppression of the evil of organised cattle thefts prevalent in Sind recommended that although it was not desirable that all kinds of theft should be punished under section 23 of the Act, legislation should be undertaken to include in Schedule I thereof section 378 of the Indian Penal Code limiting the application of that section only to cattle thefts in Sind and

[Appendix 6—*contd.*]

that for this purpose "cattle" should include animals mentioned in section 3 of the Cattle Trespass Act, 1871. The Bill is intended to give effect to this recommendation.

(Signed) J. E. B. HOTSON.

27th April 1930.

APPENDIX 7.

BILL No. XXIII OF 1930.

A Bill further to amend the Aden Civil and Criminal Justice Act, 1864.

(As published in the "Bombay Government Gazette"
of the 28th June 1930.)

WHEREAS it is expedient further to amend the Aden Civil and Criminal Justice Act, 1864, in manner hereinafter appearing; And ^{II of} whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:— ^{5 & 6} ^{Geo.V,} ^{c. 61.}

1. *Short title.*—This Act may be called the Aden Civil and Criminal Justice (Amendment) Act, 193 .

2. *New section 16A in Act II of 1864.*—After section 16 of the Aden Civil and Criminal Justice Act, 1864, the following shall be inserted:— ^{II of} ^{1864.}

"16A. *Execution of decrees passed by Courts of the Somaliland Protectorate.*—The Governor of Bombay in Council may, by notification in the *Bombay Government Gazette*, declare that the decrees of any Civil Courts situate in the territories comprised in the Somaliland Protectorate, or any class of such decrees, may be executed by the Court of the Resident as if they had been decrees passed by that Court."

STATEMENT OF OBJECTS AND REASONS.

His Excellency the Governor of the Somaliland Protectorate has pointed out that the Courts of the Protectorate have experienced great difficulties in executing decrees passed by the Court of the Resident at Aden, and *vice versa*, and has proposed, in view of sections 10 and 23 of the Somaliland Order in Council, 1899, that steps may be taken to enter into reciprocal arrangements for the purpose between the Courts of the Somaliland Protectorate and Aden. So far as British India is concerned, the decrees of the Courts of the Somaliland Protectorate are foreign decrees and in the absence of a provision analogous to section 44 of the Code of Civil Procedure, 1908, they cannot be executed by any British Indian Court. In order to authorize the Aden Courts to execute decrees of the Protectorate Courts, an amendment of the Aden Civil and Criminal Justice Act, 1864, on the lines of section 44

[Appendix 7—*contd.*]

of the Code of Civil Procedure, 1908, is necessary. When this is done, the Government of the Somaliland Protectorate can, by virtue of section 6 (I) of their Reciprocal Enforcement of Judgments Ordinance No. 4 of 1921, issue a proclamation extending the Ordinance with a view to the enforcement of the decrees of the Aden Courts in the Protectorate Courts. The Bill is intended to give effect to this proposal.

(Signed) J. E. B. HOTSON.

17th May 1930.

APPENDIX 8.

BILL No. XXVII OF 1929.

(A Bill further to amend the City of Bombay Municipal Act, 1888.)

REPORT OF THE SELECT COMMITTEE.

We, the members* of the Select Committee appointed to consider Bill No. XXVII of 1929 (A Bill further to amend the City of Bombay Municipal Act, 1888), have the honour to report as follows:—

We have carefully considered the bill. Most of the changes effected in the bill are verbal and more or less of a formal nature, necessitated from the point of view of correct drafting.

We do not think it necessary to provide that eight members should be continuously present at a meeting of the schools' committee. We have accordingly modified clause (d) of the new sub-section 5 of section 39.

We have provided for the confirmation of the minutes of the meetings of the schools' committee in clause (g) of the new sub-section 5 of section 39.

We recommend that this report with the minutes of dissent if any and the bill as amended be translated into Marathi, Gujarati and Urdu and published in the *Bombay Government Gazette*.

(Signed)	HARILAL DESAIBHAI DESAI,
(")	R. B. EWBANK,
(")	F. W. ALLISON,
(")	R. R. KALE,
(")	HOOSENALLY M. RAHIMTOOLA,
(")	P. G. SOLANKI,
(")	SYED MUNAWAR,
(")	J. C. SWAMINARAYAN,
(")	A. N. SURVE,
(")	S. K. BOLE (<i>subject to a minute of dissent</i>),
(")	R. S. ASAVLE,
(")	R. D. BELL.

* Note.—The signatures of Sir Vasantao A. Dabholkar, Kt., Dr. M. D. Gilder and Mr. N. R. Gunjal will be notified when received.

[Appendix 8—contd.]

(Minute of dissent by Rao Bahadur S. K. Bole, M.L.C.)

I think at least in the case of the depressed classes it is necessary to reserve a seat in the schools' committee for the depressed classes as the corporators belonging to these classes find it impossible to get elected though they are fully qualified to be members of the schools' committee as the elections are generally carried on either on communal lines or party lines.

So also I think there ought to have been a provision in the Bill for preventing corporators directly or indirectly interested in any landed property in which any municipal school or office is situated or in any institution or school which receives any donation or grant-in-aid from the schools' committee or the corporation from being members of the schools' committee.

(Signed) S. K. BOLE.

1st April 1930.

BILL No. XXVII OF 1929.

A Bill further to amend the City of Bombay Municipal Act, 1888.

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:— Bom.
III of
1888.

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 1930.

2. *Amendment of section 39 of Bom. III of 1888.*—In section 39 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act Bom.
III of
1888.
~~re-number (a) after sub-section (1) as (1) (a), and insert the following~~
as sub-sections (1) (b), (1) (e), and (1) (d) shall be inserted namely:—

“(1) (b) (1A) The corporation shall at their first meeting in the month of April, after each general elections appoint the schools' committee.

(1) (e) (1B) In the event of non-acceptance of office by a member person appointed to be a member of the schools' committee or of the death, resignation or disqualification of a member of the said committee or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the appointment by the Corporation of a person thereto, who shall hold office so long only as the member person in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

[Appendix 8—contd.]

(1) (d) (1C) The schools' committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new schools' committee is appointed under sub-section (1) (b) (1A) notwithstanding that the members of the said committee or some of them may no longer be councillors."

3. (b) For sub-sections (3), (4) and (5) of section 30 of the said Act the following shall *respectively* be substituted *namely*—

"(3) (a) The schools' committee shall at their first meeting in each official year appoint one of their own number, being a councillor, to be their chairman until the first meeting of the said committee in the next following official year.

(b) ~~A member of the schools' committee who ceases to be~~ *The retiring chairman shall be eligible for reappointment.*

(c) If any casual vacancy occurs in the office of chairman, the schools' committee shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number, being a councillor, to fill such vacancy and every chairman so chosen shall continue in office *only* so long ~~only~~ as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

(4) (a) One-half of the councillor members and one-half of the other members of each schools' committee ~~the selection of the said members being made by lot at such time previous to the first day of March and in such manner as the chairman shall determine~~ shall retire from office at noon on the first day of April next following the date of their appointment. *The members to retire shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the chairman shall determine.*

(b) The remaining members of the schools' committee shall retire from office at noon on the first day of April next following the first day of April aforesaid.

(c) The Corporation shall at their ordinary meeting in the month of March appoint fresh members of the schools' committee to fill the offices of those previously appointed by them who retire from time to time as aforesaid.

(d) ~~Any retiring member who ceases to be a member of the schools' committee shall be re-eligible for reappointment.~~

(5) The schools' committee shall meet for the despatch of business in the chief municipal office and may, from time to time, make such regulations with respect to such meetings and to the management of schools under their control subject to the following conditions:—

(a) There shall be a meeting of the schools' committee once a month and at such other times as shall be found necessary.

(b) The first meeting of each schools' committee shall be held on a day and at a time to be fixed by the president, and if not held on that day shall be held on some subsequent day to be fixed by the president; and every subsequent meeting of the schools' committee

[Appendix 8—*concl'd.*]

shall be held on such day and at such time as the said committee from time to time determine;

(c) The chairman of the schools' committee may, whenever he thinks fit, and shall, upon the written request of not less than four members, call a special meeting;

(d) No business shall be transacted at a meeting of the schools' committee unless at least eight members are present; ~~from the beginning to the end of such meeting;~~

(e) Every meeting of the schools' committee shall be presided over by the chairman, if the chairman is present at the time appointed for holding the meeting, and, if the chairman is absent, by such one of the councillor members present as may be chosen by the meeting to be chairman for the occasion;

(f) Every question shall be decided by a majority of votes of the members of the schools' committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(g) A minute shall be kept by the secretary to the schools' committee of the names of the members present and of the proceedings at each meeting of the schools' committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting *after confirmation by the committee at such meeting;*

(h) A member of the schools' committee shall not vote or take part in the discussion before the said committee or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner any share or interest such as is described in clauses (g) to (l) both inclusive, of sub-section (2) of section 16, or in which he is professionally interested on behalf of a client, principal or other person."

APPENDIX 9.

BILL No. XXVIII OF 1929.

(A Bill further to amend the City of Bombay Municipal Act, 1888.)

REPORT OF THE SELECT COMMITTEE

We, the members* of the Select Committee appointed to consider Bill No. XXVIII of 1929 (A Bill further to amend the City of Bombay Municipal Act, 1888), have the honour to report as follows:—

We have carefully considered the Bill and have considerably amplified it.

*Note.—The signatures of Dr. M. D. Gilder, Mr. Dawoodkhan Shalebhoy and Sir Vasantrao A. Dabholkar, Kt., will be notified when received.

The signature of Mr. F. W. Allison, I.C.S., could not be obtained owing to his proceeding on leave out of India.

[Appendix 9—*contd.*]

Clause 2 (i) provides for the framing of the regulations by the Corporation in the matter of submission, asking and answering of questions.

Clause 2 (ii).—We have excluded questions under the new section 66A from the scope of section 33 (*j*), as it would not be a feasible proposition to specify in the notice every question that is likely to be asked and answered on the day fixed for the meeting.

Clause 2 (iii).—As notice of questions is already required to be given under section 66A, and as questions are under the foregoing sub-clause specially exempted from being specified as a part of the business in the notice calling a meeting, the amendment suggested in this sub-clause is more or less consequential.

Clause 2 (iv).—The amendment made is consequential and provides for the asking and answering of questions, although this is not entered as an item of business in the notice under section 33 (*j*).

Clause 2 (v).—This amendment authorises the asking and answering of questions at an adjourned meeting of the Corporation.

Clause 2 (vi).—We are of opinion that a councillor who is debarred from taking part in a discussion on the grounds mentioned in section 33 (*p*) should, on similar grounds, be debarred from asking questions. The amendment suggested by us gives effect to this.

Clause 3.—This clause enacts the substantive provision giving the right of interpellation to a councillor. In this clause we have provided for matters which are usually found in the rules of legislative bodies, leaving other matters to be decided by the Corporation by means of regulations framed in this behalf. The various parts of the clause need no comment.

We recommend that this report with the minutes of dissent, if any, and the Bill as amended be translated into Marathi, Gujarati and Urdu and published in the *Bombay Government Gazette*.

(Signed) HARILAL DESAIBHAI DESAI.
 („) R. B. EW BANK.
 („) BHIMBHAI R. NAIK.
 („) HOOSENALLY M. RAHIMTOOLA.
 („) JETHALAL CHIMANLAL SWAMI-
 NARAYAN.
 („) R. S. ASVALE.
 („) P. G. SOLANKI.
 („) JEHANGIR B. PETIT (*subject to a
 minute of dissent*).
 („) B. G. PAHALAJANI.
 („) D. R. PATIL.

[Appendix 9—contd.]

(Minute of Dissent by Mr. J. B. Petit, M.L.C.)

I sign the Report subject to the condition that the power to refuse to answer questions should be vested, *not* in the Commissioner, but in the President for the time being. This object can be attained by the insertion of the words "*the President's*" in place of the word "*his*" in line 2 of sub-clause (4) of section 3.

(Signed) JEHANGIR B. PETIT.

BILL No. XXVIII OF 1929.

A Bill further to amend the City of Bombay Municipal Act, 1888.

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 1929.

2. *Amendment of section 36 of Bom. III of 1888.*—In section 36 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act after sub-section (K) the following shall be inserted as sub-section (KK):—

"(KK) The Councillors shall have the right to ask questions at the meetings of the Corporation concerning Municipal affairs subject to rules to be framed by the Corporation in that behalf."

3. *Amendment of section 66 of Bom. III of 1888.*—In section 66 of the said Act the following shall be inserted as sub-section (5):—

"(5) The Commissioner shall give replies to questions asked by Councillors under section 36 (KK) unless he is of opinion that such replies would be prejudicial to the interests of the Corporation or the public."

(i) after the words "*business of the Corporation*" the words, figures and letter "*including the submission, asking and answering of questions under section 66A*" shall be inserted;

(ii) in clause (j) after the word "*thereat*" the words, figures and letter "*other than questions under section 66A*" shall be inserted;

(iii) in clause (k) after the words "*business*" where it occurs for the first time the words, figures and letter "*other than any questions under section 66A*" shall be inserted;

(iv) in clause (l) after the word, brackets and letter "*clause (j)*" the words, figures and letter "*and any questions asked under section 66A*" shall be inserted;

(v) in clause (n) after the word "*business*" where it occurs for the first time, the words "*other than the asking and answering of questions*" shall be inserted;

[Appendix 9—concl.]

(vi) in clause (p) after the word “meeting” the words, figures and letter “ or ask any question under section 66A concerning any matter ” shall be inserted.

3. *New Section 66A of Bom. III of 1888.*—After section 66 of the said Act, the following new section shall be inserted, namely:—

“66A. *Right to ask questions.*—(1) Subject to any regulations made in this behalf under section 36, a councillor may question the Commissioner who shall answer any question concerning or connected with the administration of this Act or the municipal government of the City:

Provided that—

(a) not less than seven clear days’ notice in writing specifying the questions has been given to the Municipal Secretary;

(b) no question shall be asked

(i) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition; or

(ii) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings in any court of law or before any tribunal in any part of His Majesty’s possessions; or

(iii) which relates to the character or conduct of any municipal officer or servant except in his official or public capacity; or

(iv) which is or by implication may be, defamatory of or which makes or implies a charge of a personal character against any person or section of any community; or

(v) which contravenes any regulation made by the Corporation in this behalf under section 36.”

(2) The President shall disallow any question which is, in his opinion, in contravention of the provisions of sub-section (1).

(3) If any doubt arises whether any question is or is not within the restrictions imposed by sub-section (1), the President shall decide the point and his decision shall be final.

(4) The Commissioner shall not be bound to answer a question if, in his opinion, it cannot be answered without detriment to the interests of the Corporation or if it asks for information which has been communicated to him in confidence.

APPENDIX 10.

BILL No. IX OF 1929.

A Bill further to amend the City of Bombay Municipal Act, 1888.

(As introduced on the 15th March 1929 and published in the “Bombay Government Gazette” of the 9th April 1929.)

Bom. III of 1888. WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the City of Bombay Municipal Amendment) Act, 192

[Appendix 10—*contd.*]

2. *Amendment of section 11 (2).*—In section 11 (2) of the City of Bombay Municipal Act, 1888, for the words “of which the monthly rental was not less than rupees ten,” at the end of paragraph 1, the words “for not less than six months,” shall be substituted. Bom.
III of
1888.

3. *New section. Fees payable to Councillors.*—After section 35 there shall be a section 35A as hereunder :—

“35A. (1) Every Councillor shall be entitled to receive a fee of five rupees for attending each meeting of the Corporation at which a quorum is present ; Provided that no more than one fee shall be paid to a Councillor for his attendance at a meeting or meetings of the Corporation Committee or Committees held on the same day of the Corporation meeting.

(2) *Fees payable to members of Corporation Committees.*—Every Councillor who attends one or more meetings of Corporation Committees on a day on which the Corporation does not meet shall also be entitled to a fee of five rupees for his attendance on that day.”

STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to extend to all tenants in the City the full rights of citizenship. Bombay Municipality being the premier municipality in India, it will highly redound to its credit if this progressive step is taken to widen the franchise to embrace all tenants in the first instance with a view to make adult suffrage universal in time to come. The last two elections with Rs. 10 franchise have proved that there is an increasing awakening among the voters as witnessed by the increase each time in the number of the persons turning up at the polling booths to exercise their right of franchise. Should the franchise be widened, it is reasonably hoped, the same spirit of civic responsibility will be continued to be shown, and in addition to it, the increase in number of voters consequent upon the proposed change will tend automatically to create an awakening of civic interest on an appreciably wider scale in that the candidates will have to appeal to the masses directly by carrying on educative propaganda through public meetings, insistence on particular reforms, systematic programme of work, definite promises regarding policy, etc., instead of indirectly approaching the voters through agents and without committing themselves to any well defined policy or programme of work as a considerable number of candidates do at present. The proposed amendment is a logical sequence to the amendment regarding franchise carried out in 1925, i.e., the admission of tenants to the right of franchise.

The proposed addition of clauses regarding the payment to the members of the Corporation for attending meetings of the Corporation as well as those of the different Committees aims at enabling members to devote their time to the civic affairs wholeheartedly. Especially such members as hail from the poorer classes would be free from pecuniary anxieties, should this provision be made. Unless the poorer classes are represented by men from among themselves, their interests are not likely

[Appendix 10—concl'd.]

to be truly and satisfactorily safeguarded. Such payment is also calculated to secure regular attendance at the meetings. That no member should get more than Rs. 5 per day for attending more than one meeting, and that the expenditure in this behalf should be limited, have been also secured in this proposal.

(Signed) SYED MUNAWAR.

APPENDIX 11.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 1. The Honourable Sir ERNEST HOTSON.

Entertainment of temporary additional clerical staff in the Office of the Commissioner of Police, Bombay.

Towards the end of March 1930, before proceeding on leave, Sir Patrick Kelly, Commissioner of Police, Bombay, submitted a representation to Government regarding the inadequacy of the clerical staff of his office and made proposals for increasing it as soon as possible. The existing strength was sanctioned in the year 1919, and during the last 10 years it has had to cope with a very large increase of work, the chief reasons for which are the following :—

- (1) Increase in cases under local Acts from 55,000 in 1919 to 86,000 in 1928.
- (2) Increase of work due to the passing of the Bombay Prevention of Prostitution Act and the Bombay Children Act.
- (3) Increase in Sessions cases from 66 in 1919 to 150 in 1929.
- (4) The system of licensing hawkers introduced by the Bombay Municipality.
- (5) The increase in the number of buildings and residential quarters of Police Officers and men.
- (6) The increase in the work connected with recruitment, appointments, maintenance of service books and sheets, promotions, accounts, pay and pension, supplies and services of the whole police force of the Bombay City which has increased from 3,721 officers and men in 1919 to 4,174 in 1930, and
- (7) The increase in Miscellaneous work occasioned by items such as applications from Insurance Companies for details of accidents, the appointment of the Commissioner of Police as the Agent in India of the Union Government of South Africa for dealing with repatriates under the Assisted Emigration Scheme and the introduction of the Jail Advisory Committee.

[Appendix 11—contd.]

2. The extra average annual cost of the Commissioner of Police's proposals amounted to Rs. 17,587. Government are convinced of the urgency of the need, and propose to consider the possibility of placing the proposals as a whole before the Legislative Council as a new Item for the year 1931-1932. As however it is imperative to give some immediate relief to the staff Government have accorded their sanction, in anticipation of the sanction of the Legislative Council, to the partial introduction of the proposals with effect from the 22nd April 1930, till the end of the current financial year to the following extent :—

- (1) The entertainment of 4 clerks on the scale of Rs. 60—4—100—3—160, one for each of the four branches in the Commissioner of Police's office.
- (2) The abolition of 4 posts of Head Constable Writers in the offices of the Divisional Superintendents of Police in Bombay City and the entertainment of 4 clerks in their places on the scale of Rs. 60—4—100—3—160.

The extra cost during the current financial year amounts to Rs. 2,410 and it is proposed to meet it by reappropriation from savings within the grant under "26, Police". As the expenditure in question relates to a new service, the Legislative Council is requested to sanction the grant of a token sum of Rs. 10.

Demand voted and now increased.

Rs. 1,69,09,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 9th June 1930.

APPENDIX 12.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 2. The Honourable Diwan Bahadur HARILAL D. DESAI.

Scarcity works in the Bijapur District.

In February 1930 the Collector of Bijapur after reviewing the agricultural situation of the district submitted his proposals for the starting of scarcity works during the year 1930-31 on account of failure of crops in certain parts of the district. He reported that the rainfall of June 1929 was beneficial to the sowing of kharif crops in some parts of the district, but the kharif crops almost withered on account of insufficient rainfall in July and August. The rainfall of September was beneficial to the sowing of rabi crops, but the drought in November and December throughout the district, except in a few parts, retarded the growth of standing crops to a certain extent. This was particularly so in almost

[Appendix 12—*contd.*]

the whole of Sindgi Taluka and parts of Bagewadi, Muddebihal and Bijapur Talukas, where the situation was getting rather acute. The Collector therefore considered it necessary to start relief works in those talukas and proposed that the following works should be taken up and allotments indicated against each sanctioned as soon as possible:—

	Rs.
(1) Collecting metal on road-side for Huvin-Hippargi-Talikot Road, II Section, miles 7 to 18 (estimated cost Rs. 16,845)	8,000
(2) Constructing a causeway over the Don Nalla near Talikot (estimated cost Rs. 43,339)	10,000
(3) Improving miles 20-26 of Bijapur-Sindgi Road (estimated cost Rs. 35,850)	35,800

Works Nos. (1) and (2) were intended to provide labour for the needy people of Bagewadi and Muddebihal Talukas, while work No. (3) was to provide labour for those of Bijapur and Sindgi Talukas. The Commissioner, Southern Division, agreed with the Collector. Out of the three works the first two were started during the scarcity period of 1927-28 and closed by the end of October 1927 when the scarcity conditions ceased to exist. Expenditure incurred during that period was Rs. 8,065 and Rs. 596 respectively. The Accountant General who was consulted as to the correct classification of expenditure reported that it should be treated as an ordinary Public Works expenditure, as it was not directly for the employment of famine stricken people. Government approved of the Collector's proposals, and, as the matter was urgent, they issued orders to start the three works and allotted funds to the extent of Rs. 28,000 as shown below out of the reserve with Government in the Finance Department under the head "41, Civil Works—Provincial," as no more funds could be made available at the time:—

	Rs.
Work No. (1)	8,000
Work No. (2)	10,000
Work No. (3)	10,000
	28,000

The question of sanctioning additional funds for works Nos. (2) and (3) will be considered later, if necessary. As the expenditure on work No. (3) is on a new service and as funds have been made available 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. 1,31,16,000 plus Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 23rd June 1930.

APPENDIX 13.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 3. The Honourable Dewan Bahadur HARILAL D. DESAI.

Taloda-Shahada Road, Sections I and II.

In July 1929 the Commissioner, Central Division, urged upon Government the necessity of provincialising Taloda-Shahada-Shirpur Road which vested in the District Local Board, West Khandesh. He stated that the whole road was admittedly of a provincial character, as it would, when completed, give through communication between West and East Khandesh on the north side of the Tapti from Taloda to Raver. It was not therefore equitable that the cost of constructing the road should be thrown on the District Local Board which was concerned only with roads of local importance. Government after carefully considering the matter agreed with the Commissioner and in January 1930 issued orders provincialising the road. Government also ordered that the provincialisation should take effect from the 1st April 1930.

The whole road is divided into two parts :—

(1) Taloda-Shahada Road, Sections I and II (Section I from Taloda to Prakasha and Section II from Prakasha to Shahada).

(2) Shahada-Shirpur Road, Sections I-III.

No. (1) which is $19\frac{3}{4}$ miles in length and of which $10\frac{1}{2}$ miles have been completed and opened for traffic was being constructed at the expense of the District Local Board by the Public Works Department. Sections I and II are estimated to cost Rs. 1,84,187 and Rs. 1,22,842 respectively and expenditure of Rs. 85,039 and Rs. 55,869 was incurred thereon to end of 1928-29 out of District Local Board funds. No. (2) which is about 27 miles in length has not yet been started.

After the orders regarding provincialisation were issued, the Superintending Engineer, Central Circle, asked for a provision of Rs. 20,000 (Rs. 10,000 for each section) for the year 1930-31 for Taloda-Shahada Road. It was then too late to provide that amount in the Budget, and moreover Government took the view that, since previous expenditure on the road was met out of District Local Board funds, it could not be regarded as a regular work in progress. The Superintending Engineer was accordingly asked to include the work in his list of new major works for 1931-32. In April 1930 the Superintending Engineer however represented that, since the work was in progress for several years past, sudden stoppage for one complete year would be detrimental to its future progress and would involve Government in considerable loss on certain items of the work which were partially finished. He also reported that the Executive Engineer, West Khandesh Division, on inspection of the work found it absolutely necessary to continue progress on certain items with a view to safeguard the interests of Government

[Appendix 13—contd.]

and that expenditure was being incurred on them. To meet these liabilities and to proceed with unavoidable items the Superintending Engineer asked for an allotment of Rs. 9,000 and at the same time suggested a reappropriation to that extent out of the provision for another road work. The matter being urgent, Government sanctioned the reappropriation. As the expenditure in question is on a new service and as the funds have been 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—Provincial—Partly Reserved and Partly Transferred.

Rs. 1,31,16,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 23rd June 1930.

APPENDIX 14.

STATEMENT OF DEMANDS FOR SUPPLEMENTARY GRANTS TO COVER THE EXCESSES SHOWN IN THE APPROPRIATION ACCOUNTS OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1928-29 AND IN THE REPORT OF THE ACCOUNTANT GENERAL THEREON.

ITEM 4. The Honourable Mr. G. B. PRADHAN.

In his report on the Appropriation Accounts of the Government of Bombay for the year 1928-29 the Accountant General, Bombay, has pointed out excess expenditure in the final accounts under the following heads which requires the sanction of the Legislative Council :—

	Amount of excess.
	Rs.
(1) 5, Land Revenue—Reserved	5,025
(2) 7, Stamps—Reserved	55,733
(3) 22, General Administration—Transferred	848
(4) 27, Ports and Pilotage—Reserved	296
(5) 32, Medical—Transferred	47,225
(6) 45, Superannuation Allowances and Pensions —Reserved	1,57,981
(7) 55, Construction of Irrigation Works —Reserved	1,37,152
(8) 60-B, Payment of Commuted Value of Pensions —Reserved	19,456

[Appendix 14—*contd.*]

The excesses are briefly mentioned below :—

(1) 5, Land Revenue—Reserved.

The original grant under "5, Land Revenue" for the year 1928-29 as sanctioned by the Legislative Council in 1928 was Rs. 53,27,000. Additional allotments of Rs. 58,000 (Rs. 50,000 for purchase of talukdari lands plus Rs. 8,000 for kadbi storage operations) were subsequently found necessary and the sanction of the Legislative Council was accordingly obtained thereto. In spite of these additional allotments there was an excess of Rs. 5,025 over the voted grant for 1928-29 as shown below :—

	Rs.
Voted grant	.. 53,85,000
Actual expenditure	.. 53,90,025
	Excess .. 5,025

The excess under the grant for "5, Land Revenue" was caused by heavy payments of refunds of land revenue in the month of March 1929. The provision for this item (i.e., refunds) is based on past actuals and as the estimate thus framed was found insufficient, the total grant under the major head "5, Land Revenue" was exceeded by Rs. 5,025. The Legislative Council is now requested to sanction the extra expenditure of Rs. 5,025.

(2) 7, Stamps—Reserved.

The total grant (including the provision for refunds) voted by the Legislative Council for 1928-29 under "7, Stamps" was Rs. 6,01,000. The actual expenditure against that grant was Rs. 6,56,733 causing an excess of Rs. 55,733. This excess was mainly a result of heavier payments on account of refunds of the value of non-judicial and judicial stamps to the Punjab Government. The circumstances in which this refund was given to the Punjab Government are as follows :—

The Government of the Punjab was debited in 1927-28 with an amount of Rs. 1,27,172 on account of stamps supplied to them by the Karachi Stamp Depot in previous years. The Punjab Government, however, refused to accept this debit until a more detailed explanation in support of the charges was furnished to them. The Accountant General, Bombay, at the instance of the Accountant General, Punjab, requested this Government to write back the debit in the accounts of 1928-29 subject to the condition that it should be adjusted when the Punjab Government finally accepted it. But as the write back pertained to the receipts of the previous year, a debit had to be given to the minor head "Refunds". As these transactions were adjusted after the close of the year 1928-29 earlier action could not be taken to present a supplementary demand. The Legislative Council is now requested to sanction the excess of Rs. 55,733.

[Appendix 14—contd.]

(3) 22, *General Administration—Transferred.*

A provision of Rs. 14,000 was made in the budget estimate of 1928-29 for travelling and hill journey allowances of the Honourable Ministers. The expenditure under this head, however, amounted to Rs. 14,848 in the accounts of 1928-29. As the actual excess over the sanctioned grant was not known during the year, the sanction of the Legislative Council could not be obtained in that financial year. The Legislative Council is now requested to sanction the extra expenditure of Rs. 848.

(4) 27, *Ports and Pilotage—Reserved.*

There was an excess of Rs. 296 during 1928-29 in the original voted grant of Rs. 21,000 under the head "27, Ports and Pilotage (Provincial)". The excess in the grant represents the 7 per cent. share of the net cost of the Central Government's Marine Survey Department in this Presidency which is borne by the Bombay Government. There was really an excess of Rs. 314 in the amount of Rs. 4,000 provided on account of the Local Government's contribution. The actual expenditure of Rs. 4,314 has been arrived at as explained below :—

	Rs.	a.	p.
Total expenditure on the Marine Survey Department adjusted to the Central Head of Account to the end of March 1929, Preliminary Account	1,21,466	15	6
Total expenditure adjusted in March 1929, Final Account	3,109	11	0
	<hr/>		
	1,24,576	10	6
Total Receipts to the end of March 1929, Preliminary Account	62,943	12	3
	<hr/>		
Net expenditure .	61,632	14	3
Seven per cent. of the above adjusted separately in the March 1929 Final and Supplementary Account	4,314	5	0

The excess of Rs. 314 was, however, counterbalanced by savings under another sub-head, leaving an actual excess of Rs. 296. The latter remained uncovered at the end of the year 1928-29. The Legislative Council is now requested to sanction the excess of Rs. 296.

(5) 32, *Medical—Transferred.*

The grant voted for expenditure during 1928-29 under "32, Medical—Transferred" was Rs. 48,95,600, while the actual expenditure under the head during that period was Rs. 49,42,825 and the vote of the Council is required to regularise the excess expenditure of Rs. 47,225 in accordance with rule 31 of the Bombay Legislative Council Rules.

[Appendix 14—*contd.*]

The excess was due mainly to a shortage in the sanctioned strength of I.M.S. Officers and to the fact that more of them went on leave than was anticipated, thus necessitating the employment of larger number of B.M.S. Officers than provided for in the budget. Thus there was a saving in the non-voted provision and excess expenditure over the voted provision.

In his letter of 10th February 1929 the Surgeon General had pointed out the probability of an excess and asked for a supplementary grant, but as the revised estimate for the year, based as usual on the actual expenditure for the first 9 months and probable expenditure for the last 3 months of that year, indicated savings, Government considered that they would not be justified in presenting a demand for a supplementary grant on the data before them.

The estimate of the expenditure during the last 3 months of the year was, however, exceeded owing to—

- (a) enhanced municipal water charges levied on the Bombay Institutions,
- (b) adjustments on account of medicines and instruments,
- (c) adjustments under the grant of "value of and freight on European Stores" under Grant Medical College, Bombay, being received in the last quarter.

The total excess of Rs. 47,225 over the voted grant under the major head was the result. As stated above these could not be foreseen in March 1929.

In these circumstances the Legislative Council is requested to sanction the excess of Rs. 47,225.

(6) 45, *Superannuation Allowances and Pensions—Reserved.*

An excess of Rs. 1,57,981 occurred under this head over the total grant of Rs. 52,95,300. This excess was chiefly due to higher expenditure under the minor head "Superannuation and Retired Allowances" (Rs. 1,01,000) and to less recoveries under "Deduct—On account of Commercial Departments' pensions" (Rs. 53,000). The excess under the grant for "Superannuation allowances and pensions" was caused mainly by larger pension claims. It is always difficult to forecast requirements under this head with any close degree of accuracy. An excess was foreseen and a supplementary grant of Rs. 2,42,300 to meet it was obtained in March 1929. This however proved insufficient. There was also a smaller recovery than anticipated by about Rs. 50,000 on account of the pensionary liabilities of officers of Commercial Departments of Government as the recoveries on account of non-votable officers were taken to the corresponding non-voted recovery head of account instead of to the voted head owing to changes in classification of accounts.

[Appendix 14—contd.]

(7) 55, Construction of Irrigation Works—Reserved.

There was an excess of Rs. 1,37,152 on the voted grant for 1928-29 under the head "55, Construction of Irrigation Works not charged to revenue" as shown below :—

			Rs.
Voted grant	..	..	2,44,30,000
Actual expenditure	..	..	2,45,67,152
		Excess	1,37,152

The excess was wholly due to excess expenditure on the Lloyd Barrage and Canals Construction Project as shown below :—

	Final grant.	Expenditure.	Excess (+) or Saving (-)
	Rs.	Rs.	Rs.
Lloyd Barrage and Canals Construction Project.	2,31,11,000	2,32,84,964	+1,73,964
Other Irrigation Works ..	13,19,000	12,82,188	-36,812
	2,44,30,000	2,45,67,152	+1,37,152

2. The excess on the Lloyd Barrage and Canals Construction Project was due to excess expenditure under "Suspense" partly counterbalanced by savings under other minor heads as shown below :—

Minor head of account.	Final grant.	Expenditure.	Excess (+) or Saving (-) on the grant.
	Rs.	Rs.	Rs.
Works	1,90,30,000	1,89,42,901	-87,099
Establishment	27,92,000	27,31,578	-60,422
Pensionary charges	4,80,000	3,82,421	-97,579
Tools and Plant	1,76,000	1,57,582	-18,418
Suspense	6,33,000	11,91,986	+5,58,986
<i>Deduct—</i> Receipts and Recoveries on capital Account.	....	-1,21,503	-1,21,503
<i>Deduct—</i> English cost of Stores and Establishment..	-11,80,300	-11,57,537	+22,763
Expenditure in England	11,80,300	11,56,351	-23,949
Loss or gain by exchange .. .. .	....	1,185	+1,185
	2,31,11,000	2,32,84,964	+1,73,964

[Appendix 14—contd.]

The reasons for the savings and excess under the minor heads are explained below.

3. *Savings of Rs. 87,099 under "Works."*—The expenditure in the Quarries Division was first booked under the minor head "Works." It is really, however, of the nature of "Suspense," namely, quarrying and manufacturing of stones. In order to know the cost of operations and the rate of outturn, it was decided, with the advice of the Audit Officer, Lloyd Barrage and Canals Construction, to book the expenditure under "Suspense." The previous years' accumulated outstanding balance was also written back accordingly, with the result that there occurred a saving under "Works" and an excess under "Suspense." The real saving under "Works" due to this reason was much more (viz. Rs. 2,35,500) but it was reduced by the increased expenditure on works.

4. *Saving of Rs. 60,422 under "Establishment."*—The saving was due partly to actual saving in travelling allowance of the establishment and partly to some posts on the temporary establishment having been kept vacant and filled only when it became essentially necessary to do so.

5. *Saving of Rs. 97,579 under Pensionary charges.*—Pensionary charges are adjusted in accounts at the rate of 14 per cent. of the cost of establishment. The saving was due to the reasons explained below:—

(a) There was less expenditure on establishment than anticipated.

(b) Provision for Pensionary charges was made in the budget wholly under "Voted"; whereas in accounts these charges were distributed between "Voted" and "Non-voted." The practice in vogue up to 1927-28 was to distribute these charges in accounts wholly under "Voted." It is only since 1928-29 that they are being distributed between "Voted" and "Non-voted."

6. *Saving of Rs. 18,418 under "Tools and Plant."*—This small saving was due partly to postponement of some items of purchase and partly to favourable rates obtained owing to competition.

7. *Excess of Rs. 5,58,986 under "Suspense."*—Out of this excess Rs. 2,35,500 were due to the expenditure in the Quarries Division previously booked under the head "Works" having been transferred to "Suspense" as explained in paragraph 3 above. The balance of the excess, viz. Rs. 3,23,486, was due to the reasons explained below:—

(a) Issues from "stock" proved less than anticipated.

(b) The Draglines Division received a large number of bills from the Indian Stores Department in March 1929. The charges were to be accounted for finally in other divisions. As, however, final allocation could not be ascertained before the end of March, the amounts had to be put temporarily under "Suspense."

8. The net excess of Rs. 1,73,964 on the voted grant for the Lloyd Barrage and Canals Construction Project is partly covered by the saving of Rs. 36,812 on the grant for "Other Irrigation Works" in Sind and Deccan under the head "55." The net excess on the total voted grant

[Appendix 14—concl'd.]

is therefore Rs. 1,37,152 and the sanction of the Legislative Council is requested thereto.

(8) *60-B, Payment of Commuted Value of Pensions—Reserved.*

The actuals of 1928-29 show an excess of Rs. 19,456 over the net voted grant of Rs. 9,50,000 under the head "60-B, Payment of Commuted Value of Pensions." A net provision of Rs. 4,79,000 was made in the budget estimate of 1928-29. As however an excess of expenditure was expected under this head, a supplementary demand for Rs. 4,71,000 was presented by Government and sanctioned by the Legislative Council in March 1929. The net total grant, however, proved inadequate. The excess of Rs. 46,998 under the minor head "Payment of commuted value of pensions" is mainly due to larger payments on account of the capitalised value of pensions paid to other Governments in respect of pensionary liabilities of this Government. This was partly counter-balanced by larger recoveries under (i) *Deduct*—Capital portion of equated payments out of revenue (Rs. 7,513) and (ii) *Deduct*—Recoveries of commuted value of pensions from other Governments transferred to this head from the receipt head "XXXIII, Receipts in aid of Superannuation (Rs. 20,029)." The larger recoveries under (i) are due to higher expenditure on the commuted value of pensions in 1927-28 than was anticipated at the time of framing the estimate for 1928-29 and under (ii) on account of larger receipts than were anticipated as the capitalised value of pensions transferred from other Governments for payment in Bombay. The net excess is thus Rs. 19,456. It is difficult to foresee with accuracy any excess under this head owing to adjustments between various Governments which are made late in the year. The Legislative Council is now requested to sanction the excess of Rs. 19,456.

FINANCE DEPARTMENT :

23rd June 1930.

APPENDIX 15.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 5. The Honourable Mr. B. V. JADHAV.

Construction of a second tube well at Sakrand.

In October 1929, the Legislative Council sanctioned a supplementary grant of Rs. 15,556 for the construction of a second tube well at Sakrand. An undertaking was given by Government in the course of the debate in the Council on the grant that the estimate for the well would be

[Appendix 15—*contd.*]

scrutinised again with a view to its reduction, if possible. A scrutiny of the estimates, independent of that made by the Superintending Engineer, Public Health, was carried out by the Public Works Department. It was found that the estimates were reliable and no appreciable reduction in the provision for the work was possible. Government accordingly authorised the construction of the well but owing to the time taken up in the re-examination of the estimates, the work was taken in hand in January 1930 and could not be finished before the close of the year 1929-30. Of the grant of Rs. 15,556 sanctioned by the Legislative Council, only Rs. 9,555 was spent before 31st March 1930. With a view to the early completion of the work, Government authorised the Director of Agriculture to incur the balance of the expenditure (viz. Rs. 6,001) in the current year, in anticipation of the approval of the Legislative Council. Sanction of the Legislative Council is now requested to a supplementary grant of Rs. 6,001 under the head "34, Agriculture—Transferred" to meet this expenditure. A corresponding amount will be allowed to lapse from the Reserve of Rs. 1,00,000 for agricultural development in Sind under the head 47, Miscellaneous—Transferred.

Demand voted and now increased.

Rs. 27,69,000 + Rs. 6,001.

FINANCE DEPARTMENT :

Bombay Castle, 26th June 1930.

APPENDIX 16.

STATEMENT OF DEMAND FOR SUPPLEMENTARY
GRANT.

RESERVED 6. The Honourable Mr. J. GHOSAL.

*Board of examiners for granting certificates of competency to
Electrical contractors and wiremen.*

The examination for the grant of certificates to Electrical contractors and wiremen was first introduced in 1925-26 and the grant therefor was obtained from the Legislative Council in October 1925 under the head "37—Miscellaneous Departments (Transferred)". And in the current year's budget estimate the provision therefor has been entered under the same head. The Accountant General, Bombay, has recently pointed out that the examination appears to come within the administration of the subject 'Electricity', which is a reserved subject, under item No. 26 (c) in Part II of schedule I to Devolution Rules. Government have accepted this view. And the sanction of the Legislative

[Appendix 16—contd.]

Council is, therefore, requested to a supplementary grant of Rs. 5,200 under the head "37—Miscellaneous Departments—Reserved" as under:—

	Rs.	Rs.
(1) Pay of Establishment—		
Temporary establishment (1 clerk) .. ..	.. ..	1,200
(2) Allowances—		
Fees for setting and valuing papers	1,100	
House-rent and other allowances	600	
	—	1,700
(3) Contingencies—		
Service Postage	300	
Office expenses and Miscellaneous	875	
Fees for setting and valuing papers	600	
	—	1,775
Rounding		+325
		5,000
Refund		200
		5,200

The same amount provided for the above items under 'E-4' under the head "37—Miscellaneous Departments—(Transferred)" will be allowed to lapse.

Demand voted and now increased.

Rs. 3,84,000 plus Rs. 5,200 = Rs. 3,89,200.

FINANCE DEPARTMENT :

Bombay Castle, 28th June 1930. . .

APPENDIX 17.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 7. The Honourable Mr. B. V. JADHAV.

Discontinuance of the application of the Police Travelling Allowance Rules to the Excise menials in the Presidency proper.

As a result of the recommendations of the Retrenchment Committee the Excise menials in the Presidency proper who used to get daily allowance and mileage under the ordinary rules were subjected to the Police Travelling Allowance Rules with effect from 10th March 1926 for a period of one year and the Commissioner of Excise was asked to report the effects, financial or otherwise of the application of these new rules. The new rules differ in the main from the old rules in that they do not provide for the grant of (1) daily allowance for periods of absence from headquarters which are of less than 24 hours duration and

[Appendix 17—*contd.*]

(2) mileage for journeys exceeding 20 miles in any one day within jurisdiction. The report submitted by the Commissioner at the end of the first year of experiment showed a saving of Rs. 14,000 but the restrictions in regard to daily allowance and mileage had an adverse effect on detection work. In spite of this adverse report the new rules were given a further trial up to 31st March 1929. After the expiry of this period the result showed a further saving of Rs. 8,000 per annum but the protest submitted by the Commissioner against the continuance of the application of the new rules was stronger than in the previous year. In view however of the present financial stringency the rules have continued to be applied up-to-date. It has now been represented to Government that apart from the growing discontent among the Excise menials the application of the Police Travelling Allowance Rules is detrimental to the interests of the Excise Department and Government revenues. Experience has proved that the Police Travelling Allowance Rules are quite unsuited to the Excise Department on account of the extensive area of jurisdiction and the greater amount of touring. The menials have on heart in their work and shirk going long distances to detect crime for simple reason that they are not adequately compensated for expenses incurred on their journeys. The net result of the experiment has been a decided loss of efficiency on the part of the detecting staff and a probable but not calculable considerable reduction in the Government revenues from excise. In view of the emphatic opinions of three successive Commissioners on the loss of efficiency in the excise force and consequent reduction in revenue Government consider it is desirable to accept the Commissioner's proposal for reversion to the old rules of Travelling Allowance as a temporary measure in the Presidency proper till the end of March 1932. If during this period it is found that illicit distillation is checked to the improvement of the revenue the application of the old rules will be adhered to; otherwise the position will be further considered. It is expected that the discontinuance of the Police Travelling Allowance Rules will involve an extra expenditure of about Rs. 13,000 during the current year which can be met by re-appropriation from the total savings anticipated under the head "6, Excise—District Executive Establishment." As the Legislative Council was already apprised of the acceptance of the recommendations of the Retrenchment Committee in respect to the application of the Police Travelling Allowance Rules to Excise menials its sanction is requested to a token grant of Rs. 10.

Demand voted and now increased.

6, Excise—Transferred.

Rs. 45,64,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 1st July 1930.

APPENDIX 18.

STATEMENT OF DEMAND FOR SUPPLEMENTARY GRANT.

TRANSFERRED 8. The Honourable MOULVI RAFIUDDIN AHMAD.

Appointment of a Deputy Director at the Sir J. J. School of Art, Bombay.

Government has had for some time under consideration the question of the appointment of a Deputy Director at the Sir J. J. School of Art, Bombay. Since the creation of the School of Art as a separate Department in April 1929, it has been considered necessary to appoint some officer at the School who will assist the Director of the School of Art in the discharge of his technical and administrative duties. With this object in view, the post of the Personal Assistant to the Director, Sir J. J. School of Art, was created up to the end of April 1930. The post of the Personal Assistant has now ceased to exist. The total number of pupils at the School of Art is approximately 600. Government consider that there should be some officer capable of taking charge of the School when the Director goes on leave or is temporarily absent from his duties and to assist him in his onerous teaching duties. They have therefore decided to create the post of a Deputy Director at the Sir J. J. School of Art, Bombay, from 1st December 1930 or from some subsequent date.

The post of the Deputy Director will be advertised both in England and in India simultaneously. It has been decided that the scale of pay of the post should be that prescribed for the Bombay Educational Service, Class I, with power to engage a candidate on advance increments above the minimum, taking into account his age and qualifications. The selected candidate will also be entitled to the benefit of Compensatory Local Allowance, Passage and Overseas pay admissible under the rules. The total expenditure involved during the current year on account of the Deputy Director's post is estimated at Rs. 4,500 (in round figures) made up as follows:—

		Rs.	a.	p.
Pay .. .. .	.. Rs. 640 per mensem × 3 =	1,920	0	0
Compensatory Local Allowance .. .. .	.. Rs. 150 per mensem × 3 =	450	0	0
Overseas Pay (if due) .. .. .	.. £25 per mensem × 3 =	1,000	0	0
Passage (if due) .. .. .	.. .. .	1,093	5	4
		<hr/>		
		4,463	5	4

If a suitable candidate is obtained on less than Rs. 640 per mensem, the full provision will not be utilised. No provision has been made in the current year's budget on account of the pay and allowances

[Appendix 18—contd.]

the Deputy Director. The extra cost involved will be met from the sayings in the current year's grant under "31-Education—Transferred". As the expenditure in question relates to a new service, the Legislative Council is requested to sanction the grant of a token sum of Rs. 10.

Demand voted and now increased.

Rs. 1,96,25,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 2nd July 1930.

APPENDIX 19.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 9. The Honourable Dewan Bahadur HARILAL D. DESAI.

Appointment of a Special Officer to draft Model Rules and Bye-laws under the Bombay City Municipalities Act, 1925 (Bom. XVIII of 1925).

The Bombay Municipal Boroughs Act came into force on 8th June 1926. Sections 58 and 61 of the Act have conferred on the Municipal Boroughs powers to frame Rules and Bye-laws in respect of several important questions of detail. Until such rules and bye-laws are framed the rules and bye-laws made under the Bombay District Municipal Act continue in force by virtue of proviso (b) to section 5 (1) of the Act, provided that they are not inconsistent with the provisions of Municipal Boroughs Act.

The rules under the Bombay District Municipal Act were framed by most Municipalities on the Model Rules and Bye-laws prepared by Mr. J. P. Orr, I.C.S., about 25 years ago. Conditions have changed since then. Each Municipality has according to its needs and circumstances carried out from time to time changes in their Rules.

Particularly in the case of the Municipal Boroughs the old rules and bye-laws under the District Municipal Act are inadequate and unsuitable. The new Act has enlarged their powers and responsibilities, but since the passing of the Act, no Municipal Borough has completely overhauled its rules and bye-laws. They have been content with occasional amendments to meet needs as they arose.

The Municipal Boroughs, however, are alive to the urgent need of a revised new set of rules and bye-laws to suit the provisions of the new Act. The preparation of such rules involves many difficult questions

[Appendix 19—*contd.*]

and they look to Government for help and guidance and have pressed Government to provide them with a set of Model Rules and Bye-laws.

Government agree with the Municipalities that Model Rules and Bye-laws are a vital and immediate necessity. They therefore propose to appoint Mr. N. D. Mehta as a Special Officer to draft Model Rules and Bye-laws under the Municipal Boroughs Act. Mr. Mehta is peculiarly fitted for such work by his wide learning and experience. He was Chief Officer at Bandra and at Ahmedabad for several years, and at both these places he had occasion to draft Rules and Bye-laws. It was due to his capacity that he was appointed Deputy Commissioner by the Bombay Corporation. It is proposed to grant him an honorarium of Rs. 5,000 together with travelling allowance as a first grade Government servant subject to a maximum of Rs. 400 in all, and Rs. 400 to cover the cost of a typist clerk. It is hoped that the work would be finished within six or eight months.

The charge is debitable to the head "22-General Administration-C-Secretariat and Head Quarters—Establishments—Civil Secretariat—General, etc., Departments." As this expenditure of Rs. 5,800 relates to a new service, the sanction of the Legislative Council is requested to a token demand of Rs. 10. It is hoped that the charge may ultimately be met from anticipated savings in the grant for the major head concerned.

Demand voted and now increased.

22—General Administration—Reserved.

Rs. 1,02,24,000 plus Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 3rd July 1930.

APPENDIX 20.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 10. The Honourable Dewan Bahadur HARILAL D. DESAI.

Additions and alterations to the Excise Buildings behind the Times of India Offices, Bombay.

Owing to the construction of new premises for the Auxiliary Force, Bombay, the Military authorities wanted to dispose of their old premises situated behind the Times of India Offices on land leased by the Government of Bombay. This Government took over the premises at a valuation of Rs. 9,730. These premises were allotted to the Excise Department for the accommodation of the Bori Bunder Excise Preventive Station, as the site was most suitable for the purpose, being near the Victoria Terminus Station. Certain additions and alterations were,

[Appendix 20—*contd.*]

however, necessary in order to make these premises suitable for the Excise Station and they were as follows:—

- (i) Quarters for the Superintendent and the Inspector.
- (ii) Excise Station.
- (iii) Peons' quarters.
- (iv) Drainage.
- (v) Compound wall, gates and road.
- (vi) Electric installation.

In January 1930 Government approved of these works estimated to cost Rs. 28,420 as shown below:—

	Rs.
(i) Additions and alterations to the Excise Buildings.	22,831
(ii) Electric installation in the Excise Buildings ..	5,589
	28,420

As much inconvenience was felt for want of lights, Government also ordered that item No. (ii) should be treated as a separate minor work and financed out of the discretionary grant of the Commissioner of Excise under the head 41, Civil Works—Provincial for the year 1929-30. Item (i) was ordered to be included in the list of new major works to be provided for in the Budget of 1931-32, as it was too late at that time to include the work in the Budget of 1930-31.

The Accountant General, Bombay, took exception to the orders regarding item (ii) on the ground that, as the work of electric installation formed a part of the central idea, viz., to render the buildings suitable for use as an Excise Station, it could not be treated separately from the other. After fully considering the matter, Government agreed with the Accountant General. By that time the financial year 1929-30 had closed and item (ii) could not be taken up in that year. As the work of electric installation is of imperative necessity, it is proposed to sanction a sum of Rs. 5,589 therefor out of the current year's reserve with Government in the Finance Department under the head 41, Civil Works—Provincial. After this item is carried out, the whole work estimated to cost Rs. 28,420 will be a work in progress and the question of sanctioning funds for item (i) will be considered later in the year, if savings become available; otherwise it will be included in the Budget of 1931-32. As the expenditure of Rs. 5,589 to be incurred during the current year relates to a new service although the funds will be made available by reappropriation within the grant under the same head, the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

Demand voted and now increased.

41, Civil Works—Partly Reserved and Partly Transferred.

Rs. 1,31,16,000 + Rs. 10.

FINANCE DEPARTMENT:

Bombay Castle, 3rd July 1930.

APPENDIX 21.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY
GRANT.

RESERVED 11. The Honourable Sir GHULAM HUSSAIN HIDAYAT-ALLAH, Kt.

*Formation of a new Division known as the Research Division on the
Lloyd Barrage and Canals Construction Scheme.*

It is proposed to constitute a new Division known as the Research Division on the Lloyd Barrage and Canals Construction Scheme with effect from the 1st October 1930. The precise problems intended to be investigated by the proposed Division are enumerated below:—

(a) Water-logging investigation consisting of:—

(i) Statistical investigation of records of irrigation, rainfall and sub-soil water level variations and collection of data from all Irrigation Divisions necessary for this investigation, and

(ii) investigation into sub-soil formation and conditions with a view to ascertaining whether water-logging is likely to occur more rapidly in some areas under future conditions and if so the devising of means to counteract it.

(b) *The investigation into the problem of silt.*—This will consist in the taking of discharges and silt samples at various points on the Eastern Nara System and is intended to disclose whether any and if so what physical and chemical changes occur in the silt carried in suspension in the various parts of the system, from the Nara River itself down to the water-courses actually delivering water to the land. The investigation will give invaluable data for testing and further investigating Kennedy's silt theorem and Lacey's new Formula for the design of canals, as also information in regard to the silt itself, e.g., its composition, manurial value, etc.

(c) *Hydraulic Experimental Works.*—This would only be carried out, for the present, on a small scale to investigate problems concerned with and of immediate interest to the Barrage from the point of view of design of works. Bigger design work, involving protracted experimental work, would be carried out in Poona by the Superintending Engineer, Irrigation Development and Research Circle.

2. The following establishment is the minimum required for the efficient execution of the investigations referred to above:—

- (1) Executive Engineer and his office establishment.
- (2) One Assistant Engineer and staff for Experimental and Statistical Works.
- (3) One Assistant Engineer or Supervisor for Silt Observation.
- (4) One Assistant Engineer for Sub-Soil Survey.

[Appendix 21—contd.]

The details of the staff referred to in each of the above items are as follows :—

Serial No.	Class of Establishment.	Cost.
<i>(1) Executive Engineer and his Staff.</i>		Rs.
1	One Executive Engineer at Rs. 1,346 per mensem for 6 months.	6,730
2	One Accountant at Rs. 194 per mensem for 5 months ..	970
3	One Head Clerk at Rs. 155 per mensem for 5 months ..	775
4	One Accounts Clerk at Rs. 115 per mensem for 5 months ..	575
5	One Accounts Clerk at Rs. 87 per mensem for 5 months ..	435
6	Three Clerks at Rs. 70 per mensem each for 5 months ..	1,050
7	Two Correspondence Clerks at Rs. 87 per mensem each for 5 months.	870
8	One Draftsman at Rs. 135 per mensem for 5 months ..	675
9	One Assistant Draftsman at Rs. 80 per mensem for 5 months.	400
10	Two Tracers at Rs. 50 each per mensem for 5 months ..	500
11	One Naik at Rs. 22 per mensem for 5 months ..	110
12	One Tindal at Rs. 22 per mensem for 5 months ..	110
13	Two Peons at Rs. 20 per mensem each for 5 months ..	200
14	Three Peon Khalasis at Rs. 20 per mensem each for 5 months.	300
15	One Chowkidar at Rs. 20 per mensem for 5 months ..	100
Total ..		13,800
<i>(2) Assistant Engineer and Staff for Experimental and Statistical Work.</i>		
1	One Assistant Engineer at Rs. 480 per mensem for 5 months.	2,400
2	One Supervisor at Rs. 290 per mensem for 5 months ..	1,450
3	One Statistical Assistant at Rs. 300 per mensem for 5 months.	1,500
4	Three Statistical Assistants at Rs. 150 per mensem each for 5 months.	2,250
5	One Overseer at Rs. 135 per mensem for 5 months ..	675
6	One Typist at Rs. 50 per mensem for 5 months ..	250
7	One Tracer at Rs. 60 per mensem for 5 months ..	300
8	Two Peon Khalasis at Rs. 20 per mensem each for 5 months.	200
Total ..		9,025
<i>(3) Assistant Engineer or Temporary Supervisor and Staff for Silt Observations.</i>		
1	Temporary Supervisor at Rs. 290 per mensem for 5 months.	1,450
2	Four Overseers at Rs. 135 per mensem each for 5 months ..	2,700
3	One Sub-Divisional Clerk at Rs. 60 per mensem for 5 months.	300
4	One Sub-Divisional Clerk at Rs. 50 per mensem for 5 months.	250
5	Three Peons and Peon Khalasis at Rs. 20 each for 5 months ..	300
6	One Post Runner at Rs. 20 per mensem for 5 months ..	100
7	Fifteen Khalasis at Rs. 20 per mensem each for 5 months ;	1,500
Total ..		6,600

[Appendix 21—contd.]

Serial No.	Class of Establishment.	Cost.	
(4) Assistant Engineer and Staff for Sub-Soil Survey.		Rs.	
1	One Assistant Engineer at Rs. 484 per mensem for 5 months.	2,420	
2	Two Supervisors at Rs. 290 per mensem each for 5 months..	2,900	
3	Four Overseers at Rs. 135 per mensem each for 5 months ..	2,700	
4	Four Clerks at Rs. 50 each for 5 months ..	1,000	
5	One Assistant Draftaman at Rs. 60 per mensem for 5 months.	300	
6	Three Tracers at Rs. 50 per mensem each for 5 months ..	750	
7	One Peon at Rs. 20 per mensem for 5 months ..	100	
8	Nine Khalasis at Rs. 24 per mensem each for 5 months ..	1,080	
9	One Post Runner at Rs. 20 per mensem for 5 months ..	100	
Total ..		11,350	
(1) Establishment Contingencies.			
1	Executive Engineer's Office, at 5 per cent. ..	700	
2	Assistant Engineer, Experimental and Statistical Works, at 1 per cent. ..	100	
3	Assistant Engineer, Silt Observation, at 5 per cent. ..	350	
4	Assistant Engineer, Sub-Soil Survey, at 5 per cent. ..	600	
Total ..		1,750	
(2) Tools and Plant, Office Furniture and Scientific Instruments.			
1	Executive Engineer's Office ..	} (T. & P., etc.) 500	
2	Assistant Engineer for Experimentst and Statistical Works ..		
3	Assistant Engineer for Silt Observation ..		5,000
4	Assistant Engineer, Sub-Soil Survey ..		1,000
Total ..		6,500	
<p><i>Note.</i>—Furniture and Scientific Instruments are not provided for as they will be taken over from Central Designs Division.</p>			
(3) Travelling Allowance.			
1	Executive Engineer Rs. 200 per mensem for 5 months ..	1,000	
2	Assistant Engineer and Staff on Experimental and Statistical Work ..	200	
3	(a) Assistant Engineer on Silt Observation at Rs. 100 per mensem for 5 months.	500	
	(b) Four Overseers at Rs. 30 per mensem each for 5 months.	600	
4	One Assistant Engineer on Sub-Soil Survey at Rs. 150 per mensem for 5 months ..	750	
	Two Supervisors at Rs. 75 per mensem each for 5 months ..	750	
	Four Overseers at Rs. 30 per mensem each for 5 months ..	600	
Total ..		4,400	

[Appendix 21—concl'd.]

Serial No.	Class of Establishment.	Cost.
	<i>Abstract of Cost of Establishment for the Research Division for 5 months</i>	Rs.
1	Executive Engineer and his Establishment ..	13,800
2	Assistant Engineer for Experimental and Statistical Work and his Establishment.	9,025
3	Assistant Engineer or Temporary Supervisor for Silt Observation and his Staff.	6,600
4	Assistant Engineer and his Staff for Sub-Soil Survey ..	11,350
	Total ..	40,775
	Establishment Contingencies ..	1,750
	Tools and Plant, Office Furniture and Scientific Instruments.	6,500
	Travelling Allowance ..	4,400
	Total ..	12,650
	Grand Total ..	53,425
	<i>Abstract.</i>	
		Rs.
Non-voted ..	.. 14,800 (already provided in the Budget).	
Voted ..	.. 38,625 (now required).	

The extra cost on account of the creation of the Division during the current financial year is estimated at Rs. 38,625 which is proposed to be met out of the sanctioned budget provision for I-Works under the head "55". As the expenditure incurred is on a new service and as the funds have been made available by savings within the same grant, the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

Demand voted and now increased.

55-Construction of Irrigation, Navigation, Embankment and Drainage Works (L. B. and C. C.)

Rs. 3,12,47,000 + Rs. 10.

FINANCE DEPARTMENT :

4th July 1930.

APPENDIX 22.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 12. The Honourable Dewan Bahadur HARILAL D. DESAI.

Formation of a temporary sub-division for constructing Revenue and Police Buildings at Dadu for the proposed new District on the Right Bank of the Indus.

As a result of the construction of the Lloyd Barrage, very large areas in the districts of Larkana, Nawabshah, Hyderabad and Thar Parkar will become available for cultivation and this will throw a very heavy additional burden upon every branch of administration. In order to cope with the extra work, it is decided to create in the first instance a new District on the Right Bank of the Indus with effect from the 1st April 1931, with headquarters at Dadu. It is, therefore, essential that several Revenue and Police buildings for this District should be constructed in the current financial year. In order to do this, it is necessary to have a separate buildings construction sub-division as soon as possible. The existing Dadu-Manjhand sub-division is already heavy and it will not be possible for this sub-division to do this work in addition.

2. As the buildings in question are required to be completed during the current financial year it is proposed (1) to open the new sub-division from the date of orders up to the 31st March 1931 in the first instance and (2) to employ the following additional establishment costing approximately Rs. 4,616 in order to ensure the most expeditious completion of the buildings:—

	Cost per mensem.
	Rs.
Conveyance allowance to the Assistant Engineer to be placed in charge of the new Sub-Division ..	50
One Supervisor	120
One Overseer	80
One Sub-Divisional clerk	50
One peon under the Sub-Divisional Officer	16
Two Khalasis at Rs. 16 each for the Sub-Divisional Officer	32
Two Khalasis at Rs. 16 each for the Subordinates	32
One Chowkidar	16
	<hr style="width: 100%;"/>
	396
	<hr style="width: 100%;"/>
Cost for 8 months (from 1st July 1930 to 28th February 1931)	3,168
House rent for office at Rs. 20 per mensem for eight months	160
Establishment contingencies and stationery (lump sum).	288
	<hr style="width: 100%;"/>
Total establishment charges ..	3,616
Cost of extra furniture and other articles of Tools and Plant (lump sum)	1,000
	<hr style="width: 100%;"/>
Grand Total ..	4,616

[Appendix 22—*contd.*]

3. The additional expenditure detailed above will be met out of the voted portions of the reserves with Government for the "Establishment" and "Tools and Plant" (to the extent of Rs. 3,616 and Rs. 1,000 respectively) under the head "41, Civil Works—Provincial" for the current year. As the expenditure to be incurred is on a new service and as funds are made available within the grant under the head "41, Civil Works—Provincial", the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

Demand voted and now increased.

"41, Civil Works—Provincial—Partly Reserved and Partly Transferred."

Rs. 1,31,16,000 plus Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 5th July 1930.

APPENDIX 23.

Statement of demand for supplementary grant.

RESERVED 13.—The Honourable Sir GHULAM HUSAIN HIDAYATALLAH

Formation of a new Construction Sub-Division for Kalri and Narichach improvements in the Karachi Canals Division.

The project for improvements to Kalri and Narichach systems has been administratively approved and technically sanctioned by Government. Provision of Rs. 2,25,000 for "Works" was proposed as a new item of expenditure in the current year's budget under the head "55" and it was approved by the Legislative Council.

Expenditure on works is estimated at Rs. 8,01,399. It is in the interest of Government to open the Canals as soon as possible so that revenue may begin to come in. According to the programme the Narichach system is to be worked during the inundation season of the year 1931 and the Kalri system from the next inundation season. The work, which is to be done within a limited time, is very much. The success of the improvements depends on the close supervision of works at the time of construction. It was not possible for the Sub-Divisional Officer, Tatta Sub-Division, to do the heavy work in addition to the already heavy routine work of that Sub-Division which comprises of 120 miles of canals and 22 miles of river and bund line and 18½ miles of metalled provincial road. In these circumstances creation of a separate construction sub-division was absolutely necessary. And as the matter was of extreme urgency the formation of the Sub-Division has been sanctioned by Government for a period of 26 months with effect from the 16th May 1930. The headquarters of the Sub-Division has been fixed at Tatta.

[Appendix 23—*contd.*]

2. The following additional establishment, which is the minimum requirement for the efficient execution of the works, has also been sanctioned for the current year as under :—

- 1 Temporary Supervisor at Rs. 120 per mensem for 9 months.
- 2 Temporary Overseers at Rs. 80 per mensem each for 9 months.
- 2 Temporary Overseers at Rs. 80 per mensem each for 6 months.
- 2 Clerks at Rs. 40 per mensem each for 9 months.
- 1 Peon at Rs. 16 per mensem for 9 months.
- 6 Khalasis at Rs. 16 per mensem each for 9 months.
- 2 Khalasis at Rs. 16 per mensem each for 6 months.
- 1 Post Runner at Rs. 16 per mensem for 9 months.

3. The extra cost on account of the creation of the Sub-Division during the current financial year is estimated at Rs. 12,394* which is being met partly out of the provision of Rs. 10,000 made for additional temporary Engineers and Subordinates in Part III-A of the current year's budget under the head "41, Civil Works—Provincial" and partly out of the anticipated voted savings on the current year's grant for establishment of the Eastern Nara Division, which has recently been abolished, in the same budget. The total extra expenditure during the whole period is estimated at Rs. 38,000. As the expenditure incurred is on a new service and as the funds have been made available by savings within the same grant the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

	Rs.	
*Establishment ..	5,544	
Travelling allowance ..	5,500	
Contingencies ..	1,350	
	—————	
Total ..	12,394	

Demand voted and now increased.

"41, Civil Works—Provincial—Partly Reserved and Partly Transferred."

Rs. 1,31,16,000 plus Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 8th July 1930.

APPENDIX 24.

BILL No. XXI OF 1930.

(A Bill further to amend the Bombay University Act, 1928.)

REPORT OF THE SELECT COMMITTEE.

We, the undersigned Members of the Select Committee appointed to consider Bill No. XXI of 1930 (A Bill further to amend the Bombay University Act, 1928), have the honour to report as follows :—

We have carefully considered the Bill and the amendments proposed to its various clauses. We consider that with the few changes which we

[Appendix 24—*contd.*]

have made the Bill will suffice to remove immediate difficulties in connection with University elections.

In sub-clause (b) of clause 2 we have made it clear that, although one principal is to be elected by separate elections to represent the principals of Arts Colleges in each of the five groups mentioned in section 13 of the Act, all the principals of Arts Colleges are to take part in each of such elections.

As in the case of elections by some constituencies entitled to send representatives to the various bodies of the University, the Act provides for the election of one representative only, we are of opinion that the system of a single transferable vote prescribed in section 48 is unsuitable for such elections. We have, therefore, amended section 48 by providing that the section does not apply to elections in which one representative only is to be elected.

We recommend that this report, together with the minutes of dissent, if any, and the Bill as amended should be published in the *Bombay Government Gazette* in English only. In our opinion it is not necessary to translate or publish it in any of the vernaculars, as it affects the Bombay University.

- (Signed) RAFIUDDIN AHMAD.
 („) GHULAM HUSSAIN HIDAYATALLAH.
 („) HARILAL DESAIBHAI DESAI
 (subject to a minute of dissent).
 („) D. D. NANAVATI (subject to a minute of dissent).
 („) R. H. BECKETT.
 („) H. P. CHAHEWALA.
 („) R. B. EWBANK.
 („) GOVINDBHAI H. DESAI
 (subject to a minute of dissent).
 („) NOOR MAHOMED.
 („) S. T. KAMBLI.
 („) R. G. PRADHAN.
 („) R. R. KALE (subject to a minute of dissent).
 („) P. G. SOLANKI.

Note.—The signatures of Dr. B. R. Ambedkar, Mr. J. B. Petit, Mr. Hoosainbhoy A. Lalljee and Khan Bahadur M. S. Khuhro will be notified when received.

[Appendix 24—contd.]

(Minute of dissent by the Honourable Dewan Bahadur Harilal Desai, B.A., LL.B., M.L.C.)

I regret I cannot agree to the new clause 8 added by the Select Committee to amend section 48 of the University Act IV of 1928.

2. It was assumed in the discussion that when a single seat was to be filled up by election the system of proportional representation by means of the single transferable vote cannot apply and was useless. That assumption is however not correct.

3. It is true that the system works best when more seats than one are to be filled. But even when there are three or more candidates for a single seat the system of proportional representation by means of the single transferable vote can come into play and bring out a result different from that of an election by the usual method. The system of the single transferable vote was deliberately introduced in the Act; and it is not proper that the system should be suddenly changed by the Council without consulting the University or even giving it any notice of the proposed change.

13th July 1930.

(Signed) HARILAL DESAIBHAI DESAI.

(Minute of dissent by Mr. D. D. Nanavati, I.C.S., M.L.C.)

I wish to make it clear that the words introduced into section 48 of the Act by new clause 8 of the Bill make a departure of principle by doing away with the system of proportional representation by the single transferable vote in the case where only one member is to be elected. The assumption that the amendment is one of form only is not correct except in the specific case where there are only two candidates for the one seat. I feel bound to make this note as I think that I did not make the position quite clear in the Select Committee meeting, and it is possible that some members may have been misled by this.

13th July 1930.

(Signed) D. D. NANAVATI.

(Minute of dissent by Rao Bahadur Govindbhai H. Desai, M.L.C.)

I do not agree with the proposed amendment to section 48. It is based on the assumption that in elections in which one representative only is to be elected there will not be more than two candidates. But it is quite possible that there may be more than two candidates in some of the one seat groups mentioned in section 13 of the Act. In such cases there must be election by the system of a single transferable vote prescribed in section 48.

Poona, 13th July 1930.

(Signed) GOVINDBHAI H. DESAI.

(Minute of dissent by Rao Bahadur R. R. Kale, M.L.C.)

I sign the report with a slight alteration in the amended slip, viz., dropping the word "Arts" which I think has come to be inserted through mistake or misapprehension in the slip.

14th July 1930.

(Signed) R. R. KALE.

[Appendix 24—contd.]

BILL No. XXI OF 1930.

A Bill further to amend the Bombay University Act, 1928.

As amended by the Select Committee.

WHEREAS it is expedient further to amend the Bombay University Act, 1928, in manner hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay University (Amendment) Act, 193 .

2. *Amendment of section 13 of Bom. IV of 1928.*—In Part (A) under the heading “II-Ordinary” in sub-section (1) of section 13 of the Bombay University Act, 1928, hereinafter called the said Act:—

(a) in entry (i) the words “one electorate of” shall be deleted;

(b) for entry (i) (a), the following shall be substituted, namely;

(a) Principals of arts colleges as follows:—

(1) one principal elected by separate elections by the Principals of arts colleges in all the groups as hereinafter defined, to represent the principals of arts colleges in each such group as hereinafter defined 5

(2) three principals elected by the principals of arts colleges in all the groups as hereinafter defined 3

(c) After entry (vii) the following provisos shall be inserted, namely:—

“Provided that,—

(1) every person elected under any of the entries (i), (ii) and (iii) shall hold the office of a Fellow only so long as he occupies the office or comes under the designation which entitled him to be so elected; and

(2) the Fellows representing the Legislative Council of the Governor of Bombay shall hold office for the duration of the Legislative Council electing them and thereafter up to the date on which new Fellows are elected by the next Council.

3. *Amendment of section 15 of Bom. IV of 1928.*—After sub-section (2) of section 15 of the said Act, the following sub-section shall be inserted, namely:—

“(3) Any person, who holds any office in the University by virtue of his being a Fellow, shall cease to hold such office on his ceasing to be a Fellow.”

4. *Amendment of section 20 of Bom. IV of 1928.*—For clause (d) of sub-section (1) of section 20 of the said Act, the following shall be substituted namely:—

“(d) seven persons elected by the members of the Academic Council from among themselves as follows:—

(i) one to represent each Faculty by separate elections; and

(ii) the remaining, if any, to represent the Academic Council generally.”

[Appendix 24—concl.]

5. *Amendment of section 21 of Bom. IV of 1928.*—In the proviso to section 21 of the said Act for the brackets and letter (b), the brackets and letter (h) shall be substituted.

6. *Amendment of section 25 of Bom. IV of 1928.*—For clause (iii) in sub-section (1) of section 25 of the said Act, the following shall be substituted, namely :—

“(iii) three members appointed by the Academic Council,
 (iv) one University Professor appointed by the Academic Council.”

7. *Amendment of section 45 of Bom. IV of 1928.*—After sub-section (3) of section 45 of the said Act, the following shall be inserted, namely :—

“(4) Nothing contained in sub-sections (1), (2) and (3) shall apply or shall be deemed to have applied in the case of Fellows elected by the Legislative Council of the Governor of Bombay under entry (vii) under the heading II-Ordinary (A) in sub-section (1) of section 13.”

8. *Amendment of section 48 of Bom. IV of 1928.*—In section 48 of the said Act at the beginning the words “Except when only one member is to be elected” shall be inserted.

APPENDIX 25.

BILL No. XXVII OF 1930.

A Bill further to amend the Indian Stamp Act, 1899, in its application to the Presidency of Bombay.

II of 1899. Whereas it is expedient further to amend the Indian Stamp Act, 1899, in its application to the Presidency of Bombay, 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 5 & 6 Geo. V Act and the previous sanction of the Governor required by section 80C c. 61. of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Indian Stamp (Bombay Second Amendment) Act, 1930.

2. *Extent and operation.*—(1) This Act shall extend to the whole of the Presidency of Bombay.

(2) It shall remain in operation for the duration of the Indian Stamp (Bombay Amendment) Act, 1922. Bom. II of 1922.

3. *Amendment of article 62 of Schedule I to Act II of 1899.*—In sub-clause (i) of clause (c) of article 62 in Schedule I to the Indian Stamp Act, 1899, for the word “five” in column 1 the word “ten” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Under sub-clause (ii) of clause (c) of article 62 of Schedule I to the Indian Stamp Act, 1899, before it was amended by Bombay Act II of 1922, the maximum duty leviable on a transfer of any interest secured

[Appendix 25—*contd.*]

by a bond, mortgage or policy of insurance not provided for in sub-clause (i) was five rupees and, therefore, the limit provided in sub-clause (i) of the said article was also five rupees. Sub-clause (ii) was amended in its application to this Presidency by Bombay Act II of 1922, by section 4 whereof the maximum duty leviable on such transfer was raised to ten rupees; but the corresponding change in sub-clause (i) was not made. The result is that in cases where the duty on a bond, mortgage-deed or policy of insurance itself is between Rs. 5 and 10 the duty claimed on the transfer relating to the same is Rs. 10. The Bill is intended to remove this anomaly.

1st July 1930.

(Signed) G. B. PRADHAN.

APPENDIX 26.

BILL No. XXX OF 1930.

A Bill further to amend the City of Bombay Municipal Act, 1888.

(As published in the "Bombay Government Gazette" of the
8th July 1930.)

WHEREAS it is expedient further to amend the City of Bombay Bom. Municipal Act, 1888, in manner hereinafter appearing; It is hereby ^{III of} 1888. enacted as follows:—

1. *Short title.*—This Act may be called the City of Bombay Municipal ^{Bom.} (Amendment) Act, 1930. ^{III of} 1888.

2. *Amendment of section 39 of Bom. III of 1888.*—In section 39 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act,—

(a) after sub-section (I) the following sub-section shall be inserted namely:—

“(1-A) The schools’ committee shall be appointed by the corporation at their first meeting in the month of April after each general election.

(1-B) A person shall not be eligible for appointment as a member of the schools’ committee if he is directly or indirectly interested in any immovable property on or in which any municipal school or office is located, or, in any institution or school which receives a donation or grant-in-aid from the schools’ committee or the corporation.

Explanation.—A person shall be deemed to be ‘interested’ within the meaning of this sub-section if he derives or has been promised, directly or indirectly, any pecuniary gain from or in respect of such property, institution or school, whether by way of a price or rent or premium or other thing of value, whether of the like nature or not.

[Appendix 26—*contd.*]

(1-C) If any person having been appointed to be a member of the schools' committee becomes subject to the disqualification mentioned in sub-section (1-B), he shall be disabled from continuing to be a member of the schools' committee and his seat shall become vacant.

(1-D) In the event of non-acceptance of office by a person appointed to be a member of the schools' committee or of the death, resignation or disqualification of a member of the said committee or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the appointment by the corporation of a person thereto, who shall hold office so long only as the person in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

(1-E) If any question or dispute arises whether a vacancy has occurred under this section the orders of the corporation shall be final for the purpose of deciding such question or dispute.

(1-F) The schools' committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new schools' committee is appointed under sub-section (1-A), notwithstanding that the members of the said committee or some of them may no longer be councillors."

(b) For sub-sections (3), (4) and (5) the following shall respectively be substituted, namely:—

"(3) (a) The schools' committee shall at their first meeting in each official year appoint one of their own number, being a councillor to be their chairman until the first meeting of the said committee in the next following official year.

(b) The retiring chairman shall be eligible for reappointment.

(c) If any casual vacancy occurs in the office of chairman, the schools' committee shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number, being a councillor, to fill such vacancy and every chairman so chosen shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

(4) (a) One-half of the councillor members and one-half of the other members of each schools' committee shall retire from office at noon on the first day of April next following the date of their appointment. The members to retire shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the chairman shall determine:

For the purpose of this sub-section the first day of April 1930 shall be deemed to be the date of their appointment in the case of such members of the schools' committee as may be holding office

[Appendix 26—*contd.*]

on the date of commencement of the City of Bombay Municipal (Amendment) Act, 1930.

(b) The remaining members of the schools' committee shall retire from office at noon on the first day of April next following the first day of April aforesaid.

(c) The corporation shall at their ordinary meeting in the month of March appoint fresh members of the schools' committee to fill the offices of those previously appointed by them who retire from time to time as aforesaid :

(d) Any retiring member of the schools' committee shall be eligible for re-appointment.

(5) The schools' committee shall meet for the despatch of business in the chief municipal office and may, from time to time, make such regulations with respect to meetings and to the management of schools under their control subject to the following conditions :—

(a) there shall be a meeting of the schools' committee once a month and at such other times as shall be found necessary ;

(b) the first meeting of each schools' committee shall be held on a day and at a time to be fixed by the president, and if not held on that day shall be held on some subsequent day to be fixed by the president ; and every subsequent meeting of the schools' committee shall be held on such day and at such time as the said committee from time to time determine ;

(c) the chairman of the schools' committee may, whenever he thinks fit, and shall, upon the written request of not less than four members, call a special meeting ;

(d) no business shall be transacted at a meeting of the schools' committee unless at least eight members are present ;

(e) every meeting of the schools' committee shall be presided over by the chairman, if the chairman is present at the time appointed for holding the meeting, and, if the chairman is absent, by such one of the councillor members present as may be chosen by the meeting to be chairman for the occasion ;

(f) every question shall be decided by a majority of votes of the members of the schools' committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes ;

(g) a minute shall be kept by the secretary to the schools' committee of the names of the members present and of the proceedings at each meeting of the schools' committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting after confirmation by the committee at such meeting ;

(h) a member of the schools' committee shall not vote or take part in the discussion before the said committee or before any sub-committee of any matter in which he has, directly or indirectly,

[Appendix 26—concl'd.]

by himself or by his partner any share or interest such as is described in clauses (g) to (l) both inclusive, of sub-section (2) of section 16, or in which he is professionally interested on behalf of a client, principal or other person."

STATEMENT OF OBJECTS AND REASONS.

Under the City of Bombay Municipal Act, 1888, the election of the schools' committee as a whole never takes place. Four members retire every year and their places are filled up. When there were twelve members on the committee a member once elected had a life of three years whilst now when there are sixteen members his life is of four years, *i.e.*, one year more than the life of the Corporation. In the case of the Standing Committee a new committee is appointed after the general elections and half the number of members retire every year. A new Corporation after general elections never gets a chance of appointing its schools' committee. This is not desirable. The Corporation therefore represented to Government that section 39 of the City of Bombay Municipal Act, 1888, relating to the appointment of the schools' committee should be amended so as to bring it into line with the provisions of sections 43 to 49 of the Act relating to the Standing Committee. The Corporation also have desired that provision should be made in section 39 of the Act, prohibiting councillors, who are interested in any immoveable property on or in which any municipal school or office is situated or in any institution or school which receive a donation or grant-in-aid from the schools' committee or the Corporation from being members of the schools' committee. The amendments of section 39 of the Act proposed in this Bill are intended to give effect to these proposals of the Corporation.

(Signed) HARILAL DESAIBHAI DESAI.

APPENDIX 27.

BILL No. XXIV OF 1930.

A Bill further to amend the Bombay University Act, 1928.

Bom. IV of 1928. WHEREAS it is expedient further to amend the Bombay University Act, 1928, 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:—

5 & 6 Geo. V c. 61.

1. *Short title.*—This Act may be called the Bombay University (Amendment) Act, 1930.

Bom. IV of 1928.

2. *Insertion of a new section after section 4 of Bom. IV of 1928.*—After section 4 of the Bombay University Act, 1928, hereinafter called the said Act, the following section shall be inserted, namely:—

"4A. *Territorial limits of the University.*—The territorial limits within which the powers conferred upon the University by this Act

[Appendix 27—*contd.*]

shall be exercised shall comprise the whole of the Bombay Presidency (excluding Aden) and such Indian States and other territories as may, from time to time, be notified in this behalf by the Local Government in the *Bombay Government Gazette*."

3. *Amendment of section 13 of Bom. IV of 1928.*—In explanation (1) in part (A) under the heading "II Ordinary" in sub-section (1) of section 13 of the said Act after the words "Indian States" the words "and other territories within the territorial limits of the University" shall be inserted.

4. *Amendment of the Schedule to Bom. IV of 1928.*—In the fourth column of the Schedule to the said Act, for the entries relating to the Indian Universities Act, 1904, the following shall be substituted, namely:—

"The whole Act".

STATEMENT OF OBJECTS AND REASONS.

The objects of the amendments are explained in the following notes on clauses:—

Clause 2.—In accordance with a notification issued by the Government of India under section 27 of the Indian Universities Act, 1904, the territorial limits within which the Bombay University could exercise the powers conferred upon it by or under the Act of 1857 or the Indian Universities Act of 1904 were defined as the Province of Bombay and Sind (including any State in India, which on the 20th August 1904, was in political relations with the Bombay Government, and the foreign possessions included within the boundaries of the said Province) and the Baroda State. In October 1924, the whole of Kathiawar, Cutch and Palanpur Agency (now called Banas Kantha Agency) were transferred to the Government of India. When the Act of 1857 (XXII of 1857) was repealed, the provisions of the Indian Universities Act ceased to have any application to the Bombay University constituted under Bombay Act IV of 1928. The Act of 1928 does not contain any provision for defining the territorial limits of the Bombay University, corresponding to that found in section 27 of the Indian Universities Act. It is therefore considered necessary to amend that Act with a view to make provision for defining the limits of the territorial jurisdiction of the Bombay University. The Bombay University on being consulted in the matter have desired that the University should be given jurisdiction over the territories which were within its territorial limits under the old Act of 1904 and that those territories should be specified. Government agree with this view. It is therefore proposed to insert a new section 4A defining the territorial limits of the University.

Clause 3.—The amendment of section 13 proposed in this clause is consequential on the insertion of new section 4A.

Clause 4.—The amendments made in the Indian Universities Act, 1904, by the Schedule to this Act have given rise to an inference that the Act of 1904 still applies to the Bombay University for certain purposes.

[Appendix 27—concl'd.]

This is not the case. In order, therefore, to remove any possible confusion arising from the existing entries relating to the Act of 1904 in the Schedule, it is proposed to repeal the whole of the Act of 1904.

19th June 1930.

(Signed) RAFIUDDIN AHMAD.

APPENDIX 28.

BILL No. XXV OF 1930.

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

Bom. III of 1901. 5 & 6 Geo.V, c. 61. WHEREAS it is expedient further to amend the Bombay District Municipal Act, 1901, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by section 80A (3) 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 District Municipal (Amendment) Act, 1930.

2. *Amendment of section 17 of Bom. III of 1901.*—(i) Section 17 of the Bombay District Municipal Act, 1901, hereinafter called the said Act shall be renumbered section 17 (1) and to the said section so renumbered, the following proviso shall be added, namely:—

Cf. proviso to s. 25 (1) of Bom. XVIII of 1925. “Provided that before such order is made the Commissioner shall invite and consider objections, if any, from the voters entitled to vote at the municipal election in the municipal district concerned.”

(ii) After sub-section (1) of the said section so renumbered, the following sub-section shall be inserted, namely:—

Cf. s. 25 (2) of Bom. XVIII of 1925. “(2) (a) The term of office of such councillors shall be deemed to commence on the date of the first general meeting which shall be held after such election and after the expiry of the term of the outgoing councillors hereinbefore provided and at which a quorum shall be present; and

(b) the term of office of the outgoing councillors shall be deemed to extend to and expire with the day before the date of such meeting.”

3. *Amendment of section 23 of Bom. III of 1901.*—In section 23 of the said Act—

Cf. *ibid* s. 19 (2). (a) after sub-section (7), the following sub-section shall be inserted, namely:—

“(7A) *President and vice-president to continue to carry on certain duties until their successors take over charge.*—On the expiry of the term of office of a municipality the president and vice-president shall continue to carry on the current administrative duties of their offices until such time as a new president and vice-president shall have

[Appendix 28—*contd.*]

been appointed or elected and shall have taken over charge of their duties :

Provided that in the case of a new municipality constituted under this Act, a meeting for the election of a new president shall be called by the president of the retiring municipality. The president of the retiring municipality shall preside at such meeting and the new municipality 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 municipality in such manner as he may determine. The meeting shall then proceed to elect the new president."

(b) Sub-section (9) shall be repealed ; and

(c) for sub-section (10), the following shall be substituted, namely :—

"(10) When the president and vice-president are unable or for any reason fail to call a meeting for the purpose of an election under clause (c) of sub-section (2), or under sub-section (8), within fifteen days from the commencement of the term or the occurrence of the vacancy the Collector may exercise the powers of the president for the purpose of calling such meeting."

4. *Amendment of section 40 of Bom. III of 1901.*—In sub-section (2) of section 40 of the said Act, after the word " case " the words figures and brackets " of every lease or sale of land under sub-section (1) of section 90 and " shall be inserted.

5. *Amendment of section 45 of Bom. III of 1901. Councillors, etc., cf. to be deemed public servants.*—For section 45 of the said Act the following shall be substituted, namely :—

" 45. (1) Every municipal commissioner, councillor, officer, or servant, and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessee for the levy of any municipal tax shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word ' Government ' in the definition of ' legal remuneration ' in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipality."

6. *Amendment of section 90 of Bom. III of 1901.*—In sub-section (1) of section 90 of the said Act for the words " to sell " the words " to lease or sell " shall be substituted.

7. *Amendment of section 91A of Bom. III of 1901.*—For sub-section (3) of section 91A of the said Act, the following shall be substituted, namely :—

" (3) (a) Except under the provisions of section 113, no person shall construct or reconstruct any portion of any building within the regular line of the public street without the permission of the municipality under section 96.

[Appendix 28—*contd.*]

(b) Where the municipality refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall be added to the street and shall thenceforth be deemed part of the public street and shall be vested in the municipality.

(c) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 160, shall be paid by the municipality to the owner of any land added to a street under clause (b) for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipality under the said clause :

Provided that no such compensation shall be payable in cases to which section 119 applies."

8. *Amendment of section 96 of Bom. III of 1901.*—In section 96 of the said Act—

Cf.
s. 123
of
Bom.
XVIII
of
1925.

(a) in sub-section (1)—

(i) before the word "reconstruct" where it occurs in two places the words "construct or" shall be inserted;

(ii) for the words "or add" where they occur for the second time the words "add or reconstruct" shall be substituted; and

(iii) to clause (b) the following shall be added, namely :—

"and the purpose for which the building will be used."

(b) In sub-section (2)—

(i) for the words "The municipality may issue such orders not inconsistent with this Act as they think proper with reference to the work proposed in such notice and" the following words shall be substituted, namely :—

"Save as otherwise provided in this Act or the rules and bye-laws thereunder, the municipality";

(ii) for the words "or alter or add to" the words "alter, add to or reconstruct" shall be substituted;

(iii) after the word "ventilation" the words "or to the number of storeys to be erected" shall be inserted; and

(iv) after the word "projected" the words "or the purpose for which the building is to be used" shall be inserted.

(c) After sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) *Permission may be revoked and fresh permission given subject to conditions.*—The municipality may, before any work has been commenced in pursuance of any permission granted by the municipality under sub-section (2), revoke such permission and may give fresh permission in lieu thereof on such conditions, in

[Appendix 28—*contd.*]

accordance with this Act and the rules and bye-laws made thereunder, with reference to the matters, mentioned in the said sub-section, as they think proper, and may direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to their satisfaction."

(d) In sub-section (4), the proviso shall be repealed.

(e) After sub-section (4), the following sub-section shall be inserted, namely :—

"(4A) *Commencement of work.*—No person who becomes entitled under sub-section (2) or (4), to proceed with any intended work of which notice is required by sub-section (1) shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of the preceding sub-sections."

(f) In sub-section (5)—

(i) for the words "or makes any building or alteration or addition" the words "any construction, alteration, addition or reconstruction" shall be substituted;

(ii) after the word "section" the words "or contrary to the provisions of sub-section (4) or (4A)," shall be inserted;

(iii) after the word "rupees" the following words shall be inserted, namely :—

"and in the case of a continuing contravention of any of the aforesaid provisions, he shall be liable to an additional fine which may extend to ten rupees for each day during which such contravention continues after conviction for the first such contravention;"

(iv) in clause (a) for the words "or addition" the words "addition or reconstruction" shall be substituted;

(v) for clause (b) the following clause shall be substituted, namely :—

"upon a conviction being obtained under this sub-section by written notice, require such construction, alteration, addition or reconstruction to be altered or demolished in accordance with the provisions of such notice."

(g) In the *Explanation* the following shall be added to clause (a), namely :—

"or of any wall, verandah, fixed platform, plinth, doorstep or the like, whether constituting part of a building or not."

9. *Amendment of section 113 of Bom. III of 1901.*—Sub-section (2) of section 113 of the said Act shall be renumbered (2) (a) and the following

[Appendix 28—*contd.*]

shall be inserted as clause (b) of the said sub-section so renumbered, namely :—

“(b) Notwithstanding any proceedings which may be taken under clause (a) of this sub-section, the municipality may, by written notice, require the owner or occupier of any such building to remove or alter any such projection which has been constructed either without, or contrary in any manner to, the permission of the municipality.”

Cf. 10. Amendment of section 122 of Bom. III of 1901.—To sub-section
152 (1) of section 122 of the said Act, the following words shall be added,
of namely :—
Bom. “and with further fine which may extend to five rupees for every
XVIII day on which such projection, encroachment, obstruction or deposit
of continues after the date of first conviction for such offence.”
1925.

STATEMENT OF OBJECTS AND REASONS.

The objects of the Bill are explained in the following notes on clauses :—

Notes on Clauses.

Clause 2.—In view of the proposed amendment of section 23, which will extend the term of office of a president or vice-president till the appointment of his successor, it is necessary also to extend the term of office of the councillors till the date of the commencement of the term of office of their successors. The amendment is based on section 25 of Bombay Act XVIII of 1925.

Clause 3.—Under sub-section (7) of section 23 the term of office of a president or a vice-president of a municipality ceases on the expiry of his term of office as councillor and therefore as a rule it lasts for three years. It is now prescribed by proposed sub-section (7A) that on the expiry of the term of office of a municipality the president and vice-president should continue to carry on the current administrative duties of their offices until their successors are appointed. Similarly the proviso to the proposed sub-section (7A) is designed to meet the difficulty that has been experienced in convening a meeting for the election of a new president owing to the office of the president or vice-president remaining vacant after the expiry of the term of office of the outgoing members of the municipality and before the election of a successor.

In view of the provisions contained in new sub-section (7A) and its proviso, sub-section (9) is no longer required and it is therefore proposed to repeal it. Sub-section (10) also requires consequential amendments and has been revised accordingly.

Clauses 4 and 6.—Under section 90 (1) a municipality is competent, subject to the provisions of sub-section (2) of section 40, to sell any public street land which is not required for any public street, or for any other purposes of the Act. But there is no provision in the Act empowering municipalities to lease such land when it is not immediately

[Appendix 28—*concl'd.*]

required though it cannot be sold owing to a probability that it may be needed at some future date. The amendments in these clauses therefore provide for leases of such land being granted subject to the previous sanction of the Commissioner.

Clause 5.—As certain misconceptions have arisen as to the construction of existing section 45, the amendment has been framed to make it clear that a municipal servant is to be deemed a public servant for all purposes of the Indian Penal Code. The amendment follows section 56 of Bombay Act XVIII of 1925.

Clause 7.—The amendment provides that when the owner of land included in the regular line of a public street is refused permission to build thereon, he shall be entitled to compensation on such refusal and that the land in question shall be added to the street. The amendment is made on the lines of section 118 (3) of Bombay Act XVIII of 1925.

Clause 8.—The amendments in this clause are proposed with a view to revise section 96 on the lines so far as may be, of section 123 of Bombay Act XVIII of 1925.

Clause 9.—It does not appear that a municipality can remove or order the removal of a projection constructed without permission or contrary to the terms of such permission unless such projection is at the same time an obstruction under section 113 (3) or under section 122. The amendment is proposed as it is desirable that the municipality should have this power.

Clause 10.—The object of the amendment is to provide for a continuing fine in the case of obstructions and encroachments upon public streets, on the lines of a similar provision contained in sub-section (3) of section 122 of the Act, in respect of encroachments in or upon open spaces which are not private property. A similar provision exists in section 152 (1) of Bombay Act XVIII of 1925.

6th July 1930.

(Signed) HARILAL DESAIBHAI DESAI.

APPENDIX 29.

BILL No. XXVIII OF 1930.

A Bill further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay.

WHEREAS it is expedient further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Indian Registration (Bombay Amendment) Act, 1930.

[Appendix 29—*contd.*]

2. *Amendment of section 69 of Act XVI of 1908.*—After clause (g) XVI of of sub-section (1) of section 69 of the Indian Registration Act, 1908, hereinafter called the said Act, the following clause shall be inserted, namely :—

“(gg) regulating the procedure for transmitting documents for being photographed and the serial numbering, binding and preservation of the photographic prints.”

3. After Part XI of the said Act, the following shall be inserted, namely :—

“PART XI-A.

OF THE COPYING OF DOCUMENTS BY MEANS OF PHOTOGRAPHY.

70-A. *Application of this part.*—This part shall apply to the areas only in respect of which a notification is issued by the Local Government under section 70-C.

70-B. *Definition.*—For the purposes of this Part ‘Photo-Registrar’ means any person appointed by the Local Government to perform the duties of Photo-Registrar under this Part.

Provided that the Local Government may delegate, subject to such restrictions and conditions as it thinks fit, to the Inspector-General of Registration the power of appointing Photo-Registrars.

70-C. *Documents may be photographed in areas notified by Government.*—The Local Government may, by notification in the *Bombay Government Gazette*, direct that in any district or sub-district specified in the notification copies of documents admitted to registration under this Act shall be made by means of photography.

70-D. *Application of Act to areas notified under section 70-C.*—In any district or sub-district in respect of which a notification has been issued under section 70-C the provisions of this Act shall, for the purposes of this Part, be subject to the following modifications, namely :—

(1) (a) every document admitted to registration under section 35 or section 41 shall be carefully marked with an identification stamp and the serial number of the document on every page.

(b) It shall then be transmitted by the registering officer to the Photo-Registrar, who shall cause, each side of each page of such document together with all stamps, endorsements, seals, signatures, thumb-impressions and certificates appearing thereon to be photographed without subtraction or alteration. He may for this purpose cut or untie, without breaking any seals, the thread or ribbon wherewith the pages of the document are sewn together in order to separate the pages of the document, and, as soon as the document has been photographed, he shall rebind the document exactly as before and if he has cut the thread or ribbon shall seal it over the joint with his seal.

(c) There shall then be prepared and preserved, for such period as may be, from time to time, prescribed under the Destruction of

[Appendix 29—*contd.*]

Records Act, 1917, for Books Nos. I, III and IV at least two ^{v of} permanent prints of these photographs, and to each such print the ^{1917.} Photo-Registrar shall fix his signature and seal in token of the exact correspondence of the copy to the original document, as admitted for registration.

(d) One set of such prints arranged in the order of their serial numbers shall be made up into books and sewn or bound together. To each such book the Registrar or Sub-Registrar shall prefix a certificate of the serial numbers it contains, and the books shall then be preserved in the records of the Sub-Registrar. The second set, similarly arranged, shall be preserved in the records of the Registrar, or, if the office of the Registrar be in the same building with the office of the Sub-Registrar in such other suitable place as the Inspector-General may prescribe.

(2) All words and expressions used in the Act with reference to the making of copies of documents by hand or the entering or filing of documents or memorandum in books provided under section 16 shall, so far as may be necessary, be construed as referring to the making of such copies by means of photography or the entering or filing of documents or memoranda in books made up of copies prepared by means of photography.

(3) (a) In section 19 the words 'and also by a true copy' shall be omitted;

(b) sub-section (4) of section 21, shall be omitted;

(c) the words 'according to the order of its admission' occurring in clause (c) of sub-section (1) of section 52 shall be omitted;

(d) section 53 shall be omitted;

(e) in sub-section (1) of section 60 the words 'and page' shall be omitted;

(f) in sub-section (1) of section 61 the words 'the endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the margin of the Register-book and' shall be omitted;

(g) in sub-section (1) of section 62,—

(i) for the word 'transcribed' the word 'copied' shall be substituted; and

(ii) for the words and figures 'copy referred to in section 19' the words 'photograph of the original' shall be substituted."

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to make necessary provisions in the Indian Registration Act, 1908, for the copying of documents by means of photography. The system of copying documents presented for registration by photo-copying process was first introduced as an experimental measure in some selected places in the Presidency in the year 1921. As

[Appendix 29—concl'd.]

the results of the experiment have been found satisfactory, it is now proposed to amend the Act in its application to this Presidency so as to adapt it to the photo-copying system.

2. It is not proposed to introduce the new system in the whole of the Presidency at once. The conditions in each district or sub-district will be fully considered by Government before it is decided to extend the system to it and the provisions of Chapter XI-A will apply only to those registration districts or sub-districts in respect of which a notification has been issued by Government under section 70-C, directing that in such district or sub-district copies of documents admitted to registration under the Act shall be made by means of photography instead of by hand. Subject to the modifications contained in the Bill the provisions of the Registration Act will apply to copies made by photography as well as to those made by hand.

25th June 1930.

(Signed) B. V. JADHAV.

APPENDIX 30.

BILL No. XXVI OF 1930.

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

(As published in the "Bombay Government Gazette"
of the 7th July 1930.)

Bom. IV of 1902. 5 & 6, Geo.V, c. 61. WHEREAS it is expedient further to amend the City of Bombay Police Act, 1902, in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the City of Bombay Police (Amendment) Act, 1930.

Bom. IV of 1902. 2. *Amendment of section 7 of Bom. IV of 1902.*—In sub-section (1) of section 7 of the City of Bombay Police Act, 1902, hereinafter called the said Act, for the word "Sub-Inspectors" the words "Deputy Inspectors, Sub-Inspectors, Sergeants" shall be substituted.

3. *Amendment of section 22 of Bom. IV of 1902.*—In sub-section (1) of section 22 of the said Act, for the word, letter and brackets "clause (b)" the words, letters and brackets "clauses (b) and (c)" shall be substituted.

4. *Amendment of section 33 of Bom. IV of 1902.*—In section 33 of the said Act—

(a) to clause (f), the following shall be added, namely:—

"or of having committed an offence punishable under clause (c) of section 18."

[Appendix 30—*contd.*]

(b) in clause (i), for the words and figures

“ under sub-clause (iv) or (v) of clause (f) of sub-section (1) of section 22 ” the following words and figures shall be substituted, namely :—

“ under clause (b) of sub-section (1) of section 22 prohibiting the occupation of a street so as to cause obstruction to traffic or inconvenience to the public, or of any rule made under sub-clause (iv) or (v) of clause (f) of the said sub-section.”

5. *Amendment of section 40 of Bom. IV of 1902.*—In sub-sections (1) and (2) of section 40 of the said Act, after the word “ section ” the following words shall be inserted, namely :—

“ or in his absence, any police officer not below the rank of a Sub-Inspector or Sergeant.”

6. *Amendment of section 51 of Bom. IV of 1902.*—In section 51 of the said Act—

(a) in sub-section (1) for the words “ such persons and on such emoluments as he deems fit ” the following words shall be substituted, namely :—

“ police officers of such rank as may be approved by the Governor in Council.”

(b) in sub-section (2), the words “ and shall be liable to punishment, suspension and dismissal, as if he were a Police Officer under this Act ” shall be omitted and for the comma after “ Police ” a full stop shall be substituted.

7. *Amendment of section 113 of Bom. IV of 1902.*—In section 113 of the said Act after the word “ redeemed ” the words “ within two months ” shall be inserted.

8. *Amendment of section 120 of Bom. IV of 1902.*—In section 120 of the said Act, the words “ or heard ” shall be repealed.

STATEMENT OF OBJECTS AND REASONS.

The objects of the amendments are explained in the following notes on clauses :—

Notes on Clauses.

Clause 2.—When section 7 of the City of Bombay Police Act, 1902, was enacted there were only two kinds of officers of superior rank, viz., Inspectors and Sub-Inspectors. It is proposed to include in the section Deputy Inspectors and Sergeants, who are of similar status.

Clause 3.—The indiscriminate use of streets as halting places for vehicles, especially in the vicinity of places of public amusement and places of public resort, has, with the increase in vehicular traffic, become a great source of danger, obstruction, and inconvenience to the public. Rules regulating the conditions under which vehicles may remain standing in streets and public places can be framed by the Commissioner of Police under clause (c) of sub-section (1) of section 22 of the Act with the previous sanction of the Governor in Council.

[Appendix 30—*contd.*]

But this procedure involves unnecessary correspondence and delay. It is, therefore, proposed to empower the Commissioner of Police to frame rules under this clause without the previous sanction of the Governor in Council as in the case of rules under clause (b).

Clause 4 (a).—It is difficult at present for the Commissioner of Police to deal effectively with deserters from the Bombay City Police force, i.e., those who leave the force without permission. An offence under section 18 (c) of the Act is not a cognizable offence. The deserter usually leaves for his native place and even if a summons can be served upon him there, there is little likelihood of his attending the Court in Bombay. He would either advance the plea of illness or ignore the summons and disappear for the time being. If the offence is made cognizable as proposed, the Commissioner of Police can have some of these deserters arrested and brought back to Bombay for trial. This provision will also be a healthy deterrent to intending deserters. It is therefore proposed to arm the Commissioner of Police with the necessary powers by making the offence under section 18 (c) of the Act cognizable.

(b) It has been found that in certain streets in the City of Bombay speculators are in the habit of using the public road for transacting their business. This amounts almost to a permanent nuisance. Traffic is obstructed and inconvenience is caused to persons using the road. The crowd disperses at once on the arrival of the police, but collects again when the police force has left the place. As it has proved impossible in practice to deal with the nuisance so long as a breach of Rule 12 of the rules issued by the Commissioner of Police under section 22 (1) (b) is non-cognizable, the only means of remedying the evil is to treat it as cognizable by including in clause (i) of section 33 a breach of the rules made under section 22 (1) (b) of the Act prohibiting the occupation of a street so as to cause obstruction to traffic.

Clause 5.—Whenever there is rioting or disorder simultaneously in different parts of the City of Bombay it is impossible for the officer in charge of a section to be present at every place within his section where it is necessary to disperse an unlawful assembly. This defect in the section came very prominently to notice during the riots in the months of February and May of 1929. It is therefore proposed to amend section 40 of the Act with a view to empower any police officer not lower in rank than that of a Sub-Inspector or Sergeant to disperse an unlawful assembly.

Clause 6.—It has been the practice in the past to appoint pensioners from Government service as pound keepers under section 51 of the Act. This arrangement has been found to be unsuitable and in order to ensure the proper management of cattle pounds in future it has been decided to appoint police officers of suitable rank from the regular Bombay City Police force as pound keepers. The proposed amendment is intended to achieve this object.

Clause 7.—Section 113 of the Act does not provide any time-limit within which weapons seized under that section should be redeemed by

[Appendix 30—*conold.*]

payment of fine. The result of this is that the Police have to keep these weapons indefinitely which is impracticable. It is therefore proposed to provide a period of two months for this purpose, so as to enable the Police to dispose of the weapons which are not claimed within that period.

Clause 8.—The words “or heard” in section 120 of the Act are no longer necessary since the section was amended in 1923. It is therefore proposed to omit them.

29th June 1930.

(Signed) J. E. B. HORSON.

APPENDIX 30-A.

BILL No. XXIX OF 1930.

A Bill further to amend the Bombay District Police Act, 1890.

WHEREAS it is expedient further to amend the Bombay District Police Act, 1890, in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by section 80-A (3) of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay District Police (Amendment) Act, 1930.

2. *Amendment of section 6 of Bom. IV of 1890.*—Section 6 of the Bombay District Police Act, 1890, hereinafter referred to as the said Act, shall be renumbered as sub-section (1) of the said section and the following shall be inserted thereafter as sub-section (2), namely:—

“(2) Government may also appoint any police officer not below the rank of District Superintendent to be the Principal of the Central Police Training School, Nasik, and may assign to him such duties as it may think fit. He may be transferred, suspended or removed from office by Government.”

3. *Amendment of section 25 of Bom. IV of 1890.*—In sub-section (4) of section 25 of the said Act, the words “or where the Commissioner so directs, the tax shall be imposed or the rate shall be assessed by the Collector at his discretion” shall be added to the second sentence.

4. *Amendment of section 26 of Bom. IV of 1890.*—In section 26 of the said Act—

(a) in sub-section (1), for the existing proviso, the following shall be substituted, namely:—

“Provided that where a municipality makes default in imposing any such tax or in assessing any such rate or in making any such recovery, the Government may direct the Collector to impose such tax or assess such rate or to make such recovery”; and

(b) in sub-section (2) for the words “as aforesaid” the words “under any provision of this Act” shall be substituted.

[Appendix 30-A—contd.]

5. *Amendment of section 29 of Bom. IV of 1890.*—In sub-section (3) of section 29 of the said Act,—

(a) for the words “ A District Superintendent shall have ” the words “ The Deputy Inspector General of Police, Criminal Investigation Department, and a District Superintendent shall each have ” shall be substituted ; and

(b) after the word “ obtained ” the following words shall be inserted, namely :—

“ The Principal of the Central Police Training School, Nasik, shall also have the like authority in respect of any police officer below the grade of Inspector serving under him, and in respect of head constables and constables belonging to the police force of the Nasik District or of any other district attached to the said School for duty under him. He may also suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such Inspector and until an order of the Inspector General can be obtained.”

6. *Repeal of section 33 of Bom. IV of 1890.*—Section 33 of the said Act shall be repealed.

7. *Amendment of section 34 of Bom. IV of 1890.*—In section 34 of the said Act,—

(i) in sub-section (1)—

(a) after the word “ permission ” where it occurs for the first time the words “ of the Deputy Inspector General of Police, Criminal Investigation Department, or of the Principal of the Central Police Training school, Nasik, or ” shall be inserted ;

(b) in clause (a) for the words “ District Superintendent ” the words “ Deputy Inspector General of Police, Criminal Investigation Department, or to the Principal of the Central Police Training School, Nasik, or to the District Superintendent, as the case may be ” shall be substituted.

(ii) in sub-section (3) for the words “ District Superintendent ” the words “ Deputy Inspector General of Police, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent, as the case may be ” shall be substituted.

8. *Amendment of section 35 of Bom. IV of 1890.*—In section 35 of the said Act—(a) in sub-section (1) for the words “ District Superintendent ” the words “ Deputy Inspector General of Police, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or the District Superintendent to whom such police officer is subordinate ”, shall be substituted.

(b) in sub-section (2)—

(i) after the word “ time ” the words “ the Deputy Inspector General of Police, Criminal Investigation Department, or the

[Appendix 30-A—*contd.*]

Principal of the Central Police Training School, Nasik, or” shall be inserted;

(ii) after the word “Magistrate” where it occurs for the second time, the words “the Deputy Inspector General of Police, Criminal Investigation Department, the Principal of the Central Police Training School, Nasik,” shall be inserted.

9. *Amendment of section 36 of Bom. IV of 1890.*—Clause (a) of sub-section (2) of section 36 of the said Act shall be repealed; and clauses (b) to (e) of the said sub-section shall be re-lettered as clauses (a) to (d) respectively.

10. *Amendment of section 39 of Bom. IV of 1890.*—In section 39 of the said Act,—

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

“(n) prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used”; and

(b) in sub-section (2) for the word, letters and brackets “(h) or (i)” the word, letters and brackets “(h), (i) or (n)” shall be substituted.

11. *Insertion of new section 51B in Bom. IV of 1890.*—After section 51A of the said Act the following shall be inserted, namely:—

“51B. *Powers with regard to offences under Act XI of 1890.*—

(1) When in respect of an animal an offence under section 3 or XI of section 5 of the Prevention of Cruelty to Animals Act, 1890, hereinafter 1890. in this section referred to as the said Act, has been committed, or, when there is a reasonable ground for suspecting that such offence has been committed, any police officer may—

(a) take the animal to a Magistrate, or

(b) if the accused person so requires, take the animal to a veterinary officer, if any, empowered by the Governor in Council in this behalf, or

(c) take the animal to an infirmary appointed under sub-section (2) of section 6 of the said Act for treatment and detention therein, pending direction of a magistrate under sub-section (3) of the said section, or

(d) when the animal is in such a physical condition that it cannot be taken to a veterinary officer or a magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises, or other marks of injury as may be found on the body of the animal.

(2) When an animal is brought before a Magistrate under clause (a) of sub-section (1), the Magistrate may direct the animal to be returned to the person from whose possession it was taken on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or, may direct that the

[Appendix 30-A—*contd.*]

animal shall be sent for treatment and care to an infirmary and be there detained as provided in sub-section (3) of section 6 of the said Act, or may make such order as he thinks fit regarding the disposal or custody and production of the animal.

(3) The veterinary officer before whom an animal is brought under clause (b) of sub-section (1) shall with all convenient speed, examine the same and draw up a report of such examination. A copy of the report shall be delivered to the accused person if he applies for it on payment of such fee as Government prescribe.

(4) When under sub-section (2) a Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained therein, the provisions of sub-sections (5), (6), (7) and (8) of section 6 of the said Act shall, so far as may be, apply.

(5) When a police officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed, he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if such person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded."

12. *Amendment of section 61 of Bom. IV of 1890.*—In section 61 of the said Act,—

(a) for the words "In any local area to which the Commissioner by notification from time to time extends this section or any part thereof, whoever contrary thereto" the following words, figure and brackets shall be substituted, namely:—

"In any local area to which the Commissioner by notification from time to time extends this section or any part thereof,—

(1) whoever contrary thereto—"

(b) in sub-clause (a),—

(i) the words "without lawful excuse" shall be omitted; and

(ii) for the words "except when there is sufficient moonlight to render such light unnecessary" the words "contrary to any rule or order made and published by the Magistrate of the district" shall be substituted;

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

"(g) drives, rides or leaves on any footway any animal or drives or draws any vehicle thereupon or fastens any animal so that the same can stand across or upon such footway";

(d) sub-clause (s) shall be deleted; and

(e) the following shall be inserted as clause (2) of the said section, namely:—

"(2) whoever contrary thereto begs importunately for alms or directs or permits children under his control to beg for alms, or exposes or exhibits, with the object of exciting charity, any

[Appendix 30-A—contd.]

deformity or disease or any offensive sore or wound, in or near to and within sight of any street; shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both."

13. *New section 61B, 61C, 61D and 61E of Bom. IV of 1890.*—After section 61A of the said Act the following sections shall be inserted, namely:—

"61B. *Wilful trespass.*—Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or appropriated to public purposes, or on any boat or vessel, shall, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.

61C. *False alarm of fire or damage to fire alarm.*—Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of a municipality or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise damages, a street fire-alarm, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

61D. *Being found under suspicious circumstances between sunset and sunrise.*—Whoever is found between sunset and sunrise—

(a) armed with any dangerous instrument with intent to commit an offence, or

(b) having his face covered, or otherwise disguised, with intent to commit an offence, or

(c) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(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, or

(e) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of housebreaking, shall be punished with imprisonment for a term which may extend to three months.

61E. *Possession of property of which no satisfactory account can be given.*—Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or act to the satisfaction of the Magistrate, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees."

[Appendix 30-A—*contd.*]

STATEMENT OF OBJECTS AND REASONS.

The objects of the amendments are explained in the following notes on the clauses of the Bill :—

Notes on Clauses.

Clause 2.—The Principal of the Central Police Training School, Nasik, *qua* Principal is not a Police Officer within the meaning of the Bombay District Police Act, 1890. As it is now proposed to empower him under the Act to exercise direct disciplinary control over his subordinates, it is necessary that the appointment of the Principal like other superior Police Officers should be made under the Act. The clause makes the necessary provision accordingly for his appointment, suspension, removal, etc., by Government.

Clause 3.—As it may be desirable in certain cases not to lay the burden of collecting the cost of additional police in municipal districts upon the municipality, the amendment allows this duty, at the discretion of the Commissioner, to be performed by the Collector.

Clause 4.—The existing proviso to sub-section (1) of section 26 does not provide for the case where the municipality has made default not only in recovery but also in imposing the tax or in assessing the rate.

Clause 5.—This provision is necessary to enable the Deputy Inspector General of Police, Criminal Investigation Department, and the Principal, Central Police Training School, Nasik, to exercise disciplinary control over their subordinates.

Clauses 6 and 9.—The provisions of section 33 of the Act conflict with the provisions of the Government Servants' Conduct Rules. The section contemplates the sanction of the District Magistrate when a police officer wants to purchase or sell land in the district, while powers have been delegated to the Inspector General of Police by Government, under the Government Servants' Conduct Rules, to sanction such transactions. An Act of the local legislature cannot override rules made by the Secretary of State in Council under section 96-B of the Government of India Act; *vide* sections 80-A (4), 84 (1) last paragraph and 129-A (1) of the Government of India Act. Section 33 has thus become obsolete, and it is proposed to repeal it. The amendment in clause 9 is consequential on the repeal of section 33.

Clauses 7 and 8.—Sections 34 and 35 do not provide for police officers who are under the control of the Deputy Inspector General of Police, Criminal Investigation Department, and the Principal of the Central Police Training School, Nasik. As these latter officers are to exercise direct control over police officers subordinate to them, it is necessary to provide that—

(i) such subordinate police officers shall not resign their offices or withdraw themselves from duty without the written permission of the officer to whom they are subordinate ;

[Appendix 30-A—*contd.*]

(ii) the certificates, arms, etc., of such subordinate police officers shall also be delivered up to some officer empowered by either of the said two officers, as the case may be; and

(iii) that these officers should have the power to issue warrants to search for and seize the articles not delivered up under section 35 (1).

Clauses 10 and 12.—Under the Act no power is given to regulate the lighting of vehicles in streets and public places. Under clause (d) of sub-section (1) of section 22 of the City of Bombay Police Act, 1902, the Commissioner of Police is empowered to make rules prescribing the number and the position of lights to be used on vehicles in streets and public places, and it has been represented to Government that it is desirable that the Magistrate of the district should possess such a power. Clauses 10 (a) and 12 (d) make the requisite provision.

Under existing clause (g) of section 61, the wheeling of a bicycle along a pavement or footway is not an offence unless it is proved to cause an obstruction. Complaints of this nature are frequent, and it has been represented to Government that an amendment on the line of section 118 (c) of the City of Bombay Police Act, 1902, is necessary so as to enable the police to deal with this nuisance in important towns. Clause 12 (c) makes the necessary provision.

The existing section 61 (s) imposes a fine of Rs. 50 on any person who begs importunately for alms or exposes or exhibits with the object of exciting charity any deformity or disease or any offensive sore or wound in or near to and within sight of any street. The beggar nuisance in all large towns is one which demands the constant attention of the police. Section 121 of the City of Bombay Police Act, 1902, makes such an offence punishable either with imprisonment or fine and it is considered desirable to amend section 61 (s) on the lines of the provision in the City Police Act. The necessary provision has been made in clause 12 (e).

Clause 11.—Although section 51-A of the Bombay District Police Act, 1890, and section 33 (i) of the City of Bombay Police Act, 1902, give power to a police officer to arrest without a warrant any person committing in his presence an offence under section 3, 4, 5 or 6 of the Prevention of Cruelty to Animals Act, 1890, there is no provision in these Acts or in the Code of Criminal Procedure, 1898, which authorizes him to require the animal in respect of which the offence has been committed to be taken to a Magistrate or to a veterinary surgeon. The accused persons when taken to a Magistrate are merely bailed to appear before the Magistrate the next day and to produce the ill-treated animal at that time. This leaves an opportunity to the offender to produce another animal and, it is then difficult to prove that the animal produced subsequently before the Magistrate is not the same as the one in respect of which the offence had been committed. Also a police officer cannot at present compel an animal to be unsaddled or unloaded to see whether the animal is unfit to be employed in any work or labour, by reason of any disease, infirmity, wound, sore or other cause. Difficulty is thus experienced in giving effect to the Prevention of Cruelty to Animals Act, 1890. The clause makes the requisite provision in the matter.

[Appendix 30-A—concl.]

Clause 13.—In large towns there is a considerable number of professional criminals; bad characters from other parts of India also visit them, loaf about for a short time, and disappear after committing offences against property. In such cases prosecutions under Chapter VIII of the Code of Criminal Procedure, 1898, are difficult to carry out, and it is seldom possible to obtain identification of property which is attached under suspicious circumstances and is obviously stolen property. In the City of Bombay the hands of the police are considerably strengthened by provisions such as are contained in sections 111, 111-A, 112 and 114 of the City of Bombay Police Act, 1902, and it is considered necessary that the police should possess similar powers in the districts also.

27th June 1930.

(Signed) J. E. B. Horson.

APPENDIX 31.

BILL No. XXXI OF 1930.

A Bill further to amend the City of Bombay Municipal Act, 1888.

(As published in the "Bombay Government Gazette"
of the 11th July 1930.)

Bom. III of 1888. WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act 193 .

Bom. III of 1888. 2. *Amendment of section 3 of Bom. III of 1888.*—In section 3 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act, clauses (ee), (ff) and (gg) containing the definitions of "registered trade union", "delegate" and "electoral College" shall be relettered as (ii), (jj) and (kk) respectively.

3. *Amendment of section 26 of Bom. III of 1888.*—After sub-clause (i) of clause (e) of sub-section (2) of section 26 of the said Act, the following shall be inserted, namely:—

"(ii) has not made or caused to be made the deposit referred to in sub-section (1) of section 26A, or"

4. *New section 26A of Bom. III of 1888.*—After section 26 of the said Act, the following shall be inserted, namely:—

"26A. *Deposit by candidates.*—(1) On or before the date appointed for the nomination of candidates for a ward election or for election by co-option each candidate for election or co-option, as the case may be, shall deposit or cause to be deposited with the Commissioner the sum of two hundred and fifty rupees in cash or in Government Promissory

[Appendix 31—*contd.*]

Notes of equal value at the market rate of the day, and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(2) The deposit shall be returned if—

(a) the candidate is declared or is deemed to be duly elected, or

(b) the candidate signifies his intention in writing to the Commissioner one day before the day fixed for the poll not to contest the election, or

(c) the nomination of the candidate is declared invalid, or

(d) the candidate dies, in the case of a ward election after the scrutiny of nomination papers and before the commencement of the poll, and, in the case of an election by co-option, before the day fixed for the election by co-option, or

(e) the candidate fails to be elected but secures a first vote in the case of an election by co-option, and, in the case of a ward election valid votes in excess of the number specified in sub-section (4).

(3) The deposit shall be returned to the person by whom it was made.

If a candidate dies in the case of a ward election, before the day fixed for the poll, or, in the case of an election by co-option, before the day fixed for the election, the deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.

(4) If a candidate is not elected and if, in the case of an election by co-option, he fails to secure any first vote, or, in the case of a ward election, if the number of valid votes polled by him does not exceed one-eighth of the total number of valid votes polled divided by the number of councillors to be elected in the ward for which the candidate is nominated, the deposit shall be forfeited to the Corporation.

(5) The deposit shall, if it is not forfeited, be returned as soon as may be after the declaration of the result of the election under section 32 :

Provided that if a candidate is duly nominated at a general election in more than one ward, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the Corporation."

5. *Amendment of section 68 of Bom. III of 1888.*—In sub-section (2) of section 68 of the said Act,

(a) after the entry "Section 311" the entries

"Section 313

Section 313A "

shall be inserted ;

(b) after the entry "Section 375A" the entry "Section 376" shall be inserted ;

(c) after the entry "Section 377" the entry "Section 377A" shall be inserted, and

(d) after the entry "Section 384A" the entry "Section 390" shall be inserted.

[Appendix 31—*contd.*]

6. *Amendment of sections 74, 75, 85, 328, 347 and 436 of Bom. III of 1888.*—In the heading to Chapter IV, in the marginal notes to sections 74 and 75, and in sub-section (1) and clause (c) of sub-section (2) of section 74, sub-section (1) of section 75, clauses (a) and (b) of sub-section (2) of section 85, entry (a) in sub-section (1) of section 328, clause (aa) of section 347 and in section 436 of the said Act, for the words “ executive engineer ” the words “ city engineer ” shall be substituted.

7. *Amendment of section 74 of Bom. III of 1888.*—(1) In the proviso to clause (c) of sub-section (2) of section 74 of the said Act, after the word “ grant ” the following words shall be inserted, namely :—

“ to the municipal city engineer a personal allowance of rupees two hundred and fifty per mensem, rising by annual increments of rupees fifty per mensem up to rupees five hundred per mensem, in addition to his maximum monthly salary, and ”

(2) The amendment contained in sub-section (1) shall be deemed to have been made and to have had effect from the 1st day of April 1929.

8. *Amendment of section 80A of Bom. III of 1888.*—For the proviso to sub-section (1) of section 80A of the said Act, the following proviso shall be substituted, namely :—

“ Provided that temporary appointments for loan works carrying a monthly salary of rupees five hundred or more exclusive of allowances may be made for a period of not more than six months by the Commissioner with the previous sanction of the Standing Committee ; the Commissioner shall forthwith report every such appointment when made to the Corporation. No such appointment shall be renewed on the expiry of the said period of six months without the previous sanction of the Corporation.”

9. *Amendment of sections 83, 114, 121, 124 and 501 of Bom. III of 1888.*—In clauses (a) and (c) of sub-section (2) of section 83 and in sections 114, 121, sub-section (3) of section 124 and section 501 of the said Act, before the word “ approval ” the word “ previous ” shall be inserted.

10. *Amendment of section 111 of Bom. III of 1888.*—In the proviso to section 111 of the said Act, after the word “ servants ” where it occurs for the second time, the words “ and for payment of compassionate allowance to the widows or other relations of deceased municipal officers and servants ” shall be added.

11. *Amendment of section 169 of Bom. III of 1888.*—In section 169 of the said Act—

(a) in clause (b) of sub-section (1), for the words “ with the approval of the Standing Committee ” the words “ in such cases as the Standing Committee shall either generally or specially approve ” shall be substituted ;

(b) in sub-section (2) for the words “ in each case ” the words “ for the cases ” shall be substituted.

[Appendix 31—contd.]

12. *Amendment of section 306 of Bom. III of 1888.*—In sub-section (1) of section 306 of the said Act, after the word “satisfaction” where it occurs for the second time, the following words shall be inserted, namely :—

“and if all land-revenue payable to Government in respect of the land comprised in such street has been paid.”

13. *Amendment of section 313 of Bom. III of 1888.*—In clause (a) of sub-section (1) of section 313 of the said Act, after the word “street” where it occurs for the second time, the words “or in any public place” shall be inserted.

14. *Amendment of section 314 of Bom. III of 1888.*—After clause (b) of section 314 of the said Act, the following shall be inserted, namely :—

“(c) any article whatsoever hawked or exposed for sale in any public place or in any public street in contravention of the provisions of section 313A.”

15. *Amendment of section 328A of Bom. III of 1888.*—In section 328A of the said Act,—

(a) to clause (b) of the first proviso to sub-section (1), the following shall be added, namely :—

“or to the trade or business carried on by the owner of any tram-car, omnibus or other vehicle upon which such advertisement is exhibited,” and

(b) in sub-section (4) for the words “any movable board on wheels” the words “a tram-car, omnibus and any other vehicle and any movable board” shall be substituted.

16. *Amendment of section 394 of Bom. III of 1888.*—In section 394 of the said Act,

(i) after clause (d) of sub-section (1) the following clause shall be inserted, namely :—

“(e) carry on within the City or use any premises for the trade or operation of a farrier.”

(ii) In sub-section (5) after the word “premises” the words “if any” shall be inserted.

17. *Amendment of section 471 of Bom. III of 1888.*—In the table appended to section 471 of the said Act, in the entry relating to section 328A, sub-section (1), in column 2, for the word “sites” the words “sites, vehicles, etc.,” shall be substituted.

18. *Amendment of section 472 of Bom. III of 1888.*—In the table appended to section 472 of the said Act—

(a) after the entry relating to section 313, sub-section (1), the following entry shall be inserted namely :—

“313A. Prohibition of hawking or exposing for sale Five
any article in a public place or street without rupees.”
& licence.

[Appendix 31—*contd.*]

(b) in the entry relating to section 328A, sub-section (1), in column 2, for the word "sites" the words "sites, vehicles, etc.," shall be substituted.

19. *Amendment of section 490 of Bom. III of 1888.*—In sub-section (3) of section 490 of the said Act, after the word "fit" the words "if perishable forthwith, and if other than perishable" shall be inserted.

20. *Amendment of section 527 of Bom. III of 1888.*—In sub-section (3) of section 527 of the said Act, before the word "sanction" the word "previous" shall be inserted.

21. *Amendment of Schedule H of Bom. III of 1888.*—In Schedule H to the said Act, after the entry relating to "ghi", the following entry shall be inserted:—

" 'Vegetable product' or 'Vanaspati', that is to say,	10 annas
ghi substitutes which are not pure ghi but which	per Bombay
resemble ghi.	maund."

STATEMENT OF OBJECTS AND REASONS.

The objects of the amendments contained in the Bill are explained in the following notes on clauses:—

Clause 2.—The amendment contained in this clause is verbal and is intended to correct the numbering of certain clauses made by Bombay Act IX of 1928.

Clauses 3 and 4.—Experience has shown that it is desirable to make a provision in the Act, requiring candidates at ward elections to make a deposit in the same way as candidates for election to the Bombay Legislative Council. The Corporation have represented that it has been found in practice that some candidates at municipal elections put forward their names with no other object than that of benefiting certain other candidates by transferring their votes to them. It is, therefore, proposed to provide that each candidate at a ward election shall, before the prescribed date, deposit with the Municipal Commissioner the sum of Rs. 250 in the manner provided in new section 26A. It is proposed to make a similar provision with respect to candidates for election by co-option also.

Clause 5.—The Corporation have represented that the powers of the Municipal Commissioner under sections 313 and 313A, not being delegable under section 68, all the licences issued under these sections have to be issued in his name. In order to enable the officers concerned to exercise the statutory powers, duties and functions of the Municipal Commissioner, it is desirable to include these sections under section 68. It is also considered desirable that the powers of the Commissioner under sections 376, 377A and 390 should be capable of delegation under section 68. The amendments give effect to these recommendations.

Clauses 6 and 7.—The Municipal Corporation for the City of Bombay have recommended to Government that legislation should be

Appendices

[Appendix 31—*contd.*]

undertaken with a view to change the designation of the "Executive Engineer" to that of "City Engineer" and to attach to the post a personal allowance of Rs. 250—50—500 per mensem. The Corporation have also suggested that the provision regarding personal allowance should have retrospective effect from 1st April 1929. The amendments proposed are intended to give effect to these recommendations.

Clause 8.—The Corporation have represented that it is desirable that under section 80A of the Act temporary appointments for loan works should be made by the Commissioner with the previous sanction of the Standing Committee. The amendment of the proviso to sub-section (1) of section 80A gives effect to this proposal.

Clauses 9 and 20.—The Corporation have desired that the word "previous" should be inserted before the word "approval" occurring in sections 83 (2) (a) and (c), 114, 121, 124 (3) and 501 and before the word "sanction" occurring in section 527 (3) of the Act, so as to make it clear that by the words sanction or approval of the Standing Committee or the Corporation, the previous sanction or approval of those bodies is meant.

Clause 10.—The object of this amendment is to give effect to the recommendation of the Corporation that the proviso to section 111 of the Act should be amended so as to enable the "fines fund" to be utilised for payment of compassionate allowance to the widows or other relations of deceased municipal servants.

Clause 11.—In accordance with the provisions of section 169, it is usual for the Standing Committee of the Corporation to frame and prescribe annually certain rules for the supply of water by meter measurement, for compounding for the supply of water, for rates to be charged to Government and Port Trust premises, etc. These rules prescribe *inter alia* the classes of properties in respect of which the Municipal Commissioner may compound with the owner by levying a special water-rate instead of a water-tax on value or by meter measurement, and the rate at which he may compound in each class of property. In view of the existing wording of clause (b) of sub-section (1) of section 169, however, the Municipal Commissioner has to approach the Standing Committee for sanction in each individual case in spite of the fact that the Committee has already prescribed the classes of premises for which and the rate at which the water-tax can be compounded. This results in unnecessary correspondence and it is, therefore, proposed to empower the Standing Committee to give general sanction to the Municipal Commissioner to compound the water-tax. At the same time it is proposed to reserve to the Committee the power to give special sanction in special cases. The amendment of sub-section (2) of section 169 is consequential.

Clause 12.—Under the existing law, land comprised in a private street declared to be a public street under the provisions of sub-section (1) of section 306 of the Act vests in the Corporation and, unless the owner

[Appendix 31—concl.]

of the land included in the private street has paid all land-revenue due to Government in respect of such land, the land-revenue may be claimed from the Corporation. Such a result could hardly have been intended. The object of the proposed amendment is to avoid any such contingency.

Clauses 13 and 14.—Sections 313 and 314 *inter alia* prohibit deposits in streets and empower the Commissioner to remove without notice any articles deposited in public streets in contravention of such prohibition. It has been represented that places like the Chowpatty foreshore are public places but not public streets and that it is very desirable that the provisions of sections 313 and 314 should extend to public places also. The amendments in these clauses are intended to carry out this object.

Clause 15.—It is proposed to amend section 328A so as to enable the Corporation to charge licence-fees in respect of advertisements exhibited on certain vehicles, e.g. the tram-cars and buses of the Bombay Electric Supply and Tramways Company, Ltd., except in so far as such advertisements relate to the trade or business conducted by the Company itself. Opportunity has also been taken by an amendment of sub-section (4) of section 328A to make it clear that "structure" includes movable boards whether on wheels or not.

Clause 16.—In view of the cruelty suffered by bullocks and horses at the hands of farriers who are not skilled in the art of shoeing, the Corporation have recommended to Government that legislation should be undertaken so as to provide that no person shall carry on the profession of a farrier except under and in conformity with the terms and conditions of a licence to be granted by the Commissioner. The amendment of section 394 is intended to give effect to this recommendation.

Clauses 17 and 18.—The amendments made by these clauses are consequential.

Clause 19.—In view of the amendment of section 314 in clause 14 of the Bill, the articles removed, if perishable, cannot be kept for one month but should be sold or otherwise disposed of forthwith. A slight amendment of section 490 (3) is therefore necessary to provide accordingly.

Clause 21.—The object of this amendment is to give power to the Corporation to levy a town-duty on substitutes of ghi popularly known as "vegetable ghi" or "vegetable product" or "vanaspati" that is, all substitutes which resemble ghi and which are capable of use as substitutes for ghi but are not exclusively derived from milk.

(Signed) HARILAL DESAIBHAI DESAI.

9th July 1930.

APPENDIX 32.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED No. 14 (Revised). The Honourable Dewan Bahadur HARILAL D. DESAI.

Temporary jails at Visapur and Yeravda.

Government in the Home Department issued instructions to the Superintending Engineer, Central Circle, to put the abandoned jail at Visapur immediately into an efficient state of repair and to make adequate arrangements for water supply, conservancy, etc.; also to construct immediately a temporary jail outside the Yeravda Jail to hold 1,500 prisoners. As a special case sanction was accorded to the expenditure being incurred without estimate and allotment of funds on the works up to the amounts mentioned below :—

	Rs.
(1) Special repairs to Visapur Jail	10,000
(2) Original works—Visapur Jail	50,000
(3) Original works—Temporary Jail at Yeravda	1,10,000
Total	1,70,000

As the expenditure in question relates to a new service and as the charge will have to be met by re-appropriation from savings later in the year under the head "41, Civil Works—Provincial", the sanction of the Legislative Council is requested to a demand of a grant of a token sum of Rs. 10.

Demand voted and now increased.

41, Civil Works—Partly Reserved and Partly Transferred.

Rs. 1,31,16,000 + Rs. 10.

FINANCE DEPARTMENT :

11th July 1930.

APPENDIX 33.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED No. 15. The Honourable Sir ERNEST HOTSON.

Excess expenditure under "25, Jails and Convict Settlements".

The Civil Disobedience Movement has necessitated the provision of extra accommodation for a large number of prisoners for whom there was no room in the existing prisons.

In the middle of May 1930 four chawls of the Development Department at Worli were converted into a temporary prison. This prison has proved unsuitable and it has been decided to close it as soon as possible, and in future to use it as a lock-up.

[Appendix 33—contd.]

In the meantime the former extra-mural prison at Visapur has been re-opened as an extra prison and arrangements are being made to extend the Yeravda Central Prison by opening a temporary camp jail adjoining it, which will be in charge of a separate Superintendent.

In addition to the expenditure on account of these temporary prisons considerable additional expenditure, for which provision has not been made in the budget, is being incurred owing to the general rise in the population of other prisons, the consequent increase in the jail staff, and the extra cost of diet on account of the classification of a number of prisoners in Classes A and B under the new rules.

The probable total expenditure up to the end of the current financial year is estimated at Rs. 6,14,697 as explained in the accompanying statement.

The Legislative Council is, in the circumstances, requested to sanction a supplementary grant of Rs. 6,15,000.

Demand voted and now increased.

“25, Jails and Convict Settlements—Reserved.”

Rs. 23,01,000* + Rs. 6,15,000.

FINANCE DEPARTMENT,

COUNCIL HALL:

Poona, 10th July 1930.

Estimate of emergent expenditure under “25, Jails” on account of Civil Disobedience Movement.

Serial No.	Description of item.	Expenditure during the current financial year.	
		Rs.	Rs.
1	<i>Worli Temporary Prison</i> (for an average population of 800 prisoners: 2½ months)—		
	Pay of officers	1,563	
	Pay of Establishment	7,533	
	Allowances	1,575	
	Contingencies†	49,458	60,129
2	<i>Worli Lock-Up</i> —		
	Contingencies†	60,032	60,032
3	<i>Yeravda Temporary Prison</i> (for an average population of 1,500 prisoners)—		
	Pay of establishment	14,320	
	Allowances	940	
	Contingencies†	1,25,732	1,40,992

* This figure was subsequently corrected to Rs. 23,02,000.

† *Note.*—The head “Contingencies” includes charges on account of diet, clothing, transfer of prisoners, equipment and other miscellaneous expenditure.

[Appendix 33—concl'd.]

Serial No.	Descriptions of item.	Expenditure during the current financial year.	
		Rs.	Rs.
4	<i>Visapur Temporary Prison</i> (for an average population of 1,200 prisoners)—		
	Pay of officers	6,400	
	Pay of Establishment	26,160	
	Contingencies*	1,01,245	
	Allowances	4,568	
	Ambulance for taking patients to Ahmednagar Civil Hospital	3,400	
			1,41,773
5	<i>Nasik Road Central Prison</i> —		
	Additional Jailor (for 7 months)	1,078	
			1,078
6	<i>Ahmedabad Central Prison</i> —		
	Additional Jailor (for 10 months)	1,540	
			1,540
7	<i>Yerarda Central Prison</i> —		
	Additional Jailors (for 10 months)	2,580	
			2,580
8	<i>Head Office</i> —		
	Pay of establishment (for 8 months)	560	
			560
9	<i>Other Jails</i> —		
	Pay of establishment	7,560	
	Contingencies*	1,98,453	
			2,06,013
	Total		6,14,697

* Note.—The head "Contingencies" include charges on account of diet, clothing, transfer of prisoners, equipment and other miscellaneous expenditure.

APPENDIX 34.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED No. 16. The Honourable Dewan Bahadur HARILAL D. DESAI.

Road works to be started out of the petrol tax.

In accordance with the recommendations of the Indian Road Development Committee the Government of India have increased the import and excise duties on motor spirit from 4 to 6 annas per gallon and decided to distribute, after reserving a certain amount, the proceeds of the additional duty among the several Local Governments for road development in the ratio which the consumption of petrol in each province bears to the total consumption in India in the preceding calendar year. The Government of India have also decided that, if any part of the amount apportioned to a province in any financial year remains unexpended at the end of that year, it shall be carried over for expenditure in that province in the following year. A resolution to that

[Appendix 34—contd.]

effect was moved by the Honourable Sir B. N. Mitra during the February-March session of the Legislative Assembly and adopted by that body on the 4th February 1930. To settle the details a conference of the representatives of the Government of India and of the several Local Governments was held at Simla from the 19th to the 22nd April 1930. The amount to be allotted to Bombay was fixed at Rs. 17,20,000, and a programme of 12 schemes for execution during the current year was handed in at the conference and approved by it. It was made clear that neither the Conference nor the Government of India would concern themselves with the technical or financial details of projects. This means that the Local Government is free to settle its own details, provided they are within the schemes approved by the Conference and the Government of India.

The 12 schemes approved are as follows :—

- (1) Bombay-Poona-Ahmednagar-Aurangabad Road.
- (2) Bombay-Ahmedabad-Rajputana Road.
- (3) Dhulia-Bhusawal-Edlabad-Nagpur Road.
- (4) Bombay-Agra Road.
- (5) Karwar-Bellary Road.
- (6) Bombay-Konkan-Goa Road.
- (7) Bombay-Poona-Sholapur-Hyderabad Road.
- (8) Bombay-Poona-Bangalore Road.
- (9) Karachi-Sukkur-Punjab Road on the west side of the Indus.
- (10) Karachi-Sukkur-Punjab Road on the east side of the Indus.
- (11) Hyderabad-Mirpurkhas-Rajputana Road.
- (12) Sukkur-Shikarpur-Jacobabad-Quetta Road.

The Government of India have now increased the Bombay share of the petrol tax from Rs. 17,20,000 to Rs. 17,50,000. At present it is proposed to allot a sum of Rs. 5,59,900 as shown below for works which have been approved and the detailed plans and estimates for which have been technically sanctioned :—

Name of road and nature of work to be done.	Estimated cost.	Amount proposed to be sanctioned.
<i>Bombay-Ahmedabad-Rajputana Road.</i>	Rs.	Rs.
Bridge on Dhondala Nalla near Nehroli in the Thana Division	11,900	11,900
Constructing Talasari Vapi Section in the Thana Division ..	3,64,871	40,000
Link road from Damanganga to Vapi in the Surat and Broach Division	40,766	15,000
Causeway over the Kharera river in the Surat and Broach Division	26,245	15,000
Causeway over the Kolak river in the Surat and Broach Division	33,443	15,000
Improving miles 4 to 9/6 of Navsari-Matwad Road in the Surat and Broach Division	1,15,197	20,000

[Appendix 34—contd.]

Name of road and nature of work to be done.	Estimated cost.	Amount proposed to be sanctioned.
<i>Bombay-Ahmedabad-Rajputana Road—contd.</i>		
	Ra.	Ra.
Improving Nadiad-Vasna Road in the Kaira and Panch Mahals Division	39,699	25,000
Improving Manor-Varoti Road in the Thana Division	2,57,666	75,000
Diversion round Pardi on Vapi-Bulsar Road in the Surat and Broach Division	34,257	10,000
Embanking Section I of Jambusar-Dehwan Road in the Surat and Broach Division	62,445	40,000
Bridges, etc., on 12 nallas on Surat-Sahol Road in the Surat and Broach Division	43,554	20,000
<i>Dhulia-Bhusawal-Edlabad-Nagpur Road.</i>		
Constructing link road connecting Warangaon-Edlabad and Edlabad-Chikhli Roads in the East Khandesh Division.. .. .	20,191	18,000
Bridges, etc., between Bhusawal and Warangaon in the East Khandesh Division	59,188	50,000
<i>Bombay-Agra Road.</i>		
Cross drainage works in miles 28.3 to 32.5 in the Thana Division	43,964	35,000
Bridges, etc., on 13 dips in miles 40 to 58 in the Thana Division	49,831	45,000
Bridges on 4 dips in mile No. 39 in the Thana Division	15,063	15,000
Diversion round Thana	99,438	40,000
Acquiring land on Bombay-Agra Road in the Nasik District	1,69,185	40,000
<i>Karwar-Bellary Road.</i>		
Improving miles 75-80 of Hubli-Sangtikop Road in the Dharwar Division	41,771	15,000
Improving roads in the Kanara Division (Karwar-Bellary Road)	1,44,978	15,000
		5,59,900

It is also proposed to allot funds to the extent of Rs. 4,75,000 for the following works after the formalities regarding plans and estimates have been completed:—

Name of road and nature of work to be done.	Estimated cost.	Amount proposed to be sanctioned.
<i>Bombay-Konkan-Gos Road.</i>		
	Ra.	Ra.
Masonry drains to 146 nallas in the Ratnagiri Division	3,08,848	30,000
Raising road between Dharamtar and Daegaon in the Ratnagiri Division	83,079	50,000
Four culverts, 8 abut drains and one small bridge on Sangameshwar-Chiplun Road in the Ratnagiri Division	34,400	25,000
Bridge over the Bhamburda river in the Belgaum Division	50,000	10,000

[Appendix 34—concl'd.]

Name of road and nature of work to be done.	Estimated cost.	Amount proposed to be sanctioned.
<i>Bombay-Konkan-Goa Road—contd.</i>		
	Rs.	Rs.
Four culverts and 13 slab drains or Armeos on Rajapur-Phonda Road in the Ratnagiri Division	30,500	10,000
Bridge over the Gad river near Kankavli on Malwan-Kolhapur Road	91,394	25,000
Bridge over the Kasal river on Malwan-Kolhapur Road	74,591	10,000
Ten culverts and 5 slab drains on Malwan-Kolhapur Road.	98,681	70,000
Bridge at Janavli on Malwan-Kolhapur Road	75,000	25,000
<i>Karachi-Hyderabad-Rohri-Punjab Road.</i>		
Kotri-Hyderabad-Hala Road	6,72,000	1,00,000
Road from Sakrand to Moro	8,00,000	1,00,000
<i>Kotri-Dadu-Shikarpur-Baluchistan Road.</i>		
Shikarpur-Jacobabad-Nasirabad Road	4,54,000	20,000
		4,75,000

All the works proposed to be started are urgent and necessary and they form part of the trunk roads which have been approved by the Government of India for being executed during the current year out of the petrol tax. Sanction of the Legislative Council is requested to the proposals made above in order that the works may be undertaken as soon as possible.

Demand voted and now increased.

41, Civil Works—Partly Reserved and Partly Transferred.

Rs. 1,31,16,000 plus Rs. 10,34,900.

FINANCE DEPARTMENT :

10th July 1930.

APPENDIX 35.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED No. 17. The Honourable MOULVI RAFIUDDIN AHMAD.

*Creation of an additional post in the Bombay Educational Service,
Class I.*

Owing to the cessation of recruitment to the Indian Educational Service since 1924, and to the delay which has unfortunately occurred in organizing the new provincial Bombay Educational Service, Class I,

[Appendix 35—contd.]

which is intended to take its place, the strength of the superior inspecting and administrative staff of the Educational Department has run down to such an extent that it has nearly reached the point of break down. The staff available for the posts of Educational Inspectors now consists of :

- (1) Mr. S. N. Moos, I.E.S. Sind.
- (2) Mr. Nurulla Khan (appointed two months ago) Central Division.
- (3) Mr. Panate () Bombay Division.
- (4) Mr. K. S. Vakil, I.E.S. Southern Division.
- (5) Mr. K. D. Gidvani (promoted from Northern Division. B. E. S. & Officiating).

There is no reserve for leave or sickness or to fill posts that become vacant on retirement. Nor is there any provision for training men to succeed to these posts, the importance of which to the efficient working of the educational system as a whole can scarcely be exaggerated. In the new scheme for reorganizing Class I, provision has been proposed for the direct recruitment of one or two young officers of the highest academic and technical qualifications to serve as Assistant Inspectors and to be members of the new Class I service. Owing to the fact that the new scheme as a whole cannot be put forward till the next budget, and that in the meantime it is essential to provide a minimum reserve and to put a young officer under training to meet eventualities, it is considered necessary to ask immediately for the creation of one post in advance of the general scheme. The total expenditure involved during the current year and the average annual expenditure will be as follows :—

	Annual average cost.	Cost during the current year from 1st September 1930 (i.e. for six months).
	Rs.	Rs.
(1) Pay Officer—		
(a) One B.E.S. Class I Officer at Rs. 320—40—1,200 (average Rs. 731).	$731 \times 12 = 8,772$	$320 \times 6 = 1,920$
(b) Pay of Establishment—		
(i) One clerk at Rs. 30—5/2—80 (average Rs. 53½).	$53\frac{1}{2} \times 12 = 642$	$40 \times 6 = 240$
(ii) Two pens at Rs. 16 per mensem each.	$16 \times 2 \times 12 = 384$	$16 \times 2 \times 6 = 192$
		332
(2) Allowances—		
(i) Travelling Allowance	1,000	500
(ii) Compensatory allowance (Rs. 45-100)	$73 \times 12 = 876$	$45 \times 6 = 270$
(3) Contingencies	200	100
		870
Total ..	11,874	2,222

[Appendix 35—contd.]

The extra cost involved in the current year will be met from savings in the current year's grant under "31, Education—Transferred". As the expenditure in question relates to a new service, the Legislative Council is requested to sanction the grant of a token sum of Rs. 10.

Demand voted and now increased.

Rs. 1,96,25,000 + Rs. 10.

FINANCE DEPARTMENT:

Poona, 10th July 1930.

APPENDIX 36.

STATEMENT OF DEMAND FOR SUPPLEMENTARY GRANT.

RESERVED No. 18. The Honourable Sir ERNEST HOTSON.

Additional expenditure under "26, Police" on account of the Civil Disobedience Movement.

The Civil Disobedience Movement has imposed a specially severe strain on the Police. This has necessitated the provision of large additional forces, the grant of special compensatory allowances to officers and men serving in districts where their duties are unusually onerous and they are exposed to severe boycott, and to constables and head constables in Bombay City for similar reasons, the creation of a number of temporary appointments of Deputy Superintendents and Inspectors of Police and extra expenditure on motor transport and other items.

2. The main items for which a grant is now asked are as follows:—

(i) Extra forces of armed police have been or are being recruited as follows:—

(a) May-June (1) 650 men consisting of 50 men recruited in each of 12 districts of the Central and Southern Divisions of the Presidency Proper and in Ahmedabad, (2) 100 men in the Karachi, Hyderabad and Sukkur Districts of Sind.

(b) Since June arrangements have been in progress to recruit 1,450 men in the Presidency Proper including 200 men in Bombay City. The chief part of this additional strength will consist of a force of about 1,000 men, which, composed mainly of military reservists, is being recruited and trained by the Military Authorities in Poona.

(c) Arrangements are in progress, as the result of the recent disturbances in that place, to recruit an additional force of 219 men together with a clerical staff of three clerks for Sholapur

[Appendix 36—*contd.*]

City. It is intended to recover three quarters of the cost from the persons responsible for the disturbances under section 25 of the District Police Act, and one quarter will be a permanent addition to the police force.

For the same reasons the Home Inspector will be replaced by a Deputy Superintendent as a permanent measure.

The amount recovered from the local inhabitants, being approximately Rs. 45,760, will be credited under "XIX-Police (Receipts)".

(ii) Compensatory allowances for specially arduous duties ranging from Rs. 7 per mensem for a constable to Rs. 150 per mensem for a Deputy Superintendent of Police, are being paid in parts of Gujarat, and similar allowances of Rs. 5 per constable and Rs. 7 per head constable and Jamadar in Bombay City.

(iii) Temporary appointments of superior officers as shown in the second of the statements appended.

(iv) The provision of two lorries for Poona and two for Surat for the transport of police and the hire of transport for this purpose in other places.

(v) The provision of temporary extra quarters including the hiring of Development Department Chawls for the additional police in Bombay City.

(vi) The provision of a temporary force of 40 armed police for the temporary lock-up at Worli for a period of 8 months.

3. Except where otherwise shown the expenditure has been calculated from the date of sanction until the end of the financial year, and it amounts to Rs. 14,19,190 the details of which are shown in the two appended statements.

4. As there is no provision in the budget for this expenditure the sanction of the Legislative Council is requested to a supplementary grant of Rs. 14,19,200 (in round figures).

Demand voted and now increased.

26, Police—Reserved.

Rs. 1,69,08,000 + Rs. 14,19,200.

FINANCE DEPARTMENT :

Poona, 10th July 1930.

[Appendix 36—contd.]

Statement showing expenditure in the Police Department on
account of the present political situation.

Serial No.	Description of the item.	Expenditure during the current financial year.		Remarks.
		Rs.	Rs.	
1	Entertainment of 650 temporary additional police in the Central and Southern Divisions and in the Ahmedabad District (104 head constables and 546 constables) (Paragraph 2 (1) (a) of the main statement of demand).			The expenditure is for 10 months.
	Pay of Establishment	1,70,040		
	Allowances and Honoraria :			
	Compensatory (Local) allowance at certain places at varying rates ..	8,640		
	Hutting allowance at an average rate of Rs. 4 per mensem	26,000		
	Contingencies :			
	Clothing, arms and accoutrements ..	18,500		
			2,23,180	
2	Entertainment of 1,250 temporary additional police in the Ahmedabad, Kaira, Broach, Surat, Bombay Suburban and Belgaum districts. (Paragraph 2 (i) (b) of the main statement of demand).			The expenditure is for 9 months.
	Pay of Establishment	2,46,600		
	Allowances and Honoraria :			
	Hutting allowance at an average rate of Rs. 4 per mensem	45,000		
	Compensatory (Local) allowance at certain places at varying rates ..	13,500		
	Contingencies :			
		Clothing, arms and accoutrements ..	37,500	
	Rations for 1,000 men while under training in Poona at Rs. 10 per head	10,000		
			3,52,600	
3	Entertainment of 200 temporary additional police in Bombay City (18 head constables and 182 constables.) (Paragraph 2 (i) (b) of the main statement of demand).			The expenditure is for 9 months.
	Pay of Establishment	55,296		
	Allowances and Honoraria :			
	House rent allowance (hiring of rooms for 200 constables in the Development Department Chawls)	13,600		
	Contingencies :			
	Clothing, arms and accoutrements ..	6,600		
			75,496	

[Appendix 36—contd.]

Serial No.	Description of the item.	Expenditure during the current financial year.		Remarks.
		Ra.	Ra.	
4	Entertainment of 100 temporary additional police in Karachi, Hyderabad and Sukkur Districts (12 head constables and 88 constables) (Paragraph 2 (i) (a) of the main statement of demand).			The expenditure is for 9 months.
	Pay of Establishment	20,832		
	Allowances and Honoraria : Compensatory (Local) } At different allowance. } rates in Local allowance. } d i f f e r e n t Hutting allowance. } districts.	9,739		
	Contingencies : Clothing charges	1,400		
			31,971	
5	Compensatory allowance for police officers and men in certain talukas in the Surat, Kaira, Ahmedabad and Broach Districts and for Jamadars, head constables and constables in Bombay City	5,12,760		The expenditure is for 11 months in Gujarat districts and 10 months in Bombay City.
			5,12,760	
6	Entertainment of additional police and clerical staff at Sholapur and conversion of the appointment of Home Inspector into that of a Deputy Superintendent of Police.			
	Pay of Establishment :			
	1 Inspector at Ra. 225 per mensem ..	1,800		
	1 Sub-Inspector at Ra. 125 per mensem.	1,000		
	1 Head constable, I grade, at Ra. 50 per mensem	400		
	5 Head constables, II grade, at Ra. 43 per mensem	1,720		
	7 Head constables, III grade, at Ra. 36 per mensem	2,016		
	12 Head constables, IV grade, at Ra. 28 per mensem	2,688		
	192 Constables at Ra. 20 per mensem.	30,720		
	1 Clerk at Ra. 85 per mensem	680		
	2 Clerks at Ra. 40 per mensem each.	640		
	Difference between the cost of the Home Inspector and the Deputy Superintendent of Police at Ra. 173 per mensem	1,384		
	Allowances and Honoraria :			
	1 Inspector :			
	Compensatory allowance at Ra. 50 per mensem	400		
	House rent at Ra. 50 per mensem	400		
	Conveyance allowance at Ra. 30 per mensem	240		
1 Sub-Inspector :				
House rent allowance at Ra. 15 per mensem	120			
Conveyance allowance at Ra. 25 per mensem	200			

[Appendix 36—contd.]

Serial No.	Description of the item.	Expenditure during the current financial year.		Remarks.
		Rs.	Rs.	
	Allowances and Honoraria— <i>contd.</i>			
	6 Head constables, I and II grade:			
	House rent allowance at Rs. 4 per mensem each	192		
	Compensatory allowance at Rs. 3 per mensem each	144		
	19 Head constables, III and IV Grade.			
	House rent allowance at Rs. 3 per mensem	456		
	Compensatory allowance at Rs. 3 per mensem	456		
	192 Constables:			
	House rent allowance at Rs. 3 per mensem	4,608		
	Compensatory allowance at Rs. 2 per mensem	3,072		
	Contingencies:			
	Clothing allowance to one Inspector and one Sub-Inspector	57		
	Clothing charges for 25 Head constables and 192 constables at Rs. 30 per annum	6,510		
	Bhatta to recruits	2,500		
			62,403	
7	Purchase of two motor buses for the Police force at Poona and employment of five constables as drivers.			The expenditure is for 9 months.
	Pay of Establishment	2,025		
	Allowances and Honoraria:			
	Compensatory allowance at Rs. 3 per mensem	135		
	Hutting money at Rs. 3 per mensem	135		
	Contingencies	67-8-0		
	Purchase of two motor buses	5,600		
	Upkeep of motor buses	2,340		
			10,302-8-0	
8	Purchase of two motor buses for the Police force at Surat and employment of five constables as drivers.			The expenditure is for 9 months.
	Pay of Establishment	2,025		
	Allowances and Honoraria:			
	Hutting money at Rs. 5 per mensem each	225		
	Contingencies:			
	Clothing charges	67-8-0		
	Purchase of two motor buses	5,600		
	Upkeep of motor buses	2,340		
			10,257-8-0	
9	Hire of motor buses for the transport of police in other districts	10,000	10,000	
10	Purchase of arms and ammunition for the police under training at Poona...	62,500	62,500	

[Appendix 36—contd.]

Serial No.	Description of the item.	Expenditure during the current financial year.		Remarks.
		Rs.	Rs.	
11	Entertainment of temporary armed police guard for the Lock-up at Worli (four head constables and 36 constables)			The expenditure is for 8 months.
	Pay of Establishment	10,472		
	Allowances and Honoraria:			
	House rent allowance at Rs. 10 per mensem per head constable and Rs. 7 per mensem per constable ..	2,482		
	Contingencies:			
	Clothing charges at Rs. 21 per annum for each Head constable and constable	595		
			13,549	
	Total ..		13,65,019	

Statement showing the approximate extra expenditure on account of temporary appointments of Deputy Superintendents of Police, Inspectors of Police, and Sub-Inspectors of Police necessitated by the present Civil Disobedience Movement.

Serial No.	Item.	Monthly expenditure.	Extra expenditure during the current financial year.
			Rs.
1	Temporary appointment of Deputy Superintendent of Police, Ahmedabad, from 21st March 1930	340 Pay	3,861
2	Temporary appointment of Deputy Superintendent of Police, Kaira, from 22nd March 1930	340 ..	3,850
3	Temporary appointment of Deputy Superintendent of Police, Surat, from 25th March 1930	340 ..	3,817
4	Temporary appointment of Deputy Superintendent of Police in the Bombay Suburban District from 10th April 1930 ..	340 ..	6,541
		90 Compensatory allowance ..	
		100 Conveyance allowance.	
	House rent for the Deputy Superintendent of Police, Bombay Suburban District, from 1st May 1930	130 House rent allowance.	

[Appendix 36—contd.]

Serial No.	Item.	Monthly expenditure.	Extra expenditure during the current financial year.
		Rs.	Rs.
5	Compensatory allowance at Rs. 150 per mensem for Deputy Superintendent of Police temporarily doing duty at Sholapur from 15th May 1930	150 Compensatory allowance.	1,427
6	Conveyance allowance at Rs. 50 per mensem for Deputy Superintendent of Police temporarily doing duty at Sholapur from 15th May 1930	50 Conveyance allowance.	476
7	Temporary appointment of Deputy Superintendent of Police, Nasik, from 18th May 1930	340 Pay	3,214
8	Temporary appointment of Deputy Superintendent of Police, Surat, from 18th May 1930	340 "	3,214
9	Temporary appointment of Deputy Superintendent of Police, Poona, from 22nd May 1930	340 "	3,170
10	Temporary appointment of Deputy Superintendent of Police, Belgaum, for one month from 26th May 1930 to 25th June 1930	340 "	340
11	Temporary appointment of Deputy Superintendent of Police, Belgaum, from 26th June 1930	340 "	2,777
12	Temporary appointment of an Inspector of Police at Broach from 26th March 1930.	180 " 25 Compensatory allowance. 18 House rent allowance.	2,489
	Clothing allowance of an Inspector of Police at Broach from 26th March 1930 .. .. .	....	45
13	Temporary appointment of an Inspector of Police at Sholapur from 15th May 1930	180 Pay	1,713
14	Temporary appointments of two Sub-Inspectors of Police at Sholapur from 15th May 1930	150 "	1,427
15	Compensatory allowance for four temporary Deputy Superintendents of Police, one at Ahmedabad, one at Kaira and two at Surat at Rs. 150 per mensem each for 10 months.	600 "	6,000
16	Travelling allowance for seven temporary Deputy Superintendents of Police at Rs. 100 per mensem each for 10 months	700 "	7,000
17	Clothing allowance for eight temporary Deputy Superintendents of Police at Rs. 45 each .. .. .	....	360
18	Conveyance allowance for one Inspector and two Sub-Inspectors at Sholapur—Rs. 30 for the Inspector plus Rs. 50 for the two Sub-Inspectors at Rs. 25 per mensem each for ten months	80	800

[Appendix 36—concl'd.]

Serial No.	Item.	Monthly expenditure.	Extra expenditure during the current financial year.
		Rs.	Rs.
19	Clothing allowance for one Inspector at Rs. 45 and two Sub-Inspectors at Rs. 40 each .. .. .	.....	125
20	One Sub-Inspector for the Special Police Battalion for nine months	125 Pay 25 Conveyance allowance. 15 House rent allowance.	1,485
	Clothing allowance for the Special Police Battalion for nine months	165	
		Total ..	54,171

APPENDIX 37.

Statement of demand for a supplementary grant.

RESERVED 19. The Honourable Mr. J. GHOSAL.

Entertainment of Additional Deputy Collectors and one Special Assistant in the Surat and Kaira districts.

In order to counteract the effects of inaccurate and misleading information disseminated in the Surat and Kaira districts which was designed to embarrass the authorities and to secure the adherence of village officers and their resignation from service, Government found it necessary to appoint two officers of the rank of Deputy Collectors for pro-Government publicity work in the two districts. The Additional Deputy Collector, Surat, was entertained for two months from 12th April 1930 and he was granted the pay admissible to him as Officiating Deputy Collector, viz., Rs. 350 per mensem; he was given a clerk in the grade of Rs. 30—5/2—80 and a peon on a pay not exceeding Rs. 18 per mensem. The Additional Deputy Collector, Kaira, was entertained for about a month from 27th April 1930; he was a retired officer and was allowed to draw his pension and was granted in addition as pay the difference between his pension and Rs. 650; he was given a clerk in the grade of Rs. 30—5/2—80 and two peons on Rs. 15 per mensem each. Both officers were permitted to hire motor cars at a cost not exceeding 8 annas a mile and they and the clerks and peons were allowed

[Appendix 37—contd.]

travelling allowance under the ordinary rules. The Surat appointment was not renewed after 11th June 1930; but in Kaira a Special Assistant was appointed in place of the Additional Deputy Collector for about a month in the first instance and it is likely that he will be required for another month. His pay is Rs. 396 per mensem and he has been given two clerks in the grade of Rs. 30—5/2—80 and two peons on Rs. 15 per mensem. He has also been permitted to hire a motor car at a rate not exceeding 8 annas a mile. Government desire to apprise the Legislative Council that this expenditure which relates to a new service, and which was not contemplated in the budget, is being incurred and to request its sanction to the grant of a token sum of Rs. 10. In view of the retrenchment in the public expenditure ordered by Government it is hoped that the additional expenditure will be met from savings within the grant under "22, General Administration."

Demand voted and now increased.

22, General Administration—Reserved.

Rs. 1,02,24,000 plus Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 11th July 1930.

APPENDIX 38.

Statement of demand for a supplementary grant.

RESERVED 20. The Honourable Mr. J. GHOSAL.

*Grant of special pay, as a temporary measure,
to talatis in Gujarat.*

As a result of the social boycott movement in Gujarat, talatis have been put to additional expense in obtaining their supplies from taluka headquarters, and even in obtaining residential accommodation in villages where there are no chavdis. In several cases they have not been able to stay in their sazas, and have had to return frequently to taluka headquarters thus incurring additional expense on conveyances. Their situation has been rendered particularly difficult in places where patels and inferior village servants have resigned. Government have accordingly found it necessary to give them some compensation for the hardship and the extra expenditure which has been entailed, and they have accordingly authorised the Collectors of Ahmedabad, Broach, Kaira and Surat to grant the talatis working in the areas mentioned below a special pay not exceeding Rs. 10 per mensem in each case on a certificate from the

[Appendix 38—contd.]

Collector concerned that the talati deserves it. In the Kaira District special pay is being given at uniform rates which range from Rs. 3 per mensem to assistant talatis in Thasra Taluka to Rs. 10 to talatis in the more important sazas.

Talukas to which the concession is applicable.

Ahmedabad District	.. Dholka, South Daskroi, Dhandhuka and Viramgam talukas and Sanand Mahal.
Broach District	.. Jambusar, Broach, Ankleshwar and Amod talukas, and Suwa saza in Wagra Taluka.
Kaira District	.. All talukas.
Surat District	.. All talukas and Valod Mahal.

The orders which were first limited to a few talukas came into effect from 1st April 1930. From time to time they have had to be extended, effect being given to them either from the same or a subsequent date. The orders are being extended from month to month after examining the situation. Government desire to apprise the Legislative Council that this expenditure which relates to a new service, and which was not contemplated in the budget, is being incurred, and to request its sanction to the grant of a token sum of Rs. 10. In view of the retrenchment in the public expenditure ordered by Government it is hoped that the additional expenditure will be met from savings within the grant under "22, General Administration."

Demand voted and now increased.

22, General Administration—Reserved.

Rs. 1,02,24,000 plus Rs. 10.

FINANCE DEPARTMENT :

12th July 1930.

APPENDIX 39.

Statement of demand for a supplementary grant.

TRANSFERRED 21. The Honourable MOULVI RAFIUDDIN AHMAD.

*Creation of a post of Professor of Arabic at the Ismail College,
Andheri.*

When the staff of the Ismail College was sanctioned at the last budget session, provision was made for one post of Professor of Arabic and Persian

[Appendix 39—*contd.*]

on Rs. 320—40—1,200 *plus* compensatory allowance Rs. 90—200 and one Lecturer in Persian and Arabic on Rs. 250—20—650 (Rs. 150 during 1930-31). The latter post has not yet been filled. The attendance at the college has exceeded the expectations of Government. Seventy-five students have joined in the First Year Arts Class and 20 in the Inter Arts Class. Seventy-one of these students are Muhammadans. The Principal who is also Professor of Arabic and Persian reports that he has to lecture twenty periods per week in addition to his administrative work; and asks urgently for assistance. Government (Transferred Departments) are of opinion that the appointment of a lecturer in Arabic and Persian as originally proposed will not meet the case. In the special circumstances of this college and in view of the fact that no separate post of Professor of Arabic exists in any other Government college, they consider that one Professor cannot adequately teach both Persian and Arabic especially when the B.A. classes commence; and that a college which specialises in Islamic culture cannot teach up to the required standards in the classical Islamic languages unless this post is divided and a separate Professor of Arabic appointed. They propose therefore to create a post of Professor of Arabic on the scale pay sanctioned for the Bombay Educational Service, Class I, *plus* compensatory local allowance in addition to the post of Principal and Professor of Persian. They will be able to secure for this post a gentleman of the highest qualifications, Dr. Daudpota, who not only obtained 1st class honours in both B.A. and M.A. Examinations (in Persian and Arabic) of the Bombay University but also the Chancellor's Medal and the Ph.D. of Cambridge. In 1925 a resolution was passed by the Legislative Council recommending that a chair for Arabic should be established in one of the Government colleges and in the course of the debate an assurance was given to the Legislative Council by the Honourable Minister for Education that Government would do their best to find a post for him as Professor of Arabic on his return from his course of study at Cambridge. The Educational Department propose to abolish the post of Lecturer in Arabic and Persian and to meet the extra expenditure involved within their budget provision. The appointment will be made forthwith as soon as the demand is voted. As the expenditure in question relates to a new service, the Legislative Council is requested to sanction the grant of a token sum of Rs. 10.

Demand voted and now increased.

Rs. 1,96,25,000 *plus* Rs. 10.

FINANCE DEPARTMENT :

Poona, 15th July 1930.

APPENDIX 40.

Supplementary Agenda for the Second Session, of the Legislative Council which commenced on Monday, the 7th July 1930.

[*Vide Standing Order X, 1 (1) (d).*]

Resolution by Rao Bahadur S. K. Bole, M.L.C.

1. "This Council recommends to Government that the scale of pay of the karkuns and maistries employed for outdoor work by the Public Works Department in the Thana and Kolaba districts be revised and the privileges given to the permanent staff be extended to them."

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

1. "This Council recommends to Government to request the Governor General of India in Council to abolish the salt tax and the Salt Act immediately."

2. "This Council recommends to Government to take steps for the immediate withdrawal of Ordinances V and VI of 1930 which have been made applicable to certain parts of the Presidency."

3. "This Council recommends to Government to convey to His Majesty's Government and through them to Parliament that in the opinion of this Council 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."

Resolutions by Mr. H. V. Kolhatkar, M.L.C.

1. "This Council recommends to Government that a non-official committee be appointed to inquire into the excesses alleged to have been committed by Government officials and the military and police authorities at Sholapur, Dharsana and Shiroda."

2. "This Council recommends to Government to remit the unexpired portions of the sentences passed on the persons convicted in several places in the Presidency in connection with the Satyagraha movement and the G. I. P. Railway strike."

3. "This Council recommends to Government that Ordinances V and VI of 1930 which have been made applicable to certain parts of the Presidency be immediately withdrawn therefrom."

4. "This Council recommends to Government to convey to His Majesty's Government and through them to Parliament that in the opinion of this Council 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."

5. "This Council recommends to Government to give effect to the recommendations of the Broomfield-Maxwell Inquiry Report regarding the revision of assessment in Bardoli and Choras talukas."

[Appendix 40—contd.]

6. "This Council recommends to Government to appoint committees to inquire into the grievances of the Khatedars of Baglan, Bassein, Palghar and other places where the ryots have grievances regarding revision of assessment."

7. "This Council recommends to Government to appoint a committee of official and non-official members of this Council to suggest remedies to remove the difficulties experienced by the local authorities in the working of the Primary Education Act and the rules thereunder before the rules are revised."

8. "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."

9. "This Council recommends to Government to give publicity to the report of the special retrenchment officer appointed by Government and to give immediate effect to his recommendations."

10. "This Council recommends to Government that a committee of official and non-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."

11. "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."

12. "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 be made by open tender being called in India in rupees for delivery in India, preference being given to Indian goods."

13. "This Council recommends to Government that the present system of indiscriminate slaughter of cattle be discontinued and that rules be framed controlling such slaughter."

Resolution by Mr. Hoosenally M. Rahimtoola, M.L.C.

1. "This Council recommends to Government to appoint a committee to inquire into the laws delays and the costliness of justice in the city of Bombay and to submit proposals for improving the conditions."

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

1. "This Council recommends to Government that the annual grants given to the Parvati and Kala Ram temples of Poona and Nasik respectively be withheld till such time as the ban placed on the depressed classes as regards their entry is removed."

2. "This Council recommends to Government that the scale of pay of the karkuns and maistries employed for outdoor work by the Public Works Department in the Thana and Kolaba districts be revised and the privileges given to the permanent staff be extended to them."

[Appendix 40—contd.]

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

1. "This Council recommends to Government to give 'A' class treatment to all the prisoners convicted of or charged with offences relating to civil disobedience not involving acts of violence."

Resolutions by Syed Miran Muhammad Shah, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council to urge on the Government of India to exempt the Mussalmans of the Presidency including Sind from the operation of the Child Marriage Restriction Act, 1929, recently passed in the Assembly and to suspend its operation in the case of other communities also until such time as the Government of Bombay are in a position to compile a list of all children under the age of 14 years if females and under the age of 18 years if males and to make adequate arrangements for the maintenance of authentic records for the registration of births of children within the presidency of Bombay."

2. "This Council recommends to Government to declare in unequivocal terms that in future it will be their policy not to demolish or damage or acquire under the Land Acquisition Act or any other law in force any mosque, temple or any other place of worship."

3. "This Council recommends to Government to take steps to introduce in this Council a Bill, to be called the 'Sind Land Revenue Code', incorporating such revised rules as may be suggested by a committee of official and non-official members of this Council with a non-official majority to be appointed for the purpose of (1) examining the Commissioner-in-Sind's special circulars regarding revenue matters in Sind, (2) reporting on their suitability and propriety, and (3) suggesting revisions, modifications or amendments thereof, and other means to establish revenue policy in Sind on a sound basis."

4. "This Council recommends to Government that the Provincial road from Hyderabad to Hala in Sind be metalled as soon as possible."

5. "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 and numerous other fraudulent ways adopted by them in their dealings with the agriculturists in the presidency."

6. "This Council recommends to Government to appoint an expert official of long experience to inquire into the condition of cottage industries and other indigenous industries in Sind and to suggest measures for their revival and development."

7. "This Council recommends to Government to move the Government of India to construct a branch railway line between Tando Mahomed Khan and Shahdadpur."

[Appendix 40—contd.]

8. "This Council recommends to Government to appoint at an early date a committee consisting of official and non-official members of the Council to investigate the condition of female education in Sind, and the causes of its backwardness, and to suggest measures for its development on popular lines."

9. "This Council recommends to Government to take early steps to establish schools in the rural areas of the presidency for the education of adult agriculturists."

10. "This Council recommends to Government to instruct the Revenue Officer, Lloyd Barrage, Sind, while disposing of the land on concessionary rates, to give priority over all others to those zamindars who have forfeited their lands within the Barrage zone in Sind under the Fallow Rules, irrespective of the limit of time of forfeiture."

11. "This Council recommends to Government to appoint at an early date a committee of official and non-official members of this Council and an expert engineer with experience of road construction, to travel in Sind, report on the condition of roads and other communications in Sind and to suggest measures for their extension, improvement and development."

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

1. "This Council recommends to Government to urge upon the Government of India the desirability of immediately withdrawing Martial Law from Sholapur."

Resolutions by Sardar Sir Rustom Jehangir Vakil, M.L.C.

1. "This Council recommends to Government to take immediate steps to relieve the distress caused by the scarcity of drinking water in certain parts of Dhandhuka and Dholka talukas, in Bhal, and in certain tracts of Sanand and Viramgam talukas of the Ahmedabad district."

2. "This Council recommends to Government that the grass grown in agricultural tracts for feeding the cattle only and not as a saleable commodity, should not be taken into account as forming part of the crop, in assessing and determining the annawari."

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

1. "This Council recommends to the Governor in Council to appoint a committee of officials and non-officials with a non-official majority to inquire into the Hindu and Muslim Devasthan properties (i.e., Wakf properties) and their present use by the managers and to suggest means and measures to make the occupants and possessors use a sufficient portion of the income from such properties for the Devasthans."

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

1. "This Council recommends to His Excellency the Governor in Council to recommend to His Excellency the Viceroy that the members

[Appendix 40—concl'd.]

for the Round Table Conference may be selected from the public in India as follows :—

- (a) 7 (seven) members from the Mahomedan community in India.
 - (b) 2 (two) members from the depressed classes in India—one out of each sub-class which is numerically the largest.
 - (c) One from each of the other communities numbering at least 50 lakhs in the whole of India.
 - (d) The rest to make up the number may be taken as leaders."
2. "This Council recommends to His Excellency the Governor in Council that the scheme to construct Hingni Tank at Sholapur be immediately taken in hand."
 3. "This Council recommends to Government that the scheme of building a bridge on the River Bhima at the village of Dhulkhed-Takalki on Sholapur-Bijapur Road, be immediately taken in hand."
 4. "This Council recommends to His Excellency the Governor in Council that house rent at the rate of 20 per cent. of salary be given to Government clerks at Sholapur drawing salary from Rs. 20 to Rs. 100."
 5. "This Council recommends to His Excellency the Governor in Council that Bailiffs and Police Constables at Sholapur be given a starting pay of Rs. 30 with an yearly increment of Re. one."
 6. "This Council recommends to His Excellency the Governor in Council that Police Sub-Inspectors of the 1st, 2nd and 3rd grade be given a starting pay of Rs. 100 to Rs. 250 with an yearly increment of Rs. 5."
 7. This Council recommends to His Excellency the Governor in Council that Government take immediate steps to construct canals off the three big rivers—Bhima, Shina and Bhogavati—which pass through Sholapur District."

Resolution by Khan Bahadur M. S. Khuro, M.L.C.

1. "This Council recommends to Government that till it is possible to sanction the scale of pay according to the Sathe-Paranjpe Scheme, the scale of pay according to the recommendations of the Ahmedabad Scheme be introduced immediately."

J. R. DHURANDHAR,

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

Poona, 8th July 1930.

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