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Journal of the Proceedings of the Legislative Council of the Governor of
Bombay, assembled under the provisions of the Indian Councils Acts,
1861 to 1909.

The Council met at Bombay on Friday, the 13th March 1914, at 12 o'clock noon.

P R E S E N T :

His Excellency the Right Honourable Lord WILLINGDON of RATON, G.C.I.E.,
Governor of Bombay, *presiding*.

The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S.

The Honourable Mr. CLAUDE HAMILTON ARCHER HILL, C.S.I., C.I.E., I. C. S.

The Honourable Mr. PRABHASHANKAR D. PATTANI, C.I.E.

The Honourable Moulvie RAFIUDDIN AHMAD, Bar.-at-Law.

The Honourable Mr. R. P. BARROW, I. C. S.

The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.

The Honourable Mr. GHULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD
BHURGI, Bar.-at-Law.

The Honourable Mr. FAZALBHOY MEHERALLY CHINYOY.

The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.

The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (London), L.M. & S.

The Honourable Mr. R. W. L. DUNLOP, C.I.E.

The Honourable Sardár SYED ALI EL EDROOS.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE.

The Honourable Mr. W. L. GRAHAM.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.

The Honourable Mr. J. E. C. JUKES, I. C. S.

The Honourable Mr. BALKRISHNA SITARAM KAMAT.

The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwáda.

The Honourable Mr. NAVROJI DORABJI KHANDALAVALA, LL.B.

The Honourable Mr. JEHANGIR H. KOTHARI.

The Honourable Sardár BHALCHANDRAEAO ANNASÁHEB PATWARDHAN, Chief of
Kurundwád (Senior).

The Honourable Surgeon-General R. W. S. LYONS, M.D., I.M. S.

The Honourable Sardár Sir CHINUBHAI MADHAVLAL, Bart., C.I.E.

The Honourable Mr. J. A. D. McBAIN.

The Honourable Mr. LALUBHAI SÁMÁLDÁS MEHTA.

The Honourable Sir PHEROZESHAH MERWANJEE MEHTA, K.C.I.E., Bar.-at-Law
 The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK.
 The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTE, LL.B.
 The Honourable Mr. J. P. OER, C.S.I., I. C. S.
 The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
 The Honourable Mr. GOKÚLDAS KAHANDAS PAREKH, LL.B.
 The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
 The Honourable Mr. ABDÚL HUSSEIN ADAMJEE PEERBHOY.
 The Honourable Sir HENRY E. E. PROCTER, Kt.
 The Honourable Mr. MANMOHANDAS RAMJI.
 The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
 The Honourable Ráo Bahádur GANESH KRISHNA SATHE.
 The Honourable Mr. CHIMANLAL HARILAL SETALVAD, LL.B.
 The Honourable Mr. W. H. SHARP.
 The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.
 The Honourable Mr. F. L. SPOTT.
 The Honourable Mr. E. G. TURNER, I. C. S.
 The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
 The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

New Members.

The following Additional Members made the prescribed oath of allegiance to His Majesty the King-Emperor and took their seats in the Council :—

The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
 The Honourable Mr. E. G. TURNER, I. C. S.

Observations by the President.

His Excellency the PRESIDENT said :—While welcoming Honourable Members this morning to this Council Meeting, I do not intend to detain them for more than one or two moments with any preliminary remarks, for I think we are all sufficiently aware that there is a good deal of business to be transacted during the next few days, not, I hope, however, of a very controversial character. But I think that, before commencing that ordinary business, Honourable Members would wish me to say one word, and only one word, with regard to what we read in the papers the other day—I refer to the lamented death of the late Viceroy Lord MINTO. By his admirable and most sympathetic references to that sad event at his own Council, His Excellency the Viceroy has, I think, voiced the feeling of the whole of India, and I need do nothing more than merely echo what he has said, but I have felt that it would probably be the wish of this Council that, having regard to the fact that the enlarged Councils were established under Lord MINTO's Viceroyalty, we should place on record our deep regret at his death and our feeling, and I am quite sure that I am expressing the views of every Honourable Member in this Council when

I say this, that by the death of Lord MINTO the Empire has lost a straightforward and honourable citizen, and India has lost a sympathetic and broadminded friend, and I feel sure that you will further wish me to put on record our expression of deep sympathy for Lady MINTO and her family.

LIST OF QUESTIONS AND ANSWERS.

Questions.

Answers.

THE HONOURABLE MOULVIE RAFIU-----
AHMAD.

1. Will Government be pleased to state what progress has been made in the matter of the establishment of the Sir Currimbhai Ebrahim School at Poona—the Sir Currimbhai Ebrahim School at Poona, the foundation-stone of which was laid by Lord Sydenham in 1912?

1. The land required for the school has been acquired by Government and handed over to the managers, and the rough plans and estimates for the buildings received from the Honourable Sir Fazulbhai Currimbhai Ebrahim have been returned to him with certain criticisms which are now under his consideration.

THE HONOURABLE MR. DATTATRAYA
VENKATESH BELVI.

1. Will Government be pleased to state the total number of criminal cases decided by the Huzúr Deputy Collector and Magistrate, First Class, Belgaum, in each of the five years ending with the 30th November 1913?
- Trial of criminal cases in Belgaum town.

1. A statement* containing the information has been placed on the Council Table.

*Appendix E.

[This question was asked at the meeting held on the 16th December 1913, when an ad interim reply was given.]

2. Will Government be pleased to state what steps were taken to communicate to litigants whose applications to Conciliators were then pending decision, the orders of Government contained in Government Notification No. 3478, dated 10th May 1913, cancelling the appointments of Conciliators under the Dekkhan Agriculturists' Relief Act in the Bombay Presidency?

2. The notification cancelling the appointments of Conciliators was published in the *Bombay Government Gazette* for the information of the public.

3. (a) Will Government be pleased to state the total number of accused persons tried by Mr. Y. V. Randive, since the date of his appointment as a Special Magistrate of the first class in the Belgaum District to the end of February 1914?

3. The information will be obtained.

Questions.

Answers.

(b) How many of those accused persons were convicted and how many of them confessed to their guilt? How many of the accused were defended?

(c) Will Government be pleased to state the largest number of prisoners in custody at one time in the hamlet of Gajnal in the Gokák Táluka of the Belgaum District since the location of the Office of the Special Magistrate there?

(d) What are the dimensions of the two houses in which the prisoners are kept in custody and do the houses conform to the rules and regulations obtaining in ordinary jails in matters of ventilation and sanitation?

(e) Is the lock-up at Gajnal in charge of any Officer of the Jail Department or in charge of the Police?

(f) Is Government aware of the fact that the only two small Hindu temples at Gajnal have been occupied for months together by non-Hindu Police Officers and Constables who are there to assist the Special Magistrate?

4. (a) What is the object of Government in taking measurements of the water in the Krishna in the rains near the villages of Ingli in the Chikodi Táluka and Kusnal in the Sánгли State?

(b) Is it intended to put up a dam across the Krishna somewhere near the aforesaid villages for irrigational purposes?

(c) What villages situated higher up on the said river will suffer if the proposed dam be put up?

5. (a) Are the holders of alienated villages in the Bijápur District prohibited by Revenue Officers there from recovering their rents from their tenants on their *Sheri* lands independently of village officers?

(b) What is the practice obtaining in the other Districts of the Bombay Presidency?

4. (a) The purpose of river gauges generally is to find out the maximum flood discharge, the least discharge in the dry weather and the discharge available throughout the year, also the level to which floods may rise.

(b) There is no intention to build a high dam there.

(c) No work is proposed for the present.

5. The information will be called for.

Questions.

Answers.

THE HONOURABLE MR. G. M. BHURGI.

1. Are Government aware of the practice of burning old records (class-bundis) in the Settlement Record Office? If so, have Government considered the advisability of discontinuing this practice?

2. Are Government aware that the Settlement Record Office is situated in the fort at Hyderabad, Sind, and that it is necessary for the public to obtain a military pass to secure admission?

THE HONOURABLE DR. D. A. D'MONTE.

1. (a) Will Government be pleased to state if the arrangements at St. George's Hospital whereby the better class Europeans are enabled to receive the benefits of that Institution without the stigma of receiving charity have proved satisfactory?

(b) If so, will Government be pleased to state whether they have considered the necessity of affording Indians, in the same circumstances, similar facilities in connection with the public hospitals in the City of Bombay?

2. Will Government be pleased—

(a) to lay on the table a list of the Municipalities which have appointed or agreed to appoint Health Officers and Sanitary Inspectors under the terms of the Government Resolution of May 1913; and

1. As soon as the bandhi book of each deh and its index has been verified, revised and brought up to date, and an index of the field book has been prepared, the classer's bandhis are destroyed as they are of no further use. No records other than the classer's bandhis are being destroyed. The answer to the second part of the question is in the negative.

2. Enquiry will be made.

1. (a) The Honourable Member presumably refers to the contemplated establishment of a Nursing Home in connection with St. George's Hospital. This arrangement has not yet come into force.

(b) No proposal has yet been made or considered.

2. (a) The following Municipalities have agreed to appoint Health Officers and Sanitary Inspectors under the terms of Government Resolution No. 4090, dated the 28th May 1913 :—

Ahmedabad.	Dhulia.
Surat.	Nadiad.
Poona.	Nasik.
Hyderabad.	Belgaum.
Broach.	Dharwar.
Hubli.	Gadag-Bettigeri.
Sholapur.	

The replies of the Shikarpur and Sukkur Municipalities are awaited. The Ahmednagar and Bijapur Municipalities have decided to postpone consideration

Questions.

(b) to state whether Government intend to take any action in the case of those Municipalities which have refused the liberal offer of the Government of India?

THE HONOURABLE MR. KASHINATH
RAMCHANDRA GODBOLE.

1. Will Government be pleased to state when the statement regarding Tagai statistics. Tagai Loan transactions which Government promised to prepare in July 1913, will be ready for being laid on the Council Table?

THE HONOURABLE SHAIKH GHULAM
HUSSEIN HIDAYATALLAH.

1. (a) Will Government be pleased to state if there are any rules framed by Government on the subject of granting extensions of service to officers of various departments? If so, will Government kindly place them on the table?

(b) Will Government be pleased to state what extensions have been granted, and to whom, during the last three years?

2. (a) Is it a fact that in consequence of the Rohri canal project, various other schemes for the improvement of water-supply in Sind remain in abeyance?

(b) If so, will Government be pleased to state what these schemes are?

(c) Do Government propose to take them in hand?

Answers.

of the proposal for the present. The remaining Municipalities which come under the scheme have either declared their inability to accept the offer of Government on account of their straitened finances or have put forward conditions which cannot be accepted by Government.

(b) The reply is in the negative.

1. The information required for completion of the statement is still awaited from certain districts. On receipt of this information the statement will be laid on the Council Table.

1. (a) The grant of extensions of service is regulated by Article 459 of the Civil Service Regulations.

(b) Government do not consider that any useful purpose will be served by publishing the personal details asked for.

2. Enquiries are being made from local officers and the necessary information will be supplied on receipt.

Questions.

Answers.

THE HONOURABLE MR. BALKRISHNA
SITARAM KAMAT.

1. Will Government be pleased to furnish the figures showing the annual consumption of country liquor during each of the past ten years for Poona City and Cantonment?

Statistics of consumption of country liquor in Poona.

[This question was asked at the meeting held on the 16th December 1913, when an ad interim reply was given.]
 2. (a) Are Government aware that considerable inconvenience is caused to thousands of pilgrims for want of a high level platform at the Shelarwadi Station of the G. I. P. Railway Company, at the time of the annual fairs at Dehu and A'landi in the Poona District?

Pilgrims at Shelarwadi Station.
 - (b) Will Government be pleased to call for the figures showing the number of pilgrims carried over this station on the occasion of these fairs during the last three years, and the total receipts from the fares of such pilgrims?
 3. Referring to the reply from the Agent, G. I. P. Railway Company, No. 17 Q/2, of 11th August 1913, in answer to my question stating that Station Masters at road-side stations have to be on duty 12 hours a day, will Government be pleased to say whether the G. I. P. Railway has seriously considered the desirability of shortening the hours of duty, and if Government has ever requested the Railway Administration to consider this matter? If so, with what result?

Railway Station Masters' Hours of Duty.
 4. Will Government be pleased to furnish the following information regarding the Vernacular Agricultural School in the Poona District:

Vernacular Agricultural School in the Poona District.

 - (a) the number of applications for admission received in 1913-14, and those admitted;
1. The figures of consumption of country spirit in the Poona City and Cantonment for the years 1903-04 and 1904-05 are 42,084 and 91,182 proof gallons, respectively.
 2. (a) No.

(b) The information will be called for.
 3. Government have ascertained that the question of the hours of duty of Station Masters at road-side stations has been seriously considered by the Agent, Great Indian Peninsula Railway Company, who sees no reason for shortening them. The reply to the latter part of the question is in the negative.
 4. (a) The number of applications for admission to the Vernacular Agricultural School, Poona District, received during the year 1913-14 was 47 and the number of admissions was 17.

Questions.

(b) the cost per annum of maintenance of the school ;

(c) the cost of construction of the school-building ?

5. With reference to the report of the Department of Agriculture to the Conference of Commissioners of Divisions regarding the storage of fodder, will Government be pleased to state the conclusions arrived at, especially regarding the proposal to set up a plant for shredding and baling *kaabi*?

THE HONOURABLE MR. RAGHUNATH PURSHOTTAM PARANJPYE.

1. In the case of those villagers whose rice lands or whose village sites have been compulsorily acquired under the Tata Hydro-Electric Scheme, is the option being given them of having their *warkas* lands also acquired by Government?

[This question was asked at the meeting held on the 28th July 1913, when an ad interim reply was given.]

Answers.

(b) The cost of maintenance of the school during the year 1912-13 is shown in the appended statement :—

Receipts.		Expenses.	
	Rs. a. p.		Rs. a. p.
1. Balance from 1911-12.	450 0 2	1. Establishment	1,925 0 0
2. Poona Treasury (Government grant).	7,236 15 1	2. Boarding charges	2,543 3 11
3. Local Board grants.	2,293 0 0	3. Purchase of live stock.	46 0 0
4. Sale-proceeds of produce.	153 3 0	4. Cultivation charges, making sheds, etc.	655 6 11
5. Sir Sassoon David Trust Fund.	750 0 0	5. Feeding of stock	574 6 4
		6. Rent of school and sweeper charges.	1,693 4 3
		7. School furniture and books.	199 15 6
		8. Oil	47 2 6
		9. Stationery and postage.	94 1 0
		10. Tours of observation.	19 2 0
		11. Travelling allowances to teachers.	173 0 9
		12. Miscellaneous office expenses.	163 2 0
		13. Sale-proceeds of produce as per <i>centra</i> (sent to Poona Treasury).	158 2 0
		14. Balance in hand	2,551 2 1
	10,867 1 3		10,867 1 3

For the cost of maintenance during the years 1910-11 and 1911-12, the Honourable Member is referred to the statements printed on the twenty-third page of the Annual Reports of the Agricultural Department for these years.

(c) The cost of construction of the school-building is estimated at Rs. 24,930. The building is not yet completed.

5. The report on the subject which the Director of Agriculture has been directed to submit has not yet been received.

1. From the reports received from the Collectors of Kolaba and Poona it appears that, except in the villages of Jevre, Umbre, Avundhe Budrukh and Torne in the Poona District, the villagers referred to in the question do not desire to have their *warkas* lands also acquired. The question of the acquisition of such lands in those four villages has been referred to the Resident Engineer of the Tata Hydro-Electric Power Supply Company whose

Questions.

Answers.

2. (a) Has the attention of Government been called to a letter (headed "Slavery in the Island of Ceylon") which appeared in the *Kesari* newspaper of February 3rd, 1914, about the way in which coolies for service in Ceylon are recruited in the Bombay Presidency?

(b) If any inquiries as to the truth of the alleged facts have been made, what is the result of these inquiries?

3. Has any circular been sent within the last year to the Registrars of Marriages under Act III of 1872 asking them not to accept any explanatory note about the declaration to be made under that Act? If so, will Government be pleased to lay it on the Council table?

4. Will Government be pleased to state the result of the provisional arrangements made for the training of teachers for Technical Schools as per Government Notification No. 3001, printed in the *Bombay Government Gazette* of December 12th, 1908? In particular will Government be pleased to state—

(a) the number of teachers that have been trained in this way;

(b) the number of these that have been employed in Government Technical Schools or other similar educational institutions as contemplated in the said notification;

(c) the directions in which Government intend in future to make use of the men trained as above and from whom a legal bond is taken which requires them to accept service within three years of the completion of their course?

application for acquisition of the lands is awaited.

2. (a) Government have seen the letter.

(b) No inquiries have been made.

3. A copy of the letter No. 745-General, dated the 9th July 1913, issued by the Registrar-General of Births, Deaths and Marriages to the Registrars of Marriages under Act III of 1872, is placed on the table.*

4. (a & b) 18 students have passed out of the Normal Class referred to by the Honourable Member. Of these 11 are employed, drawing salaries ranging from Rs. 60 to Rs. 150 per mensem (in some cases incremental), two of them serving as teachers. The remaining 7 were till very recently serving their apprenticeships in workshops on salaries ranging from Rs. 30 to Rs. 60 per mensem.

(c) The matter is under the consideration of Government in connection with the question of the retention of the class.

*Questions.**Answers.*

THE HONOURABLE MR. GOKULDAS
KHANDAS PAREKH

1. Will Government be pleased to say whether in the district of Broach the District Magistrate has issued instructions to Magistrates subordinate to him to consult the Police when any application for releasing any offender charged with an offence that is non-bailable is made and unless the Police be agreeable to such release to refuse the application as far as possible?

2. Will Government be pleased to enquire into the questions:—

(1) Whether the location of the Second Class Subordinate Courts for the villages of the Vagra and A'mod Talukas at Vagra causes inconvenience generally to the majority of litigants, their witnesses and the pleaders practising therein, and

(2) Whether the transfer of the Court to Samani, on the Broach-Jambusar Railway shortly to be opened, would be desirable from the standpoint of public convenience?

3. With reference to my question No. 2 asked at the meeting of this Council held on the 28th of July last, will Government be pleased to say whether the right of cultivating the said land for one year (1913-14) has been given again to the same Pattavala for Rs. 400 or Rs. 450 and that he has let it out to cultivators at a profit of over Rs. 600?

4. Will Government be pleased to place on the Council Table a statement of applications made to the Excise Collector, Bombay—

(a) for the opening of new shops for vending liquors of all kinds, country or foreign, wholesale or retail, inclusive

1. The instructions issued by the District Magistrate were that a hearing should ordinarily be given to the prosecution before the release on bail of the accused in non-bailable cases.

2.

(1) The answer is in the negative.

(2) Enquiry shows that Vagra is much more convenient to the majority of those concerned than Samani.

3. The pattavala was given in 1912-13 two lots of bet land for five years for Rs. 350. The remeasurement of lots in 1912-13 disturbed those of the pattavala. He therefore relinquished them on condition of his obtaining two new ones. Accordingly in 1913-14 he was given two kacha lots in Jhadeshwar for a period of four years on payment of Rs. 350. As far as Government are aware, the pattavala does not sublet his lands.

4. The requisite statements* are laid on the Table.

* Appendix B, and Appendix C.

Questions.

- of refreshment rooms, during the years 1910-11, 1911-12 and 1912-13, showing the names of applicants, the locality of the shops, whether objections against the opening were raised by the Temperance Council, Bombay, and whether the application was successful or failed ; and
- (b) a similar statement of applications for the transfer of such shops showing in addition the locality in which the shops originally stood.
5. (1) With reference to the answer of Government to my question No. 1 (c) asked at the meeting of this Council of the 28th of July last, will Government be pleased to say whether before the grant of the Mandva and Matier lands to Mr. Jehangir Dalal, the Mám-latdár of Ankleshwar had appointed a Panch for estimating the price of the Babul plantations and that the Panch had reported that the plantation on the Mandva land alone was worth more than Rs. 6,000 ?
- (2) If so, will Government be pleased to say whether the fact of the valuation by the Panch was placed before the Commissioner when he sanctioned the giving of the land to Mr. Dalal ?
- (3) Will Government be pleased to say whether some of the numbers on which Babul plantations were sparse and the giving of which the Commissioner had sanctioned were subsequently undercharged by the substitution of other numbers which were thickly wooded by Babul plantations ?
6. Will Government be pleased to say :—
- (1) Whether according to the statement of unoccupied lands (Village form No. 2) the unoccupied lands measure 350 acres at Mandva and 347 acres at Matier ?
- (2) Is it a fact that Mr. Jehangir Dalal has by advertisements in the *Broach Mitra* newspaper invited Pánjrapols to send their spare cattle to his farm ?
- [These questions were asked at the meeting held on the 16th December 1913 when ad interim replies were given.]

Answers.

5. (1) The babuls on the Mandva Matier land and the Matier land were valued by a Panch under orders from the Assistant Collector. Their gross value was estimated as exceeding Rs. 6,000.
- (2) The answer is in the negative. The net value was reported to the Commissioner.
- (3) As portions of some of the fields first selected had been washed away by the action of the river, other lands were substituted for them. The babul growth on the substituted area was uniform with that on the area originally selected. There was no undercharge.
6. (1) The areas of the unoccupied lands are :—
- | | A. | g. |
|------------|-----|----|
| Mandva ... | 474 | 21 |
| Matier ... | 483 | 17 |
- (2) Mr. Jehangir Dalal by advertisement in the newspaper referred to invited Panjrapoles to send as many young and healthy cows and heifers, free from defect, as they could spare.

*Questions.**Answers.*

7. Will Government be pleased to say—

(1) Whether it is a fact that in some parts of the District of Broach, in Bhagdari villages, persons other than the registered bhagdars who hold lands in the bhags used to pay, up to now, the land revenue in respect of their lands direct to the village officials?

Land Revenue Collections in Bhagdari villages from bhagdars who are not registered.

(2) If so, is it a fact that village officials now refuse to receive the land revenue direct from such persons and direct them to make their payments through the registered bhagdars?

(3) Whether this new practice is adopted in consequence of any orders from Government?

8. Will Government be pleased to say—

(1) Whether certain respectable gentlemen of the Town of Modása made some serious complaints against the late Mahálkari to the Assistant Collector in charge of the Mahál and expressed their readiness to produce evidence in support of the same?

The recent Mahálkari of Modása.

(2) Whether, when the Assistant Collector was encamped at or near Modása, they asked him to give them an interview and he granted one upon the condition that they would avoid referring to the Mahálkari's affair?

(3) Whether any investigation of the complaints has been made and, if so, what?

7. The replies to the queries are in the affirmative.

8. Inquiry will be made.

9. Will Government be pleased to say—

(1) Whether the annual inspection or examination of the Vernacular School at Simalia in the Broach Táluka of the Broach District during the year 1912 took place at the Simalia school house or at Palej?

School at Simalia in the Broach Táluka.

9. Inquiries are being made.

*Questions.**Answers.*

- (2) If it took place at Palej, what is the distance between Simalia and Palej?
- (3) What was the month and date of such inspection or examination?
- (4) At what hour were the Simalia students required to be at Palej and when were they allowed to depart from Palej to Simalia?
- (5) What were the standards which the pupils of the Simalia School were studying and how many pupils were there in each standard?
- (6) Was the master of the Simalia school transferred from Simalia to Tansa in the Gogna Mahal shortly after this examination or inspection on reduced pay?
- (7) What was the reason for the reduction of his salary and the transfer?

10. Will Government be pleased to place on the Council

Schools in the Northern Division ceasing to teach the higher Vernacular Standards. Table a statement of schools in the five Districts of Gujarát which used to teach higher Vernacular standards but have now been reduced to the position of inferior schools, giving the numbers of students in each school studying in each of the higher standards?

- (2) Will Government be pleased to say on what principle were schools teaching higher standards reduced to the position of inferior schools?

11. Are Government aware that between

School at Sejjpur in the Borsad Taluka. the villages Sejjpur of the Borsad Taluka and the neighbouring villages of Ras and Virsad there are water channels which often get so filled with water during the rainy season as to render during that season the going of school children from Sejjpur to these villages and from these villages to Sejjpur very inconvenient and sometimes dangerous?

- (2) Have Government considered the desirability of restoring the Sejjpur school to the position of a superior school?

10. Inquiries are being made.

11. Enquiries will be made.

No.

Questions.

Answers.

12. Will Government be pleased to say—

(1) Whether they have sanctioned the levy of octroi on fuel at Ankleshvar, duty on coal and wood-fuel by the Municipality of Ankleshvar?

(2) Whether they have considered the effect of this duty on the cotton ginning factories at Ankleshvar in their competition with similar factories in the neighbouring Baroda, Rajpipla and British villages?

13. Are Government aware that the octroi

Octroi on carts at Ankleshvar, duty on carts, the levy of which by the Ankleshvar

Municipality is sanctioned by Government, falls mainly on cotton which is brought to Ankleshvar for being cleaned and exported?

14. Will Government be pleased to say

High Schools, whether with a view to relieve the congestion of students in the High Schools they have considered any proposal to confine the teaching in the High Schools to the four higher Anglo-Vernacular standards?

15. Will Government be pleased to say

(1) how many Accommodation in students were Colleges, refused admissions into Colleges affiliated to the University of Bombay since the month of October last on account of insufficiency of accommodation?

(2) Do Government propose to make arrangements to provide any increased accommodation for students in the Government Colleges?

16. Will Government be pleased to say—

(1) Whether the Collector of Surat had issued orders to his subordinates that notices of demand of the first instalment of the land revenue for the year 1912-13 should be issued under section 152 of the Land Revenue Code on the 20th March 1913?

12 & 13. As the Ankleshvar Municipality is not a *city* Municipality, the Commissioner, N. D., and not Government, is the authority whose sanction is required under section 61 of Bombay District Municipal Act, 1901, to the levy of taxes in that Municipal district. The requisite information has been called for from that officer.

14. No.

15. (1) Enquiries are being made.

(2) It is not proposed to enlarge any of the existing Government Colleges, but the question of establishing a College for the Karnatic is under consideration.

16. Information will be called for.

*Questions.**Answers.*

- (2) Whether after the issue of such orders notices were as a matter of fact issued some days previous to 20th March 1913?
- (3) Whether notice fees were charged from the revenue payers who paid their proper instalment on or before 20th March 1913?
17. Will Government be pleased to say—
- (1) Whether the usual date for the payment of the first instalment of the Government revenue according to standing orders for the group of villages comprising Umrachi of the Orpad Taluka is the first of March?
- (2) Whether the holders of lands at Umrachi petitioned to the Collector to transfer the day of the instalment ten days later on the ground that the produce of their lands does not ordinarily become fit for sale before 10th March?
- (3) Whether upon this petition the Collector ordered that the land-holders of Umrachi should pay their first instalment on 15th February instead of 1st March?
18. Will Government be pleased to say—
- (1) Whether, under the orders of Government, waste lands in the Surat District were given for cultivation on the restricted tenure?
- (2) Whether these tenures are being converted into survey tenures on the payment of premiums?
- (3) What is the area of land in the Surat District originally granted on the restricted tenure which is now held on the survey tenure?
- (4) What is the amount of premiums that Government have realized from these lands?
19. With reference to paragraph 15 of the Excise Administration report of the Commissioner
- Toddy consumed in Bombay.
17. Information will be called for.
18. Information will be called for.
19. The policy has been adopted as the result of the recommendations of the Excise Committee and with the approval of the Government of India. It is consi-

Questions.

for the year 1912-13, will Government be pleased to say on what grounds they have adopted the policy of diminishing the consumption of Toddy spirit in Bombay?

20. (1) Has the British Medical Journal shown that the percentage of alcohol in liquors known as medicated drinks vary from 14 to 40?
- Duty on medicated drinks,
- (2) Is a reduced duty charged on these medicated drinks?

THE HONOURABLE MR. VITHALBHAI JHAVERBHAI PATEL.

1. Is it true that men of the Educational Department who conduct the examination for scholarships held in European schools are given remuneration for the work, while others who do the same work at the high and middle school scholarship examinations do not receive anything for their trouble?
- Fees to persons conducting examinations in schools for scholarships.
2. Are first assistant masters of secondary schools and First Assistant Deputy Educational Inspectors furnished with copies of the annual confidential reports regarding their work and behaviour and are they given any opportunity either to tender their explanation or to improve their work and behaviour in the light of the reports?
- Confidential reports on certain classes of men in the subordinate educational service.

Answers.

dered desirable to eliminate the recognised production of toddy spirit; as the spirit is easily produced by primitive methods from fermented toddy and as long as licit toddy spirit is allowed as the standard country spirit in any area licensed vendors are exposed to the temptation to enhance their stocks by illicit manufacture. It is also considered highly desirable that the palm juice available for consumption should be consumed in the form of fermented liquor rather than in that of distilled spirit.

20. (1) Government have no information.
- (2) Yes.

1. It is the case that whereas in the case of the scholarship examinations of European Schools, the examiners, the great majority of whom have no official connection with such schools, receive remuneration, the examiners for scholarships in high and middle schools, all of whom are connected, either as inspecting officers or as teachers with such schools, do their work without remuneration. The Director of Public Instruction is being directed to report, whether, since the examining duties are really somewhat outside the ordinary duties of these officers, it should not be arranged to grant them some remuneration.
2. Annual confidential reports are received in the case of first assistant masters, but generally speaking, no such reports are received in the case of First Assistant Deputy Educational Inspectors. It has been the practice to communicate to the assistant master concerned those portions of an adverse report which deal with matters in respect to which improvement is possible. This would give the person reported upon the opportunity referred to.

Questions.

3. Will Government be pleased to state how many schools (with children) in the Thána District teach Gujaráti, and what provision exists for their inspection, examination and efficient supervision?

4. (a) Will Government be pleased to state whether under Government of India's Resolution No. 1443-G, dated 13th December 1884, two appointments (one of Assistant Engineer and the other of Apprentice Engineer) were guaranteed to students of the Poona College of Science who came under the statutory definition of "Natives of India" and were put at the top of the candidates who passed the L.C.E. Examination of the University of Bombay?

(b) Will Government be pleased to say whether subsequently the guaranteed post of Assistant Engineer was abolished and that of the Apprentice Engineer which had been for some time transferred to the Civil list of the Government of India was brought back to the Provincial list of Bombay and that at present the latter is the only appointment open to the Engineering students of this Presidency?

(c) Will Government be pleased to say how many appointments have been made to the list of Government of India after this change was made?

(d) Will Government be pleased to say whether the Public Service Commission

Answers.

3. There are 34 Gujaráti schools with 2,162 pupils in the Thána District. The work of supervision and inspection of these schools is divided between two of the Assistant Deputy Educational Inspectors who know Gujaráti.

4. (a) The Government of India Public Works Department Resolution No. 1443-G, dated 13th December 1884, guaranteed 2 appointments to students of the College of Science, (now College of Engineering) Poona, who came under the statutory definition of "Natives of India", *vide* Government Notification No. 60, dated 30th December 1884. It was announced in Government Notification No. 10, dated 18th February 1885, that "with the approval of the Government of India the candidate who passes first in the first class at the Bombay University Examination for the Degree of L.C.E. will, as heretofore, be appointed to the Public Works Department, as Assistant Engineer 3rd grade and that the candidate next in order of merit will, under the provisions of paragraph 9, Chapter II of the Public Works Department Code, be appointed as Apprentice, and will be considered as on probation for one year."

(b) Yes, there is now one appointment of Apprentice Engineer made each year from the College. But there is also one appointment of Assistant Engineer, Provincial Service, made in every second year from the Subordinate ranks.

(c) After the transfer of one appointment to the Government of India List three appointments were made by the Government of India.

(d) The Public Service Commission did not directly recommend an increase to

Questions.

recommended an increase to the number of such guaranteed appointments

and

whether such reduction was not in contravention of such recommendation?

(e) Will Government be pleased to say what the recommendations of the Public Service Commission were as to the appointment of an Indian to the post of Under Secretary to Government of Bombay, Public Works Department

and

whether any Indian has ever been so appointed in this Presidency?

(f) Will Government be pleased to place on the Council table a list of officers who entered the Public Works Department of the Presidency under the Resolution mentioned in question (a), giving therein the year of appointment, the length of service and the appointment last occupied in each case?

[These questions were asked at the meeting held on the 16th December 1913 when ad interim replies were given.]

5. Will Government be pleased to say why the recommendation of the Educational Inspectors Public Services Commission of 1886-1887, to recruit all superior Educational Inspecting Officers in India (*vide* please, paragraphs 4 and 5 of a despatch from the Government of India to the Secretary of State, No. 17 (Public), dated the 25th March 1891) has not been carried out in this Presidency and when the said recommendation will be carried out?

6. (a) Will Government be pleased to say why the suggestion of the Secretary of State that at least one-half of the Inspectorships should at an early date be transferred to the Provincial Branch of the Educational service (*vide* please, paragraph 6 of a

Answers.

the number of such guaranteed appointments, but made recommendations "furthering the larger admission of qualified Natives of India to employment in this important Department."

(e) The Commission has made no recommendation regarding the appointment of an Indian to the post of Under Secretary to the Government of Bombay, Public Works Department. But they recommended that the Imperial Branch should be engaged in control and direction, and on works calling for high engineering skill.

No.

(f) The statement* attached gives the necessary information.

* Appendix H.

5 & 6. The attention of the Honourable Member is invited to the answer to parts (b), (d) and (e) of his question No. 7 put at the last meeting as also to the answer given to question No. 12 put by the Honourable Mr. R. P. Karandikar at the meeting of the Council held on the 26th September 1912.

*Questions.**Answers.*

despatch to the Government of India, No. 9 Public (Educational), dated the 28th January 1892) accepted by the Government of India has not yet been carried out in this Presidency and when the said recommendations will be carried out?

- | | |
|--|--|
| <p>7. Will Government be pleased to say whether they propose to frame rules governing and regulating promotions in the Provincial and Subordinate Educational Services and publish them for the information and guidance of persons concerned?</p> <p>8. Has the attention of Government been drawn to the article headed confidential reports in the army in the "Times of India", dated Friday the 16th January 1914?</p> <p>Has Government considered the question of extending the concessions therein mentioned to the officers of the Civil Departments?</p> <p>9. Will Government be pleased to say whether they are now able to make a statement on the subject referred to in question No. 16 put by me at the last meeting of the Council?</p> <p>10. Will Government be pleased to state what reply, if any, they have received from the Director of Public Instruction with regard to question No. 18 put by me at the last meeting of this Council?</p> <p>11. Will Government be pleased to place on the Council table a statement giving the names of villages with schools in each district of the Northern Division with population under five hundred?</p> | <p>7. Government have no such proposal under consideration.</p> <p>8. Government have seen the article in question. They have recently issued revised instructions enlarging the scope of the already accepted principle that adverse comments contained in an officer's confidential report should be communicated to him.</p> <p>9. Government are unable to make a statement.</p> <p>10. No reply has been received yet from the Director of Public Instruction.</p> <p>11. The information will be obtained.</p> |
|--|--|

Questions.

Answers.

12. Will Government be pleased to state in respect of each of the Colleges in the Presidency the number of admissions refused this year for want of accommodation ?
- Admissions to Colleges refused.
12. The information will be obtained.
13. Will Government be pleased to say whether the Resolution No. 7509, Revenue Department, dated the 8th August 1911, granting to Talátis concessions as regards leave and travelling allowances similar to those granted to the superior revenue services has been put into force in favour of the Talátis of the Northern Division ? If not, why not ?
- Talátis in the Northern Division.
13. As regards leave the answer is in the affirmative. As regards travelling allowance a special rate of 5 annas daily allowance was fixed by the Government of India when the talátis' service was reckoned as inferior. This rate has not been altered, as it is considered sufficient.
14. (a) Is it a fact that in some of the Narvadari villages of the Kaira and Surat Districts, the village accountants have, of late, adopted the practice of giving receipts on separate pieces of paper for the payment of the land revenue in place of that of giving such receipts in receipt-books ?
- Receipts for Land revenue in some Narvadari villages.
14. Information is being called for.
- (b) Is it a fact that an attempt was made by the Kaira Revenue authorities in the year 1908 or thereabout to introduce such practice but on the question being pressed to the attention of the higher authorities by the Nadiád Pattidár Sabha, the old practice was allowed to continue ?
- (c) Is it a fact that representations signed by Lallubhai Kashibhai Desai and others of Nadiád have been submitted in 1913 to the Collector of Kaira and the Commissioner of the Northern Division protesting against the introduction of such practice in Narvadari villages ?
15. (a) Will Government be pleased to say whether the special grass frauds inquiry in the Kaira District is at an end ?
- Certain criminal cases in the Kaira District.
15. Information will be called for.
- (b) How many cases of grass frauds were enquired into since the start of such inquiry ?

Questions.

Answers.

- (c) How many cases were put on trial and how many convictions obtained?
- (d) What amount has Government spent in connection with this special enquiry?

16. (a) Will Government be pleased to

Preparation of a list under the Criminal Tribes Act, 1911.

say when the list required by section 4 of the Criminal Tribes Act, III of 1911, was first made with regard to the Dharalas and Waghris of the 55 villages in the Kaira District noted in Government Notification No. 5631, dated the 3rd October 1911, and when it was placed in the keeping of the Superintendent of Police as required by section 6 of the Act?

(b) Has the said list been in any way subsequently altered so far as the villages of Salol, Dewan and Khathana are concerned, and have the provisions of notices mentioned in section 7 been followed as regards such alterations, if any?

(c) Will Government be pleased to say whether they have received any report from the District Magistrate requesting to notify the application of the Act to the Girassias of the said 55 villages and whether they have in fact extended its application to all or any of them by any subsequent notification or in any other manner?

17. (a) Will Government be pleased to

Sub-Assistant Surgeons. give a list of stipendiary civil

medical and paying students who having passed in their final examination in 1896 to 1902 are now in Government service as Sub-Assistant Surgeons?

(b) Will Government be pleased to give the dates of their confirmation with the dates of commencement of their temporary services if any, next prior to their confirmation and if such temporary service is not continuous in any case will Government be pleased to state also the period of break?

16. The information is being obtained.

*Questions.**Answers.*

(c) Are Government aware that the stipendiary and civil medical students who passed in their final examination in May 1899, were confirmed earlier than those who passed in such examination in 1896 and those who passed out in 1900 to 1902 were confirmed earlier than those who did so in 1897?

} 17. Enquiry is being made.

(d) Is it true that in case of such students who passed in 1899 May, their services on Plague duty before they passed were tacked to their subsequent service for the purposes of confirmation and consequently their confirmations were antedated from September 1898?

(e) Will Government be pleased to state whether a civil medical pupil passing in a particular year has a preferential claim for a permanent appointment over a stipendiary student passing—

(i) in the same year,

(ii) in previous years,

though the latter holds continuous temporary Government service since the date of his passing out?

18. Has the attention of Government been drawn to the recent orders of the Government of India directing that income-tax should be levied on the total amount drawn irrespective of the period for which the claim is made?

18. Government are aware of the orders of the Government of India mentioned by the Honourable Member.

THE HONOURABLE MR. MANMO-
HANDAS RAMJI.

1. Whether the attention of the Government has been drawn to the correspondence in the "Bombay Chronicle" dated 24th October and 5th November, 1913, and to a paragraph in 'Truth' (India), dated 23rd November, 1913, about the Boiler Inspection Department, and, if so, whether they will be pleased to state what action, if any, they propose to take upon them.

1. Government have seen the articles and letters in question. They do not propose to take any action with regard to the suggestion that the administration of the Boiler Inspection Act should be entrusted to a Commission but they are considering the question whether the department should be taken over by Government, its cost being borne entirely by provincial revenues.

Questions.

2. Will Government be pleased to state the amount of the realisations from the estates in the charge of the Official Assignee and his commission thereon during the last quinquennium?
- Official Assignee's collections and commission.

Answers.

2. The information is being obtained.

THE HONOURABLE RAO BAHADUR
SHRINIVAS KONHER RODDA.

1. Will Government be pleased to state in how many High schools the standards for giving instruction through the medium of vernaculars in the several subjects taught, have been introduced?
- High Schools and instruction in the Vernacular.

[This question was asked at the meeting held on the 16th December 1913, when an ad interim reply was given.]

1. There are no special standards for giving instruction in High schools through the medium of the vernaculars. The free use of the vernacular of the district in the teaching of certain subjects is recommended in revised schedule D to the Grant-in-aid Code. The vernacular is freely used in almost all the Government high schools in the Presidency proper and in Sind to a small extent in standards IV and V. Effect will be given more fully to the above principle when vernacular text books in history, geography and science are available. This is the case to a limited extent only at present.

THE HONOURABLE RAO BAHADUR
GANESH KRISHNA SATHE.

1. Will Government be pleased to state whether they propose to consider the necessity of providing guns to outlying Police Stations in view of the fact that a dacoity recently took place at Pangri, Taluka Barsi, in the Sholapur District, where there is a Sub-Inspector and a party of policemen permanently stationed, who were powerless to oppose the dacoits, the latter being armed with guns?
- Arms in Police Stations.

[This question was asked at the meeting held on the 16th December 1913, when an ad interim reply was given.]

1. Under the reorganisation scheme for the police, the introduction of which has now commenced, armed policemen will be stationed at many police stations. Their numbers and distribution have already received the careful consideration of Government.

Questions.

2. Will Government be pleased to give information on the following points :—

(a) How many grades are there in the service of vaccinators? Salaries of vaccinators.

(b) What are the salaries of the several grades?

(c) Since what year has this been in force?

(d) Does Government intend to revise the scale in view of the rise in the cost of living?

3. Will Government be pleased to supply information on the following points :—

(a) Since what year has separate payment to sub-sharers of cash allowances been stopped in the Central Division? Payment of cash allowances to sub-sharers.

(b) What is the number of such sub-sharers in the Central Division who have ceased to receive such payments from the treasury direct?

(c) Whether a similar change has been made in the other Divisions?

(d) What reasons led the Commissioner, Central Division, to issue orders whereby the practice of making separate payments to sub-sharers was put a stop to?

4. Will Government be pleased to state when the work of the overbridge at the level-crossing at Sholapur. the level-crossing at Sholapur on the Sholapur-Pandharpur Road is likely to be taken in hand?

5. Will Government be pleased to state if preference is being latterly given in granting Tagái to Kabjedars of lands assessed at rupees ten and upwards, and if so, whether this practice prevails in all the districts of the Presidency and whether such preferential treatment has the sanction of Government? Tagái Grants.

Answers.

2. The information is as follows :—

(a) Three.

(b) 1st grade Rs. 24.

2nd grade „ 18.

3rd grade „ 14.

(c) Since 1871.

(d) There is no such proposal before Government.

3. The Honourable Member is referred to the reply given to question No. 5 asked by the Honourable Mr. R. P. Karandikar at the meeting of this Council on 26th September 1912.

4. The question of the construction of an overbridge at Sholapur is under the consideration of the local officers and the Railway Authorities and until a decision is arrived at, no work can be taken in hand.

5. The principle which is being followed in the Central Division is to grant takavi readily to cultivators who really derive their livelihood from agriculture, and not to those who cultivating only a small area depend on labour for their support.

The principle has the approval of Government.

Questions.

THE HONOURABLE MR. CHIMANLAL
HARILAL SETALVAD.

1. What is the total number of students in (a) the 1st LL.B. Class and (b) the 2nd LL.B. Class, in the Government Law School at Bombay at present?
2. What was the total number of students in the 1st and 2nd LL.B. Classes respectively in the Government Law School at Bombay in the year 1912?
3. What was the total number of students in the 1st and 2nd Law School at Bombay. LL.B. Classes respectively in the Government Law School at Bombay in the year 1913?

4. What progress has been made as regards the proposal for the construction of a hostel for the students attending the Government Law School at Bombay?

THE HONOURABLE MR. SHRIDHAR
BALKRISHNA UPASANI.

1. Has Government's attention been drawn to the fact that until 1909 there were so many as 87 Bhil Chowkies in the West Khándesh District but they were abolished under the orders of the District Magistrate with the exception of only 5?

Answers.

- 1, 2 and 3. The subjoined statement gives the information required by the Honourable Member:—

Year.	Number of Students.	
	First LL.B. Class.	Second LL.B. Class.
<i>1912.</i>		
First term	292	166
Second term	288	164
<i>1913.</i>		
First term	288	182
Second term	276	191
<i>1914.</i>		
First term	345	188

4. The whole question of the future organization of the Government Law School is under consideration.

1. There are at present six chowkies. The question, however, of re-establishing in selected places a certain number of chowkies which have been abolished is at present engaging the attention of the District Magistrate, West Khándesh.

Questions.

2. Will Government be pleased to state the total land revenue demand for the current year in the several talukas of the Nagar District and the amount collected until the end of November last ?
- Land Revenue collection in Ahmednagar District.

3. Will Government be pleased to state on how many days during the month of last November the trains on the Dhulia-Chálisgaon line arrived at Dhulia and returned to Chálisgaon at the right time and on how many days late ? On how many days during this month did the evening train miss the Nagpur Mail ?
- Railway from Dhulia to Chálisgaon—alleged unpunctuality.
4. Will Government be pleased to state the number of admissions refused for want of accommodation in the several High Schools in the Central Division during the last three years ?
- Accommodation in High Schools.

Answers.

2. Statement showing the total land revenue demand for the year 1913-14 in the talukas of the Ahmednagar District and the amount collected up to the end of November 1913.

Name of Taluka.	Total land revenue demand for 1913-14.	Total collections up to the end of November 1913.	Remarks.
	Rs. a. p.	Rs. a. p.	
Nagar ...	1,57,355 6 6	17,820 5 5	Represent approximate figures as Jamabandi of some of the talukas is yet to be done.
Párnar ...	1,19,624 13 10	11,086 11 8	
Shrigonda ...	1,30,827 13 0	46,217 15 5	
Karjat ...	78,374 5 7	25,604 0 11	
Jámkhed ...	95,768 8 8	19,941 3 4	
Shevgaon ...	1,98,880 6 9	32,186 13 4	
Nevása ...	1,66,600 0 0	25,128 0 8	
Ráburí ...	1,76,064 7 11	28,579 5 0	
Kopargaon ...	2,32,280 0 0	1,02,492 10 0	
Sangamner ...	1,69,203 2 6	7,431 13 7	
Akola ...	89,162 14 9	1,249 10 4	
Páthardi ...	1,05,241 0 0	9,651 1 9	
Total ...	17,26,862 15 6	3,27,977 11 5	

3. A *copy of letter from the Agent, Great Indian Peninsula Railway Company, No. 30-Q/2, dated 15th December 1913, with its accompaniment, is laid on the table.
- * Appendix A.

4. In the case of the high schools at Poona, Sátára and Sholápúr no students were refused admission for want of accommodation during the last three years. In the case of the other high schools the information received is as follows:—

Elphinstone High School, Bombay.

No record is kept, but it is thought that about 30 have been refused admission each year for this reason.

High School, Násik.

The approximate numbers who were refused admission at this school were as follows:—

1910-11	... 150
1911-12	... 100
1912-13	... 75

Garud High School, Dhulia.

1910-11	... About 50.
1911-12	... Number not known.
1912-13	... Nil.

Questions.

5. Are Government aware that the course of studies fixed for the infant class and the first three standards for the rural schools is more hard and advanced than that prescribed for the corresponding standards for urban schools or the European Schools?

Teaching in rural schools.

6. Is it true that the Southern Mahratta Railway Company is still using cattle trucks for carriage of passengers?

Southern Mahratta Railway using cattle trucks for passengers.

7. Will Government be pleased to state the number of students who passed the School Final Examination during the last three years, how many of them came from the regular School Final Class and how many from the matriculation side of the schools from which they appeared for the examination?

School Final Examinees.

8. Are Government aware of the very backward condition of female education in the Central Division and will they be pleased to state what steps they propose to take to improve it?

Education of females in the Central Division.

Answers.

5. Government are of opinion that the rural course as a whole cannot be regarded as harder than the corresponding part of either the full primary course laid down for the urban vernacular schools or the primary course laid down for European schools. But it introduces some extra work in the beginning, where the teaching is likely to be least competent, and it is therefore apprehended that stagnation is most likely to occur giving rise to some difficulties. The course, however, has been introduced very recently and must be given a fair trial before it can be adjudged as too ambitious.

6. The Agent, Madras and Southern Mahratta Railway Company, reports that cattle trucks are never used for the carriage of passengers on that Railway.

7. The information required by the Honourable Member is given in the subjoined statement:—

Year.	Total number of students who passed the School Final Examination.	Number of successful students who appeared from the regular School Final Classes of the schools concerned.	Number of successful students who appeared from the Matriculation side of the schools concerned.
1910-11...	466	175	291
1911-12...	*677	241	435
1912-13...	†609	162	402

* Inclusive of 1 ex-student.

† Inclusive of 45 ex-students of whom 17 attended the regular School Final Class.

8. The number of primary schools for girls in the Central Division on the 31st March, 1913, was 179 against 224 in the Northern Division, and 200 in the Southern Division. As the Central Division has a larger population than either of the other two divisions, female primary education in that division may be said to be in a relatively backward state. No real advance, however, is possible until a larger supply of suitable teachers is available, and with this

Questions.

9. Is it true that the prospects of pay and promotion for trained female teachers are not as favourable as those for trained male teachers?

10. Will Government be pleased to state if the District Local Boards and Municipalities are consulted in the matter of fixing the courses of studies for the Primary Schools?

Answers.

end in view arrangements have already been made for increasing the output of the Training College for Women at Poona (vide paragraph 2 (ii) of Press Note No. 2471, dated the 22nd August, 1913).

9. The following are the code rates of pay and promotion laid down for Vernacular teacher, male and female, in the Central Division :—

	Rs.
First year women ...	11
First year men and second year women (face value of the certificates Rs. 12) :—	
1—10 years' service ...	15
10—20 years' service ...	20
Above 20 years' service ...	25
Second year men and third year women (face value of the certificates Rs. 15) :—	
1—10 years' service ...	20
10—20 years' service ...	30
Above 20 years' service ...	40
Third year men (face value of the certificates Rs. 20 and 25) :—	
1—10 years' service ...	40
10—20 years' service ...	50
Above 20 years' service ...	60
Fourth year women (face value of the certificates Rs. 20 and 25) :—	
1—10 years' service ...	30
10—20 years' service ...	40
Above 20 years' service ...	50

As the standard of the entrance examination for the Training College for women is standard V, while that for the Training College for men is the Vernacular Final Examination or the completion of standard VII, the second year certificate in the case of women is considered as the equivalent of the first year certificate for men. It will thus be seen that women teachers receive equal treatment with men teachers except with regard to the maximum pay obtainable in the highest grade.

- 10 The answer to the question is in the negative.

Questions.

Answers.

11. (a) Will Government be pleased to state the number of Police Patils exercising jurisdiction under the Village Police Act VIII of 1867 and how many of them have been given commissions under the said Act?

Police Patels and their powers in petty criminal cases.

Police Patils exercising jurisdiction under the Village

(b) * * * *

(c) Has Government's attention been drawn to the cases referred to in the *Khândesh Vaibhav's* issue of the 23rd October 1913 of three respectable merchants of the Dhulia Town having been sentenced to imprisonment by the Police Patil of Dhulia on petty complaints made to him?

12. (a) Will Government be pleased to state the total number of the first, second and third class passengers booked from the Victoria Terminus Station during the last year?

G. I. P. Railway and treatment of third class passengers.

number of the first, second and third class passengers booked from the

13. Is it true that in the Nagar District in the Jámkhed and some other talukas the first two instalments were collected for the greater part before the Kharif crops could be disposed of and that the remaining instalments are also being collected while the Rabi crops are still standing?

Land Revenue collection in Ahmednagar District.

14. Will Government be pleased to state the usual ordinary dates for collection of the several kharif and rabi instalments of land revenue in the

Land Revenue collection in Central Division.

the usual ordinary dates for collection of the several kharif and rabi

11. The total number of the Police Patils who exercise ordinary jurisdiction under section 14 of the Village Police Act, 1867, is 21,287; the number specially empowered under section 15 is 360.

(b) * * * *

(c) Government have received a report on the cases, and do not propose to take any action.

12. (a) A copy* of letter from the Agent, Great Indian Peninsula Railway Company, No. 12-Q 12, dated 7th March 1914, is laid on the table.

* Appendix G.

13. It is not a fact that revenue was collected before crops could be disposed of. Orders were issued to collect Government dues as soon as crops were sold. Cultivators who had good cotton crops have in some cases paid all their dues from that crop before any rabi was harvested; but in the case of all whose crop was mainly rabi, recoveries have been postponed till after the rabi harvest. Proportionate recoveries have in fact been made as crops were sold.

14. Under the first proviso to Rule 85 of the Rules under section 214 of the Land Revenue Code, orders have been issued this year to change the dates of kharif and rabi instalments of land revenue in the following districts:—

Questions.

several Districts of the Central Division and those fixed for this year's collection? Have the dates been changed this year? If so, for what reason.

[These questions were asked at the meeting held on the 16th December 1913 when ad interim replies were given.]

15. (a) Will Government be pleased to place on the table a list of the Second Class Irrigation Works in the Presidency, referred to in Bill No. IV of 1913, in the several districts in the Presidency proper?

(b) How many of these works have been improved and extended by the British Government and as regards which of them have any disputes or difficulties actually arisen to require their control being taken up by Government from the hands of the irrigators?

(c) What was the area under Bágáyit cultivation in the villages of Dabhadi and Patna in the Násik District before the Chankápur Tank was opened and what increase in area of Bágáyit cultivation has taken place in the said villages since the tank was opened?

(d) Is the water of the Chankápur Tank used for the Girna Left Bank Canal and for supplementing the supply for the Jámda Canal in East Khándesh and, if so, will Government be pleased to state the area of land irrigated last year from these two canals and the assessment realized for the same?

Answers.

Serial No.	District.	Tálukas or Petas in which changes have been ordered.	Dates changed		Reasons.
			From	To	
1	Ahmednagar.	1. Nagar ... 2. Ráhari ... 3. Sangamner ... 4. Shevgaon ... 5. Nevása ... 6. Kopargaoñ ... 7. Páthárdi Mahál.	5th January.	5th December.	Owing to the early season this year.
	Do.	1. Jámkhed ... 2. Karjat ... 3. Nagar ... 4. Nevása ... 5. Párner ... 6. Ráhari ... 7. Shevgaon ... 8. Shrigonda.	5th April.	5th March.	Do.
2	West Khándesh.	1. Sindkheda ... 2. Dhulia ...	5th January.	5th December.	As kharif crops were good and early, it was thought advisable to commence collection work early.
3	Sátára ...	Three villages in Mán Táluka.	5th February. 5th April.	5th January. 5th March.	In these villages kharif crops were sown generally. The dates were therefore changed in view of the special circumstances of the present year.
4	Sholápur.	1. Sholápur ... 2. Bársi ... 3. Mádha ... 4. Karmála ...	5th March. 5th April.	5th February. 5th March.	Jowári crop attained maturity earlier than usual.

15. (a) A list will be prepared and laid on the table.

(b) and (c) The information will be collected.

(d) First sentence, yes. Second sentence, the information will be called for.

Questions.

(e) Will Government be pleased to state the area of the Kadim Pátasthal lands on the lower Pánjra Bandhára irrigation and the increased area brought under Bágávit cultivation after the Mukti Tank was opened?

16. (a) Will Government be pleased to state what action it contemplates taking in connection with the Resolution adopted in the Imperial Legislative Council on the subject of Advisory Boards for Income Tax assessment?

(b) Was the experiment successfully tried at Dhulia in the West Khándesh District?

17. Will Government be pleased to state the number of cases in which lands were ordered to be forfeited for arrears of assessment in the several tálukas in the districts of Ahmednagar and Sholápur during the last three years?

What was the area of the lands forfeited, their annual assessment and the amount of arrears for which they were forfeited?

In how many cases were they restored to the owners and what was the amount of the arrears for which they were forfeited and the amounts which the owners were required to pay in addition to the arrears?

How many of the remaining lands were sold, what was their area, assessment, the amount of the arrears due and the amount realised by their sale?

18. (a) Is it true that a number of lands in the Inám village of Málsiras in táluka Purandhar in the Poona District were resumed by the Inámdár's agent under forfeiture notices in 1912 and 1913 for arrears due since 1900-1901 and that in some of those cases the notices of

Answers.

(e) The information will be called for.

16. (a) The matter is receiving consideration.

(b) Enquiry will be made.

17. The Honourable Member is referred to Jamábandi Return No. 9 appended to the Land Revenue Administration Reports, Part I, for 1910-11, 1911-12 and 1912-13; the last-mentioned will be shortly published. The whole of the information asked for regarding individual tálukas is not available on the records of Government and its compilation would involve an amount of labour and trouble disproportionate to the importance of any purpose which it is likely to serve.

18. Government have no information on the subject. Enquiries are being made

Questions.

Answers.

forfeiture were not served on the tenants personally nor even on their houses which were in the neighbouring villages where they lived?

(b) If so, what action does Government propose to take in the matter?

19. Will Government be pleased to lay on the table the opinions and representations submitted to them on the subject of the Modi script and the substitution of Balbodh for it and the Government Resolutions issued with reference to the same?

Balbodh and Modi Script.

20. What amount has been sanctioned for the current year for giving the trained vernacular teachers their full pay and from what date are they to get it?

Teachers' pay.

Will trained teachers lent to Municipalities get the benefit of the provision from the same date as the teachers employed in the local board schools?

21. (a) Will Government be pleased to state if they have considered the advisability of publishing the Proceedings of the Legislative Council in the Vernacular for the information of the general public?

Proceedings of the Legislative Council.

(b) Do Government supply copies of the English Proceedings to all the Vernacular Newspapers free as well as to all public and bar libraries?

22. Is it true that Mr. R. L. Gharat and several other villagers of Avas, Sasvana, Navedar, Kolgaon, Dhonkavada, Mandva, Zirad and Sure in the Alibág Taluka had submitted petitions to the President of the District Local Board, Kolába, and to the Director of Public Instruction praying for some provision for teaching

School at Avas in Alibág Taluka.

19. The opinions and representations submitted to Government on the subject of the substitution of the Balbodh for the Modi script in official correspondence and the Government Resolutions issued with reference to the same are laid upon the Council table.*

* Appendix F.

20. The current year's provision for giving code pay to primary teachers is Rs. 1,50,000. It has been sanctioned with effect from 1st April 1913.

The attention of the Honourable Member is drawn to the reply given to the Honourable Mr. Patel's question No. 13 put at the meeting of the Legislative Council held on 28th July 1913.

21. (a) The labour and expense involved in the translation and publication of the Proceedings into the Vernacular languages would be incommensurate with any possible advantage to the public, especially as a considerable period of time would necessarily elapse between the close of the session of the Legislative Council and the publication of the translations of the Proceedings.

(b) Copies of Part VII of the *Bombay Government Gazette* which contains the Proceedings of the Legislative Council are supplied free of charge to the Editors of some newspapers (English and Vernacular) and to certain approved Libraries.

22. No undertaking to pay the additional cost was given in the petition to the Collector, dated the 31st August 1913, but in his letter to the Director of Public Instruction Mr. Gharat on behalf of the petitioners stated that they would pay for one year the difference between the salaries of the English teacher and the trained assistant. Mr. Gharat was informed by the Director

Questions.

the first three English Standards in the School at Avas which teaches the Vernacular 7 standards; and were their applications refused though they undertook to pay the additional cost required for a qualified English teacher?

23. (a) Is it true that the Charitable dispensary which
 Dispensary at Jal- the Jalgaon Muni-
 gaon. cipality maintained
 in that town was closed in April last because a new Civil Hospital was opened there outside the town?
- (b) Will Government be pleased to state the average daily attendance in the Charitable Dispensary during the three years before it was closed and the average daily attendance in the Civil Hospital since April last?
- (c) What was the annual expenditure which the Municipality was required to incur for maintaining the Dispensary and what amount is it now asked to contribute for the upkeep of the Hospital?
- (d) Have the residents of the town petitioned the Municipality and the Local Authorities for continuance of the Charitable Dispensary in the town?

24. (a) Is it true that collections for educational
 Popular contributions purposes have
 for educational pur- been made in the
 poses in the East Chopda and
 Khándesh District. Erandol Tálukas in
 East Khándesh during the last two years and that the amounts collected are held in the Government Treasury in that District? If so, what is the total amount raised?
- (b) Is it true that similar collections are being made in the Amalner, Chálisgaon and other tálukas of East Khándesh?
- (c) Have any official instructions been issued with reference to these contributions and, if so, will Government be pleased to place them on the Council table?

Answers.

that until the question of supplying English teaching in primary schools regarding which a resolution had been moved by the Honourable member at the last meeting of the Council, had received fuller consideration, the Department was not willing to make the arrangement proposed by Mr. Gharat. Mr. Gharat has since applied to Government and has been informed that the matter is under consideration.

23. Enquiry is being made.

24. (a), (b) and (c) Enquiries are being made.

Questions.

Answers.

25. Is it true that in the village of Kukurmunda in taluka Taloda in West Khándesh a site has been granted for a Christian Mission Institution close to Hindu temples and a Muhammadan mosque and if so do Government propose to allot another convenient site?
25. Information will be called for.
26. Is it true that several sub. *pro tem.* grade promotions of Subordinate Judges in the Presidency proper were notified in the *Bombay Government Gazette*, dated the 5th June last, to take effect from the 1st April 1913, but the officers promoted have not yet been allowed to draw their promotion pay? If so, are Government expediting the necessary action in the matter?
26. The facts are correctly stated in the first part of the question. The sanction of the Government of India was found to be necessary to the arrangement upon which the notification was based. Government are expediting the necessary action in the matter.
27. (a) Will Government be pleased to state the number of poor agriculturists who were entered on the dole list in the last famine in the Ahmednagar District?
27. (a) The number of poor agriculturists, as distinguished from other poor persons (labourers, destitute persons, etc.), who were gratuitously relieved cannot be stated.
- (b) Is it true that the amount spent on their maintenance is now being converted into a takávi loan in several talukas of that district?
- (b) In accordance with section 238 (d) of the Famine Relief Code subsistence advances were granted to cultivating occupants; and in the case of poor occupants with only a little land who could not work, these advances were given in the form of rations on the scale applicable to gratuitous relief.
28. (a) Has Government's attention been drawn to the correspondence published on page 2 of the "Kesari" newspaper of the 16th December 1913 with reference to the condition of the crops and the coercive measures adopted in the Ahmednagar District for the early collection of the kharif and rabi instalments of land revenue in that district?
28. Enquiry will be made.
- (b) Will Government be pleased to state how far the facts stated in that correspondence are true or otherwise?
- (c) Is it true that orders to the effect referred to in paragraph 6 of the said correspondence for collecting double the

*Questions.**Answers.*

current year's demand were issued by the authorities in the district? If so, will Government be pleased to place a copy of the same on the table?

29. Is it true that instructions have been issued by the Commissioner, C. D., directing that surplus amounts recovered on account of assessment, income tax, &c., should not be refunded to the parties concerned, but held over for appropriation in payment of future assessment, and are parties refused refund of their amounts though no arrears be actually due against which they might be immediately set off?

29. Government have ruled that a refund of revenue collected in excess should be paid, if it was demanded, but that if the demand was not made, it might be assumed that the payer preferred to have the amount credited against any other demand for revenue already due from him or against future demands and so save the trouble of taking payment at the kacheri.

30. (a) Will Government be pleased to state the Income-tax assessment in the Central Division. assess- ment in the Central Division. tax assessment for the several district towns in the Central Division for the year 1913-14 and for the preceding two years? In how many towns in this division have supplementary lists been issued this year and what is the total increase secured under them?

30. (a) to (d) Information will be called for.

(b) In the supplementary lists issued for Vambori in Ráhuri Táluka in Ahmednagar District has the assessment of 30 people been raised from Rs. 900 to Rs. 2,500?

(c) In the supplementary list issued for the municipal town of Sangamner in the same district have some of the assesseees been charged for this year the amounts which had been remitted in appeal for this very year?

(d) Has this been done in the case among others of Balaji Hari Nirhali of that town and has he been served with a notice that if he did not pay the amount charged within two months, double the amount would be recovered from him?

(e) Will Government be pleased to call for and place on the table lists of the individual income-tax assessment charged for this year and the previous two years in these two towns?

(e) The lists are published locally and it appears unnecessary to lay them on the Table.

Questions.

Answers.

31. (a) Will Government be pleased to state how many Subordinate Revenue Establishments in the Central Division places and of what grades have been kept vacant within the last three years, with a view to improve the service, in the Subordinate Revenue Establishments in the several districts in the Central Division?
- (b) How many new hands have been entertained during this period on the said establishments as permanent and acting clerks and as candidates and how many of them have not passed any qualifying tests?
32. (a) With reference to the reply given to my question Conciliators. No. 5 put at the Council Meeting of the 28th July 1913, will Government be pleased to state what action has been taken in the matter of the proposed appointment of Subordinate Judges to be conciliators within their respective jurisdictions for the disposal of all applications which were filed before conciliators previous to the date on which their appointments ceased, in virtue of Government Notification No. 3478, dated the 16th May 1913?
- (b) What was the total number of the applications pending on the 30th May 1913 before the conciliators in the several districts in which their appointments were cancelled by the Government Notification, and do they still remain undisposed of?
- (c) Are there any cases where claims which were within time when the applications were filed and which would have been kept within time by the conciliators' certificates, if granted, have become barred by reason of want of provision to grant the certificates before the appointments were cancelled, and are there any such cases where, suits having been filed in Court without the certificates, the claims have actually been dismissed as barred by limitation?
- (d) If there are such cases, does Government propose to take any administrative or legislative action?
31. The collection of the information asked for would involve an amount of labour wholly incommensurate with any purpose which the information is likely to serve, in view of the fact that the scheme for improving the Subordinate Revenue Service has now been sanctioned by the Secretary of State.
32. (a) No action has been taken in the matter.
- (b) The information will be obtained.
- (c) Government have no information of such cases, but inquiry will be made, and information supplied to the Honourable Member.
- (d) The matter is under the consideration of Government.

Questions.

33. Has Government's attention been drawn to a petition submitted by a number of leading gentlemen of Poona and other stations in the mofussil on behalf of the Varkaris and the general public protesting against the imposition of a new monthly pilgrim tax by the Alandi Municipality?

Has Government taken any action on that petition?

Is it true that the Municipality is already levying a pilgrim tax on the Kartiki Ekadashi day which has been raised from 2 to 4 annas per head and yields Rs. 12,000 as against the Municipality's own local income of about Rs. 600 a year?

Is it true that the Municipality makes a saving of over Rs. 5,000 out of the income from the Kartiki Tax and that it is not necessary to impose a new tax for any arrangement required for the pilgrims?

Is it true that the new tax is proposed to be imposed for a bund to be put up on the Indrayani river at a cost of Rs. 1,00,000? Is the bund wanted for this small town with a population of 1,600 and is the bund desirable from the sanitary point of view?

34. (a) Will Government be pleased to state the total number of Vatandar Kulkarnis and Talátis and the remuneration paid to them in the Central Division and the number of Talátis appointed in place of some of them and the remuneration paid to them?

(b) Have special officers been appointed to collect details for schemes for the substitution of Talátis for Kulkarnis? If so, will Government be pleased to lay

Answers.

33. Inquiries are being made.

34. (a) The number of watandar village accountants in the seven districts of the Central Division and the total remuneration paid to them per annum was in 1909-10, the latest year for which returns are available, 4,660 and Rs. 5,68,457-4-7, respectively. Up to the present stipendiary accountants have not been appointed in place of watandar accountants in any villages where kulkarniki watan rights exist; but where the representative watandar has failed to serve in person or appoint a deputy accepted by the Collector, the deputy appointed under the Act on behalf of Government has in some cases been remunerated by a monthly pay instead of by remuneration according to scale.

(b) Yes, three Mámlatdárs and one District Deputy Collector have been deputed on special duty for collection of information required in connection with the

Questions.

on the Table the schemes for which the details are being collected?

35. Will Government be pleased to state what amount was spent during the last five years for rewards in high proficiency in the Oriental languages and for what languages were the rewards given?
- Rewards for examinations in languages.

THE HONOURABLE MR. HARCHAND-
RAI VISHINDAS, LL.B.

1. (a) Will Government be pleased to state whether it is a fact that the Land Settlement Record Office for the Province of Sind is situated in the Fort of Hyderabad where no admission can be had without a permit from the Military authorities?
- (b) If so, is it a fact that ordinary rayats having business there experience difficulty in obtaining access?
2. (a) Will Government be pleased to state if it is a fact that the Record Office is kept for the preservation of old records affecting public and individual rights to lands?
- (b) If so, is it a fact that several old records, such as class Bundis, through which the identity of the present survey numbers in villages with the old subdivisions called "Makans" can be traced, are being destroyed in several talukas?
- (c) Will Government be pleased to state what records have been destroyed and in what talukas of Sind.

Answers.

proposed replacement of watandar by stipendiary accountants. No scheme has yet been formulated by Government nor can any such scheme be prepared till the information now being collected is available.

35. Information will be called for.

1. (a) and (b) Inquiry will be made.

2. (a) The principal duties of the Central Record Office at Hyderabad are the correction and maintenance of the Survey Records.

- (b) and (c) The Honourable Member is referred to the answer given to the Honourable Mr. Bhurgri's question No. 1 at this meeting.

"N.B.—Where the Answer to a Question is a blank, the Question will be repeated and the Answer given at the next meeting of the Legislative Council."

APPENDIX A.

GREAT INDIAN PENINSULA RAILWAY COMPANY.

No. 30-Q/2.

AGENT'S OFFICE :

*Victoria Terminus,
Bombay, 15th December 1913.*THE JOINT SECRETARY TO THE GOVERNMENT OF BOMBAY,
Public Works Department (Railways),
Bombay.*Running of trains on the Chálisgaon-Dhulia Railway during November 1913.*

Dear Sir,

With reference to your letter No. 2258, dated 11th December 1913, I forward herewith a statement showing the running of trains on the Chálisgaon-Dhulia Railway during the month of November 1913.

2. On ten occasions the No. 254 Up Mixed (the evening train from Dhulia) missed connection with the Down Nagpur Mail during November.

3. The No. 253 Down Mixed from Chálisgaon, which runs as the No. 254 Up Mixed from Dhulia, halts at the latter station for 50 minutes for the purpose of detraining and entraining passengers, parcels and luggage and for shunting.

4. The No. 253 Down Mixed, which is booked to wait at Chálisgaon for 1 hour for the arrival of the No. 27 Down Delhi Express, and for 2 hours for the Down Postal Express, was detained on 8 occasions during November 1913 for connection with the No. 27 Down Delhi Express and on 3 occasions for the Down Postal Express, resulting in the running of the No. 254 Up Mixed being correspondingly late.

Yours faithfully,

(Signed) FRANK J. CLARK,
Secretary.Document accompanying—
Statement.*Statement showing running of trains on the Dhulia-Chálisgaon Branch during November 1913.*

ARRIVAL DHULIA.

Train No.	Arrival Right Time.	Under 5 minutes late.	Over 5 minutes and under 10 minutes late.	Over 10 minutes and under 20 minutes late.	Over 20 minutes late.
251 down	6	8	6	4	6
253 down	6	5	...	7	12

ARRIVAL CHALISGAON.

252 up	15	4	2	3	6
254 up	3	3	7	...	17

APPENDIX B.

Statement of applications made to the Collector of Bombay for the opening of new shops for vending liquors of all kinds, Country or Foreign, wholesale or retail, inclusive of Refreshment Rooms during the years 1910-11, 1911-12 and 1912-13.

Serial No.	Kind of license.	Name of applicant.	Locality of the shop.*	Whether objection against the opening was raised by the Temperance Council, Bombay.	Whether the application was successful or failed.	Remarks.
<i>1910-11.</i>						
1	Hotel Majestic	Brandon and Company	Wodehouse Road	Yes	Successful	
2	Refreshment Room	Kaikhusr A. Irani	Dadar, Lady Jamshedji Road.	No	Failed.	
3	Do.	Rodrigues and Sons	Gaiety Theatre, opposite Victoria Terminus.	No	Failed.	
4	Do.	Govind Babaji Dalvi	Cavel	No	Failed.	
5	Foreign "on"	Vinayak Vaman Gupte	Sandhurst Road	No	Failed.	
6	Regimental Canteen Tenant license,	Boyce and Company	Royal Garrison Artillery, Colaba.	No	Successful.	
7	Do.	Lipton, Limited	British Infantry Regiment	No	Successful.	
8	Wholesale foreign liquor.	Dorabji J. Madon	Colaba Causeway	No	Failed.	
9	Wholesale and retail "off" foreign liquor.	A. J. DeSouza	Bipon Road, Byculla	No	Successful.	
10	Retail "off" foreign liquor.	Martin and Company	Bipon Road, Jacob Circle.	No	Failed.	
11	Do.	B. R. Parelwala	Apollo Reclamation	No	Failed.	
12	Do.	D. DeMello and Company.	Churchgate Street, Fort...	No	Failed.	
13	Retail "off" foreign liquor (for the sale of Palestine wines only).	J. Hayams	Babula Tank Road	No	Successful.	
14	Wholesale and retail "off" foreign liquor (for the sale of Greek wines and brandies only).	Th. Vafiadis and Company.	Tamarine Lane, Fort	No	Successful.	
15	Retail "off" foreign liquor (for the sale of Portuguese wines only).	Jamshed N. Gasdar	Frere Road, Fort	No	Failed.	
16	Retail "off" foreign liquor (for the sale of pure Lisbon wines only).	Lawrence Bright and Company.	Bellasis Road, Byculla	No	Failed.	
<i>1911-12.</i>						
1	Esplanade Hotel	A. Framji and N. N. Bharucha.	Esplanade Road	No	Successful	Old license revived.
2	Refreshment Room	C. Pernond	Watson's Annexé, Apollo Bunder.	No	Failed.	
3	Do.	A. M. Coutts (proprietor, English Restaurant).	Churchgate Street	No	Failed.	
4	Manufacture and wholesale sale of Malt liquor.	Bombay British Beer Brewing Company, Limited.	Fergusson Road, Parel	No	Successful.	
5	Country liquor	Raotoo Lingoo	Near the Matunga Station of G. I. P. Railway.	No	Failed.	
6	Wholesale foreign liquor.	G. A. Blackburn	Custom House Road, Fort.	No	Successful.	
7	Do.	Mackenzie Lyall and Company	Coaching Street, Fort	No	Successful.	
8	Retail "off" foreign liquor.	Ardeshir B. Mistry	Sitaram Buildings, Princess Street.	No	Failed.	
9	Do.	D. D'Mello and Company.	Narsinha Mansions, Carnac Road.	No	Failed.	
10	Do.	W. H. Raymer and Company.	Apollo Bunder	Yes*	Successful	* The objection was time-barred. The license is no longer in existence.
11	Retail "off" foreign liquor (for the sale of beer only).	Ardeshir Framji	Girgaum Road, opposite Dadyshett Agiari Lane.	No	Failed.	
12	Do.	Meakin and Company	Dhobi Talao	No	Successful.	
13	Do.	Do.	Sandhurst Road, Null Bazar.	No	Successful.	

APPENDIX B—continued.

Serial No.	Kind of license.	Name of applicant.	Locality of the shop.	Whether objection against the opening was raised by the Temperance Council, Bombay.	Whether the application was successful or failed.	Remarks.
<i>1912-1913.</i>						
1	Hotel ...	T. W. Youll and W. E. Young.	Watson's Annexe, Apollo Bunder.	No	Failed.	
2	Refreshment Room ...	A. M. Coutts	Matunga on the new road.	No	Failed.	
3	Do. ...	Byramji Bezanji	Sandhurst Road near Sandhurst bridge.	No	Failed.	
4	Retail "on" foreign liquor.	Hormasji Adarji	Tulsiram Pada, Parcel Chawl Road.	No	Failed.	
5	Regimental Canteen Tenant license.	Spencer and Company	Royal Warwickshire Regiment, Colaba.	No	Successful.	
6	Do. ...	L. Motiram and Sons	Nottingham and Derbyshire Regiment, Colaba.	No	Successful.	
7	Country liquor ...	Dattaram Tukaji	Parcel near Lalbag Terminus.	No	Failed.	
8	Wholesale foreign liquor	A. Deshbir Framji Batliwalla.	Delisle Road	No	Failed.	
9	Do. ...	W. & A. Graham and Company.	Parsi Bazar Street, Fort...	No	Successful.	
10	Do. ...	A. Reginald and Sons	Tamarind Lane, Fort	No	Successful	This is not new shop. The existing one was licensed in consequence of the sales in original cases being brought under control by Act XII of 1912.
11	Wholesale foreign liquor	H. S. Smith and Company.	Bakohouse Lane, Fort	No	Successful	Do.
12	Do. ...	Wyndham Lloyd and Company.	Hornby Road, Fort	No	Do.	Do.
13	Do. ...	D. D'Mello and Company.	Carnac Road, Crawford Market.	No	Do.	Do.
14	Do. ...	Volkart Brothers	Rampart Row, Fort	No	Do.	Do.
15	Do. ...	Manecksha R. Kapadia	Girgaon Road, opposite Portuguese Church.	No	Do.	Do.
16	Do. ...	D. P. Batha and Company.	Apollo street, opposite Share Bazar, Fort.	No	Do.	Do.
17	Do. ...	Croft, Mody and Company.	Esplanade Road, Fort	No	Do.	Do.
18	Do. ...	R. D. Hughes and Company.	Hornby Road, Fort.	No	Do.	Do.
19	Do. ...	Bomanji Dhanjibhoy	Esplanade Road, Fort	No	Do.	Do.
20	Do. ...	Manager, Indian States and Eastern Agency.	Hornby Road, Fort	No	Do.	Do.
21	Do. ...	Ewart Latham and Company.	Tamarind Lane, Fort.	No	Do.	Do.
22	Do. ...	Lipton, Limited	Apollo street, Fort	No	Do.	Do.
23	Do. ...	H. A. Cooper	Hamam street, Fort	No	Do.	Do.
24	Do. ...	Noble Son and Company	Hornby Road	No	Do.	Do.
25	Do. ...	Samuel Fitze and Company.	Apollo street, Fort	No	Do.	Do.
26	Do. ...	S. E. Miranda	Matharpacady, Mazgaon...	No	Do.	Do.
27	Wholesale and retail "off" foreign liquor.	Dinyar Mobed Rustam	Bhandarwada street, Matunga.	No	Failed.	
28	Retail "off" foreign liquor.	Curzon and Company	Waterloo Mansions, Apollo Bunder.	No	Do.	
29	Retail "off" foreign liquor.	Martin and Company	Ripon Road	No	Do.	
30	Do. ...	A. Hamid and Company...	Colaba Causeway...	No	Do.	

APPENDIX C.

Statement of applications made to the Collector of Bombay for the removal of shops for vending liquors of all kinds, country or foreign, wholesale or retail, inclusive of Refreshment Rooms during the years 1910-11, 1911-12 and 1912-13.

Serial No.	Number and kind of license.	Name of applicant.	The locality in which the shop originally stood.	Nature of application.	Locality to which removed.	Whether objection against the opening of the shop was raised by the Temperance Council, Bombay.	Whether the application was successful or failed.	Remarks.
			1910-1911.					
1	Hotel No. 6 English Hotel.	Byramji Cursetji.	Bastion Road ...	Removal ...	Hornby Road ...	No ...	Failed.	
2	Hotel No. 7 Alexandra Hotel.	Maneckji Pestanji Maassidia.	Prince's Dock, Frere Road.	Do. ...	Frere Road near the General Post Office.	Yes ...	Successful.	
3	Refreshment room No. 25, Albion Restaurant.	Virbaiji, widow of Sorabji Naoroji.	Bellasis Road ...	Do. ...	Bellasis Road ...	No ...	Do.	
4	2nd Class foreign liquor No. 23.	Wasu Bapu Padwal.	Delisle Road ...	Removal to a distance of about 84 yards.	Junction of Delisle and Arthur Roads.	No ...	Do.	
5	1st Class country liquor No. 1.	Cursetbai, widow of Sheriar K. Irani.	Gilder Street ...	Do. 50 yards.	Gilder Street ...	No ...	Failed.	
6	Do ...	Do. ...	Do. ...	Do. 23 yards.	Do. ...	No ...	Successful.	
7	2nd Class country liquor No. 35.	Narayan Bhikaji Warekar.	Mount Road, Mazgaon.	Do. 27 yards.	Mount Road, Mazgaon.	No ...	Failed.	
8	Do. No. 46.	Damodar Bapu Padwal.	Dharavi Road ...	Do. 50 yards.	Dharavi Road ...	No ...	Successful.	
9	Do. No. 71.	Khursetji P. Umrigar.	Lohar Chawl Street.	Do. 20 yards.	Lohar Chawl Street.	No ...	Do.	
10	Do. No. 89.	Maneckji Pestanji Daruwalla.	1st Marine Lane, Dhobitalao.	Do. 20 yards.	1st Marine Lane, Dhobitalao.	No ...	Do.	
11	Do. No. 102.	Merwanji Dada-bhoy.	Suparibang Road, Parel.	Do. 176 yards.	Suparibang Road, Parel.	No ...	Do.	
12	2nd Class Uran liquor No. 7.	Mahadu Govind.	Falkland Road .	Do. 15 yards.	Falkland Road...	No ...	Do.	
13	Do. No. 31.	Shirinbai, widow of Cowasji M. China.	Carpenter Street, Mazgaon.	Do. 95 yards.	Carpenter Street, Mazgaon.	No ...	Do.	
14	Pure Mowra spirit No. 1.	Nana Yessoo Padwal.	Coppersmith Lane, Mazgaon.	Removal to a distance of about (1) 166 yards and (2) 140 yards.	Coppersmith Lane, Mazgaon.	No ...	Failed	The application contained two alternative requests.
15	Do. ...	Do. ...	Do. ...	Do. 50 yards.	Do. ...	No ...	Do.	
16	Do. ...	Do. ...	Do. ...	Do. 114 yards.	Reay Road, Mazgaon.	No ...	Do.	
17	Do. ...	Do. ...	Do. ...	Do. 140 yards.	Do. ...	No ...	Do.	
18	Do. No. 16.	Sakbaram Raghoba Nagwekar.	New Haanman Lane.	Removal ...	Parel Cross Road.	No ...	Do.	
19	Do. No. 19.	Shapurji Dada-bhoy Mistry.	Suparibau Rcd, Parel.	Removal to a distance of about 10 yards.	Suparibang Road, Parel.	No ...	Successful.	
20	Wholesale and retail "off" foreign liquor No. 23.	Hormasji Mullau,	Cheera Bazar ...	Do. 20 yards.	Cheera Bazar ...	No ...	Successful.	
21	Do. No. 26.	Ardeshir Rustanji Lakdawala,	3rd Carpenter Street, Mazgaon.	Removal ...	3rd Carpenter Street, Mazgaon.	No ...	Failed.	

APPENDIX C—continued.

Serial No.	Number and kind of license.	Name of applicant.	The locality in which the shop originally stood.	Nature of application.	Locality to which removed.	Whether objection against the opening of the shop was raised by the Temperance Council, Bombay.	Whether the application was successful or failed.	Remarks.
<i>1911-1912.</i>								
1	Hotel No. 6, English Hotel.	Byramji Cursetji.	Bastion Road ...	Removal ...	Frere Road ...	No ...	Failed.	
2	Hotel No. 11, Carlton Hotel.	W. J. Matchin ...	Do. ...	Do. ...	Outram Road ...	No ...	Successful.	
3	Foreign liquor "on" No. 14.	Bapuji Hormasji.	Northbrook Street, Girgaon.	Do. ...	Arthur Road, Parel.	No ...	Failed.	
4	Country liquor shop No. 29.	Mahadu Saccaram.	Junction of Janjekar and Cazi Syed Street, Mándvi.	Removal to a distance of about 18½ yards.	Junction of Janjekar and Cazi Syed Street, Mándvi.	No ...	Successful.	
5	Do. No. 37.	Sorabji Dosabhoj.	Clerk Road ...	Do. 30 yards.	Parel Road ...	No ...	Do.	
6	Do. No. 44.	Merwanji Edalji Bbarucha.	Parel Road ...	Do. 65 yards.	Bapti Road ...	No ...	Failed.	
7	Do. No. 46.	Damodar Bapuji Padwal.	Dháravi ...	Removal ...	Parel Chawl Road.	No ...	Do.	
8	Do. No. 62.	Dhondoo Kashinath Mayeker.	Fergusson Road.	Removal to a distance of about 5 yards.	Fergusson Road.	No ...	Successful.	
9	Country liquor shop No. 75.	Kashinath Gharuji.	Waribunder Road, Mazagaon.	Removal to a distance of about 25 yards.	Belvedere Road, Mazagaon.	No ...	Failed.	
10	Do. ...	Do. ...	Do. ...	Do. ...	Waribunder Road, Mazagaon.	No ...	Successful.	
11	Do. No. 85.	Cursetbai, widow of Sheriar K. Irani.	Curry Road ...	Do. 32 yards.	Curry Road ...	No ...	Do.	
12	Do. No. 94.	Khodadad Tiran-daz.	Breach Candy Road, Girgaon.	Do. 25 yards.	Breach Candy Road, Girgaon.	No ...	Failed.	
13	Do. ...	Do. ...	Do. ...	Do. 10 yards.	Do. ...	No ...	Successful.	
14	Do. No. 139.	Deoji Raghujji ...	Bapu Khote Street.	Removal ...	Parel Road ...	No ...	Failed.	
15	Uran liquor No. 46 ...	Arjun Narayan .	Elphinstone Pipe Road.	Removal to a distance of about 300 yards.	Elphinstone Road.	No ...	Do.	
16	Pure Mowra spirit No. 1.	Nana Yessoo Padwal.	Coppersmith Lane, Mazagaon.	Do. 25 yards.	Coppersmith Lane, Mazagaon.	No ...	Successful.	
17	Do. No. 17.	Sitaram Gann Polekar.	Khoja Street ...	Removal to an adjoining room in the same building.	Khoja Street ...	No ...	Do.	
18	Pure Tuddy spirit No. 21.	Dewoojai, widow of Keshav Annaji.	Vincent Road ...	Removal to a distance of about 92 yards.	Vincent Road ...	No ...	Do.	
19	Wholesale and retail "off" foreign liquor No. 30.	The Manager, Alembic Chemical Works Company, Limited.	Junction of Kalbadevi and Carnac Roads.	Removal ...	Girgaon Back Road.	No ...	Do.	
20	Retail "off" foreign liquor No. 25.	B. X. Furtado and Sons.	Cavel Road ...	Removal to a distance of about 67 yards in the same locality.	Cavel Road ...	No ...	Do.	

APPENDIX C—continued.

Serial No.	Number and kind of license.	Name of applicant.	The locality in which the shop originally stood.	Nature of application.	Locality to which removed.	Whether objection against the opening of the shop was raised by the Temperance Council, Bombay.	Whether the application was successful or failed.	Remarks.
<i>1912-1913.</i>								
1	Refreshment Room No. 22, Criterion Bar.	Mrs. A. Sturn ...	Apollo Street ...	Removal ...	Colaba Causeway.	No ...	Failed.	
2	Do. ...	Do. ...	Do. ...	Removal to a distance of about 67 yards.	Apollo Street ...	No ...	Do.	
3	Do. ...	Do. ...	Do. ...	Removal in the same locality.	Oak Lane off Meadows Street.	No ...	Do.	
4	Foreign liquor "on" No. 1.	Sorabji Edulji Machhiwalla.	Thomas Street, Lower Colaba.	Removal to a distance of about 60 yards.	Thomas Street, Lower Colaba.	No ...	Successful.	
5	Foreign liquor "on" No. 14.	Bapuji Hormasji.	Northbrook Street, Girgaon.	Removal to a distance of about 464 yards.	Khetwady, Back Road.	No ...	Failed.	
6	Do. No. 15...	Damodar Bapuji Padwal.	Chinchbunder Road.	Do. 42 yards.	Junction of Chinchbunder Road and Chinchbunder 1st Road.	Yes. ...	Do.	
7	Do. ...	Do. ...	Do. ...	Do. 40 yards.	Chinchbunder Road.	No ...	Do.	
8	Do. No. 35...	Naoroji Cowasji Wadiwalla.	Babula Tank Road.	Do. 45 yards.	Babula Tank Road.	No ..	Successful.	
9	Do. No. 50...	Burjorji Bezanji Daruwalla.	Girgaon Road ...	Removal ...	DeLisle Road ...	No ...	Failed.	
10	Do. ...	Do. ...	Do. ...	Do. ...	Soyaribaug Road, Parel.	No ...	Do.	
11	Do. ...	Do. ...	Do. ...	Do. ...	DeLisle Road ...	No ..	Do.	
12	Country liquor No. 44...	Merwanji Edulji Bharucha.	Parel Road ...	Removal to a distance of about 65 yards.	Bapti Road ...	No ...	Do.	
13	Do. No. 54...	Jiwanji Rustamji Pochkhana-walla.	Wellington Street.	Do. 21 yards.	Wellington Street.	No ...	Do.	
14	Do. No. 60...	Ramji Govind Patel.	Agripada, By-culla.	Removal to a distance of over 1 mile.	Camathipura, 5th Lane.	No ...	Do.	
15	Do. No. 61...	Pestnaji Mottabhoj.	Erskine Road ...	Removal ...	Sandhurst Road.	No ...	Do.	
16	Do. do. ...	Do. ...	Do. ...	Do. ...	Vincent Road ...	Yes ...	Do.	
17	Do. do. ...	Do. ...	Do. ...	Removal to a distance of about 20 yards.	Erskine Road ...	No ...	Successful.	
18	Do. No. 79...	Bhikibai, widow of Fakirji Naoroji.	Wellington Street.	Do. 18 yards.	Wellington Street.	No ..	Failed.	
19	Do. No. 80...	Ramji Govind Patel.	Agripada, By-culla.	Removal ...	DeLisle Road ...	No ...	Do.	
20	Do. No. 129.	Cursetbai, widow of Sheriar K. Irani.	Gilder Street ...	Do. ...	Worli, Koliwada.	No ...	Do.	
21	Uran liquor No. 46...	Arjun Narayan.	Elphinstone Pipe Road.	Do. ...	Elphinstone Road.	Yes ...	Do.	
22	Fure Mowra spirit No. 7 ...	Sitaram Ganu Polekar.	Arthur Road ...	Removal to a distance of about 133 yards.	Arthur Road ...	No ...	Do.	
23	Do. do. ...	Do. ...	Do. ...	Do. 133 yards.	Do ...	Yes*	Successful.	* The objection was time-barred.

APPENDIX C—concluded.

Serial No.	Number and kind of license.	Name of applicant.	The locality in which the shop originally stood.	Nature of application.	Locality to which removed.	Whether objection against the opening of the shop was raised by the Temperance Council, Bombay.	Whether the application was successful or failed.	Remarks.
<i>1912-1913.</i>								
24	Pure Mowra spirit No. 14.	Laxman Vithoba Mayekar.	Ghorupdeo road.	Removal to a distance of about 350 yards.	Ghorupdeo road.	No	Failed.	
25	Pure Toddy spirit No. 22.	Manekji Dorabji Gordhan.	Suparibaug road, Parel.	Removal to a distance of about 25 yards.	Suparibaug road, Parel.	No	Successful.	
26	Do. No. 30.	Balkrishna Mahadoo Warekar.	Worlipacady road.	Removal to a distance of about 10 yards.	Worlipacady road.	No	Successful.	
27	Wholesale foreign liquor No. 5.	Herbert Son and Company.	Apollo Street ...	Removal ...	Apollo street ...	No	Successful.	
28	Do. No. 29.	S. S. Miranda ...	Matarpacady, Mazgaon.	Removal to a distance of about 14 yards.	Matarpacady, Mazgaon.	No	Successful.	
29	Retail "off" foreign liquor No. 1.	Hormasji Manekji Bhiwandiwala.	Barrack Street...	Removal to a site next door.	Barrack street ...	No	Successful.	
30	Do. No. 27.	Ardeahir Hormasji.	Abdul Behman Street.	Removal to a distance of 697 yards.	Carnac road ...	No	Failed.	
31	Do. No. 29.	Meakin and Company.	Sandhurst road...	Removal ...	Corner of Barrack and Bazar Gate streets.	No	Failed.	
32	Retail "off" foreign liquor No. 29.	Do. ...	Do. ...	Do. ...	(1) Chunam kiln road. (2) Balaram street. (3) Charni road.	No	Failed.	
33	Do. ...	Do. ...	Do. ...	Do. ...	Chunam kiln road.	No	Failed.	
34	Retail "off" foreign liquor No. 51.	Th. Vafadis and Company.	Tamarind lane ...	Removal in the same locality.	Meadows street .	No	Successful.	

APPENDIX D.

Confidential.Ref. No. ⁷⁴⁵/_{General} OF 1913.

Poona, 9th July 1913.

From

C. N. SEDDON, Esquire, L. C. S.,
 Registrar-General of Births, Deaths
 and Marriages, Bombay Presidency ;

To

THE REGISTRAR OF MARRIAGES,
 (Under Act III of 1872).

Sir,

A case has recently been brought to notice in which a Registrar of Marriages appointed under Act III of 1872 accepted, under section 10 of the Act, a declaration made by the contracting parties of the marriage but not worded strictly in accordance with the form of declaration given in the second schedule of the Act. It is an essential condition of the validity of a marriage under the Act that neither of the parties should profess any of the recognized religions and there was, in the case referred to above, a violation of this condition by the addition of a supplementary or explanatory declaration that "the parties professed to belong to a recognized religion but they disagreed as to some of its marriage customs and regulations." This addition essentially modified the meaning and force of the statutory declaration rendering it doubtful whether there had been a legal marriage.

2. It is undesirable that Marriage Registrars should countenance such irregularities and I have the honour, therefore, to request that you should, on receipt of instructions, refuse to countersign any declaration which, in any way, modifies or varies from the statutory form of the declaration. In any doubtful case proceedings should be suspended and the case should be reported to this office for orders.

I have, etc.,

(Signed) C. N. SEDDON,
 Registrar-General of Births,
 Deaths and Marriages

APPENDIX E.

Statement showing the total number of criminal cases decided by the Huzúr Deputy Collector and Magistrate, First Class, Belgaum City, in each of the five years ending with the 30th November 1913.

Period.	Year.	Number of cases decided.			Remarks.
		Regular.	Chapter VIII, Criminal Procedure Code.	Total Cases.	
1	2	3	4	5	6
1-12-1908 to 30-11-1909 ...	1908-09	92	4	96	
1-12-1909 to 30-11-1910 ...	1909-10	69	11	80	
1-12-1910 to 30-11-1911 ...	1910-11	75	6	81	
1-12-1911 to 30-11-1912 ...	1911-12	85	9	94	
1-12-1912 to 30-11-1913 ...	1912-13	108	15	123*	*This includes five cases committed, and is exclusive of 6 cases going on in November but disposed of afterwards.
	Total ...	429	45	474	

APPENDIX E.

Modi Script.

Abolition of the — in all Revenue and
Magisterial offices in the Ratnágiri
District.

No. 1939.

REVENUE DEPARTMENT.

Bombay Castle, 24th February 1909.

Memorandum from the Commissioner, S. D., No. 46, dated 6th January 1909—Submitting, for information, a letter No. 4958, dated 21st December 1908, from the Collector of Ratnágiri, who reports that he has ordered, with effect from the 1st January 1909, that "Bálbodh", the usual printed script, shall be employed instead of "Modi" in all Revenue and Magisterial offices in the district; and observing that the experiment is well worth trying, and that it might, if successful, be extended to other districts.

RESOLUTION.—The Commissioner should be requested to submit a report on the experiment after it has been tried for a year.

H. B. CLAYTON,

Acting Under Secretary to Government.

To

The Commissioner, S. D.
The Collector of Ratnágiri,
The Educational Department of the Secretariat,
The Judicial Department of the Secretariat.

No. 4958 OF 1908.

From

A. F. MACONCHIE, Esq., I. C. S.,
Collector of Ratnágiri

To

THE COMMISSIONER,
Southern Division.

Ratnágiri, 21st December 1908.

Sir,

I have the honour to report for the information of Government that in view of the inherent illegibility of the *Modi*, or cursive Maráthi script, employed in our public offices, and of the incurably faulty way in which the clerks habitually write it,—making bad worse, and reducing handsome, though intricate, characters to a hideous and almost undecipherable scrawl,—I have, on the suggestion of Mr. Kincaid, Judge of Poona, who has thoroughly studied the subject, ordered that from the 1st January 1909 *Bálbodh*, the usual printed script, shall be employed instead of *Modi* in all Revenue and Magisterial offices in this District. The reasons for this change of practice, the obvious objections to it occurring at first sight, and the (as I think) conclusive refutation of these objections are set forth in the accompanying copies of two letters, one a criticism from Mr. Divatia, my first Assistant, and the other a reply to it from Mr. Kincaid. From actual experience in my own office, where the experiment is already being tried, I am convinced that, if steadily enforced, without admission of excuses on any grounds, whether of sentiment or of expediency, the change must prove a most beneficial reform, giving us for our own vernacular official correspondence, a plain clear handwriting easily legible by all educated—even slightly educated—persons, instead of the involved hieroglyphics of one

special exclusive class, who feel this difficult script to be a powerful weapon in their hands and wish to retain it merely for their own selfish ends.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) A. F. MACONCHIE,
Collector.

No. 46 OF 1909.

Belgaum, 6th January 1909.

REVENUE DEPARTMENT.

Submitted to Government for information.

2. The experiment is well worth trying and if it succeeds might be extended to other districts.

(Signed) M. C. GIBB,
Commissioner, S. D.

No. 1333 OF 1908.

To

THE COLLECTOR OF RATNA'GIRI.

Dated $\frac{19th}{20th}$ November 1908.

Sir,

With reference to your circular No. 4333, dated 10th November 1908, on the subject of introducing *Balbodh* in official correspondence and proceedings, I have the honour to state that I shall try my best to have your orders carried out and make the system a success.

2. With due deference, however, I beg to point out a few considerations. I would not attack the new scheme by flippantly calling it a fad. For I yield to none in my disgust for the bad features of *Modi*. For this very reason I hope I shall be taken seriously if I lay stress on difficulties and arguments in this connection.

3. In the first place, it may be noted that the work in the Revenue Department is distinguishable, in quantity and nature, from that in the Judicial Department, and, it appears, it is only in the latter that Poona District has made a start. It is significant that the Assistant Collector, W. D., Poona, has replied in *Modi* to the *Balbodh* communication from the District Judge, Poona.

4. Secondly, it is really not easy suddenly and at one stroke to wean the average clerks of the long acquired habit of writing in *Modi*, which, it cannot be denied, possesses the advantage of facility and speed over *Balbodh*: the specimens attached to the circular cannot indicate the comparative time required in writing *Balbodh* and *Modi*.

5. Thirdly, I would emphasize the real nature of the question by a comparison *Modi* stands to *Balbodh* in practically the same relation as ordinary English writing bears to the printed script. I would only ask what the feelings and difficulties would be if it be ordered to write all English correspondence in the printed script. It may be added that the adverse features of *Modi* are the same as those of written English character.

6. If, however, any reform is to be ensured, the proper course is to start with the Educational Department, which may be moved to abolish all *Modi* writing and reading

in schools and confine the writing and reading to the *Balbodh*. Thus, in the course of a few years a class of writers and public servants will be created who will have acquired facility in *Balbodh* and never dream of *Modi*. It will then be feasible to introduce this new scheme with any hope of success. I know this will mean time. But this is a matter which cannot reasonably be expected to be accomplished without time and patience.

7. With these remarks I leave the matter to you. As I have already stated, I shall, in spite of these views, try my best to carry out your orders.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) N. B. DIVATIA,

Assistant Collector, N. D.

No. 1960 OF 1908.

POONA DISTRICT COURT:

4th December 1908.

From

C. A. KINCAID, ESQUIRE, I. C. S.,
District Judge, Poona;

To

THE COLLECTOR OF RATNA'GIRI.

Sir,

With reference to your endorsement No. 4606, dated 24th November 1908, forwarding for my remarks Mr. Divatia's letter No. 1333 of 20th November 1908, I have the honour to observe as follows.

Mr. Divatia has expressed with ability and moderation the usual objections taken to the substitution of *Balbodh* for *Modi*, and I am greatly obliged to you for the opportunity afforded me of answering them in an official letter. The objections may be shortly classed as follows:—(1) Diminished speed in writing; (2) injury to popular sentiment.

Before answering these objections I shall recall the difficulties of the existing situation. At the present moment there are in this Presidency six characters used in official correspondence—Arabic at Aden, Sindhi in Sind, Gujarati in the Northern Commissionership, *Modi* in the Deccan and Canarese in the four Southern Collectorates. Perhaps a better idea of this state of things may be obtained if we conceive its existence in a European country. Now, the European kingdom which in size resembles most closely the Bombay Presidency is Spain. I would therefore ask you to imagine the condition of Spanish affairs if its correspondence were carried on in six different scripts. Suppose that the Spanish characters were employed by the higher officials and the Castile Secretariat. Suppose Catalonia and Aragon to employ German letters, Galicia and the Asturias modern Greek, Valencia and Murcia to favour Russian writing, Estramadura to use Gothic runes and Andalusia Turkish shikast. You will probably agree that the resulting confusion would be indescribable. And yet not one of the above characters is as difficult for a foreigner to acquire as *Modi*. Now, what is the result of this endless variation of scripts. Assistant Collectors, Collectors and Judges grow weary of continually learning fresh characters and give up the attempt in despair; and so we have the spectacle of Vernacular letters being every day despatched and received by the thousand and yet unintelligible to either signatory or recipient. Mr. Divatia might urge that the remedy lies in requiring a higher language test from the officers employed in the administration. But assuming that an officer is, as happened to Mr. Baker recently, transferred five times in two years, no language test would enable him to master the various scripts. And speaking from my own experience—and I have laboured very hard to master Indian vernaculars—Indian scripts require prolonged and arduous study. Whereas an Indian language can be spoken with a certain fluency after a year's

residence, no Indian script can be mastered in that time. It took me two and a half years to read *Sindhi*, two years to read *Gujarati*, three years to read *Modi*, and were I transferred to Kánara I should probably require two years more to learn to read *Kánarese*. Thus at least nine years are required for an English official merely to learn to read the four commonest characters in the Presidency. This, you will probably agree with me, is too severe a test to make on any Government officer. I have myself strained my eyes severely in learning three. Yet if officers cannot read the vernacular scripts, they are in the anomalous position of being—so far as half their correspondence is concerned—absolutely illiterate. I need not dwell on the dangers of such a situation, especially at the present crisis. These dangers moreover have been repeatedly recognised and at various times four remedies have been suggested: (1) Improvement of the vernacular scripts by greater care in writing and by leaving spaces between the words; (2) the use of Roman character; (3) the total abolition of vernacular correspondence; and (4) the universal adoption of *Balbodh*. As regards the first remedy it has been defeated by the wilful disobedience of the clerks themselves. I would especially draw your attention to Financial Department, Government Resolution, No. 200, dated 27th January 1886, and General Department, Government Circular No. 7045, dated 14th December 1901. I quote the following from the latter Government Circular:—

“It has been brought to the notice of Government that much inconvenience and delay is caused in Courts of Law and in public offices by the existing custom of writing the vernacular. According to the ancient method, which is still adhered to, all the words in each line are run together, instead of each word being written separately. The result is that manuscripts are more difficult to decipher than they need be, and there is considerable likelihood of erroneous readings. There is little or nothing to be said in favour of this practice and there is much against it. Heads of offices under the various departments of the Secretariat are accordingly requested to take such action—as for instance by making the clear writing of detached words a condition of appointment or promotion—as may lead to the abolition of the practice.”

Yet at the present moment the clerks throughout all the offices in this Presidency, not excepting Mr. Divatia's, are writing as carelessly as possible and are not leaving spaces between the words, but, if at all, in the middle of them.

The second remedy was attempted in the Thugi and Dacoity office and the administration of the United Provinces. In the former it still prevails but the attempt was abandoned in the United Provinces. And I think rightly so. The Roman alphabet is singularly defective and an Indian language written in it soon becomes gibberish.

The third remedy has been introduced with great success in the Madras Presidency. No vernacular correspondence exists there. But the conditions of that Presidency are different from ours. English is far more widely known there than in Bombay. Moreover, this remedy has one disadvantage. It entirely obviates in the English official the necessity of learning any vernacular at all. Nevertheless this 3rd remedy is a great advance on the former evil. I now come to the fourth remedy which I am doing my utmost to apply. I shall first consider Mr. Divatia's objections. The first is the alleged greater facility and speed in writing *Modi*. In dealing with this objection I have this advantage over Mr. Divatia. I have experimented with both characters. I have found that after two or three weeks the Clerks can record in *Balbodhi* depositions as fast as *Modi* written with words joined together and faster than *Modi* written with words divided. And as the latter is the only script officially permitted it is the one with which comparison should rightly be made. Other evidence bears me out. Captain Trotter, the Kirkee Cantonment Magistrate, has told me that his clerk was by the change hampered only for three days. Mr. Divatia has urged that *Balbodh* may be better suited for Judicial than Revenue work. He has not, however, given any reason for this supposition. And as a matter of fact Mr. Carmichael, the Collector of Poona, after considerable reluctance in trying my scheme and after limiting *Balbodh* to magisterial depositions has now extended it to ordinary correspondence as well (I send a specimen of this which you will please return).

As regards Mr. Divatia's second objection that the introduction of *Balbodh* injuriously affects the popular sentiment, I can assure him that if I thought so for a moment I should be the last person to urge the change. But before introducing *Balbodh* into my office I met several of the leaders of public opinion in Poona, explained to

them that I was guided by no wish to destroy a national character but merely to introduce a much-needed reform into the administration. I found none of them adverse to it. In fact, I learnt that many of them, including Mr. Tilak, belonged to a society in Calcutta styled *एक लिपी विस्तार परिषद*, of which the avowed object is the universal substitution of *Balbodh*, not only for Indian but also for European scripts. Mr. Divatia has compared *Balbodh* to Roman print and has asked you to conceive English feelings if the latter were universally substituted for the cursive Latin character. The comparison, if he will excuse my saying so, is quite inaccurate. In the first place no Englishman ever uses print. In the Deccan—or at any rate the Poona District—*Balbodh* is as much used as *Modi*. On enquiry at the various colleges, I learnt that out of 329 students at the Fergusson College 113 used nothing but *Balbodh* in home letters. At the College of Science 16 used *Balbodh* in such letters as against 24 who used *Modi*. At the Deccan College 34 Deccani students used *Balbodh* exclusively and the remaining 65 used sometimes *Balbodh* and sometimes *Modi*. In addition to this every educated Deccani woman uses *Balbodh*. And every book sent to the press and every article in every paper has to be written in *Balbodh*, as the absence of long and short vowel signs in *Modi* makes it useless for compositors. Again, it is not the case that the English cursive hand in any way approaches the difficulties of *Modi*. I have many Indian friends and not one of them has ever complained that English writing gave them trouble to read. On the other hand, I have as Maráthi Examiner tested both Gujaráti and Canarese students in reading *Modi* and they have all confessed and many have displayed—especially among the former—great difficulty in reaching the required standard. Further, I gather that Mr. Divatia pictures to himself the public indignation in England if the whole nation were suddenly compelled to write in print instead of in the cursive character. But I have never wished to compel anyone outside the Government offices to write in *Balbodh*. It would be impossible to do so. And I have always enjoined my Sub-Judges that they should use no pressure whatever to obtain plaints or petitions in *Balbodh*. Now, the British Public are an eminently sensible and practical body. If they realised that the heads of the Government offices were unable to read the prevailing script, and if it was suggested to substitute another script far easier to read and equally easy to write, the nation would never allow the temporary inconveniences of the office clerks to stand in the way of a great and urgent administrative reform. In this connection I might assure Mr. Divatia that he might travel the length and breadth of Ireland, my native country, and he will not see the Erse character in spite of its modern popularity in a single official letter.

Lastly, and this perhaps is the strongest argument, the introduction of *Balbodh* is not—as Mr. Divatia seems to think—a cruel and dangerous innovation. *Balbodh* has in the Central Provinces been for several years substituted for both *Modi* and *Urdu*. So far as I know the change has not caused one patriotic pang or one private regret.

I think, I have now fully met Mr. Divatia's objections. He has made a counter proposal that the Educational authorities should be moved to abolish *Modi* in the schools. To this I would reply that so drastic a course might well arouse the public indignation. Moreover, it would not enable *Gujaráti* or *Canarese* clerks to read *Balbodh*. In any case why should one wait 12 years if the reform is practicable immediately? I would conclude by summing up what are the advantages of *Balbodh*. It is a beautiful native script and far more ancient than any other in the empire. It was introduced by the Aryans, while *Modi* was imported from Ceylon.*

It is the easiest of all Indian scripts to read. It is also the most correct. It has the great merit that it suits all Indian languages equally well. At the present moment official Canarese correspondence is in Bijápur at my request being partially conducted in *Balbodh*. Every Gujaráti student is taught *Balbodh* as a child. The first Sindhi dictionary ever published was printed in *Balbodh*. Half the manuscripts written nowadays in the Deccan are in *Balbodh*. Its adoption in vernacular correspondence would enable every official to read his outward and inward post. By doing so he would easily increase his knowledge of the language and thus automatically be drawn closer

* The story goes that the sage Hemadpant was carried off by a demon to Lanka but was eventually released. On his departure he asked for a present. He was given three: (1) a seed of bájri, (2) a bug, (3) the art of writing *Modi* or the Pisachit lipi. *Balbodh* is in contra-distinction called Devnagari or the heavenly character. The names require no comment.

† (The demon character.)

to the people whom he helps to govern, and if my scheme succeeds, it may be that Mr. Divatia, if transferred to Sind, will on finding *Bálbodh* there, yet bless the day when I first undertook the rather thankless task of advocating its universal adoption.

I have, &c.,
(Signed) C. A. KINCAID,
District Judge.

Modi Script.

Re-introduction of the — in all Revenue and
Magisterial offices in the Ratnágiri District.

Orders that all public notices, etc., when in the
vernacular should be written in *Bálbodh*.

No. 11719.

REVENUE DEPARTMENT.

Bombay Castle, 23rd December 1910.

Letter from the Collector of Ratnágiri, No. 1502, dated 24th March 1910 :—

“With reference to Government Resolution No. 1939, dated 24th February 1909, regarding the introduction of *Bálbodh* script in all vernacular work of this Department, I have the honour to state that the experiment has not proved a success and I am strongly in favour of the *Modi* script being re-introduced. In fact as this was abolished as an experimental measure by the Collector of his own accord I would have issued an order cancelling the former order. Only as in the meanwhile Government has tentatively approved of this order, I feel I must await your orders before taking such a step.

“2. When I first arrived here I thought the introduction of *Bálbodh* character an excellent innovation, and mild protests made by officials were ignored by me. I first began to have doubts when I found that correspondences were going backwards and forwards between the officers a bit too frequently. Then I discovered that on account of the time taken up and the difficulty in writing *Bálbodh* the endorsements were short—couched in terse technical language—clearness being sacrificed at the altar of brevity. The orders were correct enough, but my experience is that to make the subordinate staff fully grasp what is wanted it is necessary often to be very full in one’s explanation, to repeat oneself at times. The result of the short crisp orders was that they were misunderstood and the correspondence delayed or a further reference necessary. Even in my own office I found that many orders issued by me had been transposed in such epitomic language that I had to get the endorsements all re-written.

“But it was when on tour and while inspecting the daftars of village officers and the management of Táluka offices that I found the worse effects of the *Bálbodh* substitution. As to village officers’ daftars the entries made by them in their books, specially in the Record of Rights, are often undecipherable. Mr. Garrett reported that during his test of the entries in the Record of Rights work (a work in which despatch is necessary) going on in Vengurla Táluka he found the writing often illegible even to the Circle Inspectors.

“Again there is no doubt that the arrears of work in Mámlatdárs’ offices have of late been heavier, and this is attributed to the greater time taken up in writing *Bálbodh*. Where a clerk could formerly make fifty endorsements he can now make only forty, even adopting the cryptic style. Those offices which have no heavy arrears attribute this to the fact that the *kárkúns* all work over-time.

“As to *Bárnishi* work, it is here that we find the greatest drawback of the system. No doubt correspondences are longer delayed in their despatch now-a-days, and when the accumulations are heavy Mámlatdárs employ all the spare candidates and talátis to clear off this work. One Mámlatdár admitted to me that he had to employ six talátis for ten days to bring the *Bárnishi* up to date.

“The great advantage claimed by Mr. Kincaid for the *Bálbodh* system is that it is so easy to read. I would respectfully urge that this is not so. Those who are accustomed to write *Modi* when they write *Bálbodh* only rarely do so in a neat style. But those who have to do so habitually always write a worse *Bálbodh* than *Modi* hand. If we, for instance, look to the Sanskrit manuscripts which are all in *Bálbodh*, we must admit that the ordinary *Modi* is much easier deciphered. If we were to permanently adopt *Bálbodh*, I do not think the writing would be any better than in these manuscripts.

“The next advantage claimed is that any superior officer from any province can read it. I would respectfully urge that this reading only (even if he could read it) is of a minor advantage.

If an officer who did not know the Gujaráti language for instance managed to read anything written in that language because it was in Bálbodh, or even had it read out to him, he will not be very much wiser and it will not convey much to him. An officer who does not know Sanskrit will not be much wiser if he deciphered a few verses. If any officer is really keen and has learnt, say, Maráthi or Gujaráti, I do not think he will find much difficulty in learning to read that character.

"I have consulted all my Sub-Divisional Officers, and Messrs. Divatia, Garrett and Parnaik all condemn in strong language the Bálbodh script, and urge that we should at once re-introduce the Modi script. The Mámlatdárs are also unanimous on this point. The universal opinion is that (a) Bálbodh undoubtedly takes much longer to write than Modi; (b) it is responsible for much of the arrears; (c) the Bárnishi work can hardly be managed unless the staff be increased; (d) the Bálbodh writing is daily getting more undecipherable than Modi.

"From personal experience I can testify to the truth of all the objections urged above. I find it much more difficult to read a hastily written endorsement in Bálbodh than in Modi, and from enquiries made I am convinced that much of the delay in the disposal of correspondences is due to this system.

"In conclusion, I would urge that the experiment has had a fair trial under Mr. Maconochie who was keen on it. We must look at the matter from the point of view of the writer rather than that of the reader, and, as I have pointed out above, it is not an improvement even from the point of view of the reader. There is something irritating and disturbing to the sequence of thought in the disconnected formation of the Bálbodh letters. Even from the point of view of the Officer who wants to learn the language thoroughly the Bálbodh system is to be deprecated as he gets very little opportunity of practice in Modi. He is then unable to read anything except official correspondence. I am not sure that the general introduction of Bálbodh is not an encouragement to an officer to give less attention to the learning of the vernacular of his district.

"For the above reasons in the interest of administrative efficiency I hope you will issue early orders for the re-introduction of Modi script."

Memorandum from the Commissioner, S. D., No. 1232, dated 6th April 1910:—

"Submitted to Government.

"2. The experiment having proved a failure, the Commissioner is informing Mr. Ghosal that he is at liberty to give orders for the re-introduction of the Modi script."

RESOLUTION.—Government have no objection to the action taken by the Commissioner as reported in paragraph 2 of his memorandum. They are, however, of opinion that all public notices, as well as all receipts, answers to petitions and the like when in the vernacular should be written in Bálbodh.

R. D. BELL,

Under Secretary to Government.

To

The Commissioner, N. D.,
 The Commissioner, C. D.,
 The Commissioner, S. D.,
 The Commissioner of Customs, Salt, Opium and A'bkári,
 The Settlement Commissioner and Director of Land Records,
 The Inspector General of Registration,
 The Director of Agriculture and of Co-operative Credit Societies,
 The Collector of Salt Revenue,
 The Collector of Ratnágiri,
 The Collector of Thána,
 The Collector of Kolába,
 The Collector of Belgaum,
 All Collectors in the Central Division,
 The Conservator of Forests, N. C.,
 The Conservator of Forests, C. C.,
 The Conservator of Forests, S. C.,
 The Registrar, Co-operative Credit Societies, Bombay Presidency,
 The Superintendent, Civil Veterinary Department, Bombay Presidency,
 The Superintendent, Government Photozincographic Department,
 The Surgeon General with the Government of Bombay,
 The Sanitary Commissioner for the Government of Bombay,
 The Director of Public Instruction,
 The District Judges of Thána, Ratnágiri, Poona, Ahmednagar, Sátára, Khándesh,
 Násik, Sholápur and Belgaum,

The Inspector General of Police,
 The Inspector General of Prisons,
 The Deputy Inspector General of Police, Northern Range,
 The Deputy Inspector General of Police, Southern Range,
 The Superintendents of Police, Thána, Kolába, Ratnágiri, Poona, Ahmednagar,
 Sátára, East Khándesh, West Khándesh, Sholápur, Násik and Belgaum,
 The Superintending Engineer, N. D.,
 The Superintending Engineer, C. D.,
 The Superintending Engineer, S. D.,
 The Executive Engineer, Thána,
 The Executive Engineer, Kolába and Ratnágiri,
 The Executive Engineer, Belgaum,
 All Executive Engineers in the Central Division,
 The Political Agent, Kolhápur and Southern Marátha Country,
 The Political Agent, Savantvádi,
 The Educational Department of the Secretariat,
 The Judicial Department of the Secretariat,
 The General Department of the Secretariat,
 The Political Department of the Secretariat,
 The Public Works Department of the Secretariat.

Modi Script.

Report on the results of the introduction
of the Bálbodh script in the Násik
District.

No. 6200.

REVENUE DEPARTMENT.

Bombay Castle, 30th June 1911.

Government Memorandum to the Collector of Násik, No. 673, dated 24th January 1911:—

"The undersigned presents compliments to the Collector of Násik and with reference to Government Resolution No. 11719, dated 23rd December 1910, regarding the re-introduction of the Modi Script in the Revenue and Magisterial offices in the Ratnágiri District, is directed to state that it is understood that Mr. Maconochie has introduced the Bálbodha script in the Násik District and to request that he will be so good as to furnish a report to Government on the results of the change."

Letter from the Collector of Násik, No. 5716, dated 1st May 1911:—

"With reference to your No. 673, dated 24th January 1911, I have the honour to report that the Bálbodh script was introduced in the Násik District by Mr. Maconochie in January 1910.

"2. I myself have all along been opposed to the introduction of Bálbodh script. Mr. Ghosal has fully set forth the results of the introduction of Bálbodh in Ratnágiri District. I find after a year's experience of the Násik District that the same faults of hurried and scamped writing and undue delay in vernacular correspondence are as prevalent as in the Ratnágiri District. Some relief was given by an order that Barnishi should be done in Modi, while at the time of census it was found necessary that all work should be written in Modi.

"3. It is incontestably shown that Bálbodh takes longer to write than Modi. There is in my opinion no corresponding saving of time in reading. The difficulty which sometimes occurs in reading Modi is almost entirely due to the failure to divide words.

"4. All the officers throughout the district are anxious for the re-introduction of Modi. The Divisional Forest Officer alone has a good word for Bálbodh. He finds it useful for the practically illiterate beat guard. I would therefore recommend that the experiment of Bálbodh writing be now discontinued."

Memorandum from the Commissioner, C. D., No. C.—1179, dated 8th May 1911:—

"Returned. The Commissioner saw a good deal of the Bálbodh work in Násik and was rather pleased with it. He would be glad to have Mr. Maconochie's opinion."

Memorandum from the Collector of Násik, No. 6748, dated 29th May 1911:—

"Returned with compliments.

"2. The undersigned deprecates the abandonment of the experiment, which, if the establishment is not allowed to shirk it, can be made completely successful. The Government of India, indeed, propose to go a step further, and substitute Roman for vernacular script of every kind. In view of this it would seem a mistake to abandon the ground already gained."

Memorandum from the Commissioner, C. D., No. R.—1461, dated 2nd June 1911:—

"Submitted to Government with reference to their Memorandum No. 673, dated the 24th January 1911.

"2. The Acting Commissioner does not agree at all with Mr. Ghosal's views. He himself examined a large amount of vernacular work in Násik and found that, for the first time in his experience in this Division, he could read what was written himself. In any case, if Bálbodh is discontinued for correspondence, it should be retained for village papers, especially for the Record of Rights. He would strongly urge, however, that the experiment should be allowed to continue."

RESOLUTION.—The Collector of Násik should be permitted to continue the experiment with Bálbodh. He should be requested to submit a further report on the subject at the end of one year, stating which of the district officers favour Modi and which Bálbodh after the further trial.

R. D. BELL,

Under Secretary to Government.

To

The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
The Settlement Commissioner and Director of Land Records,
The Inspector General of Registration,
The Collector of Násik,
The Collectors of Thána, East Khándesh, West Khándesh, Ahmednagar, Poona,
Sátára, Sholápur, Kolába, Ratnágiri and Belgaum,
The Educational Department of the Secretariat,
The Judicial Department of the Secretariat.

Balbodh Script.

Introduction of the Balbodh script in all districts
of the Central Division.

No. 11277.

REVENUE DEPARTMENT.

Bombay Castle, 9th December 1912.

Letter from the Collector of Násik, No. 7212, dated 20th August 1912 :—

“With reference to your No. 3119 of 2nd instant, I have the honour to submit my report on the results of the introduction of Balbodh instead of Modi as the official script of this district.

“2. All my three sub-divisional officers are in favour of Modi and so is the District Superintendent of Police, though his opinion seems to be merely that of his subordinates. The Huzúr Deputy Collector and the Divisional Forest Officer (Mr. Duxbury) have expressed themselves in favour of Balbodh. Two of the advocates of Modi, Mr. Garrett and Ráo Bahádur Khopkar, are undoubtedly authorities on the subject. I myself am not. I know a fair amount of Maráthi and am not entirely ignorant of Modi, but I am new to the Deccan and have been, until last year, little concerned with any oriental script except four varieties of the Arabic.

“3. But if it is merely a question of authority, Mr. Kincaid's authority is probably a high one, and he was in 1908 a strong advocate of Balbodh. And my own ignorance of Maráthi is an argument with more than one side to it. For if a beginner like myself can read the office Balbodh of this district, how can the pandits be listened to when they say that they cannot?

“4. Mr. Garrett's opinions and his reasons for them are already on record, and he repeats them with the confirmation of still longer experience. He only adds that he is forgetting Modi from want of practice. This is no misfortune in itself; and it seems to show that petitioners as well as officials are giving Modi up, thus confirming my own experience.

“5. When I first heard of this question I formed the *a priori* theory that office Balbodh would by a natural process, degenerate in Modi or something like it. I find that when the subject was discussed in 1908 (Government Resolution No. 922, Educational Department, of 1908) many people made the same prophecy. And Ráo Bahádur Khopkar now says that the prophecy has come true. He says that kárkúns never write Balbodh words separately, because it means so much loss of time; they write it in a running hand which has been degenerating into a worse form of Modi.

“6. This I simply deny. I find the Balbodh of my own office easy enough to read and that of most petitions very easy. It was at least five years, if not ten, before I could read Sindhi so quickly. I have not yet seen any illegible Balbodh from other offices, and I once read through the whole vernacular record of a third class case. Without indicating my own opinion I asked my Chitnis, Mr. Risbud, about this and he told me that he never sees any Balbodh very badly written. It is hardly to be believed that the táluka kárkúns only write legibly when they think the correspondence may possibly go up to the Collector's office; but if it is so, the remedy lies in the Deputy Collector's own hands. As for the kulkarnis, of whom much was said in the Ratnágiri correspondence, I have seen hundreds of village forms in the district and have not found them hard to read. Sub-Registrars' books are usually beautifully written, although their writing work is so heavy.

“7. The most familiar argument against Balbodh is that it takes long to write. The answer is also familiar; quick writing makes slow reading. When I see the Chitnis in difficulty with a petition, it is sure to be a Modi one. It is then argued that because it takes long to write, the letters written in it are too short to be clear. If so, I should judge from what I have seen that formerly they were too long to be clear. I am not aware that brevity is being carried to excess. Certainly there would be no excuse for it in the táluka offices of this division, which are certainly by no means short-handed. Mr. Khopkar complains that kárkúns cannot keep up with him in Balbodh when recording evidence in criminal cases. No doubt they do take longer to record the evidence, and this fact has probably prejudiced some Sub-Divisional Magistrates against Balbodh. Personally I think it is a very good thing, as it gives the Magistrate time to write the English record legibly. The villainous scrawls which destroy the eyesight of Appellate Courts are commonly the result of a race with an over-swift kárkún.

“8. Mr. Garrett says that Modi would be as legible as Balbodh if spaces were left between the words; but has any one ever seen Modi written that way?

“9. The argument that if Balbodh is the official script Indian Civilians will never get good at Modi has, of course, something in it. But they will read much more of official vernacular papers and petitions, if they are in Balbodh. It is not so very often that they are called upon to decipher private correspondence; and I understand from Mr. Kincaid's report that Modi was far from universal for private letters even in 1908.

“10. Sayad Edrus, my Huzúr Deputy Collector, is strongly in favour of Balbodh and has noted some good points which had escaped me. One is that Modi is not taught in most village

schools; so that its official abolition is a great blessing to the peasantry. It will be still more so in the next generation. He also notes that some of the educated classes favour Balbodh because it tends to make Indians less unintelligible to each other. Balbodh, known by its proper name of Dewanagari, is the script of all the Hindus in Hindustan. It has recently been officially accepted in the United Provinces and I have never heard that it was impossible to write it legibly without waste of time. Probably it is official in both the Maráthi and Hindi districts of the Central Provinces as well. Mr. Edrus also denies the difficulty of reading official Balbodh and notes that a Modi record often makes two different words look exactly alike—a fact which may be of the utmost importance in a judicial case.

“11. I conclude by submitting that the experiment has been a complete success and that Balbodh ought to be made the official script not only in Násik but in all the Maráthi districts.”

Memorandum from the Commissioner, C. D., No. 4037, dated 10th September 1912:—

“Submitted to Government, with reference to Government Resolution No. 6200, dated the 30th June 1911, Revenue Department.

“2. The Commissioner concurs in the opinion expressed by the Collector in paragraph 11 of his letter.”

RESOLUTION.—The Governor in Council is pleased to direct that the Balbodh script should be adopted in all districts of the Central Division.

C. W. A. TURNER,
Under Secretary to Government.

To

The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
The Commissioner of Customs, Salt, Opium and A'bkári,
The Settlement Commissioner and Director of Land Records,
The Inspector General of Registration,
The Director of Agriculture and of Co-operative Societies,
The Collector of Násik,
All other Collectors in the Central Division,
The Collector of Salt Revenue,
The Conservator of Forests, C. C.,
The Registrar of Co-operative Societies, Bombay Presidency,
The Superintendent, Civil Veterinary Department, Bombay Presidency,
The Superintendent, Government Photozincographic Department,
The Surgeon General with the Government of Bombay,
The Sanitary Commissioner for the Government of Bombay,
The Sanitary Engineer to Government,
The Director of Public Instruction,
The District Judges of Poona, Ahmednagar, Sátára, Khándesh, Násik and Sholápur,
The Inspector General of Police,
The Inspector General of Prisons,
The Deputy Inspector General of Police, Northern Range,
The Deputy Inspector General of Police, Southern Range,
The Superintendents of Police, Poona, Ahmednagar, Sátára, East Khándesh, West Khándesh, Sholápur and Násik,
The Superintending Engineer, C. D.,
The Superintending Engineer, S. D.,
All Executive Engineers in the Central Division,
The Executive Engineer, Sátára District,
The Educational Department of the Secretariat,
The Judicial Department of the Secretariat,
The General Department of the Secretariat,
The Political Department of the Secretariat,
The Public Works Department of the Secretariat.

Bálbodh Script.

Memorial from the Sholápur District Bar Association against the adoption of the—in the districts of the Central Division.

No. 9072.

REVENUE DEPARTMENT.

Bombay Castle, 4th October 1913.

Letter from the Registrar of His Majesty's High Court of Judicature, Appellate Side, No. 1726, dated 21st June 1913—Forwarding, together with an endorsement No. 1767, dated 2nd idem, from the District Judge, Sholápur, a memorial, dated 22nd May 1913, from the Honorary Secretary, Bar Association, District Sholápur, requesting that, for the reasons stated, Government may be pleased to cancel the orders issued in Government Resolution No. 11277, dated 9th December 1912, by which it was directed that the Bálbodh script should be adopted in all districts of the Central Division.

Memorandum from the Judicial Department of the Secretariat, No. 5036, dated 16th July 1913.

RESOLUTION.—The Sholápur District Bar Association should be informed that Government see no reason to cancel the orders in Government Resolution No. 11277, dated 9th December 1912, which were passed after full consideration of the points discussed in the memorial.

C. W. A. TURNER,
Under Secretary to Government.

To

The Commissioner, C. D.,
The District Judge, Sholápur,
The Registrar of His Majesty's High Court of Judicature, Appellate Side (by letter No. 9073, dated 4th October 1913),
The Judicial Department of the Secretariat,
The Honorary Secretary, Bar Association, District Sholápur (by letter).

No. 1726.

HIS MAJESTY'S HIGH COURT OF JUDICATURE.

*Appellate Side,
Bombay, 21st June 1913.*

From

R. E. A. ELLIOTT, ESQUIRE,
Registrar, High Court,
Appellate Side, Bombay;

To

THE SECRETARY TO GOVERNMENT,
Judicial Department, Bombay.

Sir,

I am directed by the Honourable the Chief Justice and Judges to forward the accompanying endorsement No. 1767, dated the 2nd June 1913, from the District Judge, Sholapur, submitting a memorial, dated the 22nd May 1913, from the Bar Association, Sholapur, requesting that Government Resolution, Revenue Department, No. 11277, dated 9th December 1912, in connection with the substitution of Bálbodh for Modi script may be cancelled.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) R. E. A. ELLIOTT,
Registrar.

From

CHINTAMAN GANESH RANADE, ESQUIRE, B.A., LL.B.,
Pleader and Honorary Secretary,
Bar Association, Sholapur,
District Sholapur;

To

HIS EXCELLENCY THE GOVERNOR OF BOMBAY
in Council, Bombay.

Sholapur, 22nd May 1913.

May it please your Excellency,

As resolved at the Annual General Meeting held on the 13th April 1913, I have the honour to approach your Excellency on behalf of the Sholapur District Bar Association with a request to cancel the Government Resolution No. 11277, dated 9th December 1912, of the Revenue Department in connection with the substitution of Bálbodh for Modi script for the following among other reasons:—

1. The experiment of introducing Bálbodh for Modi was tried in the Ratnágiri District by Government Resolution No. 1939, dated 24th February 1909, but Government had to modify that Resolution as it was found unworkable by means of a Government Resolution No. 11719, dated 23rd December 1910, of the Revenue Department.

2. The present Resolution was issued on the recommendation of the Collector of Násik in spite of the contrary opinions expressed by his three Sub-Divisional officers. On such an important subject as that of changing the script of the whole Maráthi-speaking province the Association considers it was necessary to ascertain the views of all those primarily concerned and really competent to give their opinion.

3. An impression is likely to prevail that this change is effected to convenience a few European Judges and Magistrates who find it a little difficult to read the Modi script. In spite of the present Resolution old documents, letters, account books and even certain number of new registered documents will continue to be in Modi and to go through them the Judges and Magistrates will have to learn Modi if they really want to read the whole record themselves. The Judges and Magistrates who want to master the whole record are expected either to learn the script by little more exertion or to get a *verbatim* translation of the document (verified, if necessary, by both parties).

4. There has not been a single case of miscarriage of justice on account of the record being in the Modi script not legible to the trying Judge and no sufficiently justifying case has at all been made out against continuing the Modi script in favour of introducing wholesale Bálbodh.

5. The introduction of Bálbodh script will necessarily waste a good deal of public time and the Government will have to incur more expenditure in keeping an adequate clerical staff to be able to cope with the work.

6. The difficulty of the clerks compelled to write all papers, and depositions in Bálbodh instead of Modi, will be most realized by European officers if they are asked to write all their correspondence, depositions, orders and judgments in the Roman character. Besides, the Association thinks that Bálbodh, when hurriedly written under stress of work, will be worse for a foreign reader than Modi itself and the necessity for adopting cryptic style will sacrifice clearness for the sake of brevity as it was experienced in the Ratnágiri District in 1910.

7. More attention paid to the employment of such clerks as have really a good and legible Modi handwriting and a little more exertion on the part of European Civilians to master the Modi script will in no time remove the small inconvenience felt without the least loss of public money and time. The Association thinks that both from the utilitarian and sentimental points of view the change is undesirable.

8. This subject was thoroughly discussed at the Conference of Judges, Sub-Judges and Pleaders of this District presided over by the Honourable Mr. Justice Batchelor in February last and the Conference expressed a unanimous opinion that the change of script from Modi to Bálbodh is a real hardship.

9. The Association, therefore, trusts that your Excellency's Government will be pleased to cancel the Resolution.

I beg to remain,

Sir,

Your Excellency's most obedient servant,

(Signed) C. G. RANADE,

Pleader and Honorary Secretary, Bar Association,
District Sholápur.

Through

The District Judge, Sholápur

and

His Majesty's High Court, Appellate Side,

Bombay.

Below memorial to Government by the Bar Association of Sholápur.

No. 1767 OF 1913.

2nd June 1913.

Forwarded with compliments to the Registrar, Appellate Side, of His Majesty's High Court of Judicature at Bombay.

(Signed) F. X. D'SOUZA,
District Judge, Sholápur.

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,

Revenue Department,

BOMBAY.

Sir,

We have the honour, by direction of the Managing Council of the Maharashtra Sahitya Parishad, an association started specially for the promotion of Marathi literature which, as the appendix hereto attached will show, is entitled to speak with unquestioned authority and in the name of the entire Marathi-speaking people of this Presidency as well as other parts of India, to respectfully submit this representation on the subject of the use of the Modi script in public offices and request thereto the earnest attention and careful consideration of Government.

The Council regrets at the outset that orders should have been issued on a subject of such vital importance as a change of the script in use in public offices, without giving any opportunity to the public for an expression of their views and as the Council understands, without even consulting expert Marathi scholars and writers of weight and authority. The choice of script is as much a question of public convenience and general usage as that of language. From the information available to the Council it appears that the Collector of Ratnagiri on his own initiation ordered, with effect from 1st January 1909, the wholesale supersession of the current Modi by the Balbodha script in all Revenue and magisterial offices in his District and that, on being informed of it, Government allowed the innovation to be tried as an experiment for one year, asking for a report of its working at the end of that period. The innovating Collector had been meanwhile transferred to Nasik, in which district also he ordered the supersession of the Modi by the Balbodha script. The report of the new Collector of Ratnagiri was, the Council is informed, most unfavourable to Balbodha and so also was the report of the Collector who held charge at the end of the first year of the experiment in the Nasik district. Both these officers are understood to have reported that the innovation had, owing to the difficulty of writing Balbodha quickly, led to the adoption of a cryptic style by officers and to illegible and slow handwriting by clerks, involving an increase in the staff and public expenditure and a confusion of orders and counter-orders arising out of the impossibility of carrying out the change in all official work; and further that most of their responsible subordinate officers were decidedly opposed to Balbodha and in favour of the complete restoration of the Modi script. It could not but be, moreover, a great hardship to men accustomed to write from boyhood in one script to be suddenly compelled to write in another script. However, the Commissioner of the Division being favourably impressed with Balbodha work obtained from Government permission to continue the experiment further. The author of the innovation had meanwhile returned to the Nasik charge and he naturally reported, in spite of an avowed adverse verdict of most of his subordinates, in favor of Balbodha, and thereupon Government issued their Resolution No. 11277 of 9th December 1912, which by one wide jump ordered that Balbodha should be adopted in all Districts of the Central Division, presumably in all public offices and in regard to all public records.

The Council of the Parishad begs respectfully to submit that a sweeping change of this character should not have been made, specially in view of the adverse consensus of opinion of Government's own officers in the two Districts where the innovation was tried only as an experiment and had so far proved a practical failure. The officers of other Districts should have been consulted, and the public were entitled to have an opportunity for expressing their views. That there was not mature and full deliberation on the subject would appear from the fact that Government had by a supplementary Resolution No. 1429 of 14th February 1913, to correct a misunderstanding of their own officers and to announce that Modi was not to be dropped from the syllabus of the Civil and Military Examinations, and by an answer to an interpellation in the Provincial Legislative Council to explain that the orders for using the Balbodha script were to apply to the writing down by clerks and other Government officers in the course of their official work and not to petitions and other documents presented by the public. The Council is not sure whether it is clear that the compulsory use of Balbodha extends to Barnishi and village record work.

The Council of the Parishad begs respectfully but with all the emphasis it can command to point out that the supersession of the Modi script can have no defence whether from the administrative, or the literary, or even the æsthetic point of view. The possession by any language of a special script for writing, which tends to quicker and easier despatch of work, is a distinct advantage, which should never be sacrificed for the small inconvenience involved in learning two scripts. What an inconvenience it would be, for example, to compel all English writing to be done in Roman characters? In regard to Marathi, the original script for writing on business was Modi, and the Bakbars and State documents of the Maratha period were all written in Modi. Even with the impetus given to Balbodha by the development of printing, Modi still continues to be the script used by the Maratha nation for writing letters and business documents and keeping accounts. The Modi script has been by usage, tradition and the special efforts of the Educational Department very highly developed æsthetically, and to write beautiful Modi is yet regarded a high accomplishment by the people. Good Modi looks decidedly better than the best Balbodha, and its advantage of quickness of writing is beyond question. The supersession of Modi by Balbodha in public offices must mean, as shown by the experience of the Ratnagiri and Nasik Districts referred to above, unnecessary delay and increased expenditure of public money, not to mention a premium on cryptic style. Balbodha takes not only more time to write but involves the observance of more difficult rules of orthography. It is said that Balbodha is more easy to read than Modi. The Council submits that this impression is the result of sufficient pains not having been taken to master Modi. In truth, good Modi is as legible as good Balbodha, while hastily written Balbodha can be as illegible as bad Modi and as a rule is more ungainly in sight. Office work has often to be done at high pressure and the result of enforcing the Balbodha script will therefore be not the elimination of illegibility, but the introduction of more incorrect and more unseemly handwriting in our office records. The remedy for illegible Modi-writing is to enforce good writing by clerks, and not the abolition of Modi.

No doubt, the removal of Modi would be very convenient to European Officers by saving them the trouble of mastering that script in addition to Balbodha. But as Modi will continue to be the script of the people, and letters, business documents and account-books and various other writings including petitions and memorials coming before these Officers will continue to be written in Modi, any policy of encouraging neglect of that script by any class of Government Officers, making them dependent on others for deciphering Modi documents, must prove seriously detrimental to their efficiency and adversely affect the due discharge of their duties. It is said that Balbodha is the script of the masses and that Modi is not taught in many village schools. The Council of the Parishad begs in the first place to dispute the accuracy of these statements and secondly to urge that the masses should never be kept off from a time-honoured script in full vogue amongst the literary classes, and that if there be any village schools where Modi is not taught, the sooner the defect is removed the better.

The Council begs in conclusion to point out that the abolition of Modi is regarded by the people as an act of unwarranted exercise of executive authority and has hurt their national feelings in no small measure.

For these reasons, and mainly on the ground of due economy of public funds, of public convenience and official efficiency, the Council prays that Government be pleased to cancel their Resolution No. 11277 of 9th December 1912 and order the restoration of the Modi script in all public offices of the Marathi-speaking districts, for which act of kindness the Council will ever gratefully pray.

We have the honor to be,

Sir,

Your most obedient servants,

VISHNU MORESHWAR MAHAJANI,
President,

BHALCHANDRA KRISHNA,
Vice-President,

and Chairman, Executive Council,
RAMKRISHNA R. MORAMKAR,
Secretary.

Maharashtra Sahitya Parishad office, 81, Fanaswadi, Bombay, October 1913.

APPENDIX.

The Maharashtra Sahitya Parishad.

The Maharashtra Sahitya Parishad (literally the Maharashtra Literature Association) was inaugurated at the Sixth General Sahitya Sammelan or Conference of the Scholars, Authors and well-wishers of the Marathi language held at Baroda under the patronage of H. H. the Gaikwad in October 1909, and further consolidated at a similar representative Conference attended by delegates from the Bombay Presidency, the C. Ps. and Berar, and several Marathi-speaking Natives States, held at Akola (Berar) in October 1912. The aims and objects of the Association are defined to be to promote the growth, development and study of the Marathi language. The Office-bearers of the Association elected at the Akola Conference are as follows :—

President.

Rao Bahadur Vishnu Moreshwar Mahajani, M.A.

Vice-Presidents.

Dr. Sir Bhalachandra Krishna Bhatavdekar, Knight, L.M.

Dr. Moreshwar Gopal Deshmukha, M.D., B.Sc.

Mr. Damodar Ganesh Padhye, M.A.

„ Hari Narayan Apte.

„ Raghunath Pandurang Karandikar.

Members.

Mr. Moro Vishwnath Joshi, B.A., LL.B.

„ Achyuta Sitaram Sathe, M.A., B.L.

„ Ramchandra V. Mahajani, B.A., LL.B.

R. S. Keshav Govind Damle, B.A., LL.B.

Mr. Shripad Krishna Kolatkar, B.A., LL.B.

„ Narsinha Chintaman Kelkar, B.A., LL.B.

„ Lakshman Ganesh Shastri Lele.

Prof. Chintaman Gangadhar Bhanu, B.A.

R. B. Dattatraya Balwant Parasnis.

Mr. Vishnu Raghunath Lele.

„ Nilkanth Pandurang Patankar, B.A., LL.B.

„ Ganesh Krishna Chitale, B.A., LL.B.

„ Govind Ramchandra Oka, B.A., LL.B.

„ Ramchandra Narsinha Ransing.

Dr. R. V. Khedkar, M.D., F.R.C.S.

Mr. Nayaran Ganesh Paranjpe, B.Sc.

„ Pandurang Vaman Kane, M.A., LL.M.

„ Damodar Savlarm Yande.

„ Tukaram Jaoji Chowdhari, J. P.

„ Ramrao Balkrishna Kirtikar.

Secretaries.

Mr. Vasudeo Govind Apte, B.A.

R. S. Ramkrishna Raghunath Moramkar.

Treasurer.

Mr. Bhaskar Mahadeo Pandit, B.A.

No. 10126 of 1913.

REVENUE DEPARTMENT.

Bombay Castle, 8th November 1913.

To

RA'O BA'HADUR VISHNU MORESHWAR MAHAJANI,
President of the Maharashtra Sahitya Parishad.

Sir,

In reply to the memorial, dated 7th October 1913, from the Managing Council of the Maharashtra Sahitya Parishad, I am directed to inform you that Government see no reason to cancel the orders in Government Resolution No. 11277, dated 9th December 1912, which were passed after full consideration of the points discussed in the memorial.

I have, etc.,

(Signed) C. W. A. TURNER,

Under Secretary to Government.

Sátára City, 11th December 1913.

From

RAO BAHADUR V. N. PATHAK, M.A., K.-I.-H.,
President of the Public Meeting, Sátára ;

To

THE SECRETARY TO GOVERNMENT,
Revenue Department,
Bombay.

Sir,

I have the honour to forward herewith a Resolution passed at a Public Meeting of the people of Sátára, held on the 3rd instant, in the Arthur Hall, for favour of your laying it before His Excellency the Governor in Council, for favourable consideration.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) V. N. PATHAK,

President, Public Meeting, Sátára.

1. " That in the opinion of this Meeting, Government have erred in ordering the exclusion of the Maráthi cursive hand (Modi) and replacing it by *Balbodh* script in all their offices, without, as it appears, even consulting Maráthi scholars, or giving Maráthi-speaking public an opportunity of expressing its views and the popular feeling in the matter, and that in view of the fact that Modi script was in use in all offices under the old Governments of the country, this Meeting considers it desirable that Government should reconsider their Resolution on the subject, and humbly prays that they may be pleased to appoint a Committee composed partly of official representatives and partly of Maráthi scholars, with power to call for reports from all Government offices, as to the results of the new innovation, and to submit their recommendations after a careful consideration of the matter in all its bearings and with due regard to old custom and the feelings of the people concerned.

Sátára, 3rd December 1913.

66

No. 11697 of 1913.

REVENUE DEPARTMENT.

Bombay Castle, 30th December 1913.

To

RAO BAHADUR VITHAL NARAYAN PATHAK.

Sir,

In reply to your letter, dated 11th December 1913, forwarding copy of a Resolution passed at a public meeting held in Sātāra on 3rd idem in connection with the adoption of the Balbodh script in Government offices in the districts of the Central Division, I am directed to inform you that the orders of Government referred to were issued after a full consideration of the subject in all its bearings and that Government see no reason to reconsider them.

I have, etc.,

(Signed) C. W. A. TURNER,

Under Secretary to Government.

APPENDIX G.

GREAT INDIAN PENINSULA RAILWAY COMPANY
AGENTS' OFFICE.

No. 12—Q—2.

*Victoria Terminus,
Bombay, 7th March 1914.*

THE JOINT SECRETARY TO THE GOVERNMENT OF BOMBAY,
P. W. D., Railways, Bombay.

Question put by the Honourable Mr. Shridhar
Balkrishna Upasani at the meeting of the Legislative
Council on the 16th December 1913.

Dear Sir,

With reference to your letter No. 322, dated 2nd March 1914, forwarding copy of a question put by the Honourable Mr. Shridhar Balkrishna Upasani at the meeting of the Legislative Council on the 16th December 1913, and of the answer given thereto, I give below the total number of passengers under each class booked from Victoria Terminus during the year 1912, together with the number of season ticket-holders holding tickets between Victoria Terminus and other stations in Bombay and in the suburbs for the same period, *viz.* :—

	No. of passengers, excluding season ticket-holders.	Season ticket- holders.	Total.
First Class	31,580	90	31,670
Second „	100,942	3,266	104,208
Inter „	24,007	.....	24,007
Thrd „	1,047,309	42,400	1,089,709
Total	1,203,833	45,753	1,249,586

Yours faithfully,
(Signed) W. H. SCOTT,
Acting Secretary.

True Copy.
D. L. DESOUZA,
Superintendent, Railway Branch.

APPENDIX H.

Statement referred to in clause (f) of the proposed reply.

Year of appointment.	Name of officer appointed.	Length of service on 1st March 1914 or on date of termination of service.			Appointment last or at present occupied.
		Y.	m.	d.	
1886	Mr. V. V. Gole, L.C.E. ...	9	8	14	Assistant Engineer, 3rd Grade. Died on 14th December 1895.
1887	„ Karpur Shrinivasrav, B.Sc., L.C.E.	26	11	24	Still in service as Executive Engineer. Now employed as Chief Engineer in Mysore, Public Works Department.
1888	„ Chickaballapur Subrao, B.A., L.C.E.	12	2	3	Assistant Engineer, 1st Grade. Died on 11th May 1900.
	„ Hosagrahar Ramanna, B.A., L.C.E.	9	10	12	Assistant Engineer, 1st Grade. Died on 18th January 1898.
1889	„ K. S. Sanghani ...	3	4	20	Assistant Engineer, 3rd Grade. Dismissed from 21st July 1892.
	„ Cadambi Shrinivasachar, B.A., L.C.E.	24	11	25	Still in service. Executive Engineer, permanent, and Superintending Engineer, Class III (temporary). Superintending Engineer, D. I. Division.
1890	„ Bangalore Krishnarav, B.A., L.C.E.	23	11	3	Still in service. Executive Engineer, permanent, and Superintending Engineer, Class III, sub. <i>pro tem</i> . Superintending Engineer, Southern Division.
	„ V. T. Agashe, L.C.E. ...	23	11	7	Still in service. Executive Engineer, West Khandesh District.
1891	„ N. Belvadi, B.A., L.C.E....	21	11	24	Executive Engineer, permanent, and Superintending Engineer, Class III, sub. <i>pro tem</i> . Died on 24th March 1913.
	„ R. M. MacFarlane, L.C.E.	22	11	24	Still in service. Executive Engineer, employed as Assistant to Executive Engineer, Thana District.
1892	„ V. S. Bhandarkar, B.A., L.C.E.	1	4	14	Assistant Engineer, 3rd Grade. Died on 23rd July 1893.
1893	„ C. J. Hansoti, L.C.E. ...	20	10	5	Still in service. Executive Engineer, Ahmedabad District.
1894	„ K. K. Desai, B.Sc., L.C.E.	19	10	27	Still in service. Executive Engineer, on leave.
1895	„ V. N. Vartak, M.A., L.C.E.	18	11	0	Still in service. Executive Engineer, Malsiras District.
	„ A. Nazareth, L.C.E. ...	18	9	15	Still in service. Executive Engineer, employed under the Civil Engineer in Sind.

APPENDIX I.

REVISED FINANCIAL STATEMENT OF
THE GOVERNMENT OF BOMBAY
FOR THE YEAR 1914-15.

This Statement is presented to the Council under No. 10 of the Rules for the Discussion of the Annual Financial Statement notified on 29th December 1909 under section 5 of the Indian Councils Act, 1909. As required by the Rules, the preliminary budget proposals for 1914-15 were considered in January last by the Finance Committee of this Council. Effect has been given to the changes in the estimates recommended by the Committee. These, together with a few other alterations made up to 4th February 1914, have been embodied in the amended Draft Financial Statement copies of which have been supplied to the Honourable Members. The present Statement deals with the actuals for 1912-13, the revised estimates for 1913-14, and the budget estimates for 1914-15 concerning the provincialized services described in Appendix A. As usual, the Statement is divided into two parts, Part I giving a brief but fairly comprehensive idea, and Part II giving fuller particulars, of the Provincial transactions. Details by major and minor heads are given in Appendix B. The figures throughout represent thousands of rupees except where the context shows otherwise. The figures and remarks pertaining to the estimates now framed for 1913-14 and 1914-15 are liable to alteration, but in the absence of altogether unforeseen circumstances no modification seriously affecting the estimates is likely to be required.

PART I.

Accounts of 1912-13.

2. The accounts of the year 1912-13 opened with a balance of 1,08,92. The closing balance was estimated in the revised at 1,68,05 and in the accounts rose to 1,79,75. The total Provincial revenue amounted to 7,95,81; compared with the budget, the actuals were better by 96,15 against 83,97 calculated in the revised, showing an improvement of 12,18. The increase over the revised occurred chiefly under *Land Revenue, Excise, Assessed Taxes, Forest, Law and Justice—Fails, and Miscellaneous* and was partially counterbalanced by decreases under *Interest and Irrigation—Portion of land revenue due to irrigation*. The total Provincial expenditure amounted to 7,24,98, showing a net increase of 48 as compared with the figure (7,24,50) estimated in the revised. Increases occurred chiefly under the heads *Refunds and Drawbacks, Law and Justice—Fails, Education, Stationery and Printing, Miscellaneous, and Irrigation—Major Works—Working Expenses*, and were partially counterbalanced by decreases chiefly under the heads *Assignments and Compensations, Land Revenue, Forest, General Administration, and Civil Works—Civil Department*.

Revised Estimates for 1913-14.

3. The opening balance of the year 1913-14 estimated in the budget at 1,68,05 was changed to 1,79,75 on the closing of the accounts of 1912-13.

4. The total Provincial revenue for the current year is now estimated at 7,63,73 against 7,35,59 entered in the budget. The increase of 33,14 is accounted for mainly by larger receipts—

(a) under *Land Revenue—Provincial share*, due to the season proving more favourable than was anticipated when the budget was framed,

(b) under *Stamps*, due mainly to larger sales of court-fee stamps,

(c) under *Excise*, chiefly under "Gain on sale proceeds of excise opium and other drugs", still-head duty, toddy revenue, and "Duty on ganja", partly counterbalanced by decrease in fees for retail licenses of country spirits,

(d) under *Assessed Taxes*, due mainly to favourable trade conditions,

(e) under *Forest*, due to larger receipts from timber and firewood coupes, partly counterbalanced by a decline in the receipts from famine grass operations,

(f) under *Interest*, due mainly to larger recoveries of interest from local bodies, and Talukdars in Gujarát, and on the endowment funds of the Gujarát College and Mádhavlál Ranchhodlál Science Institute,

(g) under *Law and Justice—Courts of Law*, chiefly under magisterial fines,

(h) under *Irrigation—Major Works—Direct Receipts*, due mainly to extended cultivation on the Godávári (Right Bank) and Pravara Canals, recovery of arrears on the Jamráo Canal, and increased supply of water on the Desert Canal, and

(i) under *Civil Works—Public Works Department*, chiefly on account of the sale of old material, produce and tools and plant, and higher bids for toll-bars.

5. The total Provincial expenditure is estimated at 7,69,92, or a decrease of 17,22 in the provision of 7,87,14 entered in the budget. The savings are expected chiefly—

(a) under *Forest*, due mainly to smaller expenditure on timber operations, stores, buildings, and demarcation and improvement of forests,

(b) under *Law and Justice—Courts of Law*, due mainly to the transfer of a smaller debit from 3, *Land Revenue* on account of establishments graded with Collectors' district establishments, non-utilization of the provision for an additional High Court Judge and his establishment, and savings in the provision for conciliators' establishments, partially counterbalanced by larger expenditure on account of fees in criminal cases and entertainment of temporary Sub-Judges and their establishments,

(c) under *Police*, due mainly to savings under "Presidency Police" and in the provision for district police re-organization,

(d) under *Education*, due mainly to the transfer to other heads of portions of the provisions made for recurring and non-recurring expenditure out of the Imperial assignments for promotion of education, to anticipated savings in those provisions, and to the non-utilization of the provision for building grants in aid of primary schools in Bombay City,

(e) under *Medical*, due mainly to the transfer to other major heads of portions of the provisions for expenditure on sanitary projects and medical relief, non-utilization of the provisions for grants to the Bombay Municipality for anti-malarial measures and to the Bombay Medical Council, and savings in the provisions for salaries, direct plague charges and the physiological laboratories at the Grant Medical College. The decrease is partly counterbalanced by grants for an endowment fund and current expenses of the College of Physicians and Surgeons of Bombay,

(f) under *Political*, due mainly to recoveries of arrears of foreign service contributions, and savings in the provisions for salaries of officers, and

(g) under *Scientific and other Minor Departments*, due mainly to the transfer to the Forest and Public Works Departments of a portion of the provision from the Imperial grant for non-recurring expenditure on agriculture and allied objects, and to savings in that provision and in the provision for charges of the Agricultural Department.

The savings mentioned above are partially counterbalanced by increases mainly—

(a) under *Refunds* of excise, forest and land revenue,

(b) under *Assignments and Compensations*, due mainly to the payment to the Miraj (Senior) State of compensation on account of previous years' arrears of revenue from country liquor and toddy, and compensation to villagers in the Mahi Kántha Agency for damage done to their land by the Luni river,

(c) under *General Administration*, due mainly to additional expenditure in connection with the equipment of the Government Houses at Bombay, Poona and Mahábaleshvar, and touring charges and contract allowance of His Excellency the Governor,

(d) under *Fails*, chiefly under dietary and hospital charges, purchase of raw materials for jail manufactures, and charges for moving prisoners,

(e) under *Superannuation Allowances and Pensions*, due to an increase in the number of new pensions sanctioned over lapses and to the commutation of pensions,

(f) under *Stationery and Printing*, due mainly to large issues of paper and other articles of stationery from the Central Stores,

(g) under *Irrigation—Major Works—Working Expenses*, due to additional grants for urgent works in Sind,

(h) under *Civil Works—Civil Department*, due to grants-in-aid to certain local bodies from the provision for special sanitation schemes under 24, *Medical*, and

(i) under *Civil Works—Public Works Department*, due to funds transferred from other heads, chiefly for educational, medical and sanitary works, and to additional grants for police and archæological works.

6. The closing balance of the year is estimated at 1,78,56, or an increase of 62,06 as compared with the budget. Important variations between the budget and revised estimates are explained in Section II of Part II.

7. The disbursements of takávi and other loans in the Provincial Advance and Loan Account are estimated at 32,75 compared with 38,00 entered in the budget, the decrease being due to smaller provisions made for loans to local bodies, cultivators and Gujarát tálukdárs. The recoveries are now estimated at 57,70, against 49,57 entered in the budget, the increase being due mainly to larger repayments expected from cultivators, Native States and Gujarát Tálukdárs.

Budget Estimates for 1914-15.

8. The budget for 1914-15 opens with a balance of 1,78,56, which, it is anticipated, will be reduced to 1,14,18 by the close of the year, the total revenue being estimated at 7,58,92 and the total expenditure at 8,23,30. The estimates thus involve an expenditure of 64,38 from the Provincial balance. The total revenue shows an advance of 23,33 over the current year's budget and a falling off of 9,81 from the revised. The total expenditure shows an increase of 36,16 over the current year's budget and of 53,38 over the revised.

9. The revenue estimates for 1914-15 allow for expected increases, chiefly—

(a) under *Land Revenue—Alienations*, due to extended cultivation in Sind,

(b) under *Land Revenue—Fixed allotment and adjustments*, due mainly to recurring Imperial assignments for (i) the remission of contributions by local bodies towards certain establishment charges and (ii) education, partly counterbalanced by the absence of the non-recurring Imperial assignments for medical relief and for agricultural and allied objects,

(c) under *Stamps, Excise, Assessed Taxes, and Law and Justice—Courts of Law*, in view of the progress indicated by the current year's revised estimates,

(d) under *Forest*, due chiefly to larger receipts from timber and firewood, partially counterbalanced by the absence of the current year's provision for famine grass receipts,

(e) under *Interest*, due chiefly to interest on loans to local bodies and Tálukdárs in Gujarát and on certain endowment funds,

(f) under *Law and Justice—Fails*, chiefly under earnings of convict gangs and sale proceeds of jail-made goods, and

(g) *Irrigation—Major Works—Direct Receipts*, due chiefly to improvements to distributaries on the Godávári Canal, and extended cultivation on the Pravara Right Bank Canal.

The increases are partially counterbalanced by decreases mainly under *Civil Works—Public Works Department* owing to the contemplated abolition of all toll-bars on Provincial roads.

10. The estimate of land revenue (including the portion due to irrigation) is taken at 4,45,00 (Provincial share = 2,22,50). Exclusive of miscellaneous revenue (1,85 in the revised estimate for 1913-14 and 1,75 in the budget for 1914-15), the figures of the estimated demand, collections, remissions and suspensions for the years 1913-14 and 1914-15 are given below:—

	1913-14, Revised.	1914-15, Budget.
Outstanding balance ...	96,01	53,31
Demand ...	4,29,79	4,35,96
	5,25,80	4,89,27
Collections ...	4,58,15	4,43,25
Remissions ...	14,34	9,72
	4,72,49	4,52,97
Balance { Suspensions.	28,05	14,09
{ Arrears	25,26	22,21
	53,31	36,30

11. In view of the satisfactory state of Provincial balances in 1908-09, Government resolved to abolish the tolls levied at certain toll-bars the receipts from which amounted to 50. In paragraph 14 of the Financial Statement for that year it was announced that Government would be glad to extend this policy, but whether they would be able to do so depended entirely on the future financial position and must depend almost entirely on the character of the seasons. In pursuance of this policy toll-bars yielding a net revenue of 2,27 have already been abolished. Next year it is proposed to abolish all the remaining toll-bars on Provincial roads yielding a revenue of 3,33.

12. In order to check the tendency to over-estimate expenditure due chiefly to the anxiety of disbursing officers not to outrun the particular grants with the expenditure of which they are entrusted, and with a view to securing a greater accuracy of estimates, lump deductions for "Probable savings" have been made to the amount of 6,00 under six major heads of account in the budget for 1914-15 compared with 6,20 under seven major heads in the budget for 1913-14. These deductions, however, do not necessitate corresponding reductions in detailed grants entered in the budget. Out of unexpended balances of the Imperial grants given since the year 1911-12 a total sum of 45,22 is provided in the budget for 1914-15 for (a) non-recurring outlay on

education (27,25), sanitation (9,50), Parel Laboratory (69), medical relief (40), and agricultural and allied objects (38), and (3) discretionary expenditure (8,00).

Items of special interest entered in the budget are noticed below:—

- (i) Revision of subordinate revenue establishments;
- (ii) Cadastral survey of the Town and Island of Bombay;
- (iii) Increase in the number of appointments of Assistant Collectors, transfer of certain appointments to the list of superior appointments, and the grant of minimum time-scale of pay to members of the Indian Civil Service;
- (iv) Scheme for the special legal training of members of the Indian Civil Service in the Judicial Branch;
- (v) Creation of the post of a Registrar of Joint Stock Companies;
- (vi) Salvation Army schemes about a Boys' Industrial Home and a Settlement for Security Prisoners, Criminal Tribes and Habituals;
- (vii) Revision of the pay of certain members of the executive branch of the Jail Department;
- (viii) Police re-organization and reforms;
- (ix) Increase of horse and camel allowances to the mounted police in Sind and Káthiáwár;
- (x) Provision of two additional lights off the Sind coast;
- (xi) Opening of new primary schools;
- (xii) Improvement of the pay and strength of teachers in primary schools;
- (xiii) Expenditure from the additional income derived from the enhancement of the rates of fees in Government high schools;
- (xiv) Results grants to aided secondary schools;
- (xv) Scheme for the removal of the Victoria Jubilee Technical Institute to a new site at Matunga;
- (xvi) Erection of a hospital for cases of infectious diseases occurring among Europeans and Anglo-Indians in Bombay;
- (xvii) Grant in aid of the construction of a new building for the Civil Hospital at Mahábaleshvar;
- (xviii) Creation of the post of "Dean" and abolition of that of "Principal" at the Grant Medical College, Bombay;
- (xix) Grant to the College of Physicians and Surgeons of Bombay;
- (xx) Grants for sanitary projects;
- (xxi) Creation of two separate appointments in place of the present combined appointment of Chemical Analyser for Sind and Port Health Officer, Karáchi;
- (xxii) Increased expenditure in connection with the Agricultural Department;

- (xxiii) Re-organization of the Subordinate Civil Veterinary Department in the Presidency proper ;
- (xxiv) Remission of contributions by local bodies towards establishment charges in Government offices ;
- (xxv) Construction of a few storage reservoirs in the upper reaches of suitable streams with the view of raising the level of subsoil water in the drier tracts of the Deccan plateau.

13. (a) The proposals for the revision of the grades of pay of employees in the subordinate revenue service mentioned in paragraph 13 (a) of the Revised Financial Statement for 1913-14 have been sanctioned by the Secretary of State. For the Presidency proper the re-organization comprises —

- (1) the abolition of the present lowest grade of Mahalkaris on Rs. 80 per mensem, the retention of the grade of Rs. 100 and the creation of a new grade of Rs. 125 per mensem ;
- (2) the abolition of the present lowest grade of aval karkuns on Rs. 50 per mensem, the retention of the grades of Rs. 60, 70, and 80, and the creation of a new grade of Rs. 90 per mensem ;
- (3) the classification of sheristedars of subdivisional officers and deputy chitnises of Collectors with the lowest grade of aval karkuns on Rs. 60 per mensem, without making reduction in the case of any post of deputy chitnis of which the present salary is above Rs. 60 per mensem ;
- (4) the regrading of appointments on Rs. 50 per mensem and above, except those specified in (1) to (3) above, so as to give an increase of 10 per cent. in expenditure over each Division ; and
- (5) re-arranging the number of appointments in the lower branch (between Rs. 15 and Rs. 45 per mensem) in the proportion given below :—

Pay per mensem.		Percentage of appointments.
Rs.		
15	...	...
20	...	...
25	...	16
30	...	14
35	...	12
40	...	10
45	...	8

The total extra expenditure of these measures comes to Rs. 1,89,504 a year. The revenue establishments in Sind were revised in 1906 at an additional expenditure of Rs. 81,228 per annum. This revision was based on the needs of individual offices and has not produced an equitable flow of promotion. The present revision accordingly extends only to appointments on Rs. 45 per mensem

and below, with the exception of appointments of head munshis, which it is proposed to re-arrange owing to the creation of a new grade of Rs. 80 per mensem. The total extra cost of the revision comes to Rs. 11,580 a year. A provision of 2,00 is made in the budget for 1914-15 to meet the cost of item (i).

(b) The question of the cost of the cadastral survey of the Town and Island of Bombay was considered by a Special Committee, who came to the conclusion that without actual experiment it would not be possible to frame an estimate which could safely be used as a basis for drawing up plans for the financing of the survey, especially as it was proposed to defray the cost to some extent by means of contributions levied on the public and on local bodies. A section of the city comprising about 200 acres was accordingly selected for the experimental operations and the work of taking the fundamental and minor traverses of this area is being carried out by an officer of the Survey of India Department. It has been directed that the operations should be continued on the assumption that the cadastral survey of the city will be proceeded with to completion after the experimental area has been surveyed. A provision of 1,85 is made for item (ii) in the budget for 1914-15, 1,58 for the cost of survey operations and 27 for the cost of preparing a register of possessions. No provision is made for recoveries from local bodies until the result of the experimental operations is known and the total cost of the scheme is estimated with some degree of accuracy.

(c) With a view to placing the cadre of the Indian Civil Service on a correct basis and safeguarding the prospects of the junior members of that Service proposals for the increase by five of the number of appointments of Assistant Collectors of the second and third grades and for the transfer to the list of superior appointments of the three posts mentioned in the margin have been submitted to the Government of India. Owing to the unsatisfactory condition of promotion in this Presidency, the salaries actually drawn by several junior members of the Indian Civil Service fall considerably short of what is regarded as the standard of salary which officers of that Service may ordinarily expect to draw. With a view to removing this hardship proposals for the grant of a minimum time-scale of pay to these officers have been submitted to the Government of India, similar concession having been already granted in the Central Provinces, the Punjab and the United Provinces. It is intended that in every case where the actual salary to which an officer is entitled by his substantive position in the gradation list or by the ordinary rules relating to officiating allowances falls short of a certain minimum which is to be guaranteed to him, the officer will be granted a personal allowance equivalent to the difference between his actual salary and the minimum guaranteed scale. These proposals involve an extra expenditure of

1. Manager, Sind Incumbered Estates,
2. Registrar of Co-operative Societies, and
3. One post of Superintendent of Land Records and Registration.

64 per annum. A provision of 50 is made in the budget for 1914-15 to meet the cost of item (iii) for about nine months of the year.

(d) A scheme for the special legal training of the officers who elect for, or are allotted to, the judicial branch of the Indian Civil Service has been submitted to the Government of India. A provision of 40 is made for item (iv) in next year's budget to meet the cost of the scheme for about eight months.

(e) Under the Indian Companies Act, 1913, which is to come into force on 1st April 1914, the information which companies are required to file with the Registrar of Joint Stock Companies at all periods of their existence has been largely increased. The Registrar's duties will no longer be limited to receiving papers deposited with him and assessing the fees payable thereon, but it will be necessary that he should possess qualifications enabling him to analyse and understand the purport of the numerous documents which companies are required by the new Act to file with him. For the proper performance of the additional duties imposed on the Registrar by the new Act, sanction of the Secretary of State for India has been obtained to the appointment of a full-time Registrar of Joint Stock Companies for this Presidency (including Sind) on a salary of Rs. 800 rising to Rs. 1,200 per mensem by annual increments of Rs. 50. A provision of 13 is made in the budget for 1914-15 for the pay, establishment and contingent charges of the Registrar mentioned in item (v).

(f) The Salvation Army have approached Government with certain proposals regarding the reclamation of prisoners and criminal tribes. The schemes relate to the establishment of—

(a) an Industrial Home for juvenile adults from the Dhárwár Borstal Prison and other prisons ;

(β) a settlement for security prisoners ;

(γ) a settlement for criminal tribes ; and

(δ) a settlement for released prisoners not belonging to any of the classes mentioned above.

Item (vi) relates to these proposals, which are under the consideration of Government and for which a lump sum of 20 is provided in the new budget.

(g) The question regarding the improvement of the tone of the jail service has been engaging the attention of Government for some time and with that object a revision of the emoluments of the clerical and warder establishments has been recently sanctioned. Jailors hold a most responsible position and it is anything but easy to get men who possess all the multifarious qualities which go to make a really good jailor. In order to secure good and trustworthy officers it is proposed to raise the pay of the first grade from Rs. 200—10—250 to Rs. 250—10—300 per mensem with suitable increments in lower grades. The existing pay of the Superintendents of the Karáchi and Thána Prisons is inadequate, having regard to the work and responsibility of these officers, and the disparity will be accentuated by the contemplated improvement in the pay of jailors. To remove this anomaly, it is considered desirable to increase the pay of the former from Rs. 200—10—250 to Rs. 300 and that of the latter from Rs. 350—20—450 to Rs. 450—10—500. Item (vii) relates to a provision of 7 in next year's budget for this object and for an increase in the pay of the European warders at the House of Correction, Bombay, and the Central Prison, Yeravda.

(h) The proposals for the reorganization of the rank and file of the District Police in the Bombay Presidency (including Sind), involving an additional expenditure of 8,28 per annum as shown below, have received the sanction of the Secretary of State :—

		Old Scale.		Scale now sanctioned.	
		Number.	Monthly cost.	Number.	Monthly cost.
			Rs.		Rs.
Inspectors	... { Presidency proper.	101	17,325	109	18,900
	... { Sind ...	34	5,900	35	6,100
Sergeants	... { Presidency proper.	18	1,560	18	1,989
	... { Sind ...	8	700	9	995
Sub-Inspectors	... { Presidency proper.	511	33,540	651	43,570
	... { Sind ...	174	11,620	183	12,250
Head Constables—					
Unarmed	... { Presidency proper	1,987	38,955	2,041	39,935
	... { Sind ...	402	7,565	511	9,970
Armed	... { Presidency proper.	995	19,070	980	19,110
	... { Sind ...	206	3,821	297	5,490
Constables—					
Unarmed ...	... { Presidency proper.	7,663	82,129	9,913	1,06,070
	... { Sind ...	2,076	24,288	2,363	27,648
Armed ...	... { Presidency proper.	4,707	50,382	5,769	61,729
	... { Sind ...	1,289	15,079	1,553	18,171
Mounted Police ...	... { Presidency proper.	272	3,107	274	3,128
	... { Sind ...	1,161	15,684	1,375	18,395
Permanent travelling, conveyance, local and other allowances.	... { Presidency proper.	...	14,798	...	16,900
	... { Sind ...	...	21,372	...	25,824
Total ...		21,604	3,67,195	26,081	4,36,174

Extra cost Rs. 68,979 per mensem, or Rs. 8,27,748 per annum.

The reforms are being introduced gradually, and it is hoped to give full effect to the re-organization schemes before the close of the year 1916-17. Accordingly a provision of 3,00 is made for item (viii) in the budget for 1914-15.

(i) In view of the rise in the prices of grass and grain, the present scale of horse and camel allowances of the mounted police in Sind and Káthiáwár is found to be inadequate. In addition to the expense of feeding and maintaining their mounts, the men are required to meet from their allowances subscriptions to the mounted police funds and to incur miscellaneous expenditure connected with shoeing and stable requisites. With the allowances at the existing rates the animals are frequently starved and in many cases are not provided with warm *jhools* which are indispensable in the severe cold weather which prevails in Sind. It is accordingly proposed to raise the rates of these allowances as shown below :—

	Present rate per mensem.	Proposed rate per mensem.
<i>Horse allowance.</i>		
Sind—	Rs.	Rs.
Karáchi town	25	30
Hyderabad town	20	30
Other head-quarters	20	25
Other places	16	25
Káthiáwár	20	25
<i>Camel allowance.</i>		
Sind—		
Karáchi town	7	14
Other places	7	12

The annual extra expenditure involved by these proposals is estimated at 1,34 for Sind and 14 for Káthiáwár. A provision of 94 is made in next year's budget for item (ix) to meet the proposed expenditure for about seven months of the year 1914-15 in Sind, and for the whole year in Káthiáwár.

(j) In connection with the decision to provide two additional lights off the Sind coast, *viz.*, a light-house on Cape Monze and a light-vessel off the Khai Mouth of the Indus, a provision of 2,15 is made in the current year's budget for the construction and equipment of the light-house. As this provision is not likely to be utilized in full before the close of the year, orders for commencing the construction of the light-vessel at the Government Dockyard, Bombay, have been issued, the expenditure being met from the saving in that provision. It is estimated that about 48 will be spent before the close of the current year and that about 1,73 will be required in the ensuing year for the completion of the light-vessel. The light-house is expected to be in working order by 1st June 1914. About 32 will be required next year for its completion and 8 for its maintenance charges for nine months of that year. Item (x) relates to the total provision of 2,13 made in next year's estimates for the two lights. The expenditure on

this account is to be recouped by the levy of light dues on vessels. The requisite legislative measure to authorise their levy has been prepared and submitted to the Government of India for their approval prior to its introduction in the local Legislative Council.

(k) In connection with the policy of Government to extend and improve primary education 2,00 were provided in the current year's budget, out of which 1,00 have been assigned for opening new schools, 50 for giving promotion to trained teachers in accordance with the scale laid down in the Vernacular Masters' Code, and 50 for providing extra assistants in undermanned schools. The grant of 1,00 will enable 497 new primary schools (447 in the Presidency proper and 50 in Sind) to be opened during the current year. The allotment of 50 for giving code pay to primary teachers has been supplemented by 1,00 provided from the amount of 2,76 allotted by the Government of India for primary education out of the Imperial recurring assignment of 5,93 for educational expenditure and thus 1,50 in all have been made available in the current year for that purpose. The deficiency still remaining in the matter of code pay is over a lách and a half. The budget for next year provides 2,00 for the continuance of the policy referred to above. Of this amount 1,00 are earmarked for opening new schools [item (xi)], and 1,00 for giving code pay to primary teachers and for additional assistants in undermanned schools [item (xii)].

It is gratifying to note that the Government of India have made a further recurring assignment of 1,00 for education. The allocation of this grant to the necessary objects will be considered in due course.

(l) When the rates of fees in Government high schools were raised in 1911, the public were assured that the Governor in Council had no intention of appropriating the extra income from fees for general purposes, but had decided to devote it to the further improvement of these schools; and it was announced that in accordance with this decision Government would set aside for expenditure on the schools, over and above the normal average expenditure then being incurred on their maintenance, a sum as nearly as possible equivalent to the increased receipts from fees. The additional fee receipts for the years 1911-12 and 1912-13 amounted to 15 and 49, respectively, or a total of 64 for the two years. It is proposed to spend this amount on the provision of additional accommodation and equipment for the teaching of science in secondary schools. Government have also decided that certain suitable items of recurring expenditure in connection with the improvement of the schools should be permanently debited to the *annual* excess, which, for this purpose, is taken as half a lách. For the present it is intended to spend about a moiety of this amount on the improvement of the pay of assistant masters in Government secondary schools. Item (xiii) refers

to the provisions of 64 and 26 made for the two objects in the budget.

(m) Although aided English-teaching schools are, under the Grant-in-aid Code, entitled to a one-third grant, many of them have for years been receiving not more than from one-fifth to one-ninth of their expenditure. The total direct expenditure of the schools amounted in 1912-13 to 3,18, but the total Provincial grant paid to them is only 65, or about 40 less than one-third. In the case of anglo-vernacular schools also the total expenditure for 1912-13 amounted to 9,91, while the total grant paid to these schools comes to 2,66, or about 65 less than one-third. In both cases reduced grants are paid partly owing to want of funds and partly because of defects in the schools, the greatest of which is inefficiency of staff. The additional amount required to raise the total grant to the authorised level is about 1,05, but as the maximum grants cannot be paid to several of the schools owing to their defects, a provision of 75 is made in the budget to cover this requirement [item (xiv)].

(n) Government have undertaken to finance the scheme of removal of the Victoria Jubilee Technical Institute, Bombay, to a new site at Matunga. The cost of the new site purchased from the Bombay City Improvement Trust amounts to 3,73, and the whole of this amount has been provided by Government by way of a subvention, 2,00 being met from the grant sanctioned by the Government of India for the Institute in 1912-13, 1,50 from the Imperial assignments for educational expenditure including technical education, and 23 from Provincial revenues. The cost of the construction of the new buildings, which is roughly estimated at about $7\frac{1}{2}$ lakhs, will be met in the first instance from advances to be made by Government. Item (xv) relates to the provision of 3,50 made in next year's budget for an advance to cover the expenditure likely to be incurred during that year. The sums which may be advanced by Government will be repaid from the sale proceeds of the existing site and buildings of the Institute at Byculla.

(o) There is at present no adequate provision for the accommodation and treatment of cases of infectious diseases occurring among Europeans and Anglo-Indians in the City of Bombay. The entire absence of such provision and the resultant hardship in individual cases were prominently brought to notice in the course of the outbreak of cholera in the city in 1912; and as under the law it is incumbent on the Bombay Municipal Corporation to make adequate provision for preventing and checking the spread of dangerous diseases, Government requested that body to consider the necessity of making provision for suitable hospital accommodation for the cases in question. At the same time having regard to the considerable expenditure involved in that measure and as evidence of the extreme importance which they attached to its adoption, Government offered to co-operate with the Corporation in the matter to the extent of defraying the entire cost of the build-

ings, provided it undertook to make available a site for, and maintain, the hospital. The Corporation has accepted the offer with some modification and detailed proposals are awaited. In the meanwhile a lump provision of 1,00 for item (xvi) is entered in the budget to cover the promised contribution.

(p) The present building of the Civil Hospital at Mahábaleshvar has been considered to be quite inadequate for the needs of the hill station. The question of constructing a new building was started some years ago, but owing to financial exigencies and protracted negotiations over acquiring certain sites, the matter was postponed from time to time. Subscriptions amounting (with accumulated interest) to about 15 have been received from the public and a committee has been formed to collect further funds for a new civil hospital. It is estimated that the purchase of a site and the construction of new buildings will cost about 75. Government have promised to contribute such amount, not exceeding 37, as may be required to make up the total cost of the hospital building after taking into account the subscriptions already received and those that may be collected hereafter. Item (xvii) refers to the provision of 37 made for the Government contribution.

(q) Item (xviii) relates to the proposals for the revision of the administrative arrangements in connection with the Jamsheedji Jijibhai and allied hospitals and the Grant Medical College, Bombay. It is represented that these institutions, and more especially the college, have undergone such very great development in the course of recent years that the duties of their administration cannot satisfactorily be combined in the hands of a single officer, especially in view of the fact that that officer has, in addition, to do both professional and tutorial work. After careful consideration, Government have come to the conclusion that the time has arrived when it is absolutely necessary in the interests both of the hospitals and of the college that these institutions should be completely separated in respect of their administration. Accordingly it is proposed that the post of the administrator of the college should be held by an officer of the Indian Medical Service who holds no appointment in the J. J. or allied hospitals and who will, at the same time, be debarred from private practice, that he should be selected from the teaching staff of the college and designated "Dean of the Grant Medical College," and that he should be granted a consolidated salary of Rs. 1,800 a month, as is done in the cases of the Principals of the colleges in Calcutta and Madras, and an allowance of Rs. 250 per mensem in the absence of free quarters. A provision of 11 is made for the additional expenditure involved in these proposals.

(r) In order to place the College of Physicians and Surgeons of Bombay on a sound footing and to enable it to take its proper place among the educational institutions of India, Government have this year contributed 2,00 towards the endowment fund of the institution. Of this amount 1,00 is met

from the non-recurring assignment of 38,75 made by the Government of India in the revised estimates for 1912-13 for educational expenditure, and the balance is provided from Provincial revenues by re-appropriation of funds in the current year. Government have also sanctioned the payment of a grant of 10 towards the expenditure of the College for the current financial year as a provisional arrangement, and have entered an equivalent sum for item (xix) in the ensuing year's budget.

(s) With reference to item (xx) it is observed that in paragraph 7 of the "Budget of the Government of Bombay for 1913-14" the allotments aggregating 14,86.8 already sanctioned against the total provision of 21,50 made in the budget under the head 24, *Medical* for expenditure in connection with sanitation and grants in aid of sanitary projects were specified. The following further allotments have since been sanctioned against the same provision :—

(1) Ahmedabad water-supply project	...	3.50
(2) Furnishing and equipping the Bombay Bacteriological Laboratory at Parel.		25
(3) Renewal of the grant for filling in the tank No. 1 at Hyderabad sanctioned in 1912-13 but not drawn in that year.		20
(4) Jalgaon water-supply scheme	...	14.5
(5) Renewal of the grant for filling in a tank at Kambar sanctioned in 1912-13 but not drawn in that year.		10
(6) Filling in of an insanitary tank in Ratnagiri town.		3.2
(7) Refund to the Dholka Municipality of the expenditure incurred by it in connection with boring operations.		3.2
(8) Sholapur town-improvement scheme	...	3.2
(9) Renewal of the grant for filling in two tanks at Ratodero sanctioned in 1912-13 but not drawn in that year.		3
(10) Further grant to the Rájkot Civil Station Committee for the drainage scheme.		1.5
		Total ... 4.33.6

Grants-in-aid amounting to 12,58 are likely to be required next year in connection with (a) water-supply schemes for Aden (2,00), Nandurbár (1,09), Godhra (1,06), Hyderabad (90), Bársi (86), Alandi (80), Mátherán (75), Násik (57), Karád (50), Igatpuri (50), Sukkur (50), Bijápur (24), Ahmedabad (24), Kalyán (14), and Haliyal (10), (β) drainage schemes for Dhulia (1,00), Bijápur (12), and Sehwan (10), and (γ) Dhárwár town improvement scheme (1,11). It is estimated that 2,25 will be required for other town improvement, surface drainage, etc., schemes, 65 for working boring plants, 50 for grants in aid of the improvement of milk-supply, and 40 for original works in connection with the development of Salsette. It is intended to allot 1,00 to the Sanitary Board to enable them to make grants for sanitary projects, and 80 to the Poona City Municipality as a grant in aid of the proposed construction of a bridge on the Mutha river. To

meet all these requirements as well as any unforeseen demands, a total provision of 21,00 is entered in next year's budget, of which 20,00 are met from the Imperial assignments for sanitation and 1,00 from Provincial revenues.

(t) The arrangement under which the posts of Chemical Analyser, Sind, and Health Officer of the Port of Karáchi are held by one officer was sanctioned in 1906. Owing to the altered conditions and the growing importance of the port of Karáchi the present arrangement is found very inconvenient, and it is therefore proposed to separate the two appointments. Item (xxi) relates to the lump provision of 10 made for the additional charge involved in this proposal.

(u) Item (xxii) includes (1) 65 for remodeling the Civil Dairy at Kirkee with a view to its serving as an educational and experimental institution, (2) 19 for additional expenditure on agricultural and hydraulic experiments and for testing and demonstrating oil-engines and pumps of the latest design, (3) 15 for demonstrating on an extensive scale on the Nira Canal the results proved by experiments, *viz.*, that in sugarcane industry equal results can be obtained by using less water and less manure than that used by sugarcane growers, (4) 12 for the establishment of a temporary experimental station in the Thána or Kolába district to demonstrate the possibility of using tail-water from the Tata Hydro-Electric Works for irrigational purposes, (5) 12 for the establishment of a dry farming station in the North or South-East Deccan and of an experimental farm at Broach, (6) 6 for the current expenses of a workshop to be opened at the Agricultural College, Poona, where repairs to pumping plants will be carried out and a class will be started for giving practical instruction in working oil-engines and pumps to the owners of the plants and their servants, and (7) 5 for an agricultural school in Gujarát.

(v) When the re-organization of the Subordinate Civil Veterinary Department in the Presidency proper was sanctioned in 1908, it was arranged that the full strength of veterinary assistants then sanctioned should be reached after five years, and that proposals for the further extension of the Department should be submitted at the end of that period. The term of five years will expire with the current year; and Government have now sanctioned proposals for the expansion of the cadre in the next five years. There are at present three veterinary inspectors, namely, one for each division of the Presidency; an additional veterinary inspector will be attached to the Central Division from the ensuing year. The present strength of veterinary assistants is 57, and it has been decided to increase the number to 100 during the next five years. Arrangements for the promotion of the assistants from grade to grade are revised, and the pay of the last two grades is also raised from Rs. 30 and Rs. 45 to Rs. 40 and Rs. 50 per mensem, respec-

tively. The increase of pay (the order regarding which is applied to Sind also) is necessary on account of the desirability of obtaining for Government service the best men who pass through the College and of attracting to the College better stamp of men. Item (xxiii) relates to the total provision of 12 made for the additional expenditure in the ensuing year.

(w) At present certain contributions are levied from local bodies to cover the cost of establishments entertained in the offices of the Commissioners, Collectors, Educational Inspectors and Deputy Educational Inspectors for local fund work. As a measure of financial relief to these bodies in pursuance of a recommendation of the Decentralization Commission it is proposed to discontinue the recoveries, and with this object a sum of 1,07 is entered for item (xxiv) in the budget of 1914-15. The expenditure is covered by a corresponding recurring assignment from Imperial revenues.

(x) At a meeting held on 13th December 1913, the Finance Committee appointed to consider the preliminary Provincial budget estimates for 1914-15 recommended that with the object of raising the level of the subsoil water in the drier tracts of the Deccan plateau, it would be desirable to construct a few storage reservoirs in the upper reaches of suitable streams. As recommended by the Committee, a provision of 50 is made in next year's budget under the head 43, *Irrigation - Minor Works and Navigation - Public Works Department* to meet the Provincial share of the expenditure for item (xxv). The Government of India have also sanctioned an equal sum to meet the Imperial share of the charge. The detailed distribution of the grant and the works on which it should be expended will be determined in due course by the Public Works Department.

14. Remissions of land revenue attributable to famine are estimated at 1,67 in the current year and 97 in the ensuing year, while suspensions are estimated at 9,47 and 4,91 for the two years, respectively. A gain of about 60 and of 3 is anticipated in irrigation revenue during 1913-14 and 1914-15, respectively. A loss of 50 is also anticipated in excise revenue during 1913-14. These figures represent the Provincial share.

Direct expenditure on famine relief is estimated at 3,26 for 1913-14 and 3,00 for 1914-15, and will be met from Imperial revenues in accordance with the scheme for the apportionment of famine expenditure brought into force from the year 1907-08. Indirect famine expenditure estimated at 2,82 in 1913-14 and 1,50 in 1914-15 will fall on Provincial revenues.

15. In the Provincial Advance and Loan Account the payments of takávi and other loans are estimated at 38,75 and recoveries at 51,28 for 1914-15. Compared with the revised estimate for 1913-14, the former figure shows (i) increases of 3,87 under loans to local bodies, 1,50 under advances to cultivators and co-operative societies, 65 under loans to land-

holders, notabilities and Native States, and (ii) decrease of 2 under miscellaneous loans and advances. The provision of 12,00 made for loans to local bodies is intended for eight mofussil municipalities and one district local board in connection with sanitary projects and the construction of roads and school-buildings. A provision of 18 is made for loans under the Co-operative Societies Act. This provision is made up of (a) 10 for industrial and productive co-operative societies which require help in their infancy as explained in paragraph 15 of the Revised Financial Statement for 1913-14, and (b) 8 for loans to co-operative societies in Sind, the circumstances of which are peculiar. The Bombay Central Co-operative Bank will not be of any assistance to the co-operative movement in Sind, and as that movement is still very backward, special encouragement in the shape of loans from Government is needed for some time. The estimate of recoveries for next year is smaller by 6,42 than the current year's revised, the decrease being chiefly in the repayments expected from agriculturists, Native States, and Gujarát Talukdárs.

General Remarks.

16. The policy of abolishing all tolls on Provincial roads is carried to completion. From the Imperial Government the new special assignments amount to 2,07 only, and time is afforded for developing schemes for the expenditure of the very large grants made in previous years for Education and Sanitation. The conditions of the current year and the prospects of the coming year are such as to enable fully adequate provision to be made in next year's budget for all provincial services and the carrying forward of a true provincial balance of 86,10 together with a balance of 28,08 on account of sums unexpended from special assignments from Imperial.

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PART II.

SECTION I.

Accounts of 1912-13.

17. The estimated and actual transactions of the year 1912-13 are given below:—

	Budget Estimate.	Revised Estimate.	Actuals.
Opening balance ...	89,76	1,08,92	1,08,92
Revenue ...	6,99,66	7,83,63	7,95,81
Expenditure ...	7,27,76	7,24,50	7,24,98
Closing balance ...	61,66	1,68,05	1,79,75

The important differences between the budget and revised estimates for 1912-13 have been explained in Part II, Section II, of the Revised Financial Statement for 1913-14, and those between the budget and actuals are noticed in the Draft Financial Statement for 1914-15 (as amended up to 4th February 1914).

SECTION II.

Revised Estimates for 1913-14.

18. The budget and revised estimates of 1913-14 are shown below:—

Revenue.				No.	Heads.	No.	Expenditure.			
Budget.	Revised.	Revised					Budget.	Revised.	Revised	
		Better.	Worse.						Better.	Worse.
...	...	...	...	...	Refunds ...	1	4,97	7,34	...	2,37
...	...	...	...	...	Assignments and { Cash ... } Compensations. { Aliens... }	2	{ 14,15 83,40	{ 14,94 83,52	...	{ 79 12
2,09,32	2,16,82	7,50	...	I	Land Revenue— Provincial share ...	...	...	...	...	...
96,39	96,52	13	...		{ Aliens ... }	...	...	...	...	...
27,33	27,48	15	...		{ Fixed allotment and adjustments ... }	...	...	...	...	...
...	...	...	...	...	{ Cash ... } { Aliens ... }	3	{ 75,04 7,91	{ 75,17 7,83	...	{ 8 ...
41,50	43,75	2,25	...	IV	Stamps ...	6	1,19	1,23	...	4
2,13,00	2,22,00	9,00	...	V	Excise ...	7	11,26	10,92	34	...
28,45	32,50	4,05	...	VIII	Assessed Taxes ...	10	72	72	...	...
41,50	47,50	6,00	...	IX	Forest ...	11	26,40	25,40	1,00	...
8,00	8,10	10	...	X	Registration ...	12	3,67	3,69	...	2
14,04	15,15	1,11	...	XII	Interest ...	13	8,41	8,48	...	7
...	...	...	...	...	General Administration ...	18	18,79	19,76	...	97
7,15	7,80	65	...	XVI-A	Law and Justice—Courts of Law	19-A	58,72	56,84	1,88	...
2,50	2,75	25	...	XVI-B	Law and Justice—Jails ...	19-B	11,50	12,98	...	1,48
2,35	2,63	28	...	XVII	Police ... { Cash ... } ... { Aliens ... }	20	{ 96,48 5,08	{ 95,83 5,17	65	...
1,00	1,07	7	...	XVIII	Ports and Pilotage ...	21	2,83	2,74	9	...
5,34	5,44	10	...	XIX	Education ...	22	95,25	76,60	18,65	...
2,55	2,55	...	...	XX	Medical ...	24	48,96	29,70	19,26	...
...	...	...	...	...	Political ...	25	5,46	4,83	63	...
1,25	1,30	5	...	XXI	Scientific and other Minor Departments ...	26	13,37	11,65	1,72	...
3,80	3,70	...	10	XXII	Superannuation Allowances and Pensions.	29	35,00	36,00	...	1,00
1,15	1,20	5	...	XXIII	Stationery and Printing ...	30	12,47	13,64	...	1,17
72	76	4	...	XXV	Miscellaneous ...	32	4,95	5,37	...	42
...	...	...	...	...	Reduction or Avoidance of Debt	36	13,70	13,70	...	...
...	...	...	...	...	Subsidized Companies—Lands...	40	3	...	3	...
13,18	13,18	...	...	XXIX	Irrigation—Portion of land revenue due to irrigation ...	...	...	...	...	...
7,26	8,15	89	...	XXIX	Irrigation—Major Works— Direct Receipts. Working Expenses ... } Interest ... }	42	{ 7,50 11,11	{ 8,89 10,66	45	{ 1,39 ...
1,83	1,76	...	7	XXX	{ Irrigation—Minor Works— Civil Department ... } { Public Works Department ... }	43	{ 20 16,00	{ 6 16,36	14	{ ... 36
8	12	4	...	XXXI	{ Civil Works— Civil Department ... } { Public Works Department ... }	45	{ 8,72 83,90	{ 14,90 95,00	...	{ 6,18 11,10
5,90	6,50	60	...							
7,35,59	7,68,73	33,31	17	...	Total ...	...	7,87,14	7,69,92	44,92	27,70
1,68,05	1,79,75	11,70	...	Opening	Balance ...	Closing	1,16,50	1,78,56	62,06	...

19. The revised estimates of revenue show a net increase of 33,14 over the budget. The important increases anticipated are under the following heads:—

I, Land Revenue.—7,78 made up of—

- (i) 7,50 under "Provincial half share," due mainly to the season proving more favourable than was anticipated when the budget was framed and consequent decline in the amount of arrears against suspensions to be collected in 1914-15;
- (ii) 13 under "Alienations," based on latest estimates furnished by district officers; and
- (iii) 15 under "Fixed allotment and adjustments," due to Imperial contributions sanctioned in the course of the year for the extension of the system of making monthly payments of pensions to Indian military pensioners (10), charges on account of the office establishment, allowances, etc., of the Superintendent, Civil Veterinary Department, Sind, Baluchistan and Rajputana (9), archaeological expenditure (8), transfer of the duties in connection with the Native Passenger Ships Act from the charge of the Customs Preventive Department to that of the Port Officer, Bombay (2), and the cost of the stipend to be paid to a state technical scholar during his preliminary training in India (1), partially counterbalanced by the absence of the contribution on account of the cost of the Textile Ventilation Committee (15), no expenditure in connection with the Committee being required during the year.

IV, Stamps.—2,25, due mainly to larger receipts under "Sale of court-fee stamps", and composition of stamp duty.

V, Excise.—9,00, occurring mainly under (i) "Gain on sale-proceeds of excise opium and other drugs", (ii) still-head duty, (iii) "Duty on gánja", (iv) tax on trees tapped for raw toddy, and (v) toddy shop license fees. The increase is partially counterbalanced by decreases chiefly under (i) license fees for the retail vend of country liquor and opium, and (ii) recoveries of contributions for establishments.

VIII, Assessed Taxes.—4,05, due mainly to the year 1912, the profits of which form the basis for the assessment of the tax to be recovered in 1913-14, having been an exceptionally good one for the mill and other industries, and to larger recoveries from tax on salaries and pensions.

IX, Forest.—6,00, due mainly to larger receipts under the heads "Timber," "Firewood and charcoal," "Grazing and fodder grass," and "Miscellaneous," partially counterbalanced by smaller receipts from famine grass operations.

XII, Interest.—1,11, due mainly to (i) the recovery of interest from certain local bodies which have received loans from Government to meet expenditure on sanitary projects and construction of roads (69), (ii) larger recoveries expected from the Talukdárs in Gujarát in consequence of a favourable season (30), and (iii) further interest expected on the endowment funds of the Gujarát College and Mádhavlál Ranchhodlál Science Institute (19), partly counterbalanced by a decrease in the estimate of interest on loans to Native States (9). Interest is now realized on fixed dates even on instalments drawn by local bodies, while under the old system it was not recovered until each loan was fully taken up. This change in system accounts partly for the increase under (i).

XVI-A, Law and Justice—Courts of Law.—65, occurring mainly under (i) magisterial fines, (ii) sale-proceeds of unclaimed and escheated property, and (iii) cash receipts of record rooms. The increase is partially counterbalanced by decreases under (i) "Miscellaneous", and (ii) fees of Subordinate Civil Courts.

XXIX, Irrigation—Major Works—Direct receipts.—89, due mainly to (i) extended cultivation and sudden and extraordinary demand during the rabi season on the Godávri Right Bank Canal, (ii) more land brought under the irrigated area of the Pravara Right Bank Canal, (iii) recovery of arrears on the Jamráo Canal and the Krishna Canal, and (iv) increased supply of water on the Desert Canal. The increase is partially counterbalanced by a decrease in revenue of the Ekruk Tank.

XXXI, Civil Works—Public Works Department.—60, due mainly to larger receipts from (i) sales of old material, produce and tools and plant, (ii) tolls on roads, and (iii) rents of buildings.

20. On the expenditure side, the revised estimates indicate a net decrease of 17,22 from the budget. The important decreases anticipated are under the following heads:—

11, Forest.—1,00, due mainly to smaller expenditure on (i) timber operations in the Northern and Southern Circles (45), (ii) "Establishments" (37), (iii) purchase of stores (30), (iv) demarcation, improvement, and extension of forests (27), and (v) construction of buildings and other works (20). The decrease would have appeared larger but for the lump deduction of 50 made for probable savings from the major head budget figure.

19-A, Law and Justice—Courts of Law.—1,88, occurring chiefly under "Criminal Courts—General Establishment", due mainly to the introduction of a revised method of accounting for the expenditure on account of Collectors' judicial establishments (2,01). Savings are also anticipated owing to the non-utilization of the provision for an additional High Court Judge and his establishment (51), and in the provisions for conciliators' establishments (25), and for payments to officers of other provinces (18). The decrease is partially counterbalanced by larger expenditure on account of (i) fees in civil and

criminal cases (58), (ii) Subordinate Judges (28), clerical establishments of District and Subordinate Courts (22), and salaries of the Judicial Commissioners of Sind (8).

20, *Police*.—56, due mainly to savings anticipated under the minor heads "Presidency Police" (46) and "District Executive Force" (1,65), in consequence of the full strength of the Bombay City police force as re-organized not having been entertained and the partial utilization of the lump grant of 2,50 for police re-organization. The decrease would have appeared larger but for the lump deduction of 1,50 made for probable savings from the major head budget figure.

22, *Education*.—18,65, due chiefly to the transfer to other heads of portions of the provisions made for recurring and non-recurring expenditure out of the assignments sanctioned by the Government of India for promotion of education including technical education (4,34), and to anticipated savings in those provisions (15,91) and in that for the preparation of Sanskrit series and departmental books (11). Also the provision of 1,00 for building grants in aid of primary schools in Bombay City is expected to remain unutilized. The decrease would have appeared larger but for (i) the lump deduction of 2,00 made for probable savings from the major head budget figure, and (ii) additional grant provided from Provincial revenues for the Victoria Jubilee Technical Institute (23).

24, *Medical*.—19,26, due mainly to the transfer to other major heads of portions of the provisions for expenditure on sanitary projects (17,93) and on medical relief (50) for which the Government of India have made assignments from Imperial revenues. Also the provisions for a subvention to the Bombay Municipality in connection with anti-malarial measures (50) and for a grant to the Bombay Medical Council (10) are not expected to be utilized, and savings are anticipated in the provisions for (i) salaries of officers of the Medical and Sanitary Departments (91), (ii) direct plague charges (51), (iii) establishments and allowances at the mofussil hospitals and dispensaries (40), (iv) the physiological laboratories at the Grant Medical College (33), (v) the Bombay Bacteriological Laboratory (20), (vi) the embarkation of pilgrims (19), (vii) the application of the Lepers Act to certain areas (13), and (viii) the charges of the Chemical Examiners' department (10). The decrease would have appeared larger but for (a) grants aggregating 2,10 for an endowment fund and current expenses of the College of Physicians and Surgeons of Bombay, and (β) the lump deduction of 70 made for probable savings in the major head budget figure.

25, *Political*.—63, due mainly to (i) recoveries of arrears of foreign service contributions in Káthiáwár (36), and (ii) savings in the provisions on account of salaries of officers (29).

26, *Scientific and other Minor Departments*.—1,72, due mainly to (i) the transfer to the Forest and

Public Works Departments of a portion of the provision made for non-recurring expenditure out of the special assignment made by the Government of India in 1911-12 for agricultural and allied objects (9), and (ii) savings anticipated in that provision (35) and in the provisions for charges of the Agricultural Department (1,46), especially in connection with the establishment of new seed farms at Jalgaon and Mirpur Khás. The decrease is partially counterbalanced by the provision made for the transfer to the Bombay Presidency of the charges on account of the establishment of the Superintendent, Civil Veterinary Department, Sind, Baluchistán and Rajputána (11).

21. On the other hand, the revised estimates indicate increases of expenditure, principally under the following heads:—

1, *Refunds*.—2,37, occurring mainly under (i) "Excise" (1,55) due chiefly to heavy payments to certain States in Káthiáwár of the differential duty on excise opium imported by them, (ii) "Land Revenue" (40) in view of the latest actuals, and (iii) "Forest" (32) owing to the refund of 25 to the Bombay Municipality on account of receipts from trees near the Tansa Lake erroneously credited to Government in 1912-13.

2, *Assignments and Compensations*.—The increase of 79 under *Cash* is due mainly to (i) the payment to the Miraj (Senior) State of compensation amounting to 59 on account of previous years' arrears of revenue from country liquor and toddy, and (ii) the payment of compensation to villagers in the Mahi Kántha Agency for damage done to their land by the Luni river (13—Provincial share). The increase of 12 under *Alienations* is in accordance with the revised estimates furnished by district officers.

18, *General Administration*.—97, due mainly to (i) additional expenditure in connection with the equipment of the Government houses at Bombay, Poona and Mahábaleshvar (40), and for touring charges (23) and contract allowance (38) of His Excellency the Governor, and (ii) the payment of arrears of the salary of a Member of Council (7), partially counterbalanced by a saving of 10 in the provision for discretionary grants to Commissioners for works of public utility and the grant of money rewards to specially deserving persons, and by the non-utilization of the provision of 8 for the revision of the establishment of the Commissioner in Sind.

19-B, *Law and Justice—Fails*.—1,48, occurring chiefly under (i) dietary charges owing to the dearth of provisions in the earlier months of the year and increase in jail population (65), (ii) "Jail Manufactures" (22), (iii) charges for moving prisoners (21), and (iv) hospital charges (18). The increase is also due to the lump deduction of 20 under the major head budget figure.

29, *Superannuation allowances and pensions*.—1,00, due mainly to (i) an increase in the number

of new pensions sanctioned over lapses, chiefly in the Land Revenue, Post Office, Police and Educational Departments (41), and (ii) the commutation of pensions which is availed of more freely under the new rules framed on the subject (45).

30, *Stationery and Printing*.—1,17, due chiefly to (i) large issues of paper and other articles of stationery from the Central Stores owing to the expansion of the several departments of Government (1,00), and (ii) the purchase of a monotype machine for the Government Central Press (15).

42, *Irrigation—Major Works—Working Expenses*.—1,39, due chiefly to larger expenditure on the Begári, Jamráo and Nasrat Canals and Nára supply channel in consequence of the necessity for special works such as (i) new head to the Mirzawáh ex-Begári Canal, (ii) additions and alterations to 38th mile regulator, Begári Canal, (iii) construction of Executive Engineer's bungalow at Nawábsháh and certain inspection bungalows in Nasrat, Jamráo and Eastern Nára districts, and (iv) increased requirements for maintenance and repairs in these districts.

45, *Civil Works—Civil Department*.—6,18, due mainly to grants-in-aid to certain local bodies (including 4,00 to the City of Bombay Improvement Trust) sanctioned from the provision for special sanitation schemes under the head 24, *Medical*.

45, *Civil Works—Public Works Department*.—11,10, due mainly to funds transferred from other heads chiefly for educational, medical and sanitary works, and to additional grants sanctioned for police and archaeological works. The increase is partially counterbalanced by the transfer of funds mainly to meet unforeseen demands under other major heads.

22. The opening balance of the year 1913-14 estimated in the budget at 1,68,05 is now raised to 1,79,75. The estimates for 1913-14 now framed show a deficit of 1,19 against 51,55 estimated in the budget, the Provincial balance being reduced from 1,79,75 to 1,78,56.

SECTION III.

Budget Estimates for 1914-15.

23. The year 1914-15 is estimated to open with a balance of 1,78,56 and to close with a balance of 1,14,18 to the credit of the Provincial account as shown in the following table:—

	1913-14.		1914-15.		Column 4 better +, or worse —, than	
	Budget.	Revised.	Budget.	Column 2.	Column 3.	Column 6.
I	2	3	4	5	6	
Opening balance ..	1,68,05	1,79,75	1,78,56	+ 10,51	— 1,19	
Revenue ..	7,35,59	7,68,73	7,58,92	+ 23,33	— 9,81	
Expenditure ..	7,87,14	7,69,92	8,23,30	— 36,16	— 53,38	
Closing balance ...	1,16,50	1,78,56	1,14,18	— 2,32	— 64,38	

Refunds—1.

24. The Provincial figures are:—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Refunds ...	3,76	5,25	5,95	4,97	7,34	5,67

The budget for next year provides for an increase of (i) 40 under "Excise", (ii) 25 under "Land Revenue", and (iii) 5 under "Assessed Taxes" in view of the progress of actuals, after allowing for the current year's abnormally heavy payments to certain States in Káthiáwár of the differential duty on excise opium imported by them, and the refund to the Bombay Municipality of the sale-proceeds of trees near the Tansa Lake.

Assignments and Compensations—2.

25. The Provincial figures are:—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Cash ...	9,41	13,30	12,47	14,15	14,94	14,22
Alienations ...	83,03	82,62	83,00	83,40	83,52	83,88
Total ...	92,44	95,92	95,47	97,55	98,46	98,10

The increase under *Cash* is due to larger provision for allowances to district and village officers (12), and that under *Alienations* (48) is due mainly to revisions of settlements and a good inundation in Sind.

I.—Land Revenue—3.

26. The Provincial figures are:—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
<i>Revenue.</i>						
Provincial $\frac{1}{2}$ share.	2,10,48	1,88,92	1,89,02	2,09,32	2,16,82	2,09,48
Alienations ...	95,94	95,65	95,87	96,39	96,52	96,81
Fixed allotment and adjustments.	1,54,76	39,97	1,02,55	27,33	27,48	28,54
Total ...	4,61,18	3,24,54	3,87,44	3,33,04	3,40,82	3,34,83
<i>Expenditure.</i>						
Cash ...	70,75	74,80	76,54	75,04	75,17	82,15
Alienations ...	7,92	7,93	7,70	7,91	7,83	7,78
Total ...	78,67	82,73	84,24	82,95*	83,00	89,93*

* This is the major head estimate after deducting 1,00 in the current year's budget and 1,40 in the budget for 1914-15 for probable savings.

(a) The budget under "Provincial $\frac{1}{2}$ share" is based on the assumption that the season will prove normal. The increase in the revised for 1913-14 is due to the season proving more favourable than was

anticipated when the budget was framed and consequent decline in the amount of arrears against suspensions to be collected in 1914-15.

Under "Alienations," the estimates furnished by the district officers have been adopted, the increase over the estimates for 1913-14 being due to extended cultivation in Sind.

The provision of 28,54 under "Fixed allotment and adjustments" in the new budget is explained below:—

(i) Contribution from Imperial to Provincial under the Famine Relief Scheme.	+13,70
(ii) Fixed Provincial contribution under the settlement.	-9,38
(iii) Imperial contributions (5,93 made in 1913-14 and 1,00 made in 1914-15) for recurring expenditure on education.	+6,93
(iv) Imperial contribution in connection with the Darbár grant for recurring expenditure on education.	+6,70
(v) Imperial contribution for recurring expenditure on sanitation.	+6,00
(vi) Imperial contribution towards police re-organization and reforms.	+3,25
(vii) Imperial contribution for the remission of contributions by local bodies towards certain establishment charges.	+1,07
(viii) Provincial contribution on account of the amalgamation of the Public Works Accounts section with the Civil Accounts Department.	-70
(ix) Imperial contribution for the improvement of aided Indian High and Anglo-Vernacular Schools.	+60
(x) Provincial contribution on account of the reduction in the percentage charged to Provincial revenues on the value of imported stationery stores.	-50
(xi) Imperial contribution for a grant to the Bombay University.	+45
(xii) Provincial contribution in connection with the imperialization of the subsidy to Reuter's Telegram Company for their news service in India.	-22
(xiii) Imperial contribution for the improvement of sanitary services.	+20
(xiv) Imperial contribution for expenditure connected with the Factory Ventilation Committee.	+15
(xv) Imperial contribution for the extension of the system of making monthly payments of pensions to Indian military pensioners.	+10
(xvi) Imperial contribution for charges on account of the Superintendent, Civil Veterinary Department, Sind, Baluchistán and Rajputána's office establishment, allowances, etc.	+9
(xvii) Imperial contribution for the transfer of the duties in connection with the Native Passenger Ships Act from the charge of the Customs Preventive Department to that of the Port Officer, Bombay.	+5
(xviii) Imperial contribution in connection with the abolition of the contribution for police charges of the Rájkot and Wadhván Civil Station Funds.	+5

(xix) Provincial contribution for operations connected with oyster beds at Karáchi.	-2
(xx) Imperial contribution on account of the transfer to the Local Audit Department of the Accountant General's office of the work of verifying cancelled currency notes in the Bombay Presidency.	+1
(xxi) Imperial contribution on account of the grant of annual pension of Rs. 100 to holders of the titles of Mahámahopádhya and Shams-ul-Ulama.	+1

Net total ... 28,54

(b) The increase of 6,98 in the expenditure budget as compared with the budget for 1913-14 is due chiefly to (i) revised calculation on account of transfer to other major heads of charges for Collectors' establishments which are in the first instance debited to this head, (ii) larger provisions for the cost of the cadastral survey of the Town and Island of Bombay (1,85 against 7 net in the budget for 1913-14), the contemplated revision of subordinate revenue establishments (2,00 against 84 in the budget for 1913-14), fixed tentage and travelling allowances of officers and travelling allowances of Mámlatdárs, Mukhtyárkars and establishments under "Charges of District Administration" (5,26 against 4,59 in the budget for 1913-14), construction and repairs of chávdis (1,56 against 1,25 in the budget for 1913-14), purchase and repairs of furniture (33 against 8 in the budget for 1913-14) and peons' uniforms and belts (32 against 9 in the budget for 1913-14) under "Charges of District Administration", and (iii) provisions made in the new budget for the items noted below:—

(i) Contemplated increase in the number of appointments in the second and third grades of Assistant Collectors, transfer of certain appointments to the list of superior appointments in the Indian Civil Service and the grant of minimum time-scale of pay to members of that service.	50
(ii) Scheme for the special legal training of civilians in the Judicial Branch.	40
(iii) Installation of a new oil engine in the Government Photo-Zincographic office.	14
(iv) Improvement of the town of Nawábsháh.	13
(v) Increase from Rs. 10 to Rs. 12 a month of the pay of the existing last grade of talátis in the Presidency proper and the appointment of additional shanbhogs in the coast talukas of the Kánara district.	10

Total ... 1,27

The total deduction made for probable savings under the major and detailed heads in the budget for 1914-15 falls short of that for the year 1913-14 by 35. On the other hand, the provision in the new

budget for the following items is smaller than in 1913-14 by the amounts mentioned against them :—

(i) Survey of tálukdári villages	...	29
(ii) Temporary establishments	...	20
(iii) Purchase of, and compensation for, land.		19

IV.—Stamps—6.

27. The Provincial figures are :—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Revenue ...	40,98	38,32	41,03	41,50	43,75	43,85
Expenditure ...	1,16	1,14	1,19	1,19	1,23	1,23

(a) The revenue budget practically follows the current year's revised.

(b) The expenditure budget is normal.

V.—Excise—7.

28. The Provincial figures are :—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Revenue ...	94,86	2,02,94	2,12,27	2,13,00	2,22,00	2,27,00
Expenditure ...	4,73	10,57	10,80	11,26	10,92	11,81

(a) The revenue budget shows an advance over the current year's revised. The increase, as compared with the budget, is estimated chiefly under (i) still-head duty, (ii) "Gain on sale-proceeds of excise opium and other drugs", (iii) "Duty on ganja", (iv) tax on trees tapped for raw toddy, and (v) toddy shop license fees, and is partially counterbalanced by decreases mainly under license fees, for the retail vend of country liquor and opium, and recoveries of contributions for establishments.

(b) The increase in the expenditure budget over the current year's budget is due chiefly to larger provisions for (i) clothing charges (27), (ii) travelling, horse and conveyance allowances (20), and purchase of excise stores (10), and to provisions for (i) the re-organization of the establishment of the Combined Salt, Excise and Opium Department in Sind and the construction of quarters for the extra men (11), and (ii) the entertainment of an additional Assistant Collector of Excise and his establishment (8). The increase is partially counterbalanced by a larger deduction for probable savings (40 against 21 in the current year's budget).

VIII.—Assessed Taxes—10.

29. The Provincial figures are :—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Revenue ...	25,50	27,07	28,74	28,45	32,50	30,65
Expenditure ...	55	58	60	72	72	85

(a) The increase in the revenue budget occurs mainly under "Salaries and Pensions", and "Other Sources of Income". The large increase under "Profits of Companies" which swells the current year's revised estimate is not expected to recur next year owing to the Hindu year 1969, the accounts of which will form the basis of assessment for 1914-15, being somewhat unpropitious for the trading community and the mill industry.

(b) The increase in the expenditure budget is due mainly to (i) the provision for the entertainment of establishments in connection with the extension to certain places in the Northern Division of the Bombay income-tax system (5), and (ii) larger provision for the Special Income Tax Collector, Karáchi, and his establishment (3).

IX.—Forest—11.

30. The Provincial figures are :—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Revenue ...	18,59	43,31	49,92	41,50	47,50	45,50
Expenditure ...	10,35	26,64	26,93	26,40*	25,40	25,68*

* This is the major head estimate after deducting 50 in the current year's budget and 20 in the budget for 1914-15 for probable savings.

(a) The increase in the revenue budget for 1914-15 as compared with the current year's budget is due mainly to larger receipts expected from timber, firewood, and grazing and fodder grass, partially counterbalanced by the absence of the current year's provision (1,50) for receipts in connection with famine grass operations. The revised for 1913-14 is high owing to good prices obtained for timber and firewood coupes which are not expected to be maintained in 1914-15.

(b) The decrease in the expenditure budget from the budget for 1913-14 is due mainly to the absence of the provisions for famine grass operations (1,00) and for the purchase of a traction engine and sawing machinery for the Kánara Eastern Division (40), and to smaller provision (to the extent of 32) for timber operations in the Northern Circle. The decrease is partially counterbalanced by larger provisions for communications and buildings (42), salaries and allowances (41), and timber and other produce in the Southern Circle (11).

X.—Registration—12.

31. The figures are :—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Revenue ...	7.55	7.43	7.82	8.00	8.10	8.20
Expenditure ...	3.78	3.80	3.72	3.67	3.69	3.92

(a) The budget for 1914-15 allows for a small increase over the revised for 1913-14.

(b) The increase in the expenditure budget is due mainly to the provisions for a full-time Registrar of Joint Stock Companies (13), and for the re-organization of the grades of Sub-Registrars' karkuns (7).

XII.—Interest—13.

32. The Provincial figures are :—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Revenue ...	13.69	11.03	10.12	14.04	15.15	14.58
Expenditure ...	5.97	6.36	7.97	8.41	8.48	7.83

(a) The increase in the revenue budget as compared with the budget for 1913-14 is due chiefly to (i) interest recoverable on loans granted to certain local bodies, (ii) larger recoveries expected from the Tálukdárs in Gujarát, and (iii) interest on the endowment funds of the Gujarát College and Mádhavlál Ranchhodlál Science Institute. The increase is partly counterbalanced by smaller recoveries expected on account of loans to cultivators and to Native States.

(b) The decrease in the expenditure budget from the budget for 1913-14 is due chiefly to a smaller outstanding balance in the Provincial loan account at the beginning of the year 1914-15, and to larger repayments expected from cultivators, local bodies and Gujarát Tálukdárs in that year.

33. The amount to be obtained from the Government of India for loans is provisionally distributed as shown below :—

(i) Loans to cultivators ...	23.82
(ii) Loans to local bodies on account of public works.	12.00
(iii) Loans to Native States and to land-holders and notabilities apart from the provisions of any law.	1.75
(iv) Loans to Tálukdárs in Gujarát ...	1.00
(v) Loans for the purposes of the Co-operative Societies Act.	18
Total ...	38.75

The total provision of 38.75 shows an increase of 75 over the current year's provision, being made up of 1.00 under item (ii) and 75 under item (iii), partly counterbalanced by a decrease of 1.00 under item (iv).

General Administration—18.

34. The Provincial figures are :—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Expenditure	17.20	27.55	17.91	18.79	19.76	18.80

The increase in the new budget is due mainly to (a) the provision for the replacement of the metre gauge saloon of His Excellency the Governor (50), and (b) larger provisions under (i) "Civil Secretariat" (11), (ii) "Civil Offices of Account and Audit" (10) chiefly on account of the credit to the revenue head XXV, *Miscellaneous* of fees for auditing the accounts of the Official Assignee instead of being taken by deduction from charges, and increase of establishment and contingent charges in connection with the contemplated audit of the accounts of Nursing Associations, the Bombay Medical Council, etc., (iii) payments to officers of other provinces (5), and (iv) "Expenditure from Contract Allowance" (4). The increase is partially counterbalanced by (i) the absence of the special provisions made in the current year's budget for furniture for the Government Houses at Bombay, Poona and Mahábaleshvar and for the Government House at Karáchi (60), and (ii) the transfer to the head 45, *Civil Works—Civil Department* of the provision for discretionary grants to Commissioners for objects of public utility and payment of money rewards to specially deserving persons (20).

XVI-A.—Law and Justice—Courts of Law—19-A.

35. The figures are :—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Revenue ...	6.08	6.58	7.32	7.15	7.80	7.60
Expenditure ...	54.54	55.31	56.69	58.72*	56.84	57.49*

* This is the major head estimate after deduction of 30 for probable savings.

(a) The revenue budget practically follows the current year's revised with a small decrease under magisterial fines, as the high receipts under this head anticipated in the current year are not likely to be repeated next year.

(b) The decrease in the expenditure budget is due mainly to (i) smaller provision under "Criminal Courts—General Establishment" (14,84 against 16,55 in the current year's budget) owing to the new method of exhibiting the charges on account of Collectors' judicial establishments which are in the first instance debited to 3, *Land Revenue*, (ii) smaller provision for conciliators' establishments (4 against 35 in the current year's budget), and for payments to officers of other provinces (15), and (iii) the absence of the provision (29) for rent for the Court of Small Causes, Bombay. The decrease is partially counter-balanced by (a) larger provisions for (i) the entertainment of temporary Sub-Judges and their establishments (75 against 40 in the current year's budget), (ii) fees in civil and criminal cases (32), and (iii) salaries of Joint and Assistant Judges (21), and (β) provisions for (i) the entertainment of temporary Assistant Judges, Provincial Service (18), and (ii) the further instalment of the scheme regarding the re-organization of subordinate judicial establishments sanctioned in 1912 (11).

XVI-B.—Law and Justice—Fails—19-B.

36. The figures are :—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Revenue ..	2,30	2,20	3,05	2,50	2,75	3,05
Expenditure ...	10,99	11,36	12,01	11,50*	12,08	12,36

* This is the major head estimate after deduction of 20 for probable savings.

(a) The increase in the revenue budget is anticipated mainly in the earnings of the Deccan and Sind Convict Gangs, as they are to be employed on ballast-loading and metal-breaking work, and in the sale-proceeds of jail-made goods in view of the latest actuals.

(b) The increase in the expenditure budget is due mainly to (a) the absence of the lump deduction of 20 made in the current year's budget for probable savings under the major head, (β) the provision for (i) a grant to the Salvation Army in connection with their schemes about a Boys' Industrial Home, and a Settlement for Security Prisoners, Criminal Tribes and Habituals (20), (ii) the revision of the pay of Jailors, Deputy Jailors, Superintendents of Prisons at Karachi and Thana, and European warders at His Majesty's House of Correction, Bombay, and the Central Prison, Yeravda (7), and (iii) establishment for the jail for juvenile adult prisoners at Dhárwár on the Borstal system (7), and (γ) larger provisions for (i) dietary charges (10), (ii) supplies and services under "Jail Manufactures" (8), and (iii) charges for moving prisoners (6).

XVII.—Police—20.

37. The figures are :—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Revenue ...	3,88	3,88	2,46	2,35	2,63	2,36
Expenditure— Cash ...	89,81	96,40	97,16	96,48	95,83	1,01,80
Alienations ...	4,99	5,10	5,17	5,08	5,17	5,15
Total ...	94,80	1,01,50	1,02,33	1,01,56*	1,01,00	1,06,95*

* This is the major head estimate after deduction of 1,50 in the current year's budget and 1,30 in the budget for 1914-15 for probable savings.

(a) The revenue budget is normal. The revised estimate for 1913-14 allows for larger receipts on account of additional police and fees for licenses granted under the Police and Bombay Motor Vehicles Acts.

(b) The expenditure budget for 1914-15 provides for 42 less than in the budget for 1913-14 on account of probable savings under the major and detailed heads, and for an increase chiefly under the minor head "District Executive Force" due to the contemplated increase of the horse and camel allowances of mounted police in Sind (80), and to larger provisions made for (i) travelling and other allowances (82), (ii) the entertainment of additional sub-inspectors, head constables and constables in consequence of the gradual introduction of the re-organization scheme (61), (iii) further re-organization of the district police (50), (iv) supplies and services (55), (v) contingent charges (48), and (vi) grants-in-aid to mounted police funds (11). Provision is also made for (vii) increased expenditure of the Government share on account of chaukidárs employed on Railways (31), (viii) revision of the establishment of the Finger Print Bureau at Poona (14), and (ix) increase in the horse allowances of the mounted police in Kathiáwar (14).

XVIII.—Ports and Pilotage—21.

38. The figures are :—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Revenue ...	90	97	1,02	1,00	1,07	1,09
Expenditure ...	78	70	65	2,83	2,74	2,88

(a) The revenue budget follows the current year's revised estimate with an addition of 2 for estimated receipts from the fee of Rs. 32 levied under section 14 of the Native Passenger Ships Act, X of 1887, and section 15 of the Pilgrim Ships Act, XIV of 1895, for surveying each ship.

(b) The increase in the expenditure budget over the current year's budget is due chiefly to the provision (6) made for an additional appointment of Shipwright Surveyor created for the Port of Bombay. The budget includes 2,13 (against 2,15 entered in the budget for 1913-14) for a light-house on Cape Monze and a light-vessel off the Khai Mouth of the Indus.

XIX.—Education—22.

39. The figures are :—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Revenue ...	4.22	4.54	5.31	5.34	5.44	5.21
Expenditure ...	47.54	48.73	61.35	95.25*	76.60	1,02,76*

* This is the major head estimate after deduction of 2,00 for probable savings.

(a) The decrease in the revenue budget is due mainly to smaller estimate of receipts from "Government Colleges, General," as owing to the change in the academical year it is intended to charge half fees for the term from 3rd January to 10th March 1915. The decrease would have been larger but for (i) the estimate of fee-receipts from the College of Commerce, Bombay, having been framed for the whole year, and (ii) fees expected from students of the new high school at Jalgaon.

(b) The increase in the expenditure budget over the current year's budget is due mainly to the provisions made for the following items :—

(i) Advance required in connection with the scheme for the removal of the Victoria Jubilee Technical Institute to a new site at Matunga.	3,50
(ii) Opening of new primary schools ...	1,00
(iii) Improvement of the pay and strength of teachers in primary schools.	1,00
(iv) Expenditure against the further Imperial assignment of 1,00 made in 1914-15.	1,00
(v) Additional provision for results grants to aided secondary schools.	75
†(vi) Additional accommodation and equipment for the teaching of science in Government secondary schools.	64
(vii) Increase (from 40,01 in 1913-14 to 40,49 in 1914-15) of expenditure out of the Imperial recurring and non-recurring assignments for education.	48
†(viii) Revision of the pay of assistant masters in Government secondary schools.	26
(ix) Deputy Director of Public Instruction ...	19
(x) Additional provision (36.9 against 18.5 for the current year) for the College of Commerce, Bombay.	18
(xi) Staff, etc., for the new high school at Jalgaon.	12

† Note.—Items (vi) and (viii) represent expenditure against the additional income derived from the enhancement of the rates of fees in Government high schools.

(xii) Professor of Physics for the Royal Institute of Science, Bombay.	11
(xiii) Additional provision for grants to primary and indigenous local schools.	10
(xiv) Additional grant to the David Sassoon Industrial and Reformatory Institution on account of the teaching staff and warders.	8

Total ... 9,41

The increase is partially counterbalanced by (i) larger lump deductions (1,50 against 56 in the current year) for probable savings under several minor heads, and (ii) the absence of the current year's provision (79) for an advance to the Bombay Scottish Education Society in connection with the construction of a new building.

40. The total expenditure estimate of 1,02,76 mentioned above is exclusive of the following items which are provided under other heads for purposes connected with education :—

(i) Construction and maintenance of Government educational buildings.	1,99
(ii) Grant Medical College, Medical Schools at Poona, Ahmedabad and Hyderabad, and College of Physicians and Surgeons of Bombay.	3,79
(iii) Agricultural education ...	1,14
(iv) Veterinary College in Bombay (exclusive of 25 borne by Imperial revenues on account of the salary and allowances of the Principal and Assistant Principal).	46
(v) Allowances to Dakshina Fellows and others (Provincial share).	10
(vi) Donations to Scientific Societies ...	11
(vii) Preservation and translation of ancient manuscripts.	3

Total ... 7,62

The total Provincial expenditure on educational objects in 1914-15 is thus estimated at 1,10,38.

XX.—Medical—24.

41. The figures are :—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Revenue ...	2,36	2,44	3,25	2,55	2,55	2,60
Expenditure ...	22,73	24,36	23,50	48,96*	29,70	49,05*

* This is the major head estimate after deduction of 70 in the budget for 1913-14 and 80 in the budget for 1914-15 for probable savings.

(a) The revenue budget provides for small increases in the fee-receipts at the Grant Medical College and in the sale-proceeds of quinine treatments, partially counterbalanced by a falling off in lunatic asylum receipts.

(b) The increase in the expenditure budget as compared with the budget for 1913-14 is due

principally to the provisions made for (i) a contribution to the Bombay Municipality towards the cost of the proposed erection of an infectious diseases hospital for Europeans and Anglo-Indians (1,00), (ii) a grant in aid of the construction of a new building for the Civil Hospital at Mahábaleshvar (37), (iii) the creation of a post of "Dean" for the Grant Medical College (11), (iv) a grant to the College of Physicians and Surgeons of Bombay (10), (v) the separation of the appointments of Port Health Officer, Karachi, and Chemical Analyser, Sind (10), (vi) revision of the clerical establishments of the Medical and Sanitary Departments (7), and (vii) the accommodation in Bombay of pilgrims proceeding to the Hedjaz (5). Also larger provisions are made for (viii) nursing, dieting, etc., charges of hospitals and dieting charges of lunatic asylums (54), (ix) subventions to local bodies in connection with the employment of health officers and sanitary inspectors (20), (x) grants to leper asylums and municipal and local board dispensaries (15), (xi) the hospital for chronic and incurable cases established at Poona (15), (xii) grant-in-aid to the Bombay Sanitary Association (10), and (xiii) grants to village sanitary committees in the Northern and Central Divisions and Sind (8). The increase is partially counterbalanced by (a) the absence of the provisions for non-recurring expenditure on medical relief out of assignment from Imperial revenues (1,00), for building grants in aid of private hospitals and leper asylums (18), and for the sewage installation at Poona (5), and (β) smaller provisions for (i) grants to local bodies in aid of sanitary projects (50), (ii) the physiological laboratories at the Grant Medical College (49), (iii) direct plague charges (33), (iv) the equipment of mofussil hospitals and the Central Lunatic Asylum at Yeravda (25), (v) a grant to the Bombay Municipality for anti-malarial measures (10), and (vi) a larger lump deduction (80 against 70 for the current year) for probable savings under the major head.

Political—25.

42. The Provincial figures are :—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Expenditure.	4,73	4,32	4,21	5,46	4,83	5,48

The increase in next year's budget as compared with the budget for 1913-14 is due chiefly to the provision (88 against 81 for the current year) for the additional charge involved in the reorganization of the Political Department having been made for the whole year, and to the remission of the contribution (7) levied from the proprietors of railways in Káthiawár for magisterial work received from the railway limits, partially counterbalanced by the absence of the current year's provision (8) for the deputation of an officer for the preparation of

schemes for the liquidation of loans advanced to certain Native States.

*XXI.—Scientific and other Minor
Departments—26.*

43. The Provincial figures are :—

	Actuals.			1913-14.		1914-15
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Revenue ...	1,21	1,18	1,19	1,25	1,30	1,32
Expenditure ...	8,58	10,84	10,26	13,37	11,65	14,29

(a) The increase in the revenue budget as compared with the current year's budget is due mainly to (i) larger receipts expected from experimental farms and the Kirkee Civil Dairy, (ii) hire of the bijac plough in the Gujarát districts, and (iii) the contemplated sale of an oil-engine, partially counterbalanced by the absence of the current year's provision for the sale proceeds of a part of the Dhulia farm.

(b) The increase in the expenditure budget over the budget for 1913-14 is due mainly to the provisions made for (i) the remodelling of the Civil Dairy at Kirkee (65), (ii) the establishment of experimental stations in the Thána or Kolába district and at Broach and a dry farming station in the North or South-East Deccan (24), (iii) a scheme for the development of sugarcane industry on the Nira Canal (15), (iv) increased expenditure on oil-engines and pumps and on repairs, etc., of plants in charge of the Agricultural Engineer (14), (v) additional establishment required for the Agricultural Department (9), (vi) a workshop to be opened at the Agricultural College, Poona (6), (vii) the establishment of an agricultural school in Gujarát (5), (viii) increase in the number of veterinary inspectors and in the number and pay of veterinary assistants (13), (ix) transfer to the Bombay Presidency of the charges on account of the establishment of the Superintendent, Civil Veterinary Department, Sind, Baluchistán and Rajputána (11), and (x) additional establishment and travelling allowance charges and weaving schools under the Registrar of Co-operative Societies, Bombay Presidency (16). Also larger provisions are made for (xi) cultivation charges and purchase of live-stock for the experimental farms and the Kirkee Civil Dairy (17), (xii) agricultural and hydraulic experiments (11), and (xiii) grants in aid of veterinary dispensaries (9). The increase is partially counterbalanced by smaller provisions for the new seed farms at Jalgaon and Mirpur Khás (69 against 1,68 for the current year) and for expenditure (38 against 69 for the current year) out of the non-recurring assignments sanctioned by the Government of India for agricultural and allied objects, and by the absence of the current year's provision for the Daulatpur Reclamation Station (6).

XXII.—Superannuation Allowances and Pensions—29.

44. The Provincial figures are:—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Revenue ...	3.24	3.42	3.64	3.80	3.70	3.90
Expenditure ...	29.95	31.39	33.48	35.00	36.00	37.75

(a) The improvement in the revenue budget is due to an increase in (i) the number of officers lent to Local Boards and Municipalities, and (ii) the rates of pension contribution according to the new Foreign Service Rules.

(b) In the expenditure budget provision is made for the growth of charges under "Superannuation and Retired Allowances" (2.01), and "Commuted value of pensions" (75) as indicated by the latest actuals.

XXIII.—Stationery and Printing—30.

45. The Provincial figures are:—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Revenue ...	1.06	1.24	1.28	1.15	1.20	1.22
Expenditure ...	13.35	13.62	13.59	12.47	13.64	15.01

(a) The revenue budget is normal.

(b) The increase in the expenditure budget over the budget for 1913-14 is due chiefly to provisions made for (i) the purchase of either linotype or monotype machines for the Government Central Press (90), (ii) revision of the establishment of the Commissioner in Sind's Press (7), and (iii) debit to this head of the charge for the supply of electrical power to the Yeravda Prison Press (7). Also larger provisions are made for (iv) stationery supplied from the Central Stores in consequence of increased consumption by the several Departments of Government (1.10), (v) the value of, and freight on, Europe stores for the Government Central Press, where new type is required for printing Indian Law Reports, and for the Yeravda Prison Press owing to the transfer of printing of all special forms to that Press (24), and (vi) piece work charges at the Government Central Press on account of extra work (10).

XXV.—Miscellaneous—32.

46. The Provincial figures are:—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Revenue ...	84	1.14	2.04	72	76	76
Expenditure ...	3.94	17.80	6.35	4.95	5.37	7.18

(a) The revenue budget is normal.

(b) The increase in the expenditure budget over the current year's budget is due mainly to (i) the provision for remission of contributions by local bodies towards establishment charges in Government offices (1.07), and (ii) the transfer to this head of the provision for the reserve to meet unforeseen charges which was hitherto made under other heads (80). Also larger provisions are made for (i) a grant to St. Joseph's Foundling Home, Bombay (70 against 21.5 in the current year's budget), and (ii) a grant-in-aid to the Káthiáwár Consolidated Local Fund (29 against 25 in the current year's budget). The increase is partially counterbalanced by a decrease in the provision for payment to the Bombay Municipality on account of the general tax on Government properties and police buildings in Bombay City (2.14 against 2.36 in the current year's budget).

Reduction or Avoidance of Debt—36.

47. The Provincial figures are:—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
36. Reduction or Avoidance of Debt.	13.70	13.70	13.70	13.70	13.70	13.70

In accordance with the arrangement for the incidence of direct famine charges described in paragraph 15 of the Financial Statement for 1907-08, an annual assignment of 13.70 has been made since 1907-08 from Imperial to Provincial, through the head 1, *Land Revenue*, for the purpose of building up a reserve of credit up to a maximum of 80.00. *Per contra*, the assignment is debited in the Provincial account to the expenditure head No. 36. A separate administrative account is kept of the accumulations to the credit of the Local Government which will show at the end of the year 1914-15 a balance of 60.18, direct famine expenditure chargeable to Imperial revenues under head No. 33 having amounted to 15 in 1907-08, 33 in 1908-09, 2 in 1909-10, *nil* in 1910-11, 15.17 in 1911-12, and 27.49 in 1912-13, and being estimated at 3.26 (3.25 in the Civil Department and 1 in the Public Works Department) for 1913-14 and 3.00 for 1914-15.

Subsidised Companies—Lands—40.

48. The Provincial figures are:—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
Expenditure.	24	7	...	3	...	5

The provision for 1914-15 represents the cost of land required in connection with the extension of the Champaner-Shivrajpur Light Railway to Pani. The provision made for the same purpose in the current year's budget is not likely to be utilised.

Miscellaneous Railway Expenditure—41.

49. The Provincial figures are :—

Expenditure.	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
	2	1

No expenditure is expected under this head during the current or next year.

XXIX and XXX.—Irrigation—42 and 43.

50. The Provincial figures are :—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Bud- get.	Revis- ed.	Bud- get.
<i>Revenue.</i>						
XXIX, Major Works.	12,63	10,28	11,56	13,18	13,18	13,02
{ Portion of land revenue due to irrigation.						
{ Direct Receipts.	6,24	6,68	6,84	7,26	8,15	8,05
XXX, Minor Works and Navigation.	1,79	1,83	1,83	1,83	1,76	1,74
Total ...	20,66	18,79	20,23	22,27	23,09	22,81
<i>Expenditure.</i>						
42, Major Works.	6,77	7,06	8,13	7,50	8,89	7,72
{ Working Expenses.						
{ Interest on Debt.	9,12	9,61	10,37	11,11	10,66	11,52
43, Minor Works and Navigation.	3	4	5	20	6	10
{ Civil Department.						
{ Public Works Department.	16,75	15,83	15,67	16,00	16,36	16,50
Total ...	32,67	32,54	34,22	34,81	35,97	35,84

The foregoing statement should not be taken as a complete indication of the profitableness of the irrigation works, because no separate account is taken in the budget for a considerable amount of land revenue earned by minor irrigation works.

(a) The decrease under *Land Revenue due to Irrigation* in the budget for 1914-15 as compared with the budget for 1913-14 is due chiefly to the adoption of normal receipts on the Tharwáh and other branches of the Eastern Nára System, partially counterbalanced by the expected recoveries of arrears and the anticipated increase under the Begári Canal. The increase under *Direct Receipts* is due to (i) improvements to distributaries of the Godávári Right Bank Canal, (ii) extended cultivation on the Pravara Right Bank Canal, (iii) introduction of the lease system on the Hathmati and Khári Cut Canals, and (iv) increased supply of water on the Desert and Begári Canals. The increase is partially counterbalanced by decrease of revenue anticipated on the Ekrúk Tank and the Krishna Canal. The small decrease under revenue estimate for *Minor Works and Navigation* is due partly to less cultivation expected on the Fuleli Canal and partly to the closure of the Ojhar Left Bank Canal from October 1913 to June 1914, partially counterbalanced by anticipated increase on the Wangroli, Savli and Sahiat Tanks owing to greater demand due to improvements.

(b) The provision of 35,84 for expenditure in 1914-15 is distributed as shown below :—

	Major Works.			Minor Works.		
	Deccan and Gujarát.	Sind.	Total.	Deccan and Gujarát.	Sind.	Total.
Original Works.	18	32	50	1,74	1,92	3,66
Maintenance and Repairs.	1,25	3,51	4,76	1,57	7,24	8,81
Establishment ...	65	1,62	2,27	86	2,82	3,68
Tools and Plant.	6	8	14	8	27	35
Refunds of Revenue.	5	...	5	...	...	...
Interest Account..	7,06	4,46	11,52	...	...	...
Free grants for the encouragement of irrigation works in specially precarious tracts.	...	...	...	10	...	10
Total ...	9,25	9,99	19,24	4,35	12,25	16,60

Under 42, *Major Works—Working Expenses*, the increase in 1914-15 over the budget for 1913-14 is due mainly to larger provision for repairs to the Godávári Canal and for establishment charges, partially counterbalanced by smaller provision for maintenance and repairs in Sind. The increase in interest account follows the grants from the Government of India for capital expenditure on productive and protective works. Under 43, *Minor Works and Navigation—Public Works Department*, the increase over the budget for 1913-14 is due mainly to (i) the provision made for the construction of storage reservoirs in the upper reaches of suitable streams with the view of raising the level of sub-soil water in the drier tracts of the Deccan plateau and (ii) larger debit for establishment charges. The increase is partially counterbalanced by smaller provisions for works and repairs in Sind. In the *Civil Department*, smaller provision is made in view of past actuals for free grants for the encouragement of irrigation works.

XXXI.—Civil Works—45.

51. The Provincial figures are :—

	Actuals.			1913-14.		1914-15.
	1910-11.	1911-12.	1912-13.	Budget.	Revised.	Budget.
<i>Civil Department.</i>						
Revenue ...	9	9	10	8	12	12
Expenditure ...	8,30	59,08	14,24	8,72	14,90	8,69
<i>Public Works Department.</i>						
Revenue ...	7,14	6,96	7,58	5,90	6,50	2,27
Expenditure ...	75,01	76,34	83,61	83,90	95,00	90,00

(a) For the *Civil Department*, the estimate of receipts for 1914-15 is normal. The decrease in the expenditure budget as compared with the current year's budget is due to a smaller provision (25 against 50 in the current year) for grants for the improvement of village water-supply in the districts affected by scarcity, partially counterbalanced by (i) the provision of 20 for discretionary grants to Commissioners for general purposes of a public nature, rewards to

especially deserving persons and other objects, and (ii) an increase of 2 in the provision for grants for village water-supply to Local Boards in Sind. The revised for the current year includes grants-in-aid to certain local bodies sanctioned out of the provision made under the head 24, *Medical* for special sanitation schemes.

(b) For the *Public Works Department*, the budget for 1914-15 provides for normal receipts after allowing for the contemplated abolition of all toll-bars on Provincial roads yielding an estimated revenue of 3,83.

(c) The expenditure budget in the *Public Works Department* is distributed as follows:—

(i) Original Works—			
Civil Buildings	...	...	24,27
Communications	...	...	13,43
Miscellaneous public improvements.			3,80
Discretionary grants for minor works to certain Heads of Departments.			7,50
Reserve	...	...	2,20
			51,20
(ii) Repairs—			
Civil Buildings	...	...	8,12
Communications	...	...	12,58
Miscellaneous public improvements.			60
			21,30
(iii) Establishments	...	...	15,00
(iv) Tools and plant	...	...	2,50
			90,00

The provision of 51,20 for "Original Works" is made up of 34,50 for works in progress, 7,00 for new major works, 7,50 for minor works, and 2,20 for reserve.

52. The grants of 10 and more in each case for major works in progress will be spent chiefly on—

- (i) Buildings at Nawábshah (1,25), Central Offices, Poona (91), Gujarát Survey Record office at Ahmedabad (47), revenue offices at Sátára (25), Government House works at Ganeshkhind, Poona (24), Mámlatdárs' kacheris at Honáwar (24), Bulsár (20), and Mángaon (20), civil buildings at Karáchi (20), and excise lock-up at Bombay (10);
- (ii) New High School at Násik (50), hostel for the Northcote High School at Sholápur (49), and agricultural college and hostel at Poona (27);
- (iii) New Small Causes Court, Bombay (2,00), buildings for the Judicial Department at Lárkána (50), bungalow for the Judicial Commissioner of Sind at Karáchi (35), Temporary Small Causes Court, Girgaon, Bombay (35), District Judge's bungalow at Sholápur (25), Subordinate Judge's Court at Alibág (20), and new court-house at Mirpur Khás (10);
- (iv) Certain works at the House of Correction, Bombay (20), prison at Hindalgi (20), and compound wall round the District Prison, Dhárwár (14);
- (v) Head-quarter police lines at Karáchi (50) and Sholápur (40), additions and alterations to the head-quarter police lines at Bijápur (30), police lines at Sanghar (36), Umámkot (36), Matiari (25), Sháhádádpur (22), Jakhrao (20), Bándra (17), Mirpur Sakro (13), Mehrábpur (11) and Bágalkot (10), new police lines and sub-inspector's quarters at Sirsi (22), site for the railway police at Asarwa (21), buildings for the

- head-quarter police at Thána (20), and rural police lines at Karáchi (12);
- (vi) Out-patients' dispensary, J. J. Hospital, Bombay (1,00), additions and alterations to the old Government House, Parel, to render it suitable for the accommodation of the Bacteriological Laboratory (80), King Edward Memorial Hospital at Sholápur (75), bungalow for the Civil Surgeon at Sholápur (12), and school for training mid-wives and nurses at the Victoria Jubilee Dispensary at Ahmedabad (12);
- (vii) New Press at Yeravda (75), alterations to the Government Central Press, Bombay (70), Temporary Central Press building on the Kennedy Sea Face (41), buildings for the new Public Works district at Alibág (30), and Executive Engineer's bungalow at Sholápur (14);
- (viii) Bridges at Mahuli (1,50), over the Tápti (70), on the Thána creek (50), at Mugukhan Hubli (50), over the Kalyán creek (37), at Kamatgi (20), and at Aminhalli (16), roads from Indápur to Sangola (1,25), from Savalviher to Chas and thence to join Vinchur-Yeola road (50), from Láksh Station to Koregaon and thence to join the Newása-Bellápur road (30), from Bhatkal to Mysore Frontier (25), from Vihigaon to Khodala (22), from Mándvi to Deogad (20), and from Deoláli to Belápur town (10), improvements to the Khándesh Nizam Frontier Road (70) and to Sholápur-Akálkot road (25), diversion of the Bombay-Agra road near Kurlá (36), completion of the Nizam Frontier road (35), improving and metalling the Malharpeth-Pandharpur road (30), Kalyán-Shil road (28), bridging the Poona-Sholápur road (20) and the nullas on Mahád-Nagothna road (20), Uran-Jasai road (20), causeways over the Tápti (20) and at Hingangaon (17), crossing at Chehádi (14), Sadra-Dabhoda road (10), dips on Hatcamba-Poladpur road (10), and on Pali-Phonda road (10), and waterways between Hingangaon and Tembhorni (10); and
- (ix) Kennedy Sea Face improvements, Bombay (3,00), working the boring plant for the Sanitary Engineer (60), and Visápur Tank (20).

53. Among the new major works the most important are—

- (i) Acquisition of bungalows Nos. 5 and 18, Queen's Gardens, Poona (65), acquisition of additional land and bungalows near, and sewerage in the compound of, new Central Offices, Poona (60), Khánápur distillery (50), bungalow for the Assistant Collector at Ahmednagar (20), and bonded warehouses at Bassein (21), and Bardoli (14);
- (ii) Record room for the District Court, Dhárwár (28), bungalow for the District Judge, Dhulia (20), and Court house at Dahiwadi (10);
- (iii) Jail at Andheri (1,00);
- (iv) Police works in Sind (75) and in the Presidency proper (50), and railway police lines at Dádar (50); and
- (v) Works in connection with the Chemical Analyser's Laboratory, Bombay (20), bungalows for the Director of Vaccine Depôt, Belgaum (20), and for the Civil Surgeon, Dhulia (18), electric installations at the Grant Medical College (13), and nurses' bungalow at Dhárwár (12).

Bombay Castle, }
6th March 1914. }

G. S. CURTIS.

APPENDIX A.

Schedule of Provincial Revenue and Expenditure.

REVENUE.			EXPENDITURE.		
1	2	3	4	5	6
Major Heads.	Minor Heads.	Provincial Share.	Major Heads.	Minor Heads.	Provincial Share.
I, Land Revenue.	Assessment of Alienated Lands less quit-rents. All other minor heads ...	The whole. One-half.	1 Refunds, etc. ...	The heads of which the corresponding receipts are wholly or partly Provincial.	The same share as in the case of the corresponding heads of receipts.
IV, Stamps ...	All ...	One-half.	2, Assignments and Compensations.	Do. do. ...	Do.
V, Excise ...	All ...	The whole.*	3, Land Revenue ...	Miscellaneous Compensations.	The whole.
VIII, Assessed Taxes.	All, except Tax on Surplus Profits of Railway Companies.†	One-half.	6, Stamps ...	All ...	The whole.
IX, Forest ...	All ...	The whole.*	7, Excise ...	All ...	One-half.
X, Registration ...	All ...	The whole.	10, Assessed Taxes ...	All ...	The whole.*
XII, Interest ...	Interest on Provincial Loans and Advances. Interest on Government Securities.	The whole.	11, Forest ...	All ...	One-half.
XVI-A, Courts of Law.	All ...	The whole.	12, Registration ...	All ...	The whole.*
XVI-B, Jails ...	All ...	The whole.	13, Interest ...	Interest on Provincial Advance and Loan Account.	The whole.
XVII, Police ...	All ...	The whole.	18, General Administration.	Civil Offices of Account and Audit.	Local Audit Department.
XVIII, Ports and Pilotage.	All ...	The whole.		All other minor heads, except— Currency Department. Reserve Treasury. Allowance to Presidency Banks.	The whole.
XIX, Education ...	All ...	The whole.	19-A, Courts of Law ...	All ...	The whole.
XX, Medical ...	All ...	The whole.	19-B, Jails ...	All ...	The whole.
XXI, Scientific and other Minor Departments.	All ...	The whole.	20, Police ...	All ...	The whole.
XXII, Superannuation Receipts.	Contributions for Pensions and Gratuities. Miscellaneous ...	The whole.	21, Ports and Pilotage.	All ...	The whole.
XXIII, Stationery and Printing.	All ...	The whole, except receipts for the value of supplies from Central Stores to Railways, Local Funds, Municipalities and other independent bodies.	22, Education ...	All ...	The whole.
XXV, Miscellaneous.	Extraordinary items ... All other minor heads, except— Gain by Exchange ... Premia on Bills ... Unclaimed Bills of Exchange. Fees for Government Audits—Commission on interest and on sale and purchase of securities. Percentage chargeable on European Stores for Provincial and Local Funds, etc. Value of old Currency Notes assumed to be no longer in circulation.	Items not exceeding Rs. 10,000. The whole.	24, Medical ...	All ...	The whole.
			25, Political ...	All, except— Refugees and State Prisoners. Charges for Aden and Persian Gulf.	The whole.
			26, Scientific and other Minor Departments.	Veterinary and Stallion Charges.	The whole, except the pay and allowances of officers on the cadre of the Civil Veterinary Department.
			29, Superannuation Allowances, etc.	All, except— Pensions of the Military Fund. Pensions of the Military Orphan Fund. Pensions of the Bombay Civil Fund.	The whole.
			30, Stationery and Printing.	All, except Stationery purchased for Central Stores.	The whole.

* Prior to 1911-12 the Provincial share was one-half.

† Prior to 1911-12 the Provincial share of the tax on salaries in the Public Works Department was nil.

REVENUE.			EXPENDITURE.		
1	2	3	4	5	6
Major Heads.	Minor Heads.	Provincial Share.	Major Heads.	Minor Heads.	Provincial Share.
XXIX, Irrigation— Major Works.	Portion of Land Revenue due to Irrigation. Direct Receipts ...	One-half.	32, Miscellaneous ...	Extraordinary items ...	Items not exceeding Rs. 10,000.
XXX, Irrigation— Minor Works and Navigation.	All ...	One-half.		All other minor heads, except— Charges for Remittance of Treasure. Discount on Bills ... Loss by Exchange ... Refunds of value of old currency notes credited to Government.	The whole.
XXXI, Civil Works .	All ...	The whole, except receipts on account of buildings for the use of Imperial Departments.			
			33, Famine Relief ...	All ...	As explained in paragraph 15 of the Financial Statement for 1907-08.
			36, Reduction or Avoidance of Debt.		
			40, Subsidized Companies.	Land	The whole, except in cases in which the outlay is specially incurred from Imperial Funds. But Provincial expenditure under these heads is permitted only under special orders of the Government of India in regard to each Railway.
			41, Miscellaneous Railway Expenditure.	Surveys ...	
			44, Construction of Railways.	All	
			42, Irrigation—Major Works.	{ Working Expenses ... Interest on Debt ...	One-half.
			43, Irrigation—Minor Works and Navigation.		
			45, Civil Works ...	All ...	The whole, except expenditure on buildings for the use of Imperial Departments.

APPENDIX B.

Provincial revenue and expenditure by major and minor heads for the years 1912-13, 1913-14 and 1914-15.

(Rupees in thousands.)

REVENUE.

Major and Minor Heads of Account.	1912-13.	1913-14.		1914-15.
	Actuals.	Budget.	Revised.	Budget.
<i>I, Land Revenue.</i>				
Ordinary	1,99,63	2,21,62	2,29,08	2,21,62
Miscellaneous	95	88	92	88
<i>Deduct</i> —Portion of land revenue due to irrigation...	-11,56	-13,18	-13,18	-13,02
Assessment of alienated lands <i>less</i> quit-rents ...	95,87	96,39	96,52	96,81
Fixed allotment and adjustments	1,02,55	27,33	27,48	28,54
Total	3,87,44	3,33,04	3,40,82	3,34,83
<i>IV, Stamps.</i>				
Sale of general stamps	19,57	20,25	20,20	20,25
Sale of court-fee stamps	19,81	19,75	21,75	21,75
Duty on impressing documents	82	77	85	90
Fines and penalties	13	13	12	12
Miscellaneous	70	60	83	83
Total	41,03	41,50	43,75	43,85
<i>V, Excise.</i>				
License and distillery fees and duties for the sale of liquors and drugs.	1,92,25	1,93,10	1,96,50	2,01,00
Transit duty on excise opium	11,50	11,00	16,50	17,00
Gain on sale-proceeds of excise opium and other drugs.				
Duty on gánja	7,66	8,00	8,42	8,73
Fines, confiscations and miscellaneous... ..	86	90	58	27
Total	2,12,27	2,13,00	2,22,00	2,27,00
<i>VIII, Assessed Taxes.</i>				
Income Tax on—				
Salaries and pensions	6,25	6,05	6,45	6,50
Profits of companies	2,70	3,25	4,75	3,29
Interest on securities	2,24	2,40	2,25	2,32
Other sources of income	17,55	16,75	19,05	18,54
Total	28,74	28,45	32,50	30,65
<i>IX, Forest.</i>				
Timber and other produce removed from the forests by Government agency.	19,35	14,60	15,40	15,50
Timber and other produce removed from the forests by consumers or purchasers.	28,70	25,85	30,84	28,84
Confiscated drift and waif wood	6	4	4	4
Revenue from forests not managed by Government.	6	7	7	7
Miscellaneous	1,75	94	1,15	1,05
Total	49,92	41,50	47,50	45,50
<i>X, Registration.</i>				
Fees for registering documents	7,51	7,67	7,80	7,90
Fees for copies of registered documents	20	19	20	20
Miscellaneous	11	14	10	10
Total	7,82	8,00	8,10	8,20

Major and Minor Heads of Account.	1912-13.	1913-14.		1914-15.
	Actuals.	Budget.	Revised.	Budget.
<i>XII, Interest.</i>				
Interest on Provincial loans and advances ...	9,62	13,24	14,17	13,55
Interest on Government securities ...	50	80	98	1,03
Total ...	10,12	14,04	15,15	14,58
<i>XVI-A, Law and Justice—Courts of Law.</i>				
Sale-proceeds of unclaimed and escheated property .	51	45	54	54
Court-fees realized in cash ...	77	70	75	75
General fees, fines and forfeitures ...	5,15	5,10	5,55	5,35
Pleadership examination fees ...	...	...	3	2
Miscellaneous fees and fines ...	66	60	70	70
Miscellaneous ...	23	30	23	24
Total ...	7,32	7,15	7,80	7,60
<i>XVI-B, Law and Justice—Jails.</i>				
Jails ...	1,03	50	60	90
Jail manufactures ...	2,02	2,00	2,15	2,15
Total ...	3,05	2,50	2,75	3,05
<i>XVII, Police.</i>				
Presidency police ...	81	78	87	85
Police supplied to Municipal, Cantonment and Town Funds.	27	28	27	27
Police supplied to public departments, private companies and persons.	76	69	84	66
Fees, fines and forfeitures ...	18	13	15	15
Superannuation receipts ...	4	5	5	5
Miscellaneous ...	40	42	45	38
Total ...	2,46	2,35	2,63	2,36
<i>XVIII, Ports and Pilotage.</i>				
Registration and other Fees ...	1,01	99	1,06	1,06
Pilotage receipts ...	...	...	...	2
Miscellaneous ...	1	1	1	1
Total ...	1,02	1,00	1,07	1,09
<i>XIX, Education.</i>				
Fees, Government Colleges, General ...	72	86	84	62
Fees, Government Colleges, Professional ...	64	66	68	72
Fees, Schools, General ...	2,68	2,72	2,73	2,75
Fees, Schools, Special ...	8	10	12	12
Contributions ...	31	6	12	6
Miscellaneous ...	88	94	95	94
Total ...	5,31	5,34	5,44	5,21
<i>XX, Medical</i>				
Medical School and College fees ...	94	95	1,01	1,03
Hospital receipts ...	82	86	86	86
Lunatic asylum receipts ...	29	31	28	28
Medicines sold by Civil Surgeons ...	...	1	...	1
Contributions ...	1,08	32	30	30
Miscellaneous ...	12	10	10	12
Total ...	3,25	2,55	2,55	2,60

Major and Minor Heads of Account.	1912-13.	1913-14.		1914-15.
	Actuals.	Budget.	Revised.	Budget.
<i>XXI, Scientific and other Minor Departments.</i>				
Veterinary and stallion receipts	16	12	16	12
Agriculture receipts, including receipts on account of experimental cultivation.	84	92	93	1,00
Emigration fees ... ..	...	1	...	...
Examination fees	15	17	16	17
Botanical and other public garden receipts	3	2	2	2
Miscellaneous	1	1	3	1
Total ...	1,19	1,25	1,30	1,32
<i>XXII, Receipts in aid of Superannuation, etc.</i>				
Contributions for pensions and gratuities	3,64	3,80	3,69	3,89
Miscellaneous ... ..	...	...	1	1
Total ...	3,64	3,80	3,70	3,90
<i>XXIII, Stationery and Printing.</i>				
Stationery receipts	10	6	9	9
Sale of gazettes and other publications	36	35	39	39
Other press receipts	82	74	72	74
Total ...	1,28	1,15	1,20	1,22
<i>XXV, Miscellaneous.</i>				
Unclaimed deposits	56	41	40	40
Treasure trove	1	1	2	1
Sale-proceeds of darbár presents ... ..	...	1	...	...
Sale of old stores and materials	2	2	3	2
Percentage on capital cost of furniture supplied to high officers.	1	...	...	...
Fees for Government audits	4	6	5	7
Contributions	6	7	2	1
Rents ... ..	...	...	7	10
Miscellaneous fees, fines and forfeitures	10	8	8	9
Miscellaneous	83	6	8	6
Extraordinary items	41	...	1	...
Total ...	2,04	72	76	76
<i>XXIX, Irrigation—Portion of land revenue due to irrigation.</i>	11,56	13,18	13,18	13,02
<i>XXIX, Irrigation—Major Works—Direct Receipts.</i>	6,84	7,26	8,15	8,05
<i>XXX, Irrigation—Minor Works and Navigation—Public Works Department.</i>	1,83	1,83	1,76	1,74
<i>XXXI, Civil Works.</i>				
In charge of Civil Officers	10	8	12	12
In charge of Public Works Officers	7,58	5,90	6,50	2,27
Total ...	7,68	5,98	6,62	2,39
Total of the major heads ...	7,95,81	7,35,59	7,68,73	7,58,92
Opening balance ...	1,08,92	1,68,05	1,79,75	1,78,56
Grand total ...	9,04,73	9,03,64	9,48,48	9,37,48

EXPENDITURE

Major and Minor Heads of Account.	1912-13.	1913-14.		1914-15.
	Actuals.	Budget.	Revised.	Budget.
<i>1, Refunds and Drawbacks.</i>				
<i>Divided Heads (Provincial Share).</i>				
Land Revenue	1,60	1,30	1,70	1,55
Stamps	72	70	70	70
Assessed Taxes... ..	21	25	35	30
<i>Provincial Heads.</i>				
Excise	3,22	2,60	4,15	3,00
Forest	17	10	42	10
Registration	3	2	2	2
Total	5,95	4,97	7,34	5,67
<i>2, Assignments and Compensations.</i>				
<i>Divided Heads (Provincial Share).</i>				
Land Revenue Compensations—				
Inámdárs and other grantees	3,95	4,11	4,18	4,20
Pensions in lieu of resumed lands	1,59	1,62	1,59	1,62
Miscellaneous land revenue compensations	31	32	45	32
<i>Provincial Heads.</i>				
Inámdárs and other grantees	72,67	72,63	72,68	73,04
Pensions in lieu of resumed lands	10,33	10,77	10,84	10,84
Excise compensations	6,41	7,90	8,52	7,88
Miscellaneous compensations	21	20	20	20
Total	95,47	97,55	98,46	98,10
<i>3, Land Revenue.</i>				
Charges of District Administration	38,46	38,40	39,51	45,29
Survey and Settlement	1,11	1,06	84	1,32
Land Records	30,10	30,00	28,50	30,42
Allowances to district and village officers	14,57	14,49	14,15	14,30
Lump deduction ... ..	...	-1,00	...	-1,40
Total	84,24	82,95	83,00	89,93
<i>6, Stamps.</i>				
Superintendence	45	45	46	46
Charges for the sale of general stamps	48	46	50	49
Charges on sale of court-fee stamps	8	10	9	9
Stamp and plain paper supplied from Central Stores.	18	18	18	19
Total	1,19	1,19	1,23	1,23
<i>7, Excise.</i>				
Presidency establishment	1,36	1,40	1,45	1,51
District executive establishments	9,44	9,86	9,47	10,30
Total	10,80	11,26	10,92	11,81
<i>10, Assessed Taxes.</i>				
Collection of Income Tax	60	72	72	85

Major and Minor Heads of Account.	1912-13.	1913-14.		1914-15.
	Actuals.	Budget.	Revised.	Budget.
<i>11, Forest.</i>				
Conservancy and Works	13,42	12,98	11,85	11,86
Establishments	13,51	13,92	13,55	14,02
Lump deduction ... ..	...	-50	...	-20
Total ...	26,93	26,40	25,40	25,68
<i>12, Registration.</i>				
Superintendence	21	22	22	22
District charges	3,51	3,45	3,47	3,70
Total ...	3,72	3,67	3,69	3,92
<i>13, Interest on Ordinary Debt.</i>				
Interest on Provincial Advance and Loan Account ...	7,97	8,41	8,48	7,83
<i>18, General Administration.</i>				
Salary of the Governor	1,13	1,20	1,19	1,20
Staff and Household of the Governor	2,22	2,68	3,08	2,79
Expenditure from Contract Allowance	1,18	1,04	1,42	1,08
Tour expenses	20	11	34	11
Executive Council	1,87	1,96	2,03	1,96
Legislative Council—Travelling Allowances to Non-Official Members of the Council.	17	9	11	11
Civil Secretariat	6,46	6,53	6,58	6,64
Commissioner in Sind	1,45	1,59	1,50	1,42
Commissioners	2,54	2,63	2,50	2,47
Civil Offices of Account and Audit	93	1,08	1,13	1,18
General Establishment of Local Funds	-30	-12	-12	-16
Charges in connection with the Royal Visit and Coronation at Delhi.	6	...	...	...
Total ...	17,91	18,79	19,76	18,80
<i>19-A, Law and Justice—Courts of Law.</i>				
High Court	7,81	8,10	7,67	8,02
Law Officers	4,01	3,70	4,12	4,04
Administrator General	42	42	41	42
Coroner's Court	15	16	15	15
Presidency Magistrates' Courts	95	97	99	97
Judicial Commissioners	1,56	1,54	1,61	1,54
Civil and Sessions Courts	22,93	23,35	23,13	23,97
Courts of Small Causes	3,04	2,99	3,03	2,72
Criminal Courts	15,39	17,40	15,29	15,55
Pledership examination charges ... ..	...	1	1	1
Refunds	43	38	43	40
Lump deduction ... ..	...	-30	...	-30
Total ...	56,69	58,72	56,84	57,49
<i>19-B; Law and Justice—Jails.</i>				
Jails	10,68	10,17	11,23	10,81
Jail manufactures	1,33	1,53	1,75	1,55
Lump deduction ... ..	...	-20	...	...
Total ...	12,01	11,50	12,98	12,36

Major and Minor Heads of Account.	1912-13.	1913-14.		1914-15.
	Actuals.	Budget.	Revised.	Budget.
<i>20, Police.</i>				
Presidency police	11,52	12,11	11,65	12,08
Superintendence	2,14	2,10	2,10	2,07
District executive force	66,66	67,64	65,99	72,05
Village police	9,82	9,85	9,82	9,94
Special police	6,52	5,83	5,90	6,09
Railway police	2,79	2,64	2,69	2,90
Criminal Investigation Department	2,87	2,86	2,80	3,09
Refunds	1	3	5	3
Lump deduction	...	-1,50	...	-1,30
Total	1,02,33	1,01,56	1,01,00	1,06,95
<i>21, Ports and Pilotage.</i>				
Salaries and allowances of officers and men afloat...	7	8	8	8
Purchase of stores and coal, etc.	3	6	9	6
Ports and Pilotage establishments	49	49	52	56
Miscellaneous	2	2	2	2
Light-houses and light-ships	4	2,18	2,03	2,16
Total	65	2,83	2,74	2,88
<i>22, Education.</i>				
University	3,55	55	2,55	55
Direction	66	70	75	88
Inspection	4,52	4,72	5,32	5,32
Government Colleges, General	2,33	2,62	2,90	2,86
Government Colleges, Professional	2,15	1,89	3,20	2,19
Government Schools, General	28,60	29,24	32,20	33,86
Government Schools, Special	3,59	5,47	3,75	5,54
Grants-in-aid	14,79	14,32	18,32	18,97
Scholarships	58	58	60	65
Miscellaneous	57	93	82	94
Refunds	1	1	1	1
Lump provision for non-recurring and recurring educational expenditure.	...	36,22	6,18	32,99
Lump deduction	...	-2,00	...	-2,00
Total	61,35	95,25	76,60	1,02,76
<i>24, Medical.</i>				
Medical establishment	4,04	4,33	4,35	4,43
Hospitals and Dispensaries	7,75	8,55	7,35	9,29
Sanitation and Vaccination	4,12	26,45	7,52	26,12
Grants for medical purposes	1,35	2,28	1,59	2,96
Medical Schools and College	3,54	3,99	5,44	3,80
Lunatic Asylums	2,19	2,46	2,46	2,49
Chemical Examiner	47	56	46	72
Refunds	4	4	3	4
Lump provision for non-recurring expenditure on medical relief.	...	1,00	50	...
Lump deduction	...	-70	...	-80
Total	23,50	48,96	29,70	49,05
<i>25, Political.</i>				
Political Agents	4,12	5,26	4,63	5,36
Entertainment of Envoys and Chiefs	2	1	2	1
Darbar presents and allowances to Vakils, etc.	3	7	4	7
Miscellaneous	4	12	14	4
Total	4,21	5,46	4,83	5,48

Major and Minor Heads of Account.	1912-13.	1913-14.		1914-15.
	Actuals.	Budget.	Revised.	Budget.
<i>26, Scientific and other Minor Departments.</i>				
Donations to Scientific Societies	13	11	11	11
Agriculture	6,41	8,04	7,04	9,11
Veterinary and Stallion charges	2,14	2,38	2,50	3,05
Inspector of Factories	47	67	71	64
Gazetteer and Statistical Memoirs ... ..	...	2	...	2
Steam Boiler Inspection establishment	-7	-8	-8	-12
Registration of Railway Traffic	30	29	29	30
Provincial Statistics	5	6	5	6
Preservation and translation of ancient manuscripts.	1	3	2	3
Examinations	12	14	14	14
Registrar of Co-operative Societies	67	78	83	95
Miscellaneous	3	3	4	...
Total ...	10,26	13,37	11,65	14,29
<i>29, Superannuation Allowances and Pensions.</i>				
Superannuation and retired allowances	32,75	33,99	34,40	36,00
Compassionate allowances	41	45	48	43
Commuted value of pensions ... ..	...	25	70	1,00
Gratuities	13	14	25	15
Covenanted Civil Service pensions	17	15	15	15
Donations to Service funds... ..	1	1	1	1
Refunds	1	1	1	1
Total ...	33,48	35,00	36,00	37,75
<i>30, Stationery and Printing.</i>				
Stationery Office at the Presidency	44	44	44	45
Stationery purchased in the country	1,17	1,20	1,20	1,20
Government presses	4,97	4,85	5,00	6,29
Printing at private presses	9	8	10	7
Stationery supplied from Central Stores	6,92	5,90	6,90	7,00
Total ...	13,59	12,47	13,64	15,01
<i>32, Miscellaneous.</i>				
Travelling allowances to officers attending examinations.	4	4	...	...
Rewards for proficiency in oriental languages and allowances to Language Examination Committees.	17	22	21	25
Annual stipends to Holders of Literary Titles	1	1	1	1
Cost of books and publications	16	19	19	19
Donations for charitable purposes	47	70	49	1,19
Charges on account of European vagrants	10	13	10	13
Rewards for the destruction of wild animals	6	6	6	10
Petty establishments	-1	...	...	...
Special Commissions of Inquiry	3	17	2	19
Irrecoverable temporary loans written off	1,59	50	50	50
Rents, Rates and Taxes	2,37	2,36	2,13	2,14
Contributions	98	43	1,52	47
Miscellaneous and unforeseen charges	31	5	5	85
Miscellaneous refunds	7	8	8	8
Miscellaneous charges for the treatment of patients at the Pasteur Institute.	1	1	1	1
Remission of contributions by local bodies towards establishment charges. ... ..	...	...	...	1,07
Total ...	6,36	4,95	5,37	7,18

Major and Minor Heads of Account.	1912-13.	1913-14.		1914-15.
	Actuals.	Budget.	Revised.	Budget.
<i>36, Reduction or Avoidance of Debt</i>	13,70	13,70	13,70	13,70
<i>40, Subsidized Companies—Lands</i> ... ..	...	3	...	5
<i>42, Irrigation—Major Works.</i>				
Working Expenses	8,13	7,50	8,89	7,72
Interest on Debt	10,37	11,11	10,66	11,52
Total	18,50	18,61	19,55	19,24
<i>43, Irrigation—Minor Works and Navigation.</i>				
Civil Department	5	20	6	10
Public Works Department	15,67	16,00	16,36	16,50
Total	15,72	16,20	16,42	16,60
<i>45, Civil Works.</i>				
Civil Department	14,24	8,72	14,90	8,69
Public Works Department	83,61	83,90	95,00	90,00
Total	97,85	92,62	1,09,90	98,69
Total of the major heads	7,24,98	7,87,14	7,69,92	8,23,30
Closing balance	1,79,75	1,16,50	1,78,56	1,14,18
Grand Total	9,04,73	9,03,64	9,48,48	9,37,48

APPENDIX C.

Statement showing by major heads the ordinary and special or non-recurring Provincial revenue and the opening balance as estimated in the budget for 1914-15.

[In thousands of rupees.]

No. of Account Head.	Receipts.	Budget, 1914-15.	Ordinary.	Special.	Remarks.
1	2	3	4	5	6
I	Land Revenue. { Provincial share ...	2,09,48	2,05,83	(a) 3,65	(a) Collections of outstandings of previous years.
	{ Alienations ...	96,81	96,81	...	
	{ Fixed allotment and adjustments ...	28,54	14,69	(b) 13,85	
IV	Stamps ...	43,85	43,85	...	(b) Assignments from Imperial revenues for special non-recurring objects.
V	Excise ...	2,27,00	2,27,00	...	
VIII	Assessed Taxes ...	30,65	30,65	...	
IX	Forest ...	45,50	45,50	...	
X	Registration ...	8,20	8,20	...	
XII	Interest ...	14,58	11,08	3,50	
XVI-A	Law and Justice—Courts of Law ...	7,60	7,60	...	
XVI-B	Do. —Jails ...	3,05	3,05	...	(c) This is made up of— (i) 41,68 Unexpended balance of the Imperial assignments given since the year 1911-12 for recurring and non-recurring expenditure on education; (ii) 18,96 Unexpended balance of the Imperial assignments given since the year 1911-12 for non-recurring expenditure on sanitation. (iii) 1,47 Unexpended balances of the Imperial assignments for non-recurring expenditure on Parel Laboratory (69), on medical relief (40), and on agricultural and allied objects (38); (iv) 8,00 Unexpended balance of the Imperial assignment for non-recurring discretionary expenditure; (v) 2,00 Imperial assignment made in 1911-12 for the Royal Visit Commemoration Building in Bombay.
XVII	Police ...	2,36	2,36	...	
XVIII	Ports and Pilotage ...	1,09	1,09	...	
XIX	Education ...	5,21	5,21	...	
XX	Medical ...	2,60	2,60	...	
XXI	Scientific and other Minor Departments ...	1,32	1,32	...	
XXII	Receipts in aid of Superannuation, etc... ..	3,90	3,90	...	
XXIII	Stationery and Printing ...	1,22	1,22	...	
XXV	Miscellaneous ...	76	76	...	
XXIX	Irrigation—Portion of Land Revenue due to Irrigation.	13,02	13,02	...	
	Irrigation—Major Works—Direct Receipts.	8,05	8,05	...	
XXX	Irrigation—Minor Works ...	1,74	1,74	...	
XXXI	Civil Works—Civil Department ...	12	12	...	
	Do —Public Works Department.	2,27	2,27	...	
	Total ...	7,58,92	7,37,92	21,00	
	Opening Balance ...	1,78,56	1,06,45	(c) 72,11	
	Grand Total ...	9,37,48	8,44,37	93,11	Total. 72,11

APPENDIX D.

Statement showing by major heads the recurring and non-recurring Provincial expenditure provided in the budget estimates for 1914-15.

[In thousands of rupees.]

No. of Account Head.	Expenditure.	Budget, 1914-15.	Permanent recurring.	Fluctuating recurring.	Total recurring.	Non-recurring.
1	2	3	4	5	6	7
1	Refunds and Drawbacks ...	5,67	...	4,93	4,93	74
2	Assignments and Compensations ...	98,10	97,82	16	97,98	12
3	Land Revenue ...	89,93	73,74	9,85	83,59	6,34
6	Stamps ...	1,23	33	84	1,17	6
7	Excise ...	11,81	9,84	1,08	10,92	89
10	Assessed Taxes ...	85	58	20	78	7
11	Forest ...	25,68	12,80	10,87	23,67	2,01
12	Registration ...	3,92	3,42	41	3,83	9
13	Interest on Ordinary Debt ...	7,83	6,50	1,33	7,83	...
18	General Administration ...	18,80	14,92	2,99	17,91	89
19-A	Law and Justice—Courts of Law ...	57,49	49,19	6,84	56,03	1,46
19-B	Do. —Jails ...	12,36	4,11	7,68	11,79	57
20	Police ...	1,06,95	91,72	12,36	1,04,08	2,87
21	Ports and Pilotage ...	2,88	52	25	77	2,11
22	Education ...	1,02,76	54,16	15,41	69,57	33,19
24	Medical ...	49,05	25,50	8,19	33,69	15,36
25	Political ...	5,48	4,74	62	5,36	12
26	Scientific and other Minor Departments.	14,29	7,46	3,52	10,98	3,31
29	Superannuation Allowances and Pensions.	37,75	37,59	14	37,73	2
30	Stationery and Printing ...	15,01	2,25	11,04	13,29	1,72
32	Miscellaneous ...	7,18	1,64	4,52	6,16	1,02
36	Reduction or Avoidance of Debt ...	13,70	...	...	...	13,70
40	Subsidized Companies—Lands ...	5	...	...	...	5
42	Irrigation— { Working Expenses. Major Works. { Interest on Debt ...	7,72 11,52	6,93 11,52	61 ...	7,54 11,52	18 ...
	Irrigation— { Civil Department... Minor Works. { Public Works Department.	10 16,50	... 11,82	5 3,72	5 15,54	5 96
45	Civil Works ... { Civil Department... Public Works Department.	8,69 90,00	7,61 38,80	6 17,00	7,67 55,80	1,02 34,20
	Total ...	8,23,30	5,75,51	1,24,67	7,00,18	1,23,12

NOTE 1.—The non-recurring expenditure shown in column 7 is inflated by the following items, which are covered by special receipts :—

37.84	for increased expenditure on education, sanitation, medical relief, and the Bombay Bacteriological Laboratory	} met from the grants made for the purpose from Imperial revenue.
13.70	for reduction or avoidance of debt	
8.00	lump provision out of the special assignment of 12.00 in aid of general Provincial resources	
38	for expenditure on agriculture and allied objects	
15	for expenditure connected with the Factory Ventilation Committee	
<hr/>	60.07 Total.	

The balance of non-recurring expenditure which is met from ordinary revenues amounts to 63.05 (including 1.50 on account of indirect famine expenditure) as shown below :—

Total non-recurring expenditure	...	...	1,23,12
Deduct non-recurring expenditure met from special receipts			60,07
		Balance	<hr/> 63,05

NOTE 2.—Column 5 represents the minimum expenditure on account of items (like temporary establishments, plague allowance, contingencies, and supplies and services) for which provision has to be made every year, but of which the amount varies from year to year. The lowest figure in the "Budget Estimates, 1914-15," "Revised Estimates, 1913-14," "Budget Estimates, 1913-14" and "Accounts, 1912-13," has generally been taken as the minimum recurring charge for each item, and the total of all such items is entered under column 5 against the major head concerned. The difference between the total budget provision for such items and the minimum recurring charge entered in column 5 is taken as non-recurring, and this, together with the provision for purely temporary objects, has been classed as non-recurring and entered in column 7. This method is adopted in the case of all major heads, except 29, *Superannuation Allowances and Pensions*, 36, *Reduction or Avoidance of Debt*, 42, *Irrigation—Major Works*, 43, *Irrigation—Minor Works (Public Works Department)*, and 45, *Civil Works (Public Works Department)*. In the case of 29, *Superannuation Allowances and Pensions*, the provisions for gratuities and refunds are classed as fluctuating recurring, while all other items are treated as permanent recurring. The whole provision under 36, *Reduction or Avoidance of Debt* is treated as non-recurring, while that under 42, *Irrigation—Major Works—Interest on Debt* is classed as permanent recurring. Under the heads 42, *Irrigation—Major Works—Working Expenses*, and 43, *Irrigation—Minor Works (Public Works Department)*, the provision on account of ordinary repairs, establishments, and tools and plant is classed as permanent recurring, the provision for special repairs and the minimum provision considered absolutely necessary for works in progress, new works, discretionary grants and reserve is classed as fluctuating recurring, and the balance is classed as non-recurring. Under the head 45, *Civil Works (Public Works Department)*, the provision on account of repairs, establishments, and tools and plant is classed as permanent recurring, the minimum provision considered absolutely necessary for works in progress, new works, discretionary grants and reserve is classed as fluctuating recurring, and the balance is classed as non-recurring.

FINANCIAL DEPARTMENT.

Bombay Castle, 11th March 1914.

Memorandum.

The following alterations have been made in the figures of the revised estimates for 1913-14 given (in thousands of rupees) in the Revised Financial Statement of the Government of Bombay for the year 1914-15, copies of which were furnished on 6th March 1914 to the Honourable Members of the Legislative Council :—

Major head.	Figure in the Revised Financial Statement.	Figure now adopted.	Brief explanation of difference.
<i>Revenue.</i>			
I, Land Revenue (Divided).	2,16,82	2,17,82	The increase of 1,00 is based partly on the latest actuals and partly to avoid petty corrections under other divided heads.
IX, Forest ...	47,50	48,50	The increase is based on the latest actuals.
<i>Expenditure.</i>			
21, Ports and Pilotage.	2,74	1,29	The reduction is due to the transfer of 1,45 to the head 45, <i>Civil Works—Public Works Department</i> in connection with the erection of a light-house on Cape Monze.

Major head.	Figure in the Revised Financial Statement.	Figure now adopted.	Brief explanation of difference.
<i>Expenditure—contd.</i>			
24, Medical ...	29,70	27,70	The reduction of 2,00 is due to (i) the further transfer of 1,10 to the head 45, <i>Civil Works—Public Works Department</i> on account of grants made to certain municipalities for sanitary works, and (ii) an anticipated saving of 90 in the budget provision for grants in aid of sanitary projects.
45, Civil Works—Public Works Department.	95,00	97,00	In view of the transfers from the heads 21, <i>Ports and Pilotage</i> and 24, <i>Medical</i> mentioned above, the revised is, after allowing for probable lapses, raised by 2,00.

2. As the result of these alterations the total Provincial estimates now stand as shown in the following table :—

	1913-14.		1914-15.		Column 4 better +, or worse—, than	
	Budget.	Revised.	Budget.	Column 2.	Column 3.	
1	2	3	4	5	6	
Opening balance ...	1,68,05	1,79,75	1,82,01	+13,96	+2,26	
Revenue ...	7,35,59	7,70,73	7,58,92	+23,33	-11,81	
Expenditure ...	7,87,14	7,68,47	8,23,30	-36,16	-54,83	
Closing balance ...	1,16,50	1,82,01	1,17,63	+1,13	-64,38	

G. S. CURTIS,
Acting Chief Secretary to Government.

FINAL LIST OF BUSINESS TO BE BROUGHT FORWARD AT A MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD IN THE COUNCIL HALL, SECRETARIAT, BOMBAY, ON FRIDAY, THE 13TH MARCH 1914, AT 12 NOON.

I.—NEW MEMBERS:—

New Additional Members will, under Regulation VII of the Regulations for the Nomination and Election of Additional Members, make the oath or solemn affirmation before taking their seats.

II.—QUESTIONS ASKED BY THE HONOURABLE MEMBERS AND ANSWERS THERETO:—

(A list of Questions and Answers will be printed separately and laid on the Council Table.)

III.—PRESENTATION OF THE REVISED FINANCIAL STATEMENT OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1914-15.

IV.—BILLS:—

1. A Bill further to amend the Karachi Port Trust Act, 1886—*Second Reading.*
 - (i) For notice of motion by the Honourable Mr. G. M. Bhurgri, *vide item No. 1 (a) under Head V.*
 - (ii) For notice of motion by the Honourable Mr. C. H. A. Hill, C.S.I., C.I.E., I.C.S., *vide item No. 1 (b) under Head V.*
2. A Bill further to amend the Bombay Land Revenue Code, 1879—*First Reading.*
3. A Bill to provide for the levy of a cess from the Musalman Landholders in Sind for the promotion of education in that community (*Motion for adjournment*).
Notice of motion by the Honourable Mr. G. M. Bhurgri, Bar.-at Law.
“That the consideration of Bill No. VI of 1912 (a Bill to provide for the levy of a cess from the Musalman Land-holders in Sind for the promotion of education in that community) be adjourned *sine die.*”
4. A Bill further to amend the Bombay Tramways Act, 1874—*First Reading.*
5. A Bill to provide for the making and execution of Town Planning Schemes—*First Reading.*
6. A Bill further to amend the City of Bombay Improvement Act, 1898—*First Reading.*
7. A Bill further to amend the Bombay Irrigation Act, 1879—*Second Reading (vide item No. 1 under Head VII).*

Notice of motion by the Honourable Mr. K. R. Godbole.

“That the Second Reading of the Bill (No. IV of 1913) be postponed and that a Committee of this Council composed of official and non-official members be appointed to consider and report if a Bill dealing with Second Class Irrigation Works in this (Bombay) Presidency cannot be drafted on lines similar to those of the Mysore Tank Panchayet Regulation No. 1 of 1911.”

Notice of motion by the Honourable Mr. S. B. Upasani.

“That the Second Reading of Bill No. IV of 1913 (a Bill further to amend the Bombay Irrigation Act, 1879) be adjourned.”

- (i) *For notice of motion of amendments by the Honourable Mr. K. R. Godbole, vide items Nos. II (b), (d), (f), (h) under Head V.*
- (ii) *For notice of motion of amendments by the Honourable Mr. S. B. Upasani, vide items Nos. II (a), (c), (e), (g), (i) under Head V.*

8. A Bill further to amend the District Municipal Act, 1901—*First Reading.*

V.—MOTIONS OF AMENDMENTS OF WHICH NOTICES HAVE BEEN GIVEN.

I. Under sub-rule (4) of Rule 35 of the rules for the Conduct of Business, notice has been received of the following amendments to Bill No. III of 1913 (a Bill further to amend the Karáchi Port Trust Act, 1886):—

Clause 3.

(a) From the Honourable Mr. G. M. Bhurgri, Bar.-at-Law.

Clause 3.—To clause 3, sub-clause (a), add the following words:—

“and one shall be elected by the members for the time being of the Karáchi Indian Merchants’ Association”.

Clause 16.

(b) From the Honourable Mr. C. H. A. Hill, C.S.I., C.I.E., I. C. S.

Clause 16.—In sub-clause (1) of clause 16, for the words “any of the securities specified in section 20 of the Indian Trusts Act, 1882”, the following words shall be substituted, namely:—

“public securities as defined in section 69; and the said securities shall be held in trust for the purposes of this Act by the Board.”

II. Under sub-rule (4) of Rule 35 of the Rules for the Conduct of Business, notice has been received of the following amendments to Bill No. IV of 1913 (a Bill further to amend the Bombay Irrigation Act, 1879), as amended by the Select Committee—

Clause 2.

(a) From the Honourable Mr. S. B. Upasani, LL.B.

Clause 2.—

New Section 72.—If the term ‘Second Class Irrigation Work’ is to be used in the Act, it should, I think, be defined as also ‘First Class Irrigation Work’ to make it clear to what class of works those terms respectively refer. I would suggest the following definitions to be embodied in this section—‘An Irrigation Work’ shall mean and include every canal, channel, stream, river, pipe, or reservoir natural or artificial or any part thereof which is actually used or required for the purpose of Irrigation.

‘First Class Irrigation Work’ means and includes every Irrigation work constructed, maintained and controlled solely by Government coming within the definition of canal given in section 3 of this Act.

‘Second Class Irrigation Work’ shall mean and include every communal Irrigation work which is not constructed, maintained or controlled, solely by Government but over which it may exercise control and supervision under the provisions of this Act. Any private Irrigation Works which may be the property of a single individual or family, though the same be enjoyed by separated members or those claiming through them, shall not be liable to be constituted Second Class Irrigation Works.

New Section 73.—For section 73 (1) (a) & (b) substitute the following :—

“Whenever it is found that an Irrigation Work used by the ryots of one or more villages is not maintained in good repair and that the persons interested in the enjoyment of its use are not able or willing to incur the expenditure necessary to keep up the water-supply the Government may undertake to do the required repairs and improvements at its own expense and for that purpose constitute the work to be a Second Class Irrigation Work. In similar other cases also Government may assume control over any such work with the consent of the persons interested or the majority of them in case for any reason they are not able to manage it efficiently. In either case the control thus assumed by Government shall in no way prejudice the rights of the persons entitled to the use of the water from the Irrigation Work but shall be exercised so as to secure them the full enjoyment of those rights more efficiently.

Before making the declaration referred to in paragraph 1 a notification shall be published in the *Bombay Government Gazette* notifying that it is proposed to constitute the work a Second Class work and specifying therein as nearly as possible a full and correct description of the work, its situation, limits and source of supply and not less than four months' time shall be allowed for submission of objections to the proposal”.

(b) From the Honourable Mr. K. R. Godbole.

New Section 73.—The words “by more than one irrigator” be inserted before the comma preceding the words “a Second Class Irrigation Work” in clause 2, section 73, sub-section (1) (a).

(c) From the Honourable Mr. S. B. Upasani.

New Section 75.—For paragraph 1 substitute

“Only the following sections and parts of this Act besides Part X shall apply to Second Class Irrigation Works”.

Instead of the numbers of sections being quoted and the modifications shown separately in paragraph 2 the sections as modified may be included in this part.

Section 26 should be added to the sections quoted in this section and Part VIII omitted. One or two sections providing for recovery of amount due for actual damage may be added to this part.

(d) From the Honourable Mr. K. R. Godbole.

(i) *New Section 75.*—The following words be inserted before the words “and Part IX.” at the end of clause 2, section 75, sub-section (1):—

“and after omission of the words ‘or with imprisonment for a term which may extend to one month, or with both’ at the end of section 61 and also of the words ‘or with imprisonment for a term which may extend to six months, or with both’ at the end of section 62.”

(ii) The modification (vi) of clause 2, section 75, sub-section (2) be substituted by the following :—

“(vi) In Part V, section 31, proviso clause (b) shall be omitted”.

(e) From the Honourable Mr. S. B. Upasani.

New Section 76.—

(i) In lines 6 and 7 substitute for “a Revenue Officer not below the rank of a Mámíatdár”, “a Judicial Officer not below the rank of a Sub-Judge”.

(ii) At the end of section 76, paragraph 1 add “and that afforded by the documents which the parties concerned or their witnesses might produce.”

New Section 78.—In lines 4 and 5 substitute for “a Revenue Officer not below the rank of a Mámlatdár”, “a Judicial Officer not below the rank of a Sub-Judge”.

New Section 80.—This section will produce a conflict of interest between Government and the owners of the works shown in the Record-of-Rights and it should be avoided by giving the benefit of improvement to the owners themselves, especially as it will not be possible to measure correctly the difference of supply at different times. Government has been receiving assessment on these works at high consolidated rates and may well let the owners of the work enjoy the benefit of the improved supply.

The section should therefore be omitted or at least modified so as to give the owners equal interest with Government in the disposal of the additional supply and in any case preference to utilise it for themselves at reasonable charge. If provision is made for protecting Government interest under this section corresponding provision to protect the ryots' interest should be included to provide for the loss to them in case of any deficiency in the supply at any time. The loss to them would be far greater than could be covered by a mere remission of assessment partial or total.

New Section 81.—At the end add

“Every holder of land irrigated by the Irrigation Work to which the Record-of-Rights refers shall be supplied with a copy of the same free.”

(f) From the Honourable Mr. K. R. Godbole.

New Section 81A.—The following section be added as section 81A after section 81 of clause 2 :—

“81A. Objections shall be invited to the above Record-of-Rights within a period of two months from the date of the same being published in the manner aforesaid. The Canal Officer entrusted with the preparation of Record-of-Rights shall consider such objections, if any, and shall then publish the Record-of-Rights as final Record in the manner specified in section 81 above.”

(g) From the Honourable Mr. S. B. Upasani.

New Section 82.—After the last paragraph add

“Nor in any way prejudice the rights which any holder may be entitled to as actually enjoyed by him at the date the work was constituted a Second Class Irrigation Work.”

New Section 83.—Omit.

(h) From the Honourable Mr. K. R. Godbole.

New Section 84.—Sub-sections (1), (2) and (3) of section 84 of clause 2 be omitted and that sub-sections (4) and (5) be numbered (1) and (2) respectively.

(i) From the Honourable Mr. S. B. Upasani.

New Section 84.—The obligation in respect of repairs ought not to be imposed on the ryots, at any rate not beyond such repairs as may refer to the portion of the channel bank immediately touching his land.

All repairs to the main work and the main canal or channel and the removing of silt therein must be done by the department under expert direction.

V.—DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST:—

Resolution by the Honourable Mr. Vithalbhai Jhaverbhai Patel—

1. That this Council recommends to the Governor in Council to rescind the notifications from time to time issued under section 8 of the Bombay Local Boards Act, 1884, whereby an exceptional constitution has been given to the various Local Boards in the Panch Maháls.

Resolution by the Honourable Mr. G. M. Bhurgri—

2. (a) This Council recommends to His Excellency the Governor of Bombay in Council to suspend the recovery of the increased rates of assessment sanctioned in July last for the Tando Sub-division of the District of Hyderabad, Sind.
- (b) This Council further recommends that an enquiry be made into the representation of the Zamindars of the Tando Sub-division lately submitted to Government.
- (c) This Council further requests that the enquiry be conducted by a mixed commission of officials and non-officials and the rates revised after their report is considered by Government.

Resolution by the Honourable Mr. J. A. D. McBain—

3. That this Council recommends to His Excellency the Governor in Council that a Committee be appointed to enquire into prevalence of malaria in the compound of St. George's Hospital and to recommend measures to be adopted by the rendering of the buildings mosquito proof, or otherwise, whereby the possibility of the contraction of malaria in the Hospital may be eliminated or materially reduced.

VII.—PAPERS TO BE PRESENTED TO THE COUNCIL:—

1. Report of the Select Committee appointed to consider Bill No. IV of 1913 (a Bill further to amend the Bombay Irrigation Act, 1879).
2. Petition from Damodar Prabhakar Limaye and two others, residents of Tásgaon in the Sátára District, regarding the Bill further to amend the Bombay Irrigation Act, 1879.
3. Telegram, dated the 7th March 1914, from the President, Karáchi Municipality, communicating the Resolutions passed by the Karáchi Municipality in connection with Bill No. III of 1913 (a Bill further to amend the Karáchi Port Trust Act, 1886).

**PRESENTATION OF THE REVISED FINANCIAL STATEMENT OF
THE GOVERNMENT OF BOMBAY FOR THE YEAR 1914-15.**

His Excellency the PRESIDENT.—The next item on the Agenda is Presentation of the Revised Financial Statement of the Government of Bombay for the year 1914-15.—The Honourable Sir RICHARD LAMB.

The Honourable Sir RICHARD A. LAMB in presenting the Revised Financial Statement said :—Your Excellency,—In accordance with custom the printed Statement* has been distributed to Honourable Members and also the memo. of corrections since received from the Government of India. Honourable Members will have noticed that in the memo. of corrections no change is made in the Budget for the ensuing year, and the only alterations that are made are with reference to the revised estimates for the current year. The result of those corrections is to raise our opening balance for next year, and consequently our closing balance for that year also, by Rs. 3,45,000. As Honourable Members are aware, the Revised Financial Statement is still not the final Budget for the year. It still remains open to further corrections which may be received from the Government of India as a result of their Budget discussions in the Imperial Legislative Council. This Revised Financial Statement represents the result of the deliberations which began in December. In previous years the memo. which was prepared for the first edition of the draft Financial Statement was prepared by Government and submitted to the Government of India without any previous consultation with this Council. This year an innovation has been introduced, and that memo. was considered by the Finance Committee of this Council previous to the submission of the first edition of the Draft Financial Statement to the Government of India. We therefore had the advantage of learning the views of the Members of the Finance Committee, which consists entirely of non-official Members, except only myself as Finance Member, and the Chief Secretary as Finance Secretary, and of sending up to the Government of India our first edition embodying the suggestions that have been made by the non-official Members in the Finance Committee. I am glad to say that one useful suggestion which was there made was accepted by this Government and also accepted by the Government of India, who provided, as is required by our financial arrangements, their half-share of the expenditure which was required for that object. The half-share of this Government is Rs. 50,000, and the Government of India have given their half-share, Rs. 50,000. The item is that referred to at No. XXV on page 7 of the Financial Statement “Construction of a few Storage Reservoirs in the upper reaches of suitable streams with the view of raising the level of sub-soil water in the drier tracts of the Deccan plateau.” After the receipt of the Government of India’s orders on the first edition of the Draft Financial Statement, the Finance Committee again met and considered the proposals for the second edition of that Statement. That edition having been considered by the Government of India, we received the Government of India’s preliminary, and then final instructions, and the result is what is embodied in the Revised Financial Statement now before the Council. I think it will be recognised that the change of procedure has been beneficial.

I observe that for the first time,—I think I am right in saying for the first time,—since the enlarged Councils came into being, there is no Financial Resolution on our Agenda today, and the Revised Financial Statement may therefore be taken as so satis-

factory to the Council as a whole that no one Member considers it necessary or desirable to move any Resolution in respect to it.

Our financial forecasts are as usual very largely affected by the monsoon. The monsoon of the past calendar year has on the whole been distinctly favourable. It was good in a very large portion of the Presidency, fairly good in another large portion, and in only one restricted area can it be said to have been bad. The bad area is the district of Sholápur with a part of Sátára and, to a less extent, of Poona. The Nagar district, which suffered last year, this year is doing reasonably well. In Sholápur, excepting one or possibly two talukas, conditions are such that in old days we should have expected to have to open a considerable number of famine relief works. But economic conditions have so much changed that not only is there no necessity whatever for opening famine relief works, but also the amount of gratuitous relief that has been given up to now is remarkably small. I think, speaking in round numbers, that in Sholápur and the adjoining portions of Sátára the number of persons on gratuitous relief including village servants to whom it is necessary to give relief does not exceed 5,000. It is not anticipated that the numbers will increase to any great extent during the coming hot weather. For the next year we have as usual anticipated a normal monsoon,—neither extremely good nor as a whole unfavourable to the Presidency. We anticipate, therefore, the collection of the ordinary demands of the year together with a portion at least, or a considerable portion, of the suspended revenue of the previous years.

Details concerning the financial effect of the monsoon are given in the Revised Financial Statement in paragraph 14 on page 17, and again in paragraph 47 on page 40. I do not think I need do more than refer Honourable Members to those paragraphs.

As regards the financial position as a whole, it may be interesting to have a look at the growth of Provincial revenue. It will be seen from paragraph 8 of the Revised Financial Statement that the revenue for 1914-15 is estimated at Rs. 7,58,92,000, and from page 27 it will be seen that the net assignment and adjustments with Imperial are taken at Rs. 28,54,000. This gives an income of Rs. 7,30,38,000 expected to be derived from the sources of revenue allotted to Provincial apart from any Imperial contribution whatever. This figure does not tally with the figure of the ordinary Provincial revenue which is given on page 57 of the Statement, namely, Rs. 7,37,92,000, and the reason for the difference is that in the latter figure are included the net results of certain adjustments with Imperial amounting to Rs. 14,69,000 which are permanent, and thus have become a part of the ordinary Provincial revenue, although not derived from sources of revenue allotted to Provincial, while from it are excluded certain amounts, namely, Rs. 7,15,000, which, though derived from these sources, are regarded as special and not ordinary. Thus the income which we expect to derive next year from the sources at present assigned to us is Rs. 7,23,23,000 ordinary, plus Rs. 7,15,000 extraordinary, while we have a permanent net assignment of Rs. 14,69,000 from Imperial in addition to the contribution of Rs. 13,70,000 under the famine relief scheme, and a small non-recurring assignment of Rs. 15,000.

Three years ago I said that in 1909-10 the sources of Provincial revenue then assigned to us produced Rs. 6,44,71,000 only, including the then fixed Imperial assignment which amounted to no less than Rs. 92,63,000. Next year we expect the sources now assigned to us to produce Rs. 85,67,000 more than the figure which I have just

mentioned altogether apart from any Imperial assignment, the place of the old fixed Imperial assignment and previous adjustment being taken by shares of growing revenues, namely, Excise, Forest and a minor head under Assessed Taxes. Thus the average rate of increase in the true Provincial revenue for five years works out at Rs. 17,13,400. The principal average increases are roughly Excise Rs. 10,00,000, Assessed Taxes Rs. 1,40,000 and Forest Rs. 1,60,000. The average growth of Rs. 17,13,400 is a little less than that mentioned in the Draft Financial Statement which I think has also been supplied to Honourable Members. There we took Rs. 18,00,000, which was calculated on the actuals of the preceding five years. This average growth is of course affected by the decision to abolish the tolls on Provincial roads, which is a feature of the present Financial Statement to which I desire to invite attention.

It will be seen from paragraph 11 of the Financial Statement that in order to encourage the transport of goods and to free cultivators and all those who travel by road from the burden of these troublesome payments, we have given up a source of revenue yielding over Rs. 6,00,000. It is considered justifiable that, when our revenues are increasing at the rate I have indicated, we should reduce and abolish altogether a form of raising revenue which is found to cause a considerable amount of trouble to those who have to pay it.

As regards the growth of Provincial expenditure, it is not quite so easy, in fact I do not think it is possible, to indicate precisely the growth of the expenditure out of the revenue derived from the sources allotted to us, distinguishing it from the expenditure out of the special assignments made to us by the Government of India. Consequently in Appendix D on page 58 of the Statement the ordinary recurring and non-recurring Provincial expenditure there shown includes not only the expenditure from the sources of revenue assigned to us, but also the expenditure from the special assignments made to us by the Government of India.

It will be seen that our permanent recurring expenditure does not amount to more than Rs. 5,75,00,000. There is a fluctuating recurring expenditure of about Rs. 1,25,00,000, and another expenditure of non-recurring Rs. 1,23,00,000. Out of that last item of non-recurring expenditure, it is shown on page 59 that Rs. 60,00,000 are covered by Imperial grants. The remainder only comes out of our ordinary revenues.

I think then, Sir, that it may be taken that our finances are in a sound position, and, as will be seen from paragraph 16 of the Statement, we are carrying forward a true Provincial balance of Rs. 86,10,000, in addition to a balance of Rs. 28,08,000 on account of unexpended balances from special assignments of Imperial. Those figures will have to be a little altered in consequence of that memo. of corrections which was circulated on the 11th instant. The figures will now be Rs. 89,55,000 of true Provincial balance, and Rs. 28,08,000 of Imperial assignments carried forward.

There has been this year a marked decrease in the assignments from Imperial. We have been receiving of late years very large sums, and time has now been given to us to develop schemes for the expenditure of these sums, and very large figures have been put down in this year's Budget.

Honourable Members will notice that against Education the figure exceeds Rs. 1,00,00,000. The exact amount is given under major heads in the Appendix to the Statement on page 54. The total grant for Education amounts to Rs. 1,02,76,000. A

good deal of that comes out of special grants from the Government of India, and a good deal more is carried forward. The Government of India have allotted this year an additional lakh of rupees, recurring, for Education, and have also given us Rs. 1,07,000 in order to relieve Local Boards of a charge which they have hitherto had to pay. They have had to pay their contributions for establishments entertained by Government recently for the audit and control of accounts in the higher offices and also in the district offices. These charges they will now be relieved of, and Imperial makes to Provincial a recurring grant of Rs. 1,07,000 to make good the loss to Provincial. Of course our balances, what are called our Provincial balances, form really a part of the general balances of the Imperial Government, and our expenditure has been to some extent regulated with regard to those Imperial balances. It is possible that for ourselves we should not have desired to budget for quite so large a closing balance as nearly Rs. 90,00,000. We have generally considered it sufficient from a Provincial point of view to budget for Rs. 60,00,000 or Rs. 65,00,000, the minimum prescribed being only Rs. 20,00,000. But the circumstances are such that we are able to make adequate provision for all the Provincial services and for as much as we are likely to spend, and possibly even more than we are likely to spend, on the additional services rendered possible by the assignments from the Government of India and still to carry forward a balance which is nearly four and half times the minimum prescribed.

I do not think, Sir, there is any particular item that I need refer to in explaining the Financial Statement from the purely Financial Department point of view. I therefore pass on, Sir, to deal with the major heads beginning with the head of Land Revenue.

Under the head Land Revenue are the sums reported by the Collectors showing increases of land revenue due to enhanced assessment. The figures for the current year 1913-14 total Rs. 1,98,140, and for the coming year Rs. 3,63,090. Those are the amounts which are estimated as likely to result from the enhancement of assessments which take place in Revision Settlements. But how much of those figures will be realized depends of course on the working of suspensions and remissions.

Honourable Members, if they refer to the Draft Financial Statement as corrected up to the 4th February, which was issued on the 12th February, on pages 16 and 17 will see that we are budgetting in 1914-15 for a sum even less than was actually recovered in 1909-10. In 1909-10 our Provincial revenue was Rs. 2,14,11,000. For next year we are taking Rs. 2,09,48,600 only. These differences of course depend almost entirely on suspensions and remissions having to take place in a bad year and reducing our Provincial receipts to as low as Rs. 1,64,71,000 in 1905-06 and raising it in the current year as high as Rs. 2,17,82,000, the figure shown in the correction memo. of the 11th instant. These variations depend almost entirely on revisions of assessment and on the working of the suspension and remission rules.

With regard to the revision of assessment, I should like to mention that in this Presidency,—whatever may be the case in other parts of India, and I am having in mind a discussion which recently took place in the Imperial Legislative Council,—it is forbidden by law under section 107 of the Bombay Land Revenue Code to impose any enhancement of assessment on account of any improvement made by or at the cost of the holder of the land. Instructions regarding this provision of the law are contained in the Survey and Settlement Manual, and that particular portion of the Manual is made a

special subject of examination for Assistant Collectors, so that we take all precautions that it is possible for us to take to ensure that here at least, whatever they may do elsewhere, we shall not enhance our assessment on account of improvement made by, or at the cost of, the holder of the land.

Under the head Expenditure in Land Revenue and Registration, the principal items are those mentioned under (i), (ii), (iii), (iv) and (v) on page 6 of the Statement. The first item relates to the revision of the Subordinate Revenue establishment, and details regarding that are given in paragraph 13 (a) of the Statement. It is a great satisfaction that we are able to announce the receipt of the Secretary of State's sanction to the scheme which was submitted to him for the improvement of the position of the Subordinate Revenue Establishment. The matter has been under consideration for some years, and now at last effect can be given to the proposals made. There is one small point which I should like to mention. It will be seen that under sub-paragraph (5) of clause 13 (a) of the Statement, the percentage of appointments on Rs. 15 and Rs. 20 is bracketted together as 40. The reason of that is that we are by degrees reducing and abolishing the appointments on Rs. 15. It cannot be done immediately because to reduce them and keep within the limits of the sanction which we have received means a certain reduction in the number of the establishment. That is being effected in some of the districts, and considerable progress has been made. The lower appointments on Rs. 15 are being reduced and the money so saved is being utilised to raise the remaining appointments of Rs. 15 to Rs. 20. This improvement will continue as quickly as it can be carried out, and it is hoped that by amendments in the procedure of carrying on the work in the local offices it may be possible in course of time to do away with the Rs. 15 grade altogether.

I do not think that I need add anything to the remarks made in the statement regarding items (ii), (iii) and (iv) on page 6, but I should like to say one word about the fifth item, the creation of a post of Registrar of Joint Stock Companies. This is a post which is rendered necessary by the enactment of the Indian Companies Act. Endeavour is now being made to secure a perfectly suitable gentleman to hold this post. It is a matter of some little difficulty, because the Act is new, and any one who takes it up will have to study the Act and be able to apply it. We shall want an Officer with a good deal of tact and discretion so that he may neither be slack in applying the Act nor rush it too rapidly or wield the big stick. It is, I think, Sir, a very good advance that this Act should have been passed, and that we should have in the future a Registrar specially appointed to see to the provisions of the Act being carried out. The Registrar of Joint Stock Companies whom we have at present does not attempt to do anything like the amount of work with regard to the Joint Stock Companies which is expected from the new Registrar. It is hoped that the enforcement of the Act in a reasonable and proper fashion will assist, perhaps greatly, in avoiding such misfortunes, or help to minimise such misfortunes, as have recently taken place in Bombay. The Government of India have still under consideration further legislation relating to banking in particular; and the opinions of Local Governments have been sought, and the Local Governments have sought the opinion of those best able to advise. As yet nothing definite has been settled. This enquiry as to what form the future legislation should take is still in progress, but we have not thought it desirable to make any other sort of investigation. We consider the proper course to be to follow closely the proceedings in the High Court

by the judicial authorities with a view to keeping ourselves well informed and to taking any such action, whether under the Criminal law or otherwise, as may appear advisable.

The next head to which I need allude is that of Excise. Honourable Members will see that the total gross excise revenue for next year is taken at Rs. 2,22,00,000. As tending to produce that increase of revenue, we have pursued our usual policy of enhancing the duties on country spirits for the year wherever that appeared to be called for and practicable. Possibly Honourable Members may have noticed in the review of the Excise administration for the last year which was recently published that the increase of revenue from country spirit was accompanied by a marked and tangible decrease in the consumption of that spirit. We propose to continue our course of enhancing the duty at the cost of the consumers in all cases where it is possible to do so without driving the licit and recorded consumption into illicit and therefore unrecorded consumption. The increases of still-head duty have been ordered in the Parántij taluka of the Ahmedabad district by twelve annas per gallon of 25 degrees underproof. Similarly in the Panch Maháls, similarly in Broach, in the eastern part of Bardoli and Chickli of the Surat district, in parts of Kánara above the gháts, in Hubli town and ten miles round and the rest of the districts of Dhárwár, and in Belgaum district excepting the Balgaum City, Cantonment and ten miles round where the rate is already the same as the increased rate in the rest of the district. Similarly in the Poona district, except the Poona City and Cantonment and ten miles round, the rate is increased from Rs. 4-8-0 to Rs. 5-4-0 per gallon of 25 degrees. In the Peint taluka of the Násik district the rate is increased from Rs. 1-8-0 to Rs. 2-4-0. Similarly in the Nawápur Petha of West Khándesh. Again, in the towns of Thána, Bándra and Kurla in the Thána District, and the rest of Sálsette taluka also, the rate is increased from Rs. 4-8-0 to Rs. 5-4-0. In Sankheda and Mahi Kántha, the area held by Ruling Chiefs of a subordinate character, the rate is raised from Rs. 1-8-0 to Rs. 2-4-0 and from Re. 0-12-0 to Rs. 1-2-0, respectively. As a further measure with a view to decreasing the consumption of alcohol we have decided to reduce the still-head duty rate on spirits of the strength of 60 degrees underproof. Hitherto the rate of 60 degrees spirit has been half exactly of the rate on 25 degrees. It is now decided that the rate on 60 degrees underproof shall be less than half of that on the 25 degrees, and that the maximum selling price shall be reduced in like proportion, with the result that the 60 degrees underproof will become distinctly the cheaper spirit as compared with the 25 degrees, and that if the consumption should remain, bulk for bulk, as it was before, the amount of alcohol consumed, the consumption measured in terms of proof gallons, will show a decrease.

In connection with Excise, I do not think I need repeat here what has already been published, a certain change in the hours in which shops can be kept open. Honourable Members will be already aware of the alterations which have been directed to be made for reducing the number of hours during which shops may be kept open. That also is with the same object of reducing the total consumption.

The next revenue head, Sir, is Forest. In the memo. of corrections the surplus revenue under Forest for the current year is now taken on the revised estimate as Rs. 23,10,000. For the Budget of next year 1914-15, we have taken only Rs. 19,82,000. That is, I think, a very fairly conservative estimate and may not improbably be exceeded. But the prices of timber and the way in which it sells and gets out of the coupe are such that it is thought wise not to estimate too highly. Moreover, the figures

of the current year include certain sums due to recovery of payments made for grass in connection with fodder operations. Those will be less or non-existent next year. The percentage of cost to receipts of the Department budgetted for next year works out at 56. This figure of 56 compares very favourably with the figure as it existed at the time when the Provincial settlement was made in 1904-05, nearly ten years ago. At that time the percentage of the costs to receipts was as high as 74.3. In 1911-12, as I pointed out three years ago, we had then reduced the percentage to 61.5. In 1912-13 it has come down to 54. For next year we have budgetted for 56, as I have just said, and the percentage of cost will probably work out in the end to very much the same figure as that of 1912-13.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency, the next item is Law and Justice. The budget under this head contains no important innovation. The increases under the various items simply reflect the constant growth which is taking place in the volume of business in the law-courts. The only item which forms an exception to this is the increase in the provision for “salaries of Assistant and Joint Judges,” Rs. 21,000. This increase is merely the result of the normal fluctuations which take place in this item, according as more senior or more junior Assistant Collectors are serving as Joint and Assistant Judges. In the year under consideration it is estimated that, on the whole, more senior officers will be serving in these posts than in the year now terminating, and hence an increased provision is made.

Among the other items, the increases in the provisions for (1) “temporary appointments of Subordinate Judges and their establishments” and (2) “fees (that is, pleaders’ fees) in civil and criminal cases,” respectively, may seem at first sight to be somewhat large and sudden increases; but the fact is that the steady growth of the needs of Law and Justice under these heads was not fully reflected in the provisions made in last year’s budget, which have had to be largely supplemented by reappropriation during the current year. Hence considerably larger provisions have had to be made this year.

The total increased expenditure under the head “Court of Law” is more than counterbalanced by decreases under various heads. Among these latter the Council will notice a decrease from 35,000 to 4,000 under “Conciliators’ establishments.” I may explain that the provision of Rs. 4,000 which remains under this head is in reality not for Conciliators’, but for village Munsiffs’ establishments, which have hitherto been placed under the head of Conciliators’ establishments for account purposes. The appointments of Conciliators, as Honourable Members are aware, have all been cancelled.

The remaining items of decrease, I think, call for no comment.

The Honourable Mr. CLAUDE HILL said:—Your Excellency, the next heading of expenditure for notice is Jails, and although under Jails there is no very large item of increased expenditure, a good deal of work of considerable importance is provided for. It will be noticed that there is an allotment of Rs. 20,000 in aid of the Salvation Army Scheme for the reclamation of prisoners. The Salvation Army have offered to assist us, as they also do in Madras, Ceylon and the Punjab, by formulating schemes for the settlement for the reception and putting to work of prisoners, and their present proposal consists in a scheme to establish a settlement somewhere in Ahmedabad and another one not far from Thána. They are at present under consideration and we propose to allot Rs. 20,000 to further the scheme during the ensuing year.

The other item under Jails which, though not a large one, calls for comment is an increase of expenditure for establishment amounting to Rs. 6,920. That is ear-marked for an improvement in the salaries of Deputy Jailors and Jailors and certain other Jail officials in order to bring the rates of pay in the Jail Department up to the level of corresponding services elsewhere, and with a due regard to the rather unpopular nature of the Jail Department service.

The other item, at present only a small one, but which may be increased during the year, of Rs. 6,708 for the establishment required for the Dharwar Juvenile Prison is the first step towards establishing at Dharwar, as was contemplated a year ago, a prison on the Borstal system for the reformation of juvenile prisoners. Now in respect of this item there is the same underlying tendency, namely, I think, it connotes the recognition by Government of the necessity for improving prison condition. It has recently been stated in one or two places and in the newspapers, as a criticism of Government, that the Jail Department has not received adequate attention of late and that the jail system generally needs investigation and improvement. Well, investigation will certainly be welcome so far as we are concerned, but we have certainly endeavoured recently to modernize our jail system as far as possible and to bring it up to modern requirements. It is probably within the knowledge of the Honourable Members that it is in contemplation to establish a Prisoners' Aid Society for the care of prisoners and to provide means of finding employment for them after their release. I need not anticipate what may be done in that connection, but all that indicates that the Bombay Government at present are not oblivious of the necessity of bringing the Jail Administration of this Presidency up to date.

The next item of expenditure to which I have to draw attention is Police. And it will be seen at pages 10 and 11 and page 34 of the Revised Financial Statement, that at last we have received sanction of the Secretary of State to the completion of the reorganization of the Bombay Presidency District Police and that we propose as the first instalment towards completion to allot the sum of 3 lakhs for the increase involved in carrying out this measure this year. We cannot at all events be accused of having been in a hurry with regard to the reorganization of the Police. The Police Commission sat rather more than 10 years ago, and the measures incidental to its recommendations so far as they related to this Presidency have been under the most careful and mature consideration ever since and it is only during the past year that we have succeeded in getting the measure as a complete scheme sanctioned by the Secretary of State. The increased cost partly due to improved salaries, partly due to improved equipment and partly to an increase in the personnel, will reach the total, ultimately, of 8½ lakhs. But during the ensuing year it will not be possible to work up to this total and we have provided 3 lakhs as being approximately the amount which we shall be able to spend.

Another item which you will find referred to at page 6 of the Financial Statement is the need for increasing the allowances for upkeep of horses and camels at present drawn by the mounted police in Sind and Kathiawar. These have for a long time been less than they should have been, having regard to the rise of prices almost everywhere; and at last it has reached a point at which it is absolutely impossible for the mounted police in those two Provinces to maintain their horses and camels on the allowances allotted to them. I am quite certain that this Council will agree that it is by no means premature

to raise the allowances up to the very minimum which it costs to keep a horse or camel respectively.

Another item, also connected chiefly with Sind, is the item for the construction of Police Lines and, pending the construction of police lines, for the provision of hutting allowances. One of the great obstacles to the recruitment of police in Sind has been the absence of official quarters where they could live and the extreme difficulty of procuring any quarters at all. Ultimately I am afraid that the cost of providing quarters, partly incidental to the reorganization scheme, will reach a very considerable figure. But this year at all events we propose to make a beginning towards remedying this deficiency.

Under Ports and Pilotage, which is the next item in the Financial Statement, it will be within the recollection of the Council that last year it was stated that we contemplated providing for the construction of light-house at Cape Monze and a light vessel of the Khai mouth of the Indus. The total provision during the current year's budget was Rs. 2,15,108; and the construction of the light house at Cape Monze which was then undertaken has been proceeding with considerable expedition and entire satisfaction. It is now proposed to proceed immediately with the construction of the light ship, and between Rs. 30,000 and Rs. 40,000 will have to be expended on this ship before the close of the current year. A scheme for legalizing the levy of light dues will shortly be introduced. It is estimated that the provision of Rs. 2,13,000 will cover the remaining expenditure for the light-house and the light ship during the ensuing year.

I now come to perhaps the most interesting item of expenditure for which I am responsible, namely, Head 19, at page 47, Education. The salient items have been briefly referred on page 67 of the Financial Statement. But it may interest the Council to have a somewhat more detailed account of what is proposed. In the first instance it may interest the Council to know that Budget Estimate under Education for the ensuing year shows an advance of 7½ lakhs over the provisions of the expiring year and of 55½ lakhs as compared with the actual expenditure for 1910-11, and incidentally I may perhaps be allowed to express my personal acknowledgment to my Honourable friend Sir RICHARD LAMB for the readiness with which every single item connected with education during the past year, as far as has been possible to do so, has been met. The first item of increased expenditure to which I invite your attention is the provision for the post of a Deputy Director of Public Instruction. That post has already been created with the sanction of the Government of India for a period of two years, at the end of which we shall have to consider whether it shall be continued or not. And I do not think that the creation of the post will for a moment excite any criticism of an adverse kind, when it is realized, as already stated at the previous Council meeting, that the increase in the number of primary schools alone in this Presidency during the past four years amounted to some 1,940 schools. It will be realized that it is very difficult for the Director of Public Instruction to conduct the ordinary duties of his office, in themselves sufficiently onerous, side by side with the task of selecting the places at which such primary schools should be established, and supervising the various schemes for the improvement of education from collegiate education downwards. I do not think that there will be any hesitation in endorsing the step which has been taken in providing an officer who can conduct the ordinary duties of the office of the Director of Public

Instruction, thus relieving the Honourable Mr. Sharp and enabling him to work at the exceedingly responsible task of devising the best means for utilizing the increased sums which are now available for education.

Coming next to the Arts Colleges and the strengthening of their staff, assistance at a cost of Rs. 7,000 was afforded last year, but permanent additions and increases of salary have been found necessary involving an additional expenditure of Rs. 26,898 during the ensuing year which will ultimately rise to Rs. 43,758.

Then another interesting item is the inclusion of Rs. 37,000 for the College of Commerce; and in announcing that the College of Commerce was opened in October last and has made an exceedingly favourable start, I should like, with your Excellency's permission, to take this opportunity of expressing the obligation of Government to Mr. Aiyar who gratuitously undertook the office of Principal pending arrival of the new Principal who has recently been appointed by the Secretary of State. It is thanks to Mr. Aiyar and to his great energy, that it was possible to open the College in last October, thus saving, probably, a year and a half which would otherwise have had to elapse before the College of Commerce could have been started. And it may also interest the Council to know that, within the last few days, Mr. Anstey, selected by the Secretary of State, has arrived in Bombay and taken over the duties of Principal.

It is clear that the Royal Institute of Science must take some three or four years more before it can come to completion. But in the meantime it is considered advisable, on the recommendation of Sir Alfred Hopkinson, that one or two at least of the Professors, ultimately to be brought out from home or appointed in India, should be appointed before that edifice is completed, in order that all the internal arrangements may be adapted to the needs of up to date scientific instruction: and we have accordingly decided to indent first for a Professor of Physics and to provide for a portion of his salary during the ensuing year.

Coming to Secondary Education, the first item to which I should like to draw attention is the opening of the Jalgaon High School which is expected to take place in a short time. The Jalgaon High School, of which the Government grant was largely assisted by local beneficence, represents one of the steps in the policy of Government towards having one Government High School at the head-quarters of every District. The provision for the staff etc. of this Institution has been made in the budget.

I ought to refer also to the English teaching schools and the Anglo Vernacular Schools aided. Occasionally, partly owing to inefficiency or from other causes, the grants have fallen in the past below the one-third limit, and it is now considered desirable to raise those grants in order specifically to provide for an improvement in the quality of the staff teaching in those schools; and the amounts to be provided come to Rs. 75,000 for this purpose alone.

When, in 1911, it was decided to raise the fee rates in Government secondary schools, an undertaking was given that the amount of those fees, *i. e.*, the excess amount realized in consequence of the raising of those fees should be devoted to the improvement of education in those schools; and in accordance with this assurance a provision of Rs. 64,000 has been made for the ensuing year. This is to be spent on the equipment for the teaching of science and on providing additional accommodation in

High Schools. These Rs. 64,000 represent the increased income for 1911-12 and 1912-13, in consequence of this raising of fees. We assume that half a lách per annum will be the extra amount which Government can rely on under this head and we propose to appropriate about half that amount to improving the pay of the Assistant Masters in secondary schools. That proposal is at present under consideration.

Coming now to primary schools, I think some apprehension was felt, judging by the vernacular papers' comment on the Director of Public Instruction's Report, that there would be a slacking off in increasing the number of primary schools in the ensuing year. It may be remembered that I was able to announce that 1,940 new primary schools have been opened during the past four years and it should, therefore, be gratifying to those who were anxious to know that we propose to provide a lách of rupees for the opening of 500 more new primary schools in the ensuing year.

Perhaps the largest and the most salient item in the Budget under education is concerned with the removal of the Victoria Jubilee Technical Institute to its new site. In the first forecast of what this measure would cost, it was anticipated that the Technical Institute would be able to realise some ten láchs for the site and building which it is leaving and that, with the contemplated expenditure of $12\frac{1}{2}$ láchs, a deficit of only $2\frac{1}{2}$ would have to be made good, and that was to be made good partly from the Government of India's non-recurring grant of 2 láchs and partly by a provincial grant of half a lách. Unfortunately, the anticipations as to the value to be realized from the sale of the old site and building were too sanguine, and it is feared that only about $7\frac{1}{2}$ láchs will be realised. The only alternatives before the Board were to cripple its resources of permanent income by selling securities or postponing the move. To meet the difficulty in which the Board was placed Government have now decided to pay the whole of deficit; in other words, including the Government of India's two láchs, the total Government contribution towards the cost of the scheme will amount to five láchs or two-fifths of the whole cost.

A small item which may interest the Council is that which provides Rs. 1,200 for personal allowances to certain Pandits and Persian Teachers of the old scholarly type who may be selected and found to be worthy of encouragement, and on the suggestion of the Honourable Mr. GODBOLE before the Finance Committee Government have also decided that small allowances should occasionally be granted to Sanskrit Pandits and Moulvis who are not in the service of Government; and, although no provision has actually been made for this, it will not be difficult to provide an amount equivalent to that provided in the case of Persian Teachers, namely, Rs. 1,200, by re-appropriation during the ensuing year.

In regard to the Imperial recurring grant for Education, amounting to Rs. 5,93,000, I have caused a statement, showing how Government propose to utilise this amount, to be printed and laid before the Honourable Members; and I do not, therefore, propose to go in detail into the distribution of the Rs. 31,00,000 non-recurring, the Rs. 2,00,000 allotted to the Universities have already been paid and I understand that proposals from the Syndicate are awaited as to how the amount is to be spent. From the remaining allotment proposals have been matured which involve an expenditure of nearly Rs. 16,00,000 and that expenditure has been sanctioned; while other proposals amounting

nearly to six lakhs are still under consideration. Thus the balance for which proposals are still awaited from the Director of Public Instruction amounts to about Rs. 7,25,000.

The last item in the Budget under the expenditure head for which explanation is due from me is Medical. And the first small item thereunder, is covered with a proposal to bring the Compounders already in Government service on to graded service for the whole Presidency.

Another item, rather a large one, of Rs. 37,000 is for a building grant-in-aid for the construction of the new Hospital building for Mahabaleshwar. One lakh of Rupees has been provided for as a contribution to the Bombay Municipality for the construction of a hospital for treating cases of infectious diseases among Europeans and Anglo-Indians in the Bombay City.

Hitherto in Sind the offices of Chemical Analyser and Port Health Officer have been held by one and the same officer as a matter of economy. The arrangement is entirely unsuitable. The Port Health Officer of necessity has his office at Manora and it is exceedingly undesirable, as well as inconvenient, that the office of Chemical Analyser should be in the same place. A provision of Rs. 10,000 has therefore been made for the expenditure involved in the appointment of a separate officer as Chemical Analyser.

The application of the Lepers Act to various Districts in this Presidency has involved a certain number of grants-in-aid to Leper Asylums, amounting in all to Rs. 8,000.

The revision of the organization of the Grant Medical College in Bombay, with a view to bring its organization more up to date, involves the abolition as such of the Principal and the substitution in his place of a Dean, one of the full time officers. I do not propose to go into the details of this re-organization scheme here, but it accounts for an item of Rs. 11,290.

Then the last item under Medical, Rs. 10,000, is a grant-in-aid for the newly constituted College of Physicians and Surgeons in Bombay and I do not think that there is any question in any body's mind that the establishment of that College is a measure of advance for the inception of which every body is duly grateful to the energy and ingenuity of the late Surgeon-General Stevenson.

The Honourable Mr. PATTANI spoke as follows:—As regards sanitation Government have been steadily pursuing the policy of making liberal grants to local bodies for the execution of urgent and important sanitary projects. A provision of Rs. 21½ lakhs has been made in current year's budget on this account. This provision is made up of (i) the imperial recurring assignments amounting to Rs. 10½ lakhs for the improvement of sanitation in large towns; (ii) an allotment of Rs. 9 lakhs representing one-third of the special imperial grant of Rs. 27 lakhs for non-recurring expenditure on urban sanitary works; and (iii) a provincial grant of Rs. 2 lakhs. Out of this provision of Rs. 21½ lakhs grants aggregating Rs. 19,24,000 have already been sanctioned, and proposals for the utilization of the balance are under consideration. The special allotment was expended chiefly on schemes for town improvement, for surface drainage in urban areas and for the filling in of insanitary tanks, the most important grants being Rs. 4 lakhs to the Bombay Improvement Trust for experimental measures in connection with slum improvement,

Rs. 50,000 to the Broach Municipality for the Boharwad Improvement Scheme, Rs. 40,000 for expenditure on original works in connection with the development of Sálsette as a residential area, and Rs. 35,000 to each of the Municipalities of Belgaum and Hubli for the opening out of congested areas. On the other hand, the imperial recurring assignment and the provincial grant were devoted principally to the promotion of large schemes of water-supply and drainage. In the current year we allotted Rs. 3,20,000 for the Ahmednagar water-supply scheme, Rs. 1,75,000 for the Poona drainage and water-supply scheme, Rs. 1,50,000 for the Bársi water-supply scheme and Rs. 90,000 for the improvement of the water-supply at Sholápur. The Sanitary Board have been authorized to sanction projects costing up to Rs. 20,000 and to make grants not exceeding half the cost, up to a limit of Rs. 10,000 for any one work, and it has been decided that for the latter purpose such amount not exceeding Rs. 2 lákhs, as the state of provincial finances will permit, should be placed at the disposal of the Board every year. A lách of rupees was accordingly allotted to the Sanitary Board this year, out of which a sum of Rs. 89,500 has already been distributed by them and proposals for the utilization of the balance have been called for.

For next year the demands on our resources are expected to be very heavy. Grants-in-aid amounting to Rs. 12 lákhs, approximately, are likely to be required in the ensuing year in connection with water-supply schemes for Godhra, Kalyán, Násik, Igatpuri, Nandurbár, Karád, Alandi, Bijápur, Mátherán, Haliyál, Hyderabad, Sukkur and Aden, and drainage schemes for Dhulia, Bijápur and Sehwan. It is estimated that Rs. 3½ lákhs approximately will be required for schemes of town improvement, surface drainage, etc. Government have recently declared that adequate schemes for the improvement of milk-supply can legitimately be regarded as schemes connected with the improvement of the sanitary condition of towns, that as such they are entitled, *pari passu* with other sanitary projects, to Government support from the provision made in budget estimates for grants-in-aid to local bodies for this purpose, that for the present no limit will be imposed on the proportion of the cost which will be borne by Government and that such proportion will be determined in each case on a consideration of the merits of the scheme and of the extent of the ability of the municipality concerned to finance it from its own resources. It is not possible at present to forecast what amount will be required next year for such schemes. We have provided Rs. 50,000 in the ensuing year's estimates on this account. It is intended to allot next year a lách of rupees to the Sanitary Board to enable them to make grants for sanitary projects, and Rs. 80,000 to the Poona City Municipality as a grant-in-aid of the proposed construction of a bridge on the Mutha river. To meet all these requirements as well as any unforeseen demands a total provision of Rs. 21 lákhs has been entered in the budget for 1914-15, of which Rs. 20 lákhs will be met from the imperial assignments for sanitation and Rs. 1 lách from provincial revenues.

The Government of India have offered, subject to certain conditions, to bear half the cost of the entertainment of the health officers appointed under their scheme for improving the sanitary services, while this Government had agreed to bear one-third of the remaining cost in the case of health officers and the same proportion in the case of Sanitary Inspectors. The share of the cost devolving on the Municipalities which accept the scheme will thus be one-third as regards health officers and two-thirds in the case of Sanitary Inspectors. The Government of India have sanctioned a recurring assignment of

Rs. 20,000 from imperial revenues to assist local bodies in introducing the scheme for the entertainment of health officers. A sum of Rs. 10,000 has been provided in the budget for 1913-14 as the provincial share of the cost of the whole scheme. The Municipalities in the Presidency were informed of the terms on which Government would be prepared to contribute towards the entertainment of sanitary officers and were invited to submit proposals accordingly. Proposals have been received from various Municipalities and are under the consideration of Government. For next year a sum of Rs. 10,000 has been provided from provincial revenues on this account.

The Honourable Sir RICHARD LAMB spoke as follows:—Your Excellency,—The next head is Scientific and other Minor Departments. I have again to complain, as I did last year, that the Agricultural Department, including Co-operative Societies, should continue to appear among the minor departments. They are in my opinion by no means minor departments; however, the recognition of these things is not in our hands and we have to take them as we are told to do. Under the head Agriculture I find that in three heads, Agriculture, Co-operative Societies and Veterinary, in 1909-10 the actuals of expenditure were Rs. 7,14,000. In 1912-13 they have risen to Rs. 9,22,000. In the revised estimate for 1913-14 they amount to Rs. 10,37,000, and in the Budget we have Rs. 13,11,000. I think it will be seen that we are increasing our expenditure on these departments at a considerable rate. Some details of the objects on which this increased expenditure is to be incurred are given under (u) and (v) on pages 15 and 16 of the Statement. One amount therein mentioned is the remodelling of the Civil Dairy at Kirkee. As to that I hope to cause to be published in a few days a brief description of the action proposed to be taken there. We are going to extend our agricultural and hydraulic experiments of testing and demonstrating oil engines and for demonstrating the result of a more economical use of water on the irrigated area than is now the case under our canals. We are also undertaking a test of what can be done for irrigation with the water which comes away from the Tata Hydro-Electric Works, or rather will come away from those works, as soon as they are opened. There is certainly a large opening there, but it will not be wise to undertake any considerable scheme without previous test, and experiment of the land which may come under command of that water. We have in the course of the year received the sanction of the Secretary of State—after the lapse of a considerable time—to a third Deputy Director of Agriculture for the Bombay Presidency, which has enabled us to redistribute the charges of the Directors and to relieve at least one Professor of the Agricultural College from out-door work, so that greater attention may be given in each Deputy Director's charge to the matter of bringing to the knowledge of the agriculturists the proved experiments of the department for the improvement of agriculture. We are in hopes of yet obtaining the sanction of the Secretary of State to the increase in our expert staff in the shape of a Mycologist.

For the Subordinate Veterinary Department I do not think I can usefully add anything to what is stated on page 16 of the Statement. A brief review is there given of what has been done hitherto and what we are now arranging to do.

The remaining heads under Scientific and Minor Departments do not, so far as I am concerned, call for any comment. They are in fact really minor departments.

The next head which calls for comment is perhaps Stationery and Printing, for which a provision of Rs. 15,01,000 is made in the new Budget, and under Miscellaneous there is a provision of Rs. 7,18,000.

With regard to the reduction or avoidance of debts, it relates principally to famine. In my opening remarks I have already referred to the state of famine and the effect it has on our Financial Statement and our prospects of revenue and expenditure, and I do not think I need do more than ask the Honourable Members to read the paragraph relating to it which is contained on page 40 of the Statement. The expenditure is not by any means heavy, but it is, of course, dependent on what the coming monsoon may bring.

The next head to which it seems necessary to refer is 45.—Civil Works. The provision there is large, it amounts to Rs. 90,00,000, and some information is given as to the distribution of that amount on page 43 of the Statement. In paragraph 52 the principal works which are in hand are mentioned under their principal heads: that is to say, the works that are being carried out for the Land Revenue Department, those that are being carried out for the Educational, those for the Judicial, those for the Jails, those for the Police, for the Medical, for general administration, for communications and for miscellaneous improvements. I should like to invite attention to the provision under communications. We are able to make a considerably larger provision than usual under that head because of the non-recurring grant which the Government of India gave us last year. That grant is for the purpose of expenditure on, and has been devoted wholly or almost wholly to, the improvement of roads and bridges. The improvement of communications appears, to me at least, to be a very important matter which has in past years not received quite so much attention, principally for want of funds, as it deserved, and I hope that we shall be able to continue steadily a programme of giving better roads and more fully bridged roads for the transport of traffic from districts to railways and through communications from one district to another and for improving the comfort and convenience of those who have to travel by road.

The only remaining head to which a brief reference may be made is that dealt with in paragraph 15 on page 17 of the Statement. It relates to Provincial Advance and Loan Account. There is not, however, anything that I find necessary to say in further elucidation of what is laid before the Council in that paragraph, and those, Sir, I think are all the heads that I have to deal with.

His Excellency the PRESIDENT spoke as follows:—I think I should be wasting the time of Honourable Members if I did more than say a very few words on the satisfactory statement that we have just heard from my Honourable colleague Sir RICHARD LAMB, for I think it will be the opinion of every Honourable Member that it shows a sound condition in our revenues, and that means that we are able to satisfy the financial requirement for the year of the various Departments, which I hope will considerably increase their general efficiency. We go forward, as Sir RICHARD LAMB has told us, with a balance of Rs. 88,00,000, which, I think Honourable Members will agree, constitutes a very satisfactory condition of our Provincial finances.

Now I wish to draw the attention of Honourable Members to one or two items which have struck me during the very lucid statements that have been given by my honourable colleagues with regard to the various Departments under their charge. The first thing about which I should like to say one word, is the matter of Excise. Honourable Members are aware that at times Government comes in for a certain amount of criticism from very earnest people with regard to their policy in the matter of Excise,

but I think it may fairly be said, after what my honourable colleague has told you, that our policy with regard to this matter is to carry it on fair and reasonable lines. The policy at the present time, as we know and as you have heard, is the charging of increased rates on country spirit and the reduction of hours of opening and closing shops in order to reduce excessive drink. The result of that has been a decrease in the general consumption, which is all satisfactory, and yet, as has been said by my honourable colleague, there is an increase in the Excise Revenue. I think we may fairly say that the Government policy is to secure fair treatment for all classes of the community under their care.

Another matter that I think Honourable Members will feel pleased to note is that we find ourselves able to do away with Provincial tolls. The toll system is one which we all know cause a great deal of worry and trouble, and to be able to do away with the tolls on all provincial roads will be a great advantage to a very considerable number of people.

Then I think it must be a matter of satisfaction that after a number of years' consideration we have succeeded in getting an increase of pay for our subordinate staff in the Revenue Department, and an increase of pay and greater efficiency, I hope, in the near future, with regard to our police both in the Presidency Proper and in Sind. Honourable Members will have been pleased to hear of the increased expenditure we propose to make with regard to Education, Sanitation and Medical matters. I am entirely with my honourable colleague Sir RICHARD LAMB with regard to his remarks as to the Agricultural Department. It is, it is true, at the present time a minor head, but it does seem to me that the Agricultural Department and the department which looks after the Co-operative Societies should be before long put in under major heads, because these are becoming two of the most important departments in the administration of the whole Presidency.

I think that is all that I need say to Honourable Members to-day, beyond expressing my keen satisfaction that no Resolutions have been moved for discussion on any particular point, which proves to me that Honourable Members feel as I do that our Provincial resources are in a very satisfactory condition. I sincerely hope that we may be given a good season for the next year, and that my honourable colleague will be able to give us as satisfactory, if not more satisfactory, statement for the coming year.

I think it would be perhaps convenient if we adjourned for lunch now and met say at a quarter past two. The Council will now adjourn.

The Council adjourned till 2-15 p.m.

The Council reassembled at 2-15 p.m.

**BILL NO. III OF 1913 (A BILL FURTHER TO AMEND THE
KARACHI PORT TRUST ACT, 1886).**

His Excellency the PRESIDENT:—Order, order. A Bill to amend the Karachi Port Trust Act, 1886—Second* Reading—Mr. CLAUDE HILL.

* The Bill was not referred to a Select Committee.

The Honourable Mr. C. H. A. HILL spoke as follows:—Your Excellency, when proposing the first reading of the Karáchi Port Trust Act Amendment Bill I intimated that I did not propose to refer the Bill to a Select Committee as there seemed, so far as I could ascertain after a visit to Karáchi, to be entire unanimity regarding the provisions of the Bill as then published, and that in respect to the only clause which seemed likely to give rise to any discussion whatever I had ascertained that every representative on the Council hailing from Sind who could be expected to be interested in the Karáchi Port Trust agreed to the terms of the clause, namely, clause 3 of the Bill. Well, Sir, what has happened since has, I think, justified me in not proposing to refer this Bill to a Select Committee inasmuch as, although two amendments have since been received, one of them is a formal amendment to be moved by myself and the other is an amendment relating to the clause I have referred to, an amendment no doubt of the utmost importance but one which we shall be able to discuss fully when the Bill is considered clause by clause. In view of the total absence of criticism in respect to the whole of the rest of the Bill, it would be entirely superfluous for me to weary the Council by reiterating the brief explanation I gave of the Bill when I moved its first reading three months ago. I will, therefore, at this stage content myself with moving that the Bill be read a second time, reserving for the stage when the Bill is taken clause by clause the remarks I may have to make upon the amendments which have been placed upon the table.

The Honourable Mr. G. M. BHURGRI spoke as follows:—My Lord, I beg to move that the Bill be referred to a Select Committee. I think I am entitled to do so under rule 7.

His Excellency the PRESIDENT:—Order, order. Has the Honourable Member given notice of this motion?

The Honourable Mr. BHURGRI continuing:—I submit, my Lord, that under rule 7 I am entitled to move it without notice. I draw your Lordship's attention to rule 7 for the conduct of business of this Council, which says: [Reads.] My Lord, I beg to move that the Bill before the Council be referred to a Select Committee. My reasons are these. This proposed enactment has greatly agitated the minds of the Sind public, so much so that the public of Sind has taken great interest in this Bill and I think it will be clear from the criticism we have received now from the Karáchi Municipality and also from the mercantile community of Karáchi and as Government also admits that direct representation on the Port Trust is desirable, that the best way is to follow the procedure laid down in the rules, that is, refer the Bill to a Select Committee. My Lord, last time also the question of adjournment was before the Council and I think the results obtained have justified that the adjournment given then was necessary. Even my Honourable friend the Member in charge of the Bill has benefited by the adjournment by giving a notice of an amendment in his own name. I, therefore, propose, my Lord, that the Bill be referred to a Select Committee.

The Honourable Mr. HARCHANDEAI VISHINDAS spoke as follows:—May it please Your Excellency, I think it my duty to inform Your Excellency and the Council that since the last Council meeting I have had an opportunity of fully ascertaining the views of the public of Sind, including the Karáchi Municipality, and the public opinion in

the province is very strong against the proposed legislation (Hear, hear). You have also before you the resolution of the Corporation. I must say that it is impossible not to be struck with the cogency of the arguments that have been advanced in support of that view. Certain other circumstances have also happened which should be stated to the Council. Now in the first place the most forcible objection to the proposed legislation is that nomination is proposed in place of election. As I myself pointed out, that course would naturally be repugnant, it was repugnant to me also, although owing to the considerations I then suggested, I agreed to the proposed legislation. That is one thing, and another thing which has happened since is also worthy of notice. That is this. It was pointed out in this Council last time that there were two bodies, the Indian Merchants Association and the Indian Chamber, and on account of their probably conflicting—well, I do not know whether “conflicting” is the proper word—but on account of their rivalry, it was rather difficult to select to which to give the proposed representation, it being admitted that election would be a better system than nomination, I mean admitted even on the part of Government. Well, since then Your Excellency paid a visit to Sind and the Indian Merchants Association presented Your Excellency with an address in which they made a prayer that they should be given two seats on the Port Trust. Your Excellency replied to them that if they and the other Indian Chamber combined, then—these may not be the exact words—then Your Excellency would give them the franchise.

His Excellency the PRESIDENT interrupting :—I should be glad if the Honourable Member would say exactly what I did say.

The Honourable Mr. HARCHANDRAI :—Yes, Sir, I will refer to the words because I myself thought I might be committing a mistake. (Reading an extract) “No doubt when your Association has joined itself with other similar bodies in Karáchi and has become fully representative of the Indian merchants in this city, the privilege of electing such a representative will be extended to you”. These are the exact words from the report. Of course, there are no other bodies in Karáchi but this Indian Chamber, and they interpreted this declaration to mean that, if they joined with the other body, then the privilege of electing such a representative would be extended to them.

His Excellency the PRESIDENT interrupting :—Can the Honourable Member show any definite remark that I ever made at Karáchi to the effect that such a thing would be promised by the Government to that particular body?

The Honourable Mr. HARCHANDRAI :—No, I do not mean exactly a promise, as that is a matter which would have to be considered in Council, I dare say.

His Excellency the PRESIDENT :—I want to be perfectly clear. The Honourable Member has definitely referred to me as having made a definite statement in which I promised that if the two bodies would amalgamate we would allow the elective system instead of the nominative system. I want to ask him if he can show any statement that I made when I was up at Karáchi in which I made a definite promise of that sort.

The Honourable Mr. HARCHANDRAI :—I do not think it can be called a promise. I would not go the length of giving it the definition of a “promise”, but those are the exact words that I am quoting from a report and I leave it to Your Excellency to judge whether or not.

The Honourable Mr. V. J. PATEL interrupting :—I rise to a point of order. The question before the Council is whether the Bill should be referred to a Select Committee or not.

The Honourable Mr. HARCHANDRAI continuing :—I am supporting that. What I was going to say was that the two bodies had reason to infer that their combination would be a stepping stone towards the acquisition of their franchise. Well, it may be a mere aspiration, it may not ultimately materialise, but certainly there was justification on the part of the two bodies to arrive at this inference. In pursuance of that, both these bodies resolved at a meeting that they would combine; in other words, that the Indian Chamber would merge itself into the Indian Merchants Association, and a joint committee of sixteen has been appointed consisting of very strong representatives to consider whether any alterations or addition in the existing rules are necessary. In pursuance of that, they consider that, now that the Port Trust Amendment Bill is on the anvil, this is the opportune time for them to point out that they should be given this representation. Of course, the prayer has not come from the Indian Chamber, because the Indian Chamber resolved to have a fusion and to merge into the Indian Merchants Association. That new situation having arisen, that being another factor, I think the proposal of the Honourable Mr. BHURGI is a very proper one, and it is only a Select Committee that can calmly consider the whole question from all these points of view, and come to any conclusion they deem fit and bring the question up before the Council.

The Honourable Mr. W. L. GRAHAM spoke as follows:—Your Excellency, I regret very much that the Chairman of the Karachi Chamber of Commerce, the Honourable Mr. NICHOLAS, is absent owing to illness on this occasion, especially as it has been moved that this Bill should be further delayed by being referred to a Select Committee. It seems to me that it is a great mistake in a Bill of this nature that any further delay than is absolutely necessary should be caused and I therefore deprecate its reference to a Select Committee. It is unsettling to the Karachi Port Trust who are naturally anxious to have this question finally settled as soon as possible.

There appears to be only one point at issue and that is the question as to whether the member representing Indian Mercantile interests should be elected by or nominated from the Indian Merchants Chamber of Commerce, which I understand is now in process of formation comprising the two bodies that formerly existed as the Indian Merchants' Association and the Indian Chamber.

As the amalgamation of these two bodies was only very recently decided upon, it seems to me, Sir, that it would be very much better, at any rate for a time, that the representative on the Port Trust should be nominated by Government. As a matter of principle, election is admittedly preferable to nomination, and I have no doubt that when the Chamber is thoroughly consolidated and well established that Government will give this question their favourable consideration. In the meantime, however, I favour nomination and as a precedent for this I would point out to this Council that until quite recently the three members representing the Indian Mercantile community on the Bombay Port Trust were nominated by Government. It is only quite recently, I think within the last three years, that the Indian Mercantile community have been given the privilege of electing two members on the Trust. I think that is a precedent which may very well be adopted in the present case.

I can see nothing, Sir, to be gained by the postponement of this Bill, nor do I consider there is sufficient cause to refer it to a Select Committee. I therefore oppose the motion.

The Honourable Sir PHEROZESHAH M. Mehta spoke as follows:—May it please Your Excellency,—My honourable friend Mr. GRAHAM says that, if this motion for referring the Bill to a Select Committee is carried, it will cause delay, but I think he might have added that if any delay occurred, it is not due to the mover's action but because Government refused to appoint—or I will not say refused—but did not refer this Bill to a Select Committee on the last occasion. That is the ordinary course that is generally followed with regard to all Bills. Your Excellency will remember that, on that occasion, my honourable friend in charge of the Bill, Mr. Hill, wished to push the Bill through all its stages, and some of us in Council objected to that course being followed. Your Excellency will also remember that I pointed out that, unless there were very urgent or special reasons for not following the ordinary course, the proper thing to do was not to take the three readings at one sitting after having simply given notice that the Bill was to be taken up for the first reading, and it was Your Lordship's intervention that allowed the Bill not to be pushed through all its stages at the last sitting. I think, Your Excellency and the Members of Council will see, that the course then ultimately adopted by Your Excellency was full of wisdom, because you will see, as on a previous occasion, in regard to the Bombay Port Trust Bill the result showed that when at the first reading it looks as if there was no contentious matter to deal with many difficult points are disclosed in the course of examination by the Select Committee and the public. My Lord, it seems to me that having seen the past history of the matter, the Council would do well to accept the motion of my honourable friend that this Bill be referred to a Select Committee.

The main reason why we should adopt that course on the present occasion is that we have received from the Karáchi Municipality a telegram and memorial only yesterday and I think that memorial deserves careful consideration, and I do not think it will receive that careful consideration unless the matter was put in the hands of a Select Committee. I do not think it will cause any considerable delay in dealing with the final stages of the Bill. The Select Committee—there is only really one point to be considered—can meet this afternoon or tomorrow afternoon, and make its report without any loss of time, and it will be in a position to consider the proposal which has been brought forward by the Káráchi Municipality, and it seems to me a point of sufficient importance that it should be dealt with in this way.

To disfranchise the Karáchi Municipality, as I pointed out on the last occasion, is a step which, on the face of it, seems to be an exceedingly retrograde one, and unless there were very good and cogent reasons for that course to be followed, I think it would be lamentable that the Municipality should be disfranchised in the manner proposed in the present Bill. I do not propose at present to go into the reasons which, to my mind, show that the proposal of the Káráchi Municipality should be adopted, as all difficulties and arguments in support of the new innovation can be met by a proposal or by an amendment which would require the Káráchi Municipality to elect as one of its representatives a member of the Indian Mercantile Community.

Your Excellency, I venture to point out, as I pointed out on the last occasion, it is a wrong idea to speak of a Municipality that it is divorced or separated or is entirely unmixed with the mercantile community. What is a Municipality, after all, but a body largely composed of the trading and mercantile classes of the City? It seems to me that the mercantile community and the trade cannot but be and are in fact thoroughly represented on the Municipality, and it could be well trusted to elect one out of the two representatives given to it who is a member of the Indian Mercantile Community. I say with all deference that a body like that, composed largely of the rate-payers of the City, can be better trusted to select a suitable representative from the Indian Mercantile Community than even Government and as I say with all deference, that in respect of the different positions of the two bodies, that very great consideration is required before a step of this sort is now taken by Government.

Then, Your Excellency will see, we are placed in a very difficult position with regard to the amendments. The memorial of the Karáchi Municipality suggests an amendment of which, I must confess, I am strongly in favour, as I have already stated, *viz.*, that the Municipality should be required to elect one of its representatives from the Indian Mercantile Community. Now there is no notice of such an amendment. There is no time to give any notice based upon their recommendations, and unless Your Lordship is pleased to allow an amendment of that character to be moved without notice as you alone have power to do, we shall be absolutely precluded from placing that recommendation of the Municipality before the Council for consideration. Therefore, my Lord, I support the reference of this Bill to a Select Committee which should be instructed to bring in its Report within a very short time, and I think it can be certainly brought on Monday before this Council. But if Your Lordship thinks that that course is impracticable, I do appeal to Your Lordship that when the time comes for the discussion of the Second Reading, and for taking the Bill section by section, that one of us should be permitted, under the special powers given to your Lordship under Rule 35 I believe, to dispense with the requisite notice of 7 days to move an amendment of that character.

The Honourable Mr. R. P. BARROW spoke as follows:—My Lord,—May I venture to express a hope that this Council will not further postpone the consideration of the amending Bill before us. As I understand it, the usual practice when a Bill is brought forward which affects a particular section of the community, is for that community to put forward its objections for the consideration of Government, and not for Government to appoint a special Committee to consider objections. It seems to me that, if Your Excellency is pleased to accept the suggestion of my honourable friend Sir Pherozechah Mehta and dispense with notice and allow the objection of the Karáchi Municipality to be taken up and put before the Council in the shape of an amendment to be moved at the last moment, all practical purposes will be served.

The Honourable Mr. GRAHAM has pointed out that there is a very serious objection to postponing consideration of the Bill longer than is absolutely necessary. The Port Trust naturally desires to know exactly where it is. The question has been before us, it has been in the air for some time, and everyone has known what is proposed. This is not the moment, I presume, to speak on the merits of the Bill which is before us; we shall have an opportunity of doing that afterwards. At present the only point for

consideration is whether we should further delay the progress of the Bill by referring it to a special Committee. This, I maintain, is unnecessary, for all that the special Committee would do can be effected by an amendment being moved with Your Excellency's permission, the representation of the Municipality being considered before this Council arrives at a final decision. I trust that the proposal made by the Honourable Mr. BHURGI will not be carried, and that we shall be allowed to proceed with the Bill now and have it passed as soon as we can.

The Honourable Mr. F. L. SPROTT spoke as follows:—Your Excellency,—I also agree with my Honourable friends Mr. BARROW and Mr. GRAHAM that it is in the last degree undesirable that there should be a further postponement of this Bill. The Bill has already been postponed for some time, and there seems now no real reason why it should be further postponed.

It has been represented that two bodies which, I presume, chiefly, though not entirely, represent the interests of the Indian Mercantile Community in Karachi, have combined, and that if one representative is elected by them, he will therefore represent the whole of the Indian Mercantile Community. But such is not always the case, because there may be other merchants who from their standing and position and the largeness of their trade, could claim that they would be worthy representatives on the Port Trust of that community. I think it must be so, and on that account I consider so far, at all events, as the present state of things is concerned that nomination of a member by Government to the Port Trust is a better way than election even by the combined association of the two Chambers.

The Honourable Mr. CHIMANLAL H. SETALVAD spoke as follows:—May it please Your Excellency,—The Honourable Mr. SPROTT and the Honourable Mr. BARROW have deprecated any further delay in passing this Bill; but there need be no delay at all, if a Select Committee be appointed now with instructions to report by Saturday evening or Monday morning. There is not much to do in the Select Committee. It is a small Bill and there is only one point to consider. If a Select Committee is appointed and if it meets this afternoon, or tomorrow afternoon they can certainly thrash out the whole thing and submit the report by Monday morning, and there need be no delay at all in the passing of this Bill. The appointment of a Select Committee with instructions to report by Monday morning would I think be a better course than your Excellency suspending standing orders and allowing an amendment to be moved in terms of the recommendations of the Karachi Municipality. The Select Committee is in a much better position to consider all the contending views to and come to a reasonable understanding. Therefore I support the suggestion of the Honourable Mr. BHURGI that this Bill be referred to a Select Committee with instructions to report by Monday morning so that there may be no delay.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency, I only wish to say one word. As this question involves a matter of principle I think it much better that the regular procedure be gone through. In this particular case we were under very great difficulty on the last occasion by its being represented by our friend, the Honourable Mr. HARCHANDRAI, the President of the Karachi Municipality, that he was prepared to give up one of the two seats reserved for election by the Municipality. On that assurance of the representative of the

Municipality, we were pressed to proceed with the second reading of this Bill last time. And it was due to Your Excellency's very considerate decision to allow the second reading to be postponed that we have this day an opportunity to consider the objections urged by the Municipality. At that time if we had proceeded with the second reading and passed the third reading also, no opportunity would have been given to the Municipality for submission of the representation which we are now considering. Another thing to be considered is that under the Port Trust Act which was passed in 1886, nearly 30 years ago, out of 11 members one was to be nominated by Government on behalf of the Chief Officer of the North Western Railway, three were to be elected by the Karáchi Chamber of Commerce, two to be elected by the Karáchi Municipality and 5 were to be appointed by Government.

The Honourable Mr. CLAUDE HILL (interrupting) :—Your Excellency, I rise to a point of order. The Honourable Member is speaking on the merits of the Bill and not on the question as to whether it should be referred to a Select Committee.

His Excellency the PRESIDENT :—The Honourable Member must confine himself to the question as to whether the Bill should be referred to a Select Committee—or not and must not speak on the merits of the Bill.

The Honourable Mr. UPASANI (continuing) :—Your Excellency, I am not going into the merits, I am only referring to this because it is a question of principle that it would not be proper for Government to take away the seats that were given for election not less than 30 years ago. It is only with a view to show the importance of the motion which our friend has brought forward—His Excellency the President (interrupting) : I cannot allow the Honourable Member to develop the situation into a discussion. He has got to confine himself entirely to the particular question before the Council.

The Honourable Mr. UPASANI (continuing) :—Yes, my Lord. What I press for is that the suggestion that this matter be considered by a Select Committee is one which we ought to adopt, because, there are points worthy of consideration. If the Bill does not go before a Select Committee, we shall not be in a position to consider the prayer made by the Karáchi Municipality and we shall be limited to a consideration of only the motion that now stands in the name of our friend, the Honourable Mr. BHURGRI. If we are limited to that there will be no opportunity for us to consider the representation of the Municipality. With a view to have that opportunity, it would be better that this matter should come before a Select Committee.

With these few remarks I beg to support my Honourable friend Mr. BHURGRI's suggestion.

The Honourable Mr. VITHALBHAI JAVERBHAI PATEL spoke as follows :—Your Excellency, I rise to support the motion of my Honourable friend Mr. BHURGRI. When the first reading of this Bill was carried, I believe, most of us were under the impression that the Municipality of Karáchi did not care if it were disfranchised and they really supported the Bill then under that belief.

Now as things have transpired otherwise inasmuch as we know that the Karáchi Municipality are not willing to part with the privilege which it has enjoyed for the last 27 years, it is only right that the Bill should be referred to a Select Committee to consider what they have got to say on the matter.

To my mind the right course would have been to consult the Municipality before the Bill was brought forward. However, it appears that the matter was never referred to the Municipality. It was never consulted and the Municipality now comes forward to make this representation and as there is no time to move any amendment, all the grievances will be met, if the Bill be referred to a Select Committee.

Under these circumstances I support my Honourable friend Mr. BHURABRI's motion.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH spoke as follows:—My Lord, the suggestion about referring the Bill to a Select Committee with instructions to issue its report on Saturday or Monday morning is entirely a fair one: because, new matters have cropped up after the first reading of the Bill which could be very well thrashed out in the Select Committee. If the Bill is referred to the Select Committee, it won't cause any considerable delay, and the matter could be finally disposed of during this Session of the Council, and it will also give entire satisfaction to all parties concerned, the Municipality, the merchants and everyone.

The Honourable Mr. MANMOHANDAS RAMJI spoke as follows:—Your Excellency, I think the suggestion put forward by my Honourable friend Mr. SETALWAD to refer the consideration of the Bill to a Select Committee to report by Monday morning is a fair one. Considerable new matter has come before us and at the time of moving this Bill for the first reading, if I remember rightly, the mover of the Bill said that the Karáchi Members were in entire agreement with all the clauses.

Now it turns out that all the Members from Sind, it seems, think that the Bill must go to a Select Committee, and it is but reasonable that we must see that the matter is properly thrashed out there, and then the Council will be in a position to judge about the amendments that will be brought forward by the Honourable Members. Of course it may be that the Bill is desired to be passed at once, but when it is a question of principle like this to disfranchise the Municipality which has the privilege of returning Members, and when the parties interested also claim that they must have a right of representation it is but fair that all sides must be heard.

There are two bodies in Karáchi which claim the franchise. Your Excellency, I may point out that to get out of that difficulty the method adopted in Bombay is a good one and that is this: That the Government nominates a body and that body elects its own representative.

Now if Government think that both bodies must have a voice they can provide for a joint election or they can—

His Excellency the PRESIDENT (interrupting):—The Honourable Member is going into a sort of general discussion on a particular clause. I must really ask him to confine himself to the particular point.

The Honourable Mr. MANMOHANDAS RAMJI (continuing):—As the Sind Members are unanimous to-day, I think, a good case has been made out for referring this Bill to a Select Committee.

The Honourable Mr. C. H. A. HILL spoke as follows:—Your Excellency, I regret to be under the necessity of opposing the motion to refer this matter to a Select Committee, but I think that really there can be no reasonable criticism of the action of Government in pursuing this Bill now in view of what has happened. I must remind my Honourable friend Sir PHEROZESHAH that, in proposing the first reading, I made a

specific offer to refer it to a Select Committee if any member chose to propose that it should be so referred. No member made that proposal, and therefore it was not referred to a Select Committee.

Now the advantages of a proposal made in the Council to have the Bill referred to a Select Committee with instructions to report on Saturday night or Monday morning seems to me to be entirely illusory. What possible advantage can such a Report, hastily conceived by a hastily appointed Select Committee, have over the deliberations of this Council regarding the specific proposals which are before us now? Nothing that the Municipality have represented really modifies the position as we thoroughly understood it before, and it seems to me that, since the Municipality, in the first instance, I may point out, after the publication of the Bill, acquiesced silently in it and made no representation, (and when I went to Karáchi on purpose to ascertain the tone of Karáchi in regard to it, I found that it had not the smallest interest in this proposal), since moreover, on that occasion the representative of the Karáchi Municipality assured me categorically that the provisions of the Bill were satisfactory (hear, hear), and seeing that even now, judging by the debates which took place in the Municipality the other day, he is personally still of the same opinion, it seems to me that it is reducing the procedure laid down in the Rules of this Council to a farce, if we are to regard it as irregular, in circumstances such as these, to proceed with the consideration of the Bill.

As I have indicated, there is only one amendment of any substance before the Council after three months' delay. It has taken the Municipality, whose feelings I do not wish to belittle for a moment, exactly three months to stir those feelings up and to deliver their representation to-day. But it seems to me that, if the feelings are so genuine, and are not very largely personal, as seems to have been the case judging by the course of events, they should have sent us a communication sooner of what was in their minds. As things are, it has been left to the representative of the Sind Zamindárs to come forward with an amendment to this Bill which, when first introduced, was heartily endorsed and commended by all the members hailing from Karáchi, commercial, municipal and otherwise. It is not for me at this moment to comment upon the remarkable transformation of opinion which appears to have taken place, but it does seem to me remarkable that this Council, a businesslike body, should be asked seriously to refer this Bill now to a Select Committee at a time when it is practically absurd, if I may say so, to suppose that this Council will be better advised in respect of this Bill after perusing a Select Committee's Report than they are now. In these circumstances, Sir, I regret to have to oppose this motion, and beg that the Council will support the objections to it and proceed with the Bill.

His Excellency the PRESIDENT :—Does the Honourable Member wish to reply?

The Honourable Mr. G. M. BHURGI spoke as follows :—My Lord,—The Honourable Member in charge of the Bill when opposing the motion before the Council said that if a Select Committee is appointed with instructions to report on Saturday or Monday there will be no advantage. As was pointed out by my Honourable friend Sir PHEROZESHAH MEHTA and the Honourable Mr. SETALVAD, the representations now before us from the Karáchi Municipality and the Indian mercantile community of Karáchi, though they are submitted late, are extremely important and deserve attention. Such matters can only be thoroughly thrashed out in the Select Committee, who may be instructed to submit their report by Monday. I feel that Government ought to see

their way to grant only a day or two and appoint a Select Committee, who may sit now, to-day or to-morrow, and submit its report on Monday when the Bill may be considered by this Council. Government does not lose anything by this on the contrary, Government ought to be satisfied and the public of Sind will surely be satisfied, and I appeal to your Excellency to reconsider the matter and give us time.

His Excellency the PRESIDENT spoke as follows :—I should like to express my views to members. I am simply going to apply myself to the particular point whether this Bill should be referred to the Select Committee or not, and I wish to appeal to the better sense of Honourable Members with regard to the particular amendment that has been moved by my Honourable friend Mr. BHURGRI.

The Honourable Mr. SETALVAD has said, and said perfectly rightly, that there is only one point of dispute between Honourable Members in this Bill—only one point. Is it really seriously suggested that it is a sound proposition to form a Select Committee to discuss one single point and the only point of dispute in a Bill? Honourable Members are perfectly aware that when they come to the discussion of clauses that the particular point can be thoroughly thrashed out by Honourable Members and I would only suggest to my Honourable friend Mr. BHURGRI that probably thrashing out of this particular point—the only point on which there is any difference—would be more satisfactorily decided by the Full Council than by referring it to a committee.

I won't suggest for a moment that certain Honourable Members are wishing to delay the passage of this Bill, but I say frankly that if this particular amendment is pressed to a division I am bound to say it seems that there is a desire to delay the progress of business. Every Honourable Member who has got a reasonable mind must see that this particular point can be discussed in the next half hour, thoroughly thrashed out and definitely decided upon more satisfactorily by the whole Council than by a Select Committee.

The Honourable Sir PHEROZESH AH MEHTA :—May I ask your Lordship whether he would be able to move an amendment without notice?

His Excellency the PRESIDENT :—But the Honourable Member's amendment is on paper.

The Honourable Sir PHEROZESH AH :—The one suggested by the Karáchi Municipality is not on paper.

His Excellency the PRESIDENT :—I am informed that it is entirely within my prerogative to allow any amendment to be moved without notice if I feel so disposed, and therefore beg to inform my Honourable friend that, if an amendment with regard to this particular motion is raised, I should like it discussed in Council and I think it would facilitate the conduct of business very much.

The Honourable Sir PHEROZESH AH M. MEHTA :—May I ask my Honourable friend Mr. BHURGRI to withdraw his amendment?

The Honourable Mr. BHURGRI :—My Lord, with your permission I beg to withdraw my motion.

His Excellency the PRESIDENT :—The motion by leave withdrawn.

Has any other Honourable Member anything to say on the second reading of this Bill?

His Excellency the PRESIDENT (after a pause):—The question is that this Bill be read for the second time.

Bill read a second time.

The motion was put to the vote and carried.

The Bill was then considered clause by clause.

Clauses 1 and 2 were put and carried.

His Excellency the PRESIDENT:—Clause 3. The Honourable Mr. BHURGI.

The Honourable Mr. G. M. BHURGI spoke as follows:—Your Excellency,—I propose the amendment which stands in my name, that is, to clause 3, sub-clause (a), add the following words:—

“and one shall be elected by the members for the time being of the Karáchi Merchants Association.”

My Lord,—A good deal has been said about the Karáchi Merchants Association, but probably Council did not know before that the Karáchi Merchants Association has recently, only last year, been recognised by Government and given a right to return two members to the Karáchi Municipality. If this body had not been of some standing and representation, Government would not have given them a direct representative on the Karáchi Municipality. Furthermore, the Karáchi Indian Merchants Chamber which according to the description given by my Honourable friend Mr. HARCHANDEAI contains men of light and lead from the mercantile community, has also amalgamated with the other body which contains already something like 200 members. As I have said, these two things, namely, the recognition of this Association by the Government recently in giving it franchise on the Karáchi Municipality, and secondly the amalgamation of the Karáchi Indian Merchants Chamber really show that this Association is quite competent to return one member to the Karáchi Port Trust representing Indian mercantile interests. I therefore submit, Sir, that in view of these things and as also Government admits that the representation of the Indian mercantile community is essential on the Port Trust of Karáchi, Government should consider this matter and one seat by election should be given to this Association. That is what my amendment proposes. As regards the third member which, if my amendment is carried, will be given to the Indian mercantile community by nomination, I may say that the Karáchi Chamber of Commerce, that is, the European Chamber of Commerce, returns even now two by nomination and three by election, in all five. And I submit, therefore, that the Indian mercantile community of Karáchi is also entitled, if not to three at least to two members and my amendment gives only one by election. I therefore move the amendment which stands in my name.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH spoke as follows:—Your Excellency,—Before I speak on the amendment, I should give a brief explanation as to the change of my views. I agreed to the conversion of the elected seat into a nominated one, because, at the first reading of the Bill, the Honourable Member in charge of the Bill told us that he had consulted the Members of this Council from Sind; thereby I understood that he had consulted Members of this Council from Karáchi.

The Honourable Members from Karáchi come more in contact with Indian merchants than any one of us here, and I thought that those gentlemen must have consulted—the Indian merchants of Karáchi—before they agreed to the proposed change.

Even the speech of one of the Honourable Members from Karáchi at the time of the first reading clearly showed that the Indian mercantile community of Karáchi was quite satisfied with nomination; and I would like to quote his words. He said (the words are his) "I assure Your Excellency and this Council that the Indian mercantile community of Karáchi has received with a feeling of gratitude such representation as is proposed by the Bill," that is, by nomination. On further investigation I found it was quite the reverse: The Indian merchants of Karáchi want a seat by election.

Again I was one of those Members who suggested that the Karáchi Municipality be deprived of both the seats, because, I was under a wrong impression that there was nothing in common between the Karáchi Municipality and the Port Trust.

But subsequently I was told that the Karáchi Municipality was bound up with the Port Trust, and therefore, I think, the representation of the Karáchi Municipality on the Port Trust is absolutely necessary, and, in my opinion, the Karáchi Municipality can adequately be represented by one Member.

Now I come to the present amendment of my honourable friend. The present amendment of my honourable friend and sub-clause (b) of clause 3 of the Bill are both quite in conformity with the principle that as far as possible representation on the Port Trust should be confined to the commercial interests. The amendment of my honourable friend and clause (b) give two seats to the Indian mercantile community of Karáchi, one by election and another by nomination. The Honourable Mr. BHURGRI's amendment only prevents the conversion of an elected seat into a nominated one. The Indian mercantile community even desired to be represented by election when Your Excellency visited Sind.

The contention of my Honourable friend Mr. HARCHANDRAI at the first reading of the Bill was that though there were two associations, yet neither of them fulfilled the character of a body who could be allowed the right of election; but that contention of my friend is not at all sound. I must remind my honourable friend that an association of Indian merchants has been given the right of electing two representatives on the Karáchi Municipality. I really cannot understand if they can elect two representatives on the Karáchi Municipality, why they cannot elect a single representative on the Port Trust? (Hear, hear.)

I am told by my Honourable friend Mr. BHURGRI, as well as my Honourable friend Mr. HARCHANDRAI, that the two separate associations, that is to say, the Indian Merchants Association and the Indian Chamber, are going to be amalgamated into one and I am sure when both will shortly combine, if they are given the franchise, they will exercise it judiciously and will return a fit person to the Port Trust.

When Your Excellency's Government gives a right to a community, I think, Your Excellency's Government should give them the power of exercising it also. Otherwise it is absolutely no right, Sir, I do not know much about the Presidency Towns, but so far as the mofussil is concerned, the nominated Members are popularly known the nominees of Government, and even in practice they do not voice the opinions of the community from whom they are nominated. (Hear, hear.)

With these remarks I support the amendment of my Honourable friend Mr. BHURGRI.

The Honourable Mr. C. H. A. HILL spoke as follows:—Your Excellency,—The specific amendment before the Council moved by the Honourable Mr. BHURGRI proposes to add to sub-clause (a) of the Bill the following words “and one shall be elected by the Members for the time being of the Karáchi Indian Merchants Association,” and it leaves untouched clause (b) of section 3. Therefore the effect of the Bill, if this amendment were to stand as proposed, would be to add an elective member from the Karáchi Indian Merchants Association, as well as providing that the remaining nominees shall one of them be representative of the Indian mercantile community. Well, Sir, this amendment apparently does not touch the matter upon which the Province of Sind and the City of Karáchi are said to feel so strongly, *viz.*, the disfranchisement of the Municipality which the Honourable Mr. BHURGRI is content to leave alone. Therefore, it is unnecessary for me to deal with that question, though it may be necessary to deal with it hereafter in connection with any other amendment which Your Excellency may permit to be moved, but for the moment, I will confine myself to this proposal that one member on the Port Trust shall be elected by the members for the time being of the Karáchi Indian Merchants Association.

Now, Sir, I regret to have to refer again to the description which we have had from time to time in this Council of the qualifications of the Indian Merchants Association and the other Association, the Indian Chamber at Karáchi; but with all deference I cannot conceive how the constitution, and qualifications of the members, of those Associations can in the short span of three months have undergone such a radical change as would be necessary to justify my Honourable friend Mr. HAROHANDRAI supporting the amendment as it now stands. Not only did we infer very definitely last December that the Indian Mercantile Associations at Karáchi were not truly representative and were not properly constituted so as to return to the Port Trust suitable representatives of the Indian mercantile community, but we have had that statement reiterated quite recently in the discussions which took place in the Karáchi Municipality; and I understood that as lately as three weeks ago it was there asserted that these two associations were at logger-heads. Now it is very pleasing always to see reconciliations, but they are a little unconvincing when they occur in the manner and the circumstances of the present case; and it is a little hard to believe that these two associations, so unrepresentative, three months ago, of the best Indian mercantile opinion, are to-day representative because they are throwing in their lot in common in order to secure the privilege of returning a member to the Karáchi Port Trust.

Now, Sir, these remarks of mine must not be misunderstood. I do sincerely sympathise with the main part of the contention of the Karáchi Municipality and their disappointment in what is involved in this Bill; and I do further sympathise most sincerely with the ambition of the Karáchi Indian trade community to find themselves represented by an elected representative on the Karáchi Port Trust,—not only so, but I sincerely hope that within a very short time they will be so represented. In fact, as I indicated when this Bill was under discussion on a previous occasion, this Bill, though I admit has the appearance of retrogression from the political point of view, will not remain very long unamended on the Statute Book; and we hope sincerely that this member, who is to represent the Indian commercial community on the Karáchi Port Trust after this Bill, as we hope, becomes law, will be replaced by an elected representative, or even by two elected representatives. But, Sir, I venture to appeal to the common sense, if I

am in order in saying so, of Honourable Members of this Council, to consider for a moment what we are asked to do when we are asked to accept this amendment in the face of what has happened. We are asked, in other words, to amend the Bill so as to give an association—which apparently will or may shortly represent both the previous associations—to give that as yet non-existent association an elected representative on the Karáchi Port Trust, and we know, at the time when we are asked to do so, that even supposing these two associations do combine for the political purpose of getting this representation, sober opinion three months ago held emphatically that the members of these associations were not fitted to elect a representative on the Karáchi Port Trust. Now, Sir, I cannot conceive how we, as a responsible Council, can, in those circumstances amend our Bill, whether it had again been referred to a Select Committee or not, in the sense we are now asked to do by the Honourable Mr. BHURGRI.

Sir, I cannot refrain here from adverting to a somewhat personal aspect of this amendment. I referred in my opening remarks to the circumstance that it was the Sind Zamindars' representative who proposed an amendment to this Bill. I conceive it to be rather a unique circumstance, Sir, that such a representative should come forward to move an amendment in a Bill relating to the Karáchi Port Trust when we have Karáchi trade interests and municipal interests so admirably represented on this Council. It is, if I may endeavour to find an analogy, as though a measure relating to the Bombay Port Trust had met with the approval of the Honourable Sir PHEROZESHAH MEHTA and the Honourable Mr. SETALVAD and other members representing Bombay interests, and that then my honourable friend Moulvie RAFIUDDIN representing the Mahomedan interests in the Central Division were to move an amendment. Now I cannot conceive how my honourable friend Sir PHEROZESHAH would express his views on such a circumstance in parliamentary language; but that seems to me, technically, at all events, on all fours with the currency of events underlying the procedure connected with this amendment.

Now in respect of my honourable friend Mr. HARCHANDRAI, if the President of the Karáchi Municipality had anything to say and had proposed an amendment, it would have been intelligible. Throughout the proceedings which have followed upon his, as I thought, extremely statesmanlike remarks on the First Reading of this Bill, I for one have been a staunch admirer of the manner in which, through personal abuse and obloquy in Sind, he has maintained and justified the attitude which he then took up. In spite of that, it would have been thoroughly intelligible had he, as President of the Karáchi Municipality and as their representative here, even at the eleventh hour, submitted an amendment to the Bill relating to the loss which the Karáchi Municipality sustained in the franchise through the operations of this Bill. But we have no such amendment, and the amendment before us relates to a proposal to give representation to two bodies to whom we hope, as I have said, to give the franchise for representation on the Karáchi Port Trust as soon as may be, but who, we have it on the best possible authority, are not competent to exercise their franchise to the best advantage of the Karáchi Port Trust at the present time. And, Sir, that is a point which has been overlooked throughout in these discussions. After all, we are endeavouring here to make the Karáchi Port Trust as efficient a body as possible in order that it may represent, with the best possible effect, not only the commercial interests of foreign trade, but also the commercial interests of the Indian commercial community; and I appeal to

Honourable Members to do justice to this attitude of Government. In some circumstances it becomes necessary for Government to take a practical view of things in order to endeavour to secure the best immediate advantage and it is clear that sometimes political principles may be served at too great a cost. Now I believe I shall be expressing Your Excellency's sentiments accurately if I say that I personally should be prepared to undertake that, at the very earliest opportunity, this Bill, if passed into law, should come under amendment; as soon, in fact, as it is possible, to hold that you have in Karáchi an Indian commercial body capable of electing and of being trusted to elect really stalwart and capable representatives of Indian commercial interests for service on the Port Trust. Nothing would give me personally greater pleasure than such a consummation, and I earnestly hope it may come at no distant date. But to talk of it now when I understand the Articles of Association are being considered for the amalgamation of these two bodies so recently described as inept, why, Sir, it seems to me, an impossible proposition to lay before the members of Your Excellency's Council. I regret, therefore, I must oppose this amendment, and I trust that this Council will see that it is rejected.

The Honourable Mr. G. M. BHURGRI spoke as follows:—Your Excellency,—I should like, first of all, to point out to my honourable friend the Member in charge of this Bill that the criticism that he passed in finding fault with me, namely, that I as a representative of the Sind Zamindars, should come forward to move an amendment to the Karáchi Port Trust Bill, is rather unique. I may tell him that the point of my amendment is not one of those technical points which only a commercial member with the experience of the Port Trust can take up, but it raises a very important question of general principle on which every honourable member of the Council is entitled to express an opinion or to criticise. I submit, My Lord, that the question was not of a technical character, but the question is of converting the elective seat into a nominated one. My Lord, the Council may take it from me that when the Honourable Member in charge of the Bill resorts to such an argument, it may be taken safely that he does so for want of better and stronger arguments in support of his case.

With regard to the other point, my honourable friend in charge of the Bill said that this Karáchi Merchants' Association only three months back was thought to be unfit by the Karáchi Members to be given this privilege, etc., but I may remind my honourable friend that he did not even mention that this very association, whom they were calling inefficient, was really thought fit by Government to send two representatives on such an important body as the Karáchi Municipality by election only recently,—I mean last year. I may say to my honourable friend that this recognition of this body by the Government is a conclusive proof that the body is quite capable of returning at least one member to the Karáchi Port Trust Board.

Another point to which my honourable friend referred is, that if my amendment were carried, it will not only give one member by nomination to the Karáchi mercantile community, but it will also give them one by direct representation by election. I may point out that my amendment only does this, that the very same seat which is taken away from the Karáchi Municipality is converted into an elective seat, and out of the nominees by Government, only one seat is ear-marked for the Karáchi Indian mercantile community, and when we know the Karáchi Chamber of Commerce is really sending three elected members and getting two more by nomination, I really think that the

Karachi Indian mercantile community is quite entitled to have at least two seats, one by election and one by nomination.

His Excellency the PRESIDENT said :—I need hardly add anything to what my honourable colleague Mr. HILL has said with regard to the Government's decision as to this particular amendment, but I would endorse every word he has said with regard to the extraordinary change round that there appears to be as to the position of honourable members from Sind with regard to this particular measure. It will be within the recollection of honourable members that, when only a very few months ago this Bill came up, there was no suggestion on the part of honourable members from Sind that there was any dissatisfaction or disagreement with the Bill at all, and as far as I remember, my honourable friend Mr. HARCHANDRAI got up and endorsed the provision of Bill in every respect. What has happened in the meantime I am not prepared to say, nor do I know, but I am rather disappointed at my honourable friend Mr. HARCHANDRAI trying to place the responsibility of this matter on the President. I stand by every word that I said at Karachi with regard to this particular question. I would ask him if these two Indian chambers have yet combined?

The Honourable Mr. HARCHANDRAI :—They have not yet. They have resolved, as I have said, each one of them, that they should combine, and they have appointed a committee of 16 to decide if any rules should be added to or modified.

His Excellency the PRESIDENT (continuing) :—The only remarks that I ever made in Sind have been to the effect that if the two chambers became one solid body and were known to be really representative of the Indian commerce of Karachi, then Government would be very glad to consider the elective principle with regard to that particular association.

The Honourable Mr. HARCHANDRAI (interrupting) :—Would Your Lordship allow me to give a personal word of explanation? There seems to me a misunderstanding. When I delivered my speech it was in connection with a reference to the Select Committee, because I thought that all these matters required to be considered, and the Honourable Mr. HILL also seems to be under the same misunderstanding that I was going to support the Honourable Mr. BHURGRI's amendment. But I was only of opinion that these things required to be considered.

His Excellency the PRESIDENT :—It does seem to me rather curious, at all events, that the Bill having been practically an agreed Bill, the object of delay merely being that the opinion was among members that Government was hurrying it too fast at our last meeting, that now there should be this curious opposition from honourable members from Sind with regard to this particular point. I agree entirely with my honourable colleague Mr. HILL, and I do not think that this sort of eleventh hour declaration with regard to the elective principle is quite fair on the Government at the present time. I should on broad grounds prefer elective principle to nomination, but I do not think Government under present circumstances can be expected to accept the amendment that has been proposed by the Honourable Mr. BHURGRI.

The amendment was then put to the vote and declared to have been lost.

The Honourable Mr. BHURGRI then asked for a division which resulted in 11 for and 34 against.

Ayes.

- The Honourable Moulvie Rafiuddin Ahmed, Bar.-at-Law.
- The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
- The Honourable Mr. Ghulam Muhammad walad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.
- The Honourable Sardár Syed Ali El Edroos.
- The Honourable Sheikh Ghulam Hussein Hidaystallah, LL.B.
- The Honourable Mr. Balkrishna Sitaram Kamat.
- The Honourable Sir Pherozeshah Merwanji Mehta, K.C.I.E., Bar.-at-Law.
- The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.
- The Honourable Mr. Abdul Hussein Adamjee Peerbhoy.
- The Honourable Mr. Chimanlal Hari-lal Setalvad, LL.B.
- The Honourable Mr. Shridhar Bal-krishna Upasani.

Noes.

- His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay, *presiding*.
- The Honourable Sir Richard Amphlett Lamb, K.C.S.I., C.I.E., I. C. S.
- The Honourable Mr. Claude Hamilton Archer Hill, C.S.I., C.I.E., I. C. S.
- The Honourable Mr. Prabhashankar D. Pattani, C.I.E.
- The Honourable Mr. R. P. Barrow, I. C. S.
- The Honourable Mr. Fazalbhoy Meherally Chinoy.
- The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
- The Honourable Dr. D. A. D'Monte, M.D., L.R.C.P. (Lon.), L.M. & S.
- The Honourable Mr. R. W. L. Dunlop, C.I.E.
- The Honourable Mr. Kashinath Ramchandra Godbole.
- The Honourable Mr. W. L. Graham.
- The Honourable Sir Jamsetji Jeejeebhoy, Bart.
- The Honourable Mr. J. E. C. Jukes, I. C. S.
- The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.
- The Honourable Mr. Navroji Dorabji Khandalavala, LL.B.
- The Honourable Mr. Jehangir H. Kothari.
- The Honourable Sardár Bhalchandra-rao Annasaheb Patwardhan, Chief of Kurundwad (Senior).
- The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.

Ayes.

Noes.

The Honourable Sardár Sir Chinubhai Madhavlal, Bart., C.I.E.

The Honourable Mr. J. A. D. McBain.

The Honourable Mr. Lalubhai Samaldas Mehta.

The Honourable Ráo Sáheb Venkatesh Shiriniwas Naik.

The Honourable Ráo Bahádur Ramanbhai Mahipatram Nilkanth, LL.B.

The Honourable Mr. J. P. Orr, C.S.I., I. C. S.

The Honourable Mr. Raghunath Purshottam Paranjpye.

The Honourable Mr. Gokuldas Khandas Parekh, LL.B.

The Honourable Sir Henry E. E. Procter, Kt.

The Honourable Mr. Manmohandas Ramji.

The Honourable Ráo Bahádur Shrinivas Konher Rodda.

The Honourable Ráo Bahádur Ganesh Krishna Sathe.

The Honourable Mr. W. H. Sharp.

The Honourable Mr. W. D. Shepard, C.I.E., I. C. S.

The Honourable Mr. F. L. Spratt.

The Honourable Mr. E. G. Turner, I. C. S.

His Excellency the PRESIDENT:—My honourable friend Sir PHEROZESHAH MEHTA wants to move an amendment.

The Honourable Sir PHEROZESHAH M. MEHTA spoke as follows:—May it please Your Excellency, I ask Your Excellency's permission, under clause (4) of Rule 35, to allow me to move an amendment on this occasion without notice. My Lord, the amendment which I propose is this: Delete clause 3 and substitute as follows:—In section 7 of the said Act after the words "two" the words "of whom one at least shall be an Indian merchant" be inserted.

My Lord, in moving this amendment, I trust I will be permitted to make two protests. The first one which I make, most respectfully and deferentially but firmly, is that I do not think it is necessary to call upon any member of this Council to exercise

his common sense in dealing with the questions which come before this Council. I hope, Your Excellency, every member of this Council may be trusted, he may be misinformed, he may be wrong,—but he may be trusted to try and endeavour to exercise his common sense in dealing with every matter which comes before this Council.

The second protest which again I desire to make most respectfully, but firmly and emphatically, is against the doctrine which my honourable friend Mr. HILL has tried to lay down with regard to the way in which members of this Council should perform the functions which fall to their lot. He tried to point that if a representative of the Sind Zamindars was to do anything in this Council, he must confine himself to the interests of the zamindars, and he must not encroach upon the province of members who have been elected as representatives of other bodies. My Lord, as I said, I emphatically protest against that doctrine. Once a member of this Council has been elected, he not only acts in the interests of the people who have elected him, but I venture to assert, as was pointed out by Burko in his famous letter to the electors of Bristol, that every member after he has found his way to this Council is bound in duty to do all in his power to take interest in every question of every community that may come before this Council. My Lord, that is the way in which I am trying to perform the functions which have fallen to me as a member of this Council, and I hope that Your Excellency will endorse that as the right doctrine with regard to the duties which lie upon the members of this Council in the discharge of their duties.

My Lord, coming to the amendment itself, I venture to point out, in the first place, that it is the amendment which preserves the *status quo*. It tries to resist an amendment brought forward against what has been done and has existed, (I forget the number of years,—I have heard it said 27 and 30 years), for at least 27 years with regard to the constitution of the Port Trust. After a very careful deliberation, as the Karáchi memorial points out, by members of this Council of the very highest weight and calibre, that this clause was inserted giving to the Karáchi Municipality the right of returning two members to the Port Trust. That right has been exercised, as has been pointed out, for a long series of years, and it was with the greatest pleasure that I heard my honourable friend Mr. BARROW on the last occasion pointing out that the legal member who was elected and returned by the Karáchi Municipality to the Port Trust rendered the most valuable services to the interests of the Port Trust, and I now see from the memorial which has been addressed to this Council by the Karáchi Municipality that both the Municipality and the Port Trust passed Resolutions when he retired showing in what high estimation they held the important and valuable services which he had rendered generally to the cause of the Port Trust during his tenure of office as a member returned by the Karáchi Municipality. There is nothing in the past which shows that the Karáchi Municipality have not returned competent members for representation on the Port Trust. It has been said that there was some understanding,—I believe it was hinted on the last occasion when the first reading was taken up, that there was an understanding under which the Karáchi Municipality was bound to return a member of the Indian mercantile community, and still they returned a lawyer. My Lord, it is very well to talk of these understandings and written promises and letters. I have been often told by officials in this Council that you must not drag in understandings and promises unless they were embodied in the legislative act itself, and I well remember a very significant instance of the way in which I was treated on a former

occasion when I pleaded the cause of the Bombay Municipality with regard to the Government contribution as to primary education. We produced documents after documents and correspondence and letters which were passed by Government for the purpose of showing that the Municipality had been promised a certain amount of assistance, and when I referred to those documents and resolutions, I was curtly told that I had no right to refer to them, because the Act itself did not contain any understanding of that character. Therefore, My Lord, it is vain, it is futile, to speak of promises and understandings with regard to bodies which must fluctuate from time to time. How are the subsequent members of the Corporation to know what are the understandings and promises which had been given on a previous occasion and of which they knew nothing whatsoever. Therefore, I put out of account all these things, and it seems to me that the burden of showing that there is justification for what my honourable friend himself admitted, appeared on the face of it, to be a retrograde step, lies upon the member in charge of the Bill. My Lord, I emphatically submit that nothing has been placed before this Council for the purpose of showing that really the Karáchi Municipality deserves to be disfranchised of one of the two seats which had been granted to them after such deliberation when the Port Trust Bill was passed. But, My Lord, be it so, and if there is any force in the contention of my honourable friend that it is desirable in the interests of efficiency of the Port Trust that one of the two members returned by the Municipality should be a member representing the Indian mercantile community, I answer let it be so. The representation of the Karáchi Municipality ends by saying that, if a direct representation could not be given to Indian Merchants Association,—and there I might be allowed to say in answer to what has fallen from my honourable friend Mr. HILL—that at present there was no definite mercantile body who could be entrusted with the duty of returning an Indian merchant what has been pointed out by the Honourable Member from Sind, that the Indian Merchant Association of Karáchi has been recognised for the purpose of returning two members to the Karáchi Municipality. It is a body which has already been acknowledged by law. It is, therefore, futile to say that it is a body of which no legal or legislative cognisance can be taken. On the contrary, I maintain that the stern facts given by my honourable friend that recognition has been legislatively given proves conclusively the hollowness of the argument advanced by my honourable friend. A body which has been entrusted by the legislature with the function of returning two members to the Municipality can be well trusted to return one mercantile member to the Port Trust. After all, My Lord, I do not see why we should speak with baited breath of the mysterious character of the work of the Port Trust. It is nothing so wonderful but that men of ordinary knowledge and ability cannot well deal with it. What is that wonderful thing which a Port Trust is doing which cannot be done by members of ordinary or even mediocre ability?

My honourable friend says that it was desirable that one of the two members returned by the Karáchi Municipality should have been a merchant. So be it and therefore I move my amendment which will effect that very object contemplated from the very first as is so loudly urged. The request made in the representation of the Municipality is a just and right one. In accordance with that representation I move to add words in this section which would compel them to elect to one of the two seats a member representing the Indian Mercantile community. My Lord, it seems to me that while the proposal embodied in the amending Bill is certainly of a most retrograde character,

not only politically, as my honourable friend tried to put it, because I said we cannot act up to a full political principle because other considerations of a more practical character lead us sometimes to modify our strict adherence to political principles,—I say not only for the purpose of political principle, but also for the purpose of what he lays stress upon, *viz.*, the efficiency and safeguarding the interests of the Port Trust. I do not think, My Lord, that he will put it to the Members of this Council that the efficiency of the Port Trust will in the slightest degree be affected if instead of a person from the Indian Mercantile community being nominated by the Government that he should be one elected by a body conversant with their own men, with their own traders and with their own merchants who are in touch with them to a greater extent than Government could possibly be, even though their official advisers give them their advice and assistance with regard to the selection. I submit, My Lord, that when my honourable friend twitted the members from Sind for a sudden change of front, one thought occurred to my mind which was that my honourable friend, though he had been to Karáchi during the interval, had failed to elicit the real public opinion of the province on this matter. I say, My Lord, that for my own part I rather admire the members from Sind who, though they committed themselves otherwise at the last meeting of the Council when they found that public opinion was very strong on the subject, honestly and courageously came forward to recant what they had said through ignorance, and informed Your Excellency at this Council, that now that public opinion had declared itself in an unmistakable manner, that they, as their representatives, were bound to act accordingly. On the last occasion, I venture to say, Your Excellency, that we were misled by the assurance which was given to us that everybody connected with Sind had really accepted the proposed innovation. Now we find, My Lord, it was otherwise. I am generally sceptical about such sweeping assertions and consider it always safer not to depart from ordinary safeguard provided by the rules of procedure that I asked Your Excellency to intervene on the last occasion. As I have said, the wisdom of Your Lordship's intervention has been amply justified as similar action was justified not very long ago with regard to the Bombay Port Trust Amendment Bill. My Lord, that I ask Your Excellency, and I appeal to the wisdom of the member in charge of the Bill whom I admire for the way in which he tries to apprehend every aspect of a question, and whom we admire for the way in which he tries to ascertain the views and feelings of all parties to see if he could deal with them liberally and generously,—I ask him to consider carefully whether this demand of the Karáchi Municipality is not a just and fair demand, and whether it does not meet the position which he himself has taken up, *viz.*, that he is acting in the interests of the Karáchi Port Trust, in the interests of the City of Karáchi and safeguard these interests efficiently. My Lord, we can secure efficiency without the sacrifice of political principles. I appeal to Your Excellency and to the member in charge of this Bill not to go back from election once it has been given. Just as Lord Clive said on one occasion, it is absolutely impossible to recede from such a situation; once you have taken a step of that character, there is no possibility of a retreat from it, and that is a saying of that great man which applies to political matters as to others. Once you have granted this right of election to a body like the Karáchi Municipality, I will ask Your Lordship to weigh carefully and considerately whether it is right to retrace a step of that sort and then I appeal to Your Lordship and the member in charge, and all members of this Council, that they must not join in taking away from

the Karáchi Municipality one of its two seats and substitute into nomination instead of election. The Karáchi Municipality itself has come forward and frankly told you that they would be quite content if it is provided that one of the two members who are elected at the present time should be a member of the Indian Mercantile community.

My Lord, I venture to submit that my amendment, which is not based solely upon the recommendation of the Karáchi Municipality, is an amendment which I myself had in mind at the time of the first reading of the Bill. It is a just and fair one, a politically wise, and even in practice a measure which will secure—it will certainly not harm,—the efficiency of the Karáchi Port Trust.

His Excellency the PRESIDENT:—The amendment proposed is, to clause 3 of section 7 of the said Act after the word “two” to insert the words “of whom one at least shall be an Indian merchant”.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH spoke as follows:—Your Excellency, if it is not practicable for the two Associations of merchants to elect a member on the Port Trust, the amendment brought forward by my Honourable friend Sir PHEROZESHAH MEHTA will solve the whole situation. We know that the Indian merchants of Karáchi have the franchise of returning two elected members to the Municipality, that is, we know very well that there are two merchants on the Municipal Corporation of Karáchi. Therefore it will be so easy to elect one of them for the Port Trust, and the present amendment of my Honourable friend will fulfil both the requirements. It will satisfy the Municipality as well as it will give to the Indian mercantile community of Karáchi a member by election. Therefore I support the amendment.

The Honourable Mr. W. L. GRAHAM spoke as follows:—Your Excellency, my Honourable friend Sir PHEROZESHAH MEHTA by his present amendment which he has supported with his usual eloquence and vigour is evidently anxious that the right to elect two representatives on the Port Trust should be retained in the hands of the Karáchi Municipality thereby excluding the Indian mercantile interests from eventually electing their own direct representative. We know that at the present time in Karáchi there are two constituted Indian Commercial Associations. If, as Sir PHEROZESHAH suggests, only one of these bodies is to be recognised and the Karáchi Merchants Association is to return a member to the Port Trust, the other body is left out entirely. The Indian Chamber is a small body it is true but it seems hardly fair that they should be denied a vote.

The Honourable Sir PHEROZESHAH *interrupting*:—They have been promised some representation some time in the future.

His Excellency the PRESIDENT:—I don't want to allow a little conversation going on in the Council.

The Honourable Mr. GRAHAM *continuing*:—I understand from what the Honourable Sir PHEROZESHAH has suggested that whilst the two seats on the Port Trust should be left in the hands of the Municipality, one of these representatives might be chosen from the two members returned by the Karáchi Merchants Association to the Municipality. By this course he, however, denies Indian merchants the power of election which would be no doubt accorded to them in due time.

Representation of Indian mercantile interests on the Trust has long been desired and it has undoubtedly been a long standing complaint of the Indian mercantile community who are interested in the Trade of the Port that they have not had their own representative on the Karáchi Port Trust. Karáchi opinion is, I understand, in favour of this and I hope it will not be withheld. Then let this new Chamber win its spurs, let it be properly established and consolidated, when, as the Honourable Member in charge of the Bill has said, nomination can be turned into election. I beg, therefore, Sir, to oppose Sir PHEROZESHAH's amendment which I trust will not be carried.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows :—Your Excellency, it may be open to me as a man outside the Province of Sind, to speak on the subject and I beg Your Excellency's leave to say a few words.

The facts, my Lord, are these. The Karáchi Port Trust Act was passed in 1896. Under section 5 of that Act the Board was constituted of 11 members of whom not less than two were to be Indians. And then out of these eleven trustees two were to be elected by the Karáchi Municipality, and three by the Karáchi Chamber of Commerce, and the rest to be nominated by Government, and of these one was to be on behalf of the North-Western Railway. Since then 27 years have passed, my Lord, and I think the time has come when this franchise should be extended, and, I think, it is too late now for us to adopt a retrograde course and take away one of the only two seats reserved out of 11, for election by the whole body of the Indian community.

If the amendment proposed by the Honourable Mr. BHURGRI had been accepted there would have been no occasion to move the present amendment. I had hoped that it would be accepted in the interests of the Indian mercantile community, because it is certainly not fair that that community which represents the commercial interests, not only of the City of Karáchi but of the whole Province of Sind, should have no right to elect any Member, when the European Chamber of Commerce has got a right to return as many as three, and when Government has reserved to itself the right to nominate 5, my Lord, I understand, that out of the 5 seats reserved for nomination not one has fallen to the share of an Indian and there have been thus only two Indian Members on the Board out of 11. I do not think that is a fair representation either for the Municipality or for the Indian mercantile community of the whole Province, and under these circumstances it will be but only reasonable for Government to retain the two seats that have been given to the Municipality for election, and then, as has been promised by the Honourable Mover, to allow one more seat for election by the Indian mercantile community. It will be only giving three seats for the Indian community which are not too many considering the whole number.

That being the case, I pray that we ought to move forward and not go back after 28 years. If an influential and important body like the Karáchi Municipality is deprived of one out of the two seats allowed to it for election and more particularly when it is proposed that it should bind itself to elect for one of those two seats a member from the Indian mercantile community, there will be no provision for election by any body on behalf of the Indian mercantile community.

Government have already got 5 seats for nomination and there is no need, I pray, to add to their number, whereas there is need to have some responsible body to elect a Member on behalf of the Indian mercantile community. If that right were given to

the Indian Chambers of Commerce as suggested by the Honourable Mr. BHURGRI, we need not have supported this amendment, and might have gone in with the proposal to transfer the seat to Government. But as things now stand, we are driven to allow the law to remain as it stands and accept Sir PHEROZESHAH's amendment which, I think, will serve our purpose as best as possible under the circumstances. And I hope that as promised by the Honourable Mover we shall within a very short time have this right extended to the Indian Mercantile Chambers when they join together.

With these few remarks I beg very strongly to support the Honourable Sir PHEROZESHAH's amendment.

The Honourable MOULVIE RAFIUDDIN AHMAD spoke as follows :—Your Excellency, I am entirely in agreement with the principle of having elected Members in preference to nominated Members, and I go so far as to agree with almost every word of my Honourable friend Sir PHEROZESHAH in the matter of election. But notwithstanding that I oppose his amendment on this ground, Sir, that this is no compromise at all. If you want two seats for the Municipality, say so, that you want two seats for the Municipality. If you want a merchant on the Port Trust, then have a real representative of the mercantile community. Let there be a representative body for the merchants. This is no compromise at all.

And, I think, my Honourable friend Sir PHEROZESHAH is inconsistent in his view when he says that all Members are alike. And on one occasion he went so far as to say that lawyers were to be preferred even to merchants, that it would be depriving lawyers of the opportunity of going to the Port Trust, if you restrict the Municipality to send only merchants as members. I protest against it that Sir PHEROZESHAH is inconsistent. Therefore I say that this is no doubt restriction on the powers of election of the Municipality. Perhaps a lawyer or perhaps a doctor would be a better representative in the eyes of the Municipality to go to the Port Trust than a merchant. Then why should Sir PHEROZESHAH restrict the discretion of the Municipality to send a merchant also or a doctor to the Port Trust. This is my main ground and I would rather have the promise of my Honourable friend Mr. HILL that when this merchants' association is properly constituted, I would rather have a representative direct of that body on the Port Trust than a secondary representative, a third had representative of the merchants on the Municipality.

On these grounds, Sir, I oppose the amendment, although as far as the matter of election is concerned, I am in entire agreement with the proposal.

The Honourable Mr. CHIMANLAL H. SETALVAD spoke as follows :—Your Excellency, I rise to support the amendment that has been moved by my Honourable friend Sir PHEROZESHAH. I venture to say that the plea which my Honourable friend Mr. HILL raised on the last amendment affords the strongest justification for the present amendment. I would ask the Council to recall what the Honourable Mr. HILL said on that occasion. As far as I was able to follow him this is what in effect he said "Government on principle would certainly prefer election to nomination," and in those remarks I understood His Excellency concurred. Government would do it even now if there were a body in Karáchi which was considered fit to be given the right of election. He further said that as soon as ever that time came and a properly constituted body existed in Karáchi for that purpose, Government would take the earliest opportunity to

amend the Act and give this seat by election to that body. If that is so, if that is the real position of Government, I put it to the Council that it affords a strong justification to accept the present amendment.

Government are anxious to give this seat by election to a body of merchants as soon as ever it is properly constituted in Karáchi. Then in the meantime why take the retrograde measure of substituting nomination for election? Why not wait for that little time till the body is constituted and allow the Municipality to elect a merchant to a seat on the Port Trust? Is not that the best solution of the present difficulty?

At present you have a Municipality electing two Members. The difficulty is felt that a merchant is not returned by the Municipality to the Port Trust. You want to secure that by giving a seat to the merchants. The proposal is that because election cannot be resorted to at present in the case of merchants, therefore you want to go in for nomination. But you say as soon as ever a proper body is found qualified to elect you will give it a seat by election. Will it not be better for that short time, instead of resorting to nomination, to ask the Municipality to elect a merchant in the manner proposed in the amendment? I put it to Your Excellency whether that would not be the better course to adopt instead of the retrograde measure of substituting nomination for election. Because, after all, as my Honourable friend Mr. HILL has put it, whatever arrangement is made now, it will be of a tentative character and would only last for a short while till you have a proper body formed in Karáchi. If that is so, would it not be better to adopt the suggestion proposed in the amendment to give an elective seat to the Municipality to return a Member by election belonging to the mercantile community. And that really ought to meet my Honourable friend Mr. GRAHAM's objection also. He fears, that the acceptance of this amendment would cut out the other Chamber altogether. In my view it is not so. Whatever you do now is merely temporary, and that as soon as a proper body is formed, we will give a seat to that body.

I again put it to Your Excellency whether under these circumstances it will not be more wise, more statesmanlike and more prudent to allow an elective seat to remain an elective seat and make it obligatory on the Municipality to elect a merchant, because, after all, as the Honourable Mr. HILL has pointed out, this will be only a tentative measure.

The Honourable Mr. R. P. BABROW spoke as follows:—Your Excellency, I would oppose the amendment which has been put in by the Honourable Sir PHEROZESHAH MEHTA. He spoke of the Honourable Mover's failure, if I remember his words aright, to obtain, during his visit to Karáchi, a correct estimate of public opinion on this point. Well, Sir, things must have changed very considerably since I was in Sind if such a thing as public opinion with regard to this particular point exists 10 miles out of Karáchi. I do not believe that there is a soul outside Karáchi, who has the slightest interest in whether the Karáchi Municipality returns two members or one, and I think there are very few people in Karáchi itself exclusive of certain classes which might be affected by this legislation, who take any more interest than the man outside. The interest lies entirely, I think, between the Port Trust and commercial members. It seems to me that it is a mistake to use this shibboleth of "a retrograde step" in connection with our consideration of a petty question. It is a petty question if we take a broad view of things and my Honourable friend Sir PHEROZESHAH himself

referred to it as a petty matter. It seems to me a misuse of terms to describe nomination in this instance as a retrograde step. Certainly if we were dealing with such a matter as the return of an Honourable Member to this Council it would be a retrograde step to substitute nomination for the right of election already granted, but, Sir—I speak without any desire to give offence in any quarter—my recollection of affairs in Karáchi with regard to Municipal elections to the Port Trust is that the elections were nothing more nor less than nominations. They were practically arrangements made between the various groups in the Municipality, and to me it seems rather absurd to apply to describe them as elections. I have not looked up the old Act, and I cannot be quite sure, but I believe I am correct in saying that, originally when the right of filling two seats was given to the Karáchi Municipality, it was intended that the Municipality should send to the Port Trust persons more or less concerned with business. And for some time that was what the Municipality did do. It sent up to the Port Trust members who were connected in some way with Indian commerce. Then there came a time when the Municipality sent up one and sometimes two pleaders, and my Honourable friend Sir PHEROZESH AH will remember that I said that I personally never objected to a legal member sitting on the Board; gradually the impression was given that the Municipality preferred to send up two pleaders. I believe I am right in saying that of late years at least one of the Municipal nominees has been connected with commerce. Now when my Honourable friend Sir PHEROZESH AH asks us to accept his amendment, he is asking us to put into the Act a provision which was really intended to be put in in the year 1886 when the Port Trust Act was framed and the right of election was given to the Municipality. I am not sure that that point has not been overlooked by Honourable Members who have argued all along so far apparently on the assumption that whomever this member may have to look to for his appointment, whether to the Municipality as an elected member or to Government as a nominated member, he must be a member of one of the Associations mentioned. I do not quite know what Government in framing this Bill had in view, but as I read they propose that some representative of Indian merchants not necessarily a member of one of the Associations shall be nominated by Government, and that appears to me to give to the commercial community of Sind a more reasonable chance of being represented on the Port Trust than it has at present or than it would have if the amendment of my Honourable friend Sir PHEROZESH AH MEHTA were accepted. The only question which seems to me to be of any importance is this question, whether the Municipality should elect that representative or whether Government should nominate him. I am strongly of opinion that Government are in a far better position to appoint a man who does represent Indian commercial interests than is a body such as the Karáchi Municipality, which can scarcely expect to keep its deliberations free of party arrangement. I say that without any desire to give offence to the Municipality or the Port Trust, but I do think that party feelings are bound to come into play and that very often the Municipal representatives on the Port Trust are appointed rather from party considerations than for other reasons. That will be avoided by casting nomination in the hands of Government. I do not think that it is at all right to deal with this question as if it were one of withdrawing the right of election. It is merely a transfer of nomination from one body to another. I strongly oppose the amendment and hope it will not be passed.

The Honourable Mr. MANMOHANDAS RAMJI spoke as follows:—Your Excellency, I do not agree with the amendment proposed by Sir PHEROZESH AH MEHTA inasmuch as

he proposes to give a seat to a merchant elected by the Municipality. The amendment is not clear whether that election would be confined to the Members of the Municipality itself or would extend to outsiders also. Supposing there is no merchant elected on the Municipal Corporation of Karáchi, what is to be done? Is a Member to be elected from outside? There is that difficulty.

Now under the proposed arrangement the Indian mercantile community gets a representation by nomination and we have heard today the intentions of Government that the Act is to be revised after a short period and that the franchise is to be extended to the proper bodies who can elect their own representatives. I think the proposal is far more preferable than the amendment proposed.

Therefore I oppose the amendment.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE spoke as follows:—Your Excellency, I intended to keep silent on this subject, but I cannot withstand the temptation of speaking on the subject after having heard the Honourable Mr. BARROW. He in fact seems to hold that elections and nominations are practically the same. There may be cases in which persons elected may sometimes be found to be worse than those nominated, but on that ground we cannot really say that we should go in more for nomination than for election.

Now for instance, on District Local Boards, Municipalities are required to send their representatives. And I find cases in which pleaders have been sent by Municipalities to represent them on District Local Boards, though the work to be done by the District Local Boards concerned the rural area. But I have always found these persons coming to serve on the District Local Boards to the best of their abilities and trying to be of use to the bodies by which they are sent.

The other objection that was urged by my Honourable friend Mr. BARROW was that the elected Members were from party ranks. What guarantee is there that the nominated Members would not work under similar disadvantage?

The Honourable Mr. BARROW (interrupting):—Your Excellency, I rise to a point of order. The Honourable Member is entirely misinterpreting what I said. I did not say that nominated and elected Members would work on party lines.

The Honourable Ráo Bahádur SATHE (continuing):—I am corrected by my friend the Honourable Mr. SETALVAD that they are elected on party lines. I did not properly hear the Honourable Mr. BARROW. However, I do not think I should withdraw the statement which I have made. In all cases it must be admitted that when once a right has been given it ought not to be withdrawn unless a strong case has been made out. All these flaws will remain until and unless we find that every one who comes from the body who would not work on party lines, and my suggestion on this point is that if Government is really willing to give the Indian Merchants' Association a right to elect their own nominee, if that body is formally and legally constituted, would it not be much better to leave the section as it is, until that body is formed? and if I have rightly understood the Honourable Member from Karáchi, I believe that such a constitution is under consideration, and it will not be too long before we hear any such body having been formally constituted; and though it would be too much for me to ask my Honourable friend Sir PHEROZESHAN to consider whether he should press the amendment and whether he should not ask Government to leave the section as it is and wait until the legally

constituted merchants' body is created, still if I am allowed to move that amendment, I would ask Your Excellency's permission to delete the whole clause and not to amend the section at present.

His Excellency the PRESIDENT :—Will the Honourable Member send me up his amendment, whatever it is ?

Sir PHEROZESHAN MEHTA :—May I point out to Your Excellency that no amendment can be moved on an amendment which is under consideration? It is only after my amendment has been disposed of that my Honourable friend can ask Your Excellency's permission to move his amendment.

His Excellency the PRESIDENT :—I must inform the Honourable Member that he will have the power of voting for or against clause 3. His view is to delete clause 3. Very well, he can perfectly well do that. When I move the question as to whether he and all other Members who agree with him will vote against that clause, that will answer his purpose well.

The Honourable Ráo Bahádur SATHE :—Yes, my Lord.

The Honourable Mr. C. H. A. HILL spoke as follows :—Your Excellency,—It is with very great and sincere regret that I find I am unable to accept my Honourable friend Sir PHEROZESHAN's amendment as put in by him, because I do feel that that amendment might have been regarded as the correct alteration to effect in section 7 of the Act, were it not for the fact that we propose to do something rather more than merely remove one seat from the purview of the Municipality, and, Sir, in regretfully opposing this amendment, I think it is rather a fortunate circumstance, if I may refer to it, that Your Excellency gave expression yesterday in another place to the cordial desire which Government have to co-operate in all matters relating to Municipal Government; and, if I am in order, I should like to reiterate that expression for the assurance of my Honourable friend Sir PHEROZESHAN MEHTA and to add to it that it is with no desire on the part of Government to do what has been described as 'disfranchise' the Karáchi Municipality of one seat that this measure has been taken, though that has been made the outstanding feature of the discussion. Things as they are, seem to have become somewhat inflated in the debate. This matter has been spoken of as though we were dealing with an enactment relating to the Karáchi Municipality. We are dealing with an enactment relating to the Karáchi Port Trust and I suggest that the proper avenue of approach is to examine and see whether the measure proposed efficiently subserves the interests of the Karáchi Port Trust. That is the first thing. Secondly, by all means let us conserve, as far as possible, all rights and privileges inherent in the law which was primarily designed for rendering the working of the Karáchi Port Trust Act efficient.

Well, Sir (again, if I am in order), I should like to express regret if anything in my previous remarks on the subject of common sense hurt anybody's feelings; but I think it is a common experience that whenever sentiment—and sentiment undoubtedly has been aroused in this case—whenever sentiment in India enters into the consideration of a question, it is apt sometimes, not only in India but in England also, to divert attention from the true issues, the main issues, which are under discussion and to cause perhaps personal feelings, or at all events, say Municipal feelings, to modify a view which under ordinary circumstances one would hold. Again, Sir, I should like to disclaim having laid down any doctrine as to procedure to the members of this Council. I only com-

mented upon the *personnel* entering the lists in the discussion on this Bill as curious, and I venture still to maintain that it was rather curious.

As I have said, Sir, I would gladly accept the amendment which my Honourable friend has put in, which in itself, concerning as it does the principle of election which, we all prefer, has an attractive appearance of supplying all that is needed in this case, were it not, as I have said, that we propose to go rather further. The amendment which is now before the Council is really a step in the direction of associating directly the Indian commercial community of Karáchi with the administration of the Port Trust through an elective representative, as I hope to see in a very short time. It is impossible—I need not go again over the aspect of the qualifications of the existing Associations of Karáchi—to elect a representative to the Port Trust now, but I do see, in the fact that this agitation has resulted in two Associations apparently and we hope permanently turning their swords into plough-shares or, perhaps I should say in burying the hatchet, reason to hope, that the Indian commercial community will take early step to organise itself in such a way as to be able to supply an effective representative of Indian commerce in the near future through election to the Port Trust. But, Sir, I do not think we can wait for that event, and it is for that reason that we have to take the unpalatable first step of apparently disfranchising the Karáchi Municipality or rather depriving it of one of its two seats on the Port Trust. Incidentally may I remind this Council that Karáchi, apart from Calcutta, is the only Municipality in India that has the privilege of electing a representative to any Port Trust? I have to throw myself on the charity of Your Excellency's Council; I admit that I said on the last occasion that there was no other Municipality which had the privilege of electing a representative to the Port Trust. That was an error. The Calcutta Municipality elects one representative to the Calcutta Port Trust, and Karáchi at present elects two. Bombay elects none for the present. That is how the matter stands. And so when it came to drafting a measure which should aim, as I have pointed out, at, ultimately, by process of election, bringing the Karáchi commercial community to a stage at which it could elect representatives to the Port Trust, it at once became apparent that one very simple measure was to transfer that second seat which the Karáchi Municipality alone had to another elective body. Unfortunately, there is at present no elective body. We therefore had as a first step to remove one of the two elected representatives from the Karáchi Municipality; and, as I have assured my Honourable friend privately and now again wish to assure him publicly, the very first opportunity that presents itself, compatible with the efficient working of the Port Trust, will be taken to change this seat from a nominated seat into an elective seat, and I know that my Honourable friend will not misjudge me on the ground that this promise is not worth very much as a conciliatory measure, because I am quite confident that he believes that Your Excellency's Government has in this matter every desire not only to subserve the sentiment of the Municipal elective franchise, but also to further anything connected with the true interests of the Municipality in every possible way.

The other points, to which I wished to refer, have already been taken up by my Honourable friend MOUVIE RAFIUDDIN. It is quite true, and it is a true criticism of my friend's amendment, that his is not the most effective way of getting the best Indian commercial opinion represented on the Port Trust. That is really the criticism I make of this amendment. The Karáchi Municipality is not effectively constituted for the

purpose although it has mercantile interests represented on it. It is not constituted with a view to have trade representation of the class representing the interests dealt with by the Port Trust. It is for that reason, Sir, that a diluted representation, as would be secured through my Honourable friend's proposed amendment, would not in my opinion effectively answer the purposes which the Karáchi Port Trust have in view in proposing their present amendment.

In these circumstances, Sir, as I have said, it is with very great regret, since I sympathise very warmly with the motives which have actuated my Honourable friend in making the suggestion, that I find myself compelled to ask the Council to negative it.

The Honourable Sir PHEROZESHAH M. MEHTA spoke as follows:—May it please Your Excellency,—So far as my Honourable friend MOULVIE RAFIUDDIN is concerned I can only say that I am amused by his profession to set up as an apostle of consistency and a champion of lawyers. I think, my Lord, that if you consider his arguments carefully, you will see that instead of being consistent, it is he himself who is most inconsistent, and is not by any means advocating the interests of lawyers. He utterly fails to understand what I said on the last occasion about the cosmopolitan character of lawyers. I was not asking on that occasion that lawyers should be pushed in all sorts of places, good, bad and indifferent. All that I pointed out was that a lawyer was well qualified to sit in judgment on matters, not only which affect law, but all other concerns of life, and that if a lawyer was returned to the Port Trust, it was no such bad thing as had been attempted to be made out.

As regards consistency, he says that I am inconsistent, because I take away one seat which might have been given to a lawyer and make it compulsory to give it to an Indian merchant. Where the inconsistency crept in, I fail to see, and my Honourable friend was not careful enough to point it out to me clearly. My Honourable friend Mr. HILL has pointed out that we were considering in what way we could best promote the efficiency of the Port Trust and the interests which it represents, and it was from that point of view that I argued that it was far more desirable that the Karáchi Municipality, which has representatives of the trade and commerce and all other interests of the City, would be a far more preferable agency for selecting an Indian Merchant than Government themselves. I say they would be in a far better position,—I do not speak irreverently,—being in closer touch with the trade and mercantile interests, than the Government could be, though, as I said, they are assisted by the advice of their own officers in Sind. But I think I will leave my Honourable friend MOULVIE RAFIUDDIN for the moment alone.

What has astonished me most, what has amazed me exceedingly, is the speech of my Honourable friend Mr. BARROW. I cannot imagine how my Honourable friend Mr. BARROW could have put forward the arguments which he put forward in support of nomination against election, because if you consider it for a single moment, if you push his argument to its logical consequence, you would have to go back to the old days, when every member of this Council was put in by nomination and not by election. Let him push his argument, and if nomination, according to him, can work far more efficiently for the purpose of selecting people, why was all the trouble to substitute election in place of the old system of nomination? Why do we praise Lord MORLEY and Lord MINTO and I am sure my honourable friend joins in that praise, for the reforms which have been introduced in enlarging the scope of election as against

nomination. If my Honourable friend Mr. BARROW who is generally very fair in these matters, will consider this question carefully, he will find out why it is that election is preferred to nomination. "Oh," he says, "party arrangements will be brought in". Well party arrangements exist also in the House of Commons. So abolish the House of Commons and abolish election throughout the British Dominions. My Lord, those are not the arguments which can really support the opposition against my little amendment. He said it was a small and a very minor matter, so I said myself, but it is the thin end of the wedge which is mightier than far more strong endeavours subsequently made. It is the recognition of the principle that election does things better than nomination in certain circumstances that requires to be borne in mind in the conduct of all municipal, political and other affairs in this as in other countries in the world. Therefore, small as it is, I submit, that it is on account of the principle which is involved in the step which was taken that I venture to put forward the claim,—of what?—of not even bringing in a new roll of election, but of maintaining the elective seat when it has been once given, rather than relegate it to that of nomination.

My Lord, I entirely agree with my honourable friend, and I entirely endorse the assurance that his desire is, as certainly we know, it is of Your Lordship, to co-operate in the work of free municipal and other bodies as much as possible. I entirely accept with the very greatest thankfulness that assurance, but my honourable friend reminds me of some old lines. For the purpose of co-operation, he first disfranchises the Karáchi Municipality, and that reminds me of those lines which, an accomplished scholar as he is, he will probably know :

"Height measures he in depth and peace in strife,
and calls all this the poetry of life."

Then again, my Lord, this disfranchisement which he calls the first step reminds me of those popular lines :

"It was all very well to dissemble your love,
But why, Oh why, do you kick me downstairs."

My Lord, my learned friend's dialectic skill which I admire, and I have always admitted that it is very great, has tried to put upon the difficult position he has taken up the best possible philosophical interpretation, and he says we ought to accept this little disfranchisement for a short time because "I assure you that in the near future", those ominous words,—“when the Karáchi Port Trust Bill is taken up for amendment another time, we will see that something is done in the interests of the Indian merchants”. My honourable friend has not told me when it will be found necessary to amend next the Karáchi Port Trust Bill. Are we sitting in the Legislative Council for the purpose of amending and re-amending, and find occasions to bring on amendments and re-amendments at every session, or are we legislating in such a way as to avoid having recourse to early amendments? If my honourable friend admits that it is desirable to obtain by election an Indian merchant to the Port Trust. He admits that. All that he says is that the Indian Merchants Association is not fully representative of the Indian merchants, and therefore it is not quite a sufficiently strong body of Indian merchants, and therefore he will not allow even for a short time a representative returned by election by the Indian merchants, and that was the fallacy which unfortunately vitiated all the arguments of my Honourable friend Mr. MANMOHANDAS RAMJI. I

could have understood him if he had said that he insisted on a representative being returned by an Indian Merchants body. I support him wholly in doing that. He takes up the extraordinary position, because that could not be done, he would rather have a Government nomination than allow the Municipality to return a member by election. That is the fallacy of my Honourable friend Mr. MANMOHANDAS RAMJI. It really seems to me that my honourable friend really admitted every position that I have taken up. If he was prepared to support the returning of a member of the Indian Merchants Association by election to the Port Trust, I would at once withdraw my amendment, and I would again remind him, which was a matter lost sight of by my Honourable friend Mr. GRAHAM,—(I am sorry he is not here),—(A voice: He is here). Oh, He has changed his seat. I hope he is not hiding, Your Excellency (Laughter). I am almost certain he is retracting his views.

Your Lordship will see that my honourable friend has really admitted that position that a member of the Indian Merchants Association should, if there was a body, be elected by that body, but I will remind him that he has given no answer to the argument which was supplied to him by my honourable friend from Sind, *viz.*, that the Association has been recognised, for the purpose of returning two members to the Karáchi Municipality. Surely, My Lord, if a body so constituted has been judiciously and legislatively recognised for the purpose of returning two members to the Karáchi Municipality, cannot it be trusted to return one member to the Karáchi Port Trust? No answer has been attempted even to that broad fact staring in the face. I say that if there is such a body, by all means,—never mind the Karáchi Municipality,—then let that body be entrusted with the task of returning an Indian Member of their own selection. But if that is not so, my argument is this. My honourable friend has not attempted to reply to the argument, failing that body, which is better for the purpose of returning a mercantile member to the Karáchi Port Trust? He says, Government, but I venture to say, no: an election by a body like the Karáchi Municipality is certainly preferable to that.

Well, my Honourable friend Mr. BARROW says party arrangement is coming in. My experience is that party considerations and various other considerations come in everywhere, even in Government action, and they will come to the end of time, but that is no reason why we should not entrust the Karáchi Municipality with the task of returning to the Port Trust from their members an Indian merchant whom they would select from their close contact and connection far better than Government, because, after all, Government are only advised by some officer, and just as much party arrangements creep in in the case of officials as in that of non-officials. Considerations of a variety of characters, personal and otherwise, enter into the recommendations even of officials.

My Lord, I have taken up the cause of the municipality, because they have brought this matter before the Council. On the last occasion we were told that the Bill should be passed at that very sitting, that public opinion was unanimous, and therefore we should not hesitate to take up all the three readings at one stroke. Now we know that a large portion of the public differ. My Honourable friend Mr. BARROW says that public opinion is no such thing, there is no such thing. But he forgets that when we talk of public opinion we don't mean the opinion of the world, but we mean the general opinion of the people who are

interested in the matter. We always talk of the whole world. What do you mean by that? Obviously, those interested in any particular matter, and the public opinion of Karáchi, of people who are interested in the question, has declared itself in a way far different from what was tried to be made out on the last occasion, and therefore it seems to me that now, following the doctrine which was laid down at the first reading, we should really give some hearing, some respect to the declaration of that opinion.

My Lord, there is one thing which I wish to point out. The Karáchi Municipality has never been consulted in this matter. I have a complaint to make against Government. Was this Bill which, affected their privileges, was it ever referred to them, before it was brought into this Council at all? My honourable friend says it was published to the whole world, so that the Karáchi Municipality should have seen it and given their opinion upon it. But is it not the policy of Government that when bodies and communities are specially affected with regard to any legislation that their attention should be specially invited and their opinion sought? In the case of the Bombay Municipality, we have always been told 'we shall consult you'. I know there are lapses. Government have their failures of memory, and sometimes a body is not asked their opinion about matters affecting it. But in this Council we have always been assured that whenever their interests are affected Government would take their views. Now I ask whether, with regard to this Bill, the opinion of the Karáchi Municipality was ever invited. I am assured by all the members that it was never asked to express its opinion on the subject.

My Lord, I do not care about the result of taking votes, because I am one of those who, by a long public career of disappointments, have learnt patience and resignation. Let the division go in any way it likes, but I hope I have done my duty by the Karáchi Municipality and by this Council.

His Excellency the PRESIDENT spoke as follows:—My Honourable friend Sir PHEROZESHAH MEHTA has, with his usual skill and power of language, made his case as strong as he possibly could, and I am sure that Government fully appreciate the arguments that he has put before us. Now he has asked the Government a definite question at the conclusion of his remarks, and that was as to whether this Bill has ever been put before the Karáchi Municipality. My honourable colleague is not perfectly sure with regard to this question, but it will be within my honourable friend's recollection, that we have here the President of the Karáchi Municipality, who on the last occasion on which we discussed this Bill, expressed himself to be strongly in favour of the Bill as it stands at the present time. I quite appreciate my honourable friend's point of view, but if I may say so, he has been discussing with great force and great power what is really, rather a small question. I am disinclined to admit for one moment that I am giving way in favour of nomination as against the elective principle. I am in favour, where possible, of the elective principle, and I should always favour it where it could possibly be introduced.

I believe that the main reason for the Government position with regard to this matter is this, that on the last two occasions the Karáchi Municipality returned two members, neither of whom was a merchant, to the Port Trust. This appears to me.

The Honourable Mr. HARCHANDRAI interrupting:—Will your Lordship excuse my interruption, because last time also in deference to your Lordship I did not interrupt. I should have corrected your Lordship. It was only once and not twice.

His Excellency the PRESIDENT:—I accept the correction. There has been an occasion at the last election when a merchant was not returned to the Port Trust, and it was in order to ensure that this should not occur again that the clause under discussion was inserted. I am inclined to think that the position which Government have taken up at the present time is the sounder and better one, to leave this matter at the present time in the hands of the Commissioner, with this assurance, that, when those two Indian Merchants Associations get together and form one comprehensive organization and are in every way a representative body of merchants in the town of Karachi, we will favourably consider the matter of their having an elected member to represent them on the Port Trust. But for the moment, I fear we must refuse to accept the amendment moved by my Honourable friend Sir PHEROZESHAH.

The Honourable Sir PHEROZESHAH MEHTA then asked for a division which resulted in 18 for and 28 against.

Ayes.

- The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
 The Honourable Mr. Ghulam Muhammad walad Khan Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.
 The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
 The Honourable Mr. Balkrishna Sitaram Kamat.
 The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.
 The Honourable Sardár Sir Chinubhai Madhavlal, Bart., C.I.E.
 The Honourable Mr. Lalubhai Samaldas Mehta.
 The Honourable Sir Pherozeshah Merwanjee Mehta, K.C.I.E., Bar.-at-Law.
 The Honourable Ráo Sáheb Venkatesh Shrinivas Naik.
 The Honourable Mr. Raghunath Purshottam Paranjpye.
 The Honourable Mr. Gokuldas Khandas Parekh, LL.B.
 The Honourable Mr. Vithalbai Jhaverbhai Patel, Bar.-at-Law.
 The Honourable Mr. Abdul Hussein Adamjee Peerbhoy.
 The Honourable Ráo Bahádur Shrinivas Konher Rodda.

Noes.

- His Excellency the Right Honourable Lord Willingdon of Rutton, G.C.I.E., Governor of Bombay, *presiding*.
 The Honourable Sir Richard Amphlett Lamb, K.C.S.I., C.I.E., I. C. S.
 The Honourable Mr. Claude Hamilton Archer Hill, C.S.I., C.I.E., I. C. S.
 The Honourable Mr. Prabhashankar D. Pattani, C.I.E.
 The Honourable the Advocate General.
 The Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law.
 The Honourable Mr. R. P. Barrow, I. C. S.
 The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
 The Honourable Dr. D. A. D'Monte, M.D., L.R.C.P.(Lond.), L.M.&S.
 The Honourable Mr. R. W. L. Dunlop, C.I.E.
 The Honourable Sardár Syed Ali El Edroos.
 The Honourable Mr. Kashinath Ramchandra Godbole.
 The Honourable Mr. W. L. Graham.
 The Honourable Sir Jamsetjee Jeejeebhoy, Bart.

Ayes.

The Honourable Ráo Bahádur
Ganesh Krishna Sathe.

The Honourable Mr. Chimanlal Hari-
lal Setalvad, LL.B.

Noes.

The Honourable Mr. J. E. C. Jukes,
I. C. S.

The Honourable Mr. Navroji Dorabji
Khandalavala, LL.B.

The Honourable Mr. Jehangir H.
Kothari.

The Honourable Sardár Bhalchandra-
rao Annasaheb Patwardhan,
Chief of Kurundwad (Senior).

The Honourable Surgeon-General
R. W. S. Lyons, M.D., I. M. S.

The Honourable Mr. J. A. D.
McBain.

The Honourable Ráo Bahádur
Ramanbhai Mahipatram Nil-
kanth, LL.B.

The Honourable Mr. J. P. Orr, C.S.I.,
I. C. S.

The Honourable Sir Henry E. E.
Procter, Kt.

The Honourable Mr. Manmohandas
Ramji.

The Honourable Mr. W. H. Sharp.

The Honourable Mr. W. D. Sheppard,
C.I.E., I. C. S.

The Honourable Mr. F. L. Sprott.

The Honourable Mr. E. G. Turner,
I. C. S.

The amendment was therefore declared to have been lost.

Clauses 3 to 15 were then put and carried.

His Excellency the PRESIDENT :—Clause 16. The Honourable Mr. CLAUDE HILL.

The Honourable Mr. C. H. A. HILL spoke as follows :—Your Excellency,—This amendment is purely formal. Clause 16 of the Bill, as it at present stands, related to the deposit of money, and reads :—“ provided that nothing in this section shall be deemed to prohibit an investment in any of the securities specified in section 20 of the Indian Trusts Act, 1882.”

That was taken direct from section 89A of the Improvement Trust Act as introduced by section 33 of the amending Act passed last year. The same clause indentially was included in clause 9 of the Bombay Port Trust Bill this year, but in the Select Committee it was modified to the words which now find shape in my amendment and which the Select Committee and the Government regard as an improvement upon the original words. The wording of the amended section will then

read: "provided that nothing in this section shall be deemed to prohibit an investment in public securities as defined in section 69; and the said securities shall be held in trust for the purposes of this Act by the Board."

The fact of the matter was that when dealing with the Improvement Trust Act and the Bombay Port Trust Bill, it was ascertained that the specification in section 20 of the Indian Trusts Act was not wide enough to cover all possible requirements. This is purely a formal amendment so as to bring it into conformity with what has been accepted as the proper form for this clause. I beg to propose, therefore, that clause 16 be amended in the manner which I have just read out.

The amendment was then put to the vote and carried.

In moving the third reading of the Bill No. III, the Honourable Mr. C. H. A. HILL spoke as follows:—Your Excellency, I have now
 The Honourable Mr. HILL moves
 the third reading of the Bill. the honour to propose that Bill No. III of 1913 which has just been passed clause by clause be read a third time and passed into law.

The debate which we have had and which has centered entirely round clause 3, which has ultimately been passed, has been an interesting one, and I think from the point of view of those who have advocated the amendment of the section, whether in the direction indicated by the Honourable Mr. BHURGI or by my Honourable friend Sir PHEROZESAH, that they must feel at all events this satisfaction, that they have succeeded in extracting from a hypothetically reluctant Government,—although I venture to assure the Council that it is not reluctant,—the assurance that if we are pursuing a different road, we are, at all events, aiming at the same goal which they have in view and the only reason for our pursuing a different road has been that we, quite mistakenly perhaps, but at all events in good faith, believe that the road which we are taking in this matter conduces more thoroughly to the advantage of the Karachi Port Trust and its administration, than the other alternatives, however attractive, which have been offered. But I venture, Sir, in proposing that the Bill be read a third time, to reiterate that, so far as there has been a difference of opinion, it is a difference of opinion simply as to methods, and not as to the aims or objects, and that the aim which has been so ably expressed by my Honourable friend Sir PHEROZESHAN, though it may not again result in swelling the Karachi Municipal representation on the Port Trust, will certainly, we hope, lead to the wider spread of the elective system, as applied to general-representation on that body.

His Excellency the PRESIDENT:—The question is that this Bill be read a third time.

Bill read a third time.

The motion was then put to the vote and carried.

His Excellency the PRESIDENT:—I think perhaps it will be a convenience if we adjourn now and meet to-morrow at half past eleven.

The Council then adjourned till 11-30 on Saturday, the 14th March 1914.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,

Secretary to the Legislative Council.

Dombay, 13th March 1914.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Indian Councils Acts, 1861 to 1909.

The Council met at Bombay on Saturday, the 14th March 1914, at 11-30 a.m.

P R E S E N T :

- His Excellency the Right Honourable Lord WILLINGDON of RATON, G.C.I.E., Governor of Bombay, *presiding*.
- The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I.C.S.
- The Honourable Mr. CLAUDE HAMILTON ARCHER HILL, C.S.I., C.I.E., I. C. S.
- The Honourable Mr. PRABHASHANKAR D. PATTANI, C.I.E.
- The Honourable the ADVOCATE GENERAL.
- The Honourable Moulvie RAFIUDDIN AHMAD, Bar.-at-Law.
- The Honourable Mr. R. P. BARROW, I. C. S.
- The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
- The Honourable Mr. GHULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD BHURGRI, Bar.-at-Law.
- The Honourable Mr. FAZALBHOY MEHERALLY CHINYOY.
- The Honourable Mr. GEORGE SEYMOUR CURTIS, C.S.I., I. C. S.
- The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (Lond.), L.M. & S.
- The Honourable Mr. R. W. L. DUNLOP, C.I.E.
- The Honourable Sardár SYED ALI EL EDROOS.
- The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE.
- The Honourable Mr. W. L. GRAHAM.
- The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
- The Honourable Sir JAMSETJEE JEEJEEBHOY, BART.
- The Honourable Mr. J. E. C. JUKES, I. C. S.
- The Honourable Mr. BALKRISHNA SITARAM KAMAT.
- The Honourable Sardár DULABAWA RAISINGJI, Thákór of Kerwada.
- The Honourable Mr. NAVROJI DORABJI KHANDALAWALA, LL.B.
- The Honourable Mr. JEHANGIR H. KOTHARI.
- The Honourable Sardár BHALCHANDRARAO ANNASAHEB PATWARDHAN, Chief of Kurundwad (Senior).
- The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
- The Honourable Sardár Sir CHINUBHAI MADHAVLAL, BART., C.I.E.
- The Honourable Mr. J. A. D. MCBAIN.
- The Honourable Mr. LALUBHAI SAMALDAS MEHTA.
- The Honourable Sir PHEROZESHAH MERWANJEE MEHTA, K.C.I.E., Bar.-at-Law.
- The Honourable Ráo Sáheb VENKATESH SHRINIVAS NAIK.
- The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.
- The Honourable Mr. J. P. ORR, C.S.I., I. C. S.
- The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
 The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
 The Honourable Mr. ABDUL HUSSEIN ADAMJI PEERBHOY.
 The Honourable Sir HENRY E. E. PROCTER, Kt.
 The Honourable Mr. MANMOHANDAS RAMJI.
 The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
 The Honourable Ráo Bahádur GANESH KRISHNA SATHE.
 The Honourable Mr. CHIMANLAL HARILAL SETALVAD, LL.B.
 The Honourable Mr. W. H. SHARP.
 The Honourable Mr. W. D. SHEPPARD, C.I.E., I.C.S.
 The Honourable Mr. F. L. SPOTT.
 The Honourable Mr. E. G. TURNER, I.C.S.
 The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
 The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

**BILL No. II OF 1914 (A BILL FURTHER TO AMEND THE BOMBAY
 LAND REVENUE CODE, 1879).**

His Excellency the PRESIDENT:—Order, Order. A Bill* further to amend the Bombay Land Revenue Code, 1879—First reading.—The Honourable Sir RICHARD LAMB.

In moving the first reading of the Bill to amend the Bombay Land Revenue Code, the Honourable Sir RICHARD A. LAMB spoke as follows:—

The Honourable Sir Richard A. Lamb moves the first reading. Your Excellency,—This short Bill containing only three clauses aims in its second clause to effect a small amendment in section 84 of the Bombay Land Revenue Code. The object is to supply an inadvertent omission in the section as it now stands. The first paragraph of that section reads “An annual tenancy shall, in the absence of proof to the contrary. . . .” (Reads). The second paragraph says “that an annual tenancy shall require for its termination a notice given in writing by the landlord.” The intention really was that the annual tenancy should require a notice of termination only in those cases where it was not already provided for by the terms of the contract between the landlord and the tenant. That has been stated in more than one Government resolution, but, as the Courts of Justice have rightly pointed out, Government resolutions cannot alter the terms of an enactment, nor can the Courts interpret the terms of an Act in terms of a Government resolution. They have to apply the Act as it is actually enacted. We, therefore, now propose to insert the words “in the absence of any special agreement in writing to the contrary,” so that the second paragraph of section 84 will read “an annual tenancy shall, in the absence of any special agreement in writing to the contrary, require for its termination a notice given in writing” That will have the effect of removing what has been found in the past to be a source of decisions which the Courts themselves have regarded as inequitable. They were bound by the terms of the Act to insist that there must be a notice given in writing by the landlord, and that when notice is lacking, even though in terms of the agreement the parties contemplated a termination, nevertheless

* The Bill with the Statement of Objects and Reasons was published in the *Bombay Government Gazette*, Part VII, dated the 21st February 1914.

the tenancy had not terminated because the notice required by the Act had not been given. Of course, this amendment applies only to the terms of a contract between a landlord and a tenant. It has nothing to do with the Government, and with the survey occupant holding directly under Government. It affects only the relations between the landlord and the tenant.

The third clause of the Bill is intended to provide that the relief given by Government through the system of remissions and suspensions shall reach the actual cultivator when that cultivator is a tenant holding under a superior holder. In the new section 94A of the Act, which was recently passed in this Council, that principle has been recognised in the cases where the superior holder of an alienated village asks Government to take over the collection of the revenues of the village on his behalf. That section has provided that where Government, in compliance with an application from such superior holder, directs the Collector to undertake the collection of the revenue of a village on behalf of the Inámdár, the suspensions and remissions which are granted by Government in respect of Government lands shall also be applied in respect of the holdings in that alienated village. That is a principle that has already been accepted in the instance of cases dealt with under section 94A. This new section 84A proposes to enact that in all cases where Government grants suspension or remission of land revenue to a superior holder of an alienated village or any other superior holder the Collector may be given a discretionary power, not an absolute power, to order a corresponding proportion of the land revenue or rent or both due from the tenant to the superior holder to be suspended or remitted, as the case may be. The object of course is to secure that where the superior holder is benefited by the suspension or remission of revenue granted by Government, he shall pass on the benefit to the tenant who holds land under him. There are cases in which the tenant pays a gross rent to the landlord. There are cases in which the tenant pays the Government assessment plus a rent to the landlord. For this reason we have to use the words rent or land revenue, or both, so as to provide both for the cases where the tenant pays rent only to the superior holder, the landlord, and for those cases where he pays, under the terms of his lease, the land revenue assessment to Government and in addition to that some rent to the landlord.

It will be observed that in the second sub-section of the new section 84A there is a proviso (Reads). That of course is necessary. Where the landlord levies his rent in the form of a share of the crop, he must continue to take that share, whatever the suspension or remissions that he may get in respect of the cash payment he has to make to Government on account of the land revenue. Where the year is a bad year, he continues to take his one-half, or one-third or one-quarter, whatever it may be, but the year being a bad one, his share is very much less in amount than it would be in a normal year. Therefore, it is not possible to provide that the landlord's proportional share of the crop shall be reduced in the years in which suspension or remission is granted to him.

The third and fourth sub-sections of the new section are consequential on the previous two sub-sections, and in the last sub-section it is said "that nothing in this section shall apply to any land situated in the Province of Sind". That is, because the conditions in Sind are totally different from the Presidency. There the system of

suspensions and remissions, which is followed in the Presidency, is not in force. They have under their irrigational system a perfectly distinct system of remissions, which is not used in the Presidency and which is suitable to Sind only. These provisions, therefore, will not be suitable for Sind.

Section 84A, as mentioned in the Statement of Objects and Reasons, is on the lines of certain sections in the Tenancy Acts of some other Provinces, *viz.*, that of the United Provinces Act of 1901, the Punjab Tenancy Act of 1887, and the Central Provinces Tenancy Act of 1898. We have not in this Presidency found it necessary to enact any separate Tenancy Act. We find it sufficient from time to time to amend our Land Revenue Code by such a Bill as is now before us for improving the conditions of the relationship between landlord and tenant. I may mention that the Government of India, in expressing their consent to the introduction of this Bill, indicated that we were not quite so strict, quite so drastic even, as the legislators of other provinces have been in respect of this identical matter. They pointed out that the provisions of the sections on the lines on which we are proceeding provide for somewhat more severe terms as regards this remission of rent or land revenue in the case of the tenant and the landlord. But on consideration it appeared to us that the provisions now before us would be quite sufficient in the conditions of this Presidency. I may mention that, as regards Government, it is not exactly a paying proposition. We stand to lose a certain amount by the enactment of this section. It will be a little difficult to explain that to those who are not fully acquainted with the conditions in alienated villages, and perhaps it would be more useful for me to take an example, an imaginary case—imaginary, that is to say, as regards the figures, but taking the conditions as they actually exist in alienated villages. In an alienated village there are a number of subordinate Inámdárs, subordinate in the sense that they are entirely apart from the Inámdár, the holder of the alienated village. They have their rights from a time anterior to the grant of the village to the Inámdár, and they are known by the name of Kadim Inámdár. Now, suppose there is an Inám village with a gross revenue of a thousand rupees, and suppose on that thousand rupees the village Inámdár pays to Government a Judi, that is to say, a quite rent, of Rs. 150, and that the Kadim Inámdárs are entitled to receive Rs. 200, which leaves Rs. 650 to go to the Inámdár of the village. Now, suppose a suspension is granted, to the village Inámdár of half the land revenue payable by him to Government. Then he instead of paying Rs. 150, will have to pay Rs. 75 only. But the Kadim Inámdárs are, under the terms of their Sanad, entitled to receive the whole of the Rs. 200 which is due to them on their Kadim Ináms. That amount would have to be paid by Government, whatever suspension or remission may be granted to the Village Inámdár. Well, if the suspension is one-half; then the revenue or rent payable by the ryots to the beneficiaries will be cut down to Rs. 425. But the Kadim Inámdár's share of Rs. 200 has got to be paid, and the Inámdár's share of Rs. 325, to which he is entitled, has also got to be paid. The Kadim Inámdár's claim will have to be paid in full, *viz.*, Rs. 200, and the Inámdár will be entitled to Rs. 325, that is to say, one-half of his share of the revenue of the village. Thus the total to be paid is Rs. 525. Out of this Rs. 525 we shall recover Rs. 425 only from the cultivators of the village and the balance of Rs. 100 will have to come out of the coffers of Government. It is estimated roughly by the Commissioners that by this enactment Government stands to lose about Rs. 20,000 in a year. Thus there is a loss which will have to be borne by Government in all cases of the kind

that I have been trying to describe. Therefore, it will be quite clear that this Bill is aimed, even at the cost of some loss to Government, at securing to the tenant, the actual cultivator of the land, the benefit that we give already by our system of suspensions and remissions to the holder of the land shown on the Government records as occupant. That is all I have to say in connection with this Bill, and I move that it be read a first time.

The Honourable SAYED ALI-EL-EDROOS read the following speech:—Your Excellency,—I rise to support the first reading of the Bill. There are two minor difficulties which, I submit, require to be remedied. In the first place, the proposed new section 84A does not provide how to recover the amount ordered by the Collector to be suspended from a yearly tenant. The next year the man may not continue to be the tenant. In such a case it will be a question how to recover the suspended revenue. The second difficulty is that it is likely to inflict great hardship on petty Inámdárs, Wasifdárs, and superior holders who mainly depend upon their small income from their small holdings for their livelihood. Often times it so happens that the inferior holder (tenant) is a rich man able to pay the demand and the superior holder, a poor man, woman, or a minor; and if this section will pass into law, it will affect the rights of superior holders to recover their dues so suspended as they cannot get the assistance from section 86 after the expiry of the Revenue year. Therefore some way should be found to save such superior holders from the operation of section 86. I trust the Select Committee to whom this Bill will be referred will see their way to remedy these difficulties. With these remarks I support the first reading of the Bill.

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows:—Your Excellency,—I rise not to discuss the principle of the Bill, but I do so with a view to bring in a motion that the further consideration of this important, though short, measure do stand over for some time, and my reasons are these.

This is a measure which affects the bulk of the population of the Presidency. It is a measure which affects the interests of every landholder in the Presidency, more or less, and a measure of this kind requires to be very carefully considered by this Council after the people of the Presidency are given a fair opportunity to consider its details. If we look at the days on which the original Bill itself and the translation of it into the vernaculars of the Presidency were published, we find that the Bill came to be published for the first time in the *Bombay Government Gazette* on the 21st February 1914. It means that the publication of the Bill took place only twenty days ago. I made enquiries yesterday in the office of the Secretary to the Legislative Council as to whether the Bill had been translated into the vernaculars, and I was told that the translations were published only the day before yesterday. Many copies of the translation into the vernaculars of the Presidency have not even reached their destination to-day, and yet we are asked to consider this Bill and to pass its first reading.

I submit that it is necessary to give the people of the Presidency a fair opportunity to consider this measure. It is also necessary for us, as representatives of the people, that we should have sufficient time to consult our constituents who are scattered all over the Presidency. We have had no time at all to ascertain the wishes of our constituents, and so I submit that unless the Honourable Member in charge of the Bill thinks that

there is special urgency for passing this Bill immediately, the further consideration of this Bill should stand over.

The Bill, as I said, appears to be a small one, and it is also open to any one to say that it embodies a principle which will, taken as a whole, operate in favour of the tenant. But the real question is whether a favourable view of the Bill will be taken by the large number of people who live upon their land principally. There are thousands of people in this Presidency whose main source of livelihood is their rent from their landed property. It is absolutely necessary, in my opinion, to consult them, and I pray that there should be no hurry in considering this Bill now. My request is that the further consideration of the Bill do stand over to the next meeting of this Council. It may be at Bombay or it may be somewhere else, but all that I am anxious to move is that the further consideration of the Bill do stand over for the present.

The Honourable Sardár BHALCHANDRARAO ANNASHEB PATWARDHAN, Chief of Kurundwad (Senior), spoke as follows:—Your Excellency,—It is most desirable that the first reading of this Bill be postponed till the next meeting of the Legislative Council, as it affects the whole of the Presidency. It is but just that we, the Members of Your Excellency's Council, should have ample time to consult those concerned. I wish to make the following observations. Regarding the second section of the Bill—

The Honourable Moulvi RAFIUDDIN:—I rise to a point of order, Your Excellency. An adjournment has been moved, and until that question has been decided, my honourable friend cannot go into the details of the Bill.

His Excellency the PRESIDENT:—The Honourable Member is supporting the motion for postponement.

The Honourable the CHIEF OF KURUNDWAD:—I am supporting the adjournment.

His Excellency the PRESIDENT:—Order, order. My ruling on this matter is this. The Honourable Member is supporting the motion for postponement and is giving his reasons for doing so, so I do not think that he is out of order.

The Honourable the CHIEF OF KURUNDWAD:—If Your Excellency be not pleased to postpone the first reading of the Bill, and if my Honourable friend Mr. BELVI is bent upon bringing his motion for the decision of the Council, I will postpone my remarks till the amendment is discussed.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows:—Your Excellency,—I rise to support the motion of my Honourable friend Mr. BELVI. I am surprised to hear from him that the translations of the Bill had not been published till the day before yesterday. Such an important measure as an amendment to the Land Revenue Code, to my mind, requires to be thoroughly brought to the knowledge of the people who are concerned with it. If, as my Honourable friend Mr. BELVI puts it, the translations were published really the day before yesterday, surely the people who are far away from Bombay have had no opportunity of knowing what actually the Bill is, and they had thus certainly no opportunity of representing their views on the Bill to this Council, or to Members whom they have elected. Of course, the Bill was published first in English, as my honourable friend says, on the 21st February. That too really is a very short time. Though the Bill appears to be a very short one, all the same it contains provisions which affect the agriculturists of the Presidency, and I therefore cordially support my honourable friend's motion.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows :—Your Excellency,—I think I need not add much to what our friends have said. This is a Bill which, though a short one, affects the whole of the agricultural population of this Presidency. That being the case, the publication of the translation only two days ago will certainly not be relied upon as sufficient intimation of the contents of the Bill to the vast population that is to be affected by it, and, under the circumstances, we shall not lose anything by having the first reading of it postponed to the next session. Even if the Bill is now taken up its operation will not take place before January next and by that time we shall be able to have it passed even if the first reading is now postponed to the next Council Sessions. In the meanwhile, there will be time for people to submit their representations one way or the other, and we shall be in a better position to consider its details. It is a Bill drafted on the basis of provisions in force in other Presidencies which are comparatively new to us. It is true its principle has to some extent been adopted in section 94A of the Land Revenue Code, but the present Bill I submit, goes further than that. There is, therefore, additional reason to allow time to the public to submit their representations on the provisions as they stand in the Bill now drafted. With these few remarks I beg to support my Honourable friend Mr. BELVI's motion for adjournment.

The Honourable Mr. G. M. BHUGBI spoke as follows :—Your Excellency,—I beg to support the motion of my Honourable friend Mr. BELVI. I would suggest that the motion should be accepted by Government, and in the meantime Government themselves should circulate the Bill to the land-holders and to the different public bodies asking them to give their opinions to this Council. Of course, I only make this suggestion, and hope Government will consider it.

The Honourable Mr. G. S. CURTIS spoke as follows :—Your Excellency,—I submit that the question at issue is an old one in regard to the provisions of this Bill. After all, by merely allowing the first reading of the Bill, we do not commit ourselves in any way. All that is conceded is that this particular suggestion or suggestions are worthy of discussion.

As Honourable Members have admitted, the principles involved in this Bill are already thoroughly well known and recognised in section 94A of the Land Revenue Code. I venture to think, therefore, that there is a *prima facie* case that this Bill should receive the first reading, and the principles involved be examined and threshed out in the Select Committee formed of many members of this Council who have had experience of revenue questions.

The Honourable Sardár DULABAWA RAISINGHJI, Thákor of Kerwáda, spoke as follows :—Your Excellency,—I should like to make one or two observations in connection with this Bill as it affects the landlords of this Presidency.

His Excellency the President :—You can only speak on the motion for adjournment, but you cannot speak on the merits of the Bill.

The Honourable the Thákor of Kerwada :—Yes, My Lord, I am speaking on the motion for adjournment.

His Excellency the President :—The Honourable Member is quite clear, I hope. He can only speak on the motion for adjournment, but he cannot speak on the merits of the particular Bill.

The Honourable the Thákor of Kerwada:—I submit, my Lord, that, if the Bill is introduced at this meeting, and its further consideration is postponed till the next meeting of the Council, I think, that will meet the objection of my Honourable friend Mr. BELVI.

The principle of the Bill is undoubtedly a sound one and there has been no difference of opinion so far as the principle is concerned, but by postponing discussion till the next session, those concerned will get ample time to express their views on the subject.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH spoke as follows:—Your Excellency,—I submit that there is no necessity for postponing the first reading of this Bill. The principle involved in clause 2 of the Bill has been laid down in the decisions of Judicial Courts, and clause 3 of the Bill brings a measure of relief to tenants which it is desirable not to delay. It is best that the question should be taken up before the monsoon sets in. If there are any objections or criticisms on the Bill, they can be threshed out either in this Council or in the Select Committee. I therefore beg to oppose this motion for postponement.

The Honourable SHEIK GHULAM HUSSEIN HIDAYATALLAH spoke as follows:—Your Excellency,—I support the motion for postponement on the ground that the usual procedure is departed from in this case. The usual procedure for every Bill that is brought in this Council is that due and sufficient notice is given to the parties concerned. My Honourable friend Mr. BELVI told us that the Bill originally was printed in English on the 21st February, and we know that most people, especially land-holders, do not understand English, therefore, they have not been able to read it or to know anything about this Bill.

Secondly, the translation of the Bill in the Vernacular has been published only two days ago. The object of publishing the contents or the amendments of any Bill is simply to invite objections from the parties concerned. If they have not been given sufficient time, I do not think they will be in a position to send their objections directly to Government or enlighten their representatives about their views. It matters very little whether the Bill will be well threshed out in the Select Committee or not, but all the same, the usual procedure ought to be observed and the people concerned ought to be given proper notice.

The Honourable MOULVIE RAFIUDDIN AHMAD spoke as follows:—Your Excellency,—This is not the first time that an objection has been raised to the introduction of Bills before they are properly translated and before the translations have had time to be properly circulated. I hope, Sir, that when the Honourable Member in charge of the Bill gives his explanation, he would enlighten us upon the frequent necessity of Government for departing from this rule. I do not know why these translations are made at all, and why they are published, if sufficient time is not given to the public to read them, and as this is not the first time that the complaint has been made, I would like to know from the Honourable Member in charge of the Bill why this practice is frequently departed from.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE spoke as follows:—Your Excellency,—I rise to support the motion of my Honourable friend Mr. BELVI, and my ground is that if we look to the provisions of rule 30 at page 56 of the Green Book (reads the rule), it appears that the intention of having this rule preceding the rule

about the appointment of the Select Committee is to intimate to the people who are likely to be affected by the changes to be introduced in this Council, and to give them an opportunity of placing their views before the Select Committee. It does sometimes happen, if I am right, that the Bill is carried through in the Select Committee without waiting for such objections. I shall make myself more intelligible. I say that sufficient time is not given before the Select Committee meets and disposes of the subject and it is therefore right, in my humble opinion, that the people who are likely to be affected by the introduction of the Bill ought to get a full opportunity to place their views before this Council, and also intimate their views to the Members whom they elect to represent their constituencies; and looking at the provisions of the rule it seems to me quite clear that the rules intended to give that kind of facility, and if it is so, it is but quite reasonable that the first reading should be postponed and opportunity should be given to the people to give their views on this subject. With these few remarks I beg to support the motion of my Honourable friend Mr. BELVI.

The Honourable Sir RICHARD A. LAMB spoke as follows:—Your Excellency,—As the Council is well aware, I have on more than one occasion acceded to the motion for postponement of the first reading of a Bill when there has appeared good ground for such postponement, but I am bound to say that on this occasion there does not appear to me any sufficient ground. So far as I can understand from what has fallen from Honourable Members who have spoken, the principle on which clause 3 of this Bill is based is recognised as a right and correct one, which ought to be applied. The matter of the first reading is a matter of principle only. If, therefore, Honourable Members are of opinion that the principle of this Bill is sound, there is no ground left for postponing the first reading of the Bill. It has been stated that the Bill having been published in English only a little more than the time prescribed by the rules and having been published in vernacular only a few days ago, there has not yet been sufficient time for all those affected to be acquainted with the provisions of the Bill. That again has nothing to do with the principle. If the principle is correct, it does not matter whether in the world at large there has been sufficient time to consider the detailed provisions of the Bill. The detailed provisions of the Bill are not now in question. The only question now before the Council is whether this Bill is correct in principle or not. If it is apparent that it is correct in principle, then I cannot see any reason why the first reading should not be taken now. If we take the first reading now, there will be sufficient time for those affected to be acquainted with the details of the Bill before the second reading is taken at the next meeting of the Council, probably at the end of July. I propose to move that the Bill shall be referred to a Select Committee, and I am willing to undertake not to call the Select Committee together until the beginning of June when Government will have re-assembled in Poona. In the interval of three months, I submit to the Council that there will be ample time for those who are concerned to study both the English version of the Bill, and a great many landlords can do that, without referring to the vernacular at all, and even for those who cannot study the Bill in English, to study the vernacular translations published a few days ago. I think, therefore, Sir, that the more correct and perfectly convenient procedure will be to take the first reading now on the understanding that the Select Committee will meet early in June and will be directed to report in sufficient time for its report to be published at the due period as prescribed by the rules before the

next meeting of this Council in Poona at the end of July. I do not think that I have anything more to say, except that I observe with some admiration the public spirit shown by the intervention of the members from Sind to which Province, as I have already explained, these clauses will not in the least apply. However, the gallant gentlemen come to the rescue of their compeers in the Presidency proper. In my opinion, Sir, this motion should not be accepted and the first reading should be passed on the understanding which I have given.

His Excellency the PRESIDENT spoke as follows ;—I hope that Honourable Members will think that this suggestion is a reasonable compromise with regard to this particular question. I entirely sympathise with my Honourable friend Mr. BELVI on the general grounds on which he moves his motion. For I feel it is extremely important, and I think I have said this before to Honourable Members, that people who are particularly interested in any Bills should have ample opportunity of reading and knowing their provisions.

The Honourable Mr. SATHE has drawn my attention to a clause of our regulations which puts the onus of ensuring this entire on the President. So I am afraid that, if there is any fault with regard to this Bill, it is due to a mistake of the President. But feeling strongly as I do, that Bills should be distributed in good time so as to give people interested full opportunity of reading them, I shall endeavour to take every possible care in the future that full time is given for their consideration.

I understand that the Honourable Mr. BELVI's main argument is that the Members of the Select Committee will not have time to consider this Bill carefully and to know exactly what its provisions are, but I think that, under the suggestion of my Honourable friend, they will have now three months to go into the whole question, and surely my Honourable friend will think that is a reasonable compromise to come to.

I think it is a fair thing to say that we all want, I am sure, in this Council to get on with our business. The principle of the Bill is well known. Honourable Members will have in the future many opportunities, both in the second reading, in the discussion of the clauses and in the third reading, of going into the various points of detail with regard to this Bill, so I very much hope that my Honourable friend will allow the first reading of the Bill to be passed. (Hear, Hear.)

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows :—Your Excellency,—In view of the assurance which has been given to the Council by the Honourable Member in charge of the Bill, and in view of the sympathetic words uttered by Your Excellency just now, I do not think I should press my motion. I request leave to withdraw it.

His Excellency the PRESIDENT :—The motion for adjournment by leave withdrawn.

The Honourable Ráo. Sáheb VENKATESH SHRINIWAS NAIK read the following speech :—May it please Your Excellency,—I rise not to oppose the amendment but to point out a serious inconvenience that will be felt by the superior holders, by the introduction of the new clause 84A, as has been now proposed. On the other hand, I have full sympathies with the tillers of the soil, I mean the inferior holders, and fully accord my approval to the principle that the benefits of suspensions and remissions granted by Government, at the time of famine and

bad seasons, should reach the inferior holders. In the case of remissions there is no difficulty whatsoever. Under the existing rules that govern the suspensions and remissions no remission is given in the first year. It is only in cases when there is famine or scarcity continuously for three years that remissions are granted. If bad year is followed by good or average years no remissions are granted, and the suspended revenue is collected possibly within the next three years. A superior holder according to this new section will have to suspend the proportionate share of rent due to him possibly for three years, till Government finally decides either remission or recovery of land revenue due to them. In the case of annual tenancy it is quite impossible to recover these suspensions, as there is no certainty that the same tenant continues to cultivate the land for the next three years; after the land revenue and rent are suspended the tenant may relinquish the land, and thus escape payment of rent when better time comes. The superior holder not being certain whether the suspended revenue is to be remitted or recovered, cannot take any precautionary measures, and chances for him of recovering such suspended rent after three years, by civil or assistance suits, are very doubtful. Similar difficulty occurs also if bad years happen to fall during the last three years of any tenancy. With regard to the State demand there is the land-lord responsible to the Government whereas the tenant not being attached to the land nor interested in the land after the lapse of his tenancy, serious injustice is likely to be caused to the landholder by the insertion of this new section. I therefore suggest that the Select Committee to whom the Bill will pass, will introduce some provision to avoid this difficulty.

The Honourable the CHIEF OF KUBUNDWAD read the following speech :—My Lord, the object of clause 84A and its sub-sections as stated in the statement of objects and reasons is to secure for tenants and other inferior holders a share in the concessions granted by Government under the rules for the suspensions and remissions of land revenue. No doubt the provisions are meant for the good of the tenants and other inferior holders. These provisions will not only fail in achieving the object aimed at, but, I am afraid, will produce several other unpleasant results.

The interference of Government between the landlord and the tenant even though meant for the benefit of the latter, forebodes no good to them. The provisions embodied in the Bill will create aspirations in the mind of the tenant which will never be to his benefit. If the superior holder finds that his tenant means to resist his demand for rent, the fate of the tenant is bound to be eviction from the soil on some pretext or other.

It is in every respect desirable that the relation of the landlord and the tenant should be cordial. The superior holder does in times of distress and famine help his tenant in every way at the sacrifice of his interests even. The superior holder naturally desires to improve his land in order that it may yield him a good income; and he has to depend on his tenant for all this. So in my opinion Government interference for the purpose of protecting the tenant will be harmful in the extreme and will estrange their relations. It is absolutely necessary that the interest of the landlord and the tenant should be one and the same. If Government give any concessions to the superior holders, it should leave to the discretion of the landlord whether to extend the same toward his tenant or not as at present is the case.

In good years tenants do not pay more to the landlord than what is agreed upon between them. In years of scarcity and famine the tenant must pay the landlord from

what he has saved. If the superior holder finds his tenant unable so to do, it is better to leave him to his mercy which in 80 cases out of 100 will be found to have been shown.

The principle of proportion as stated in section 84A (1) will, in my opinion, work heavily against the superior holder. Let us suppose for instance that a superior holder leases his land assessed at Rs. 20 to a tenant at a rent of Rs. 60 per annum. Your Excellency will see that I have not taken an exceptional case. Now supposing that Government in a year of scarcity remits its assessment to the extent of one half that means the superior holder will have to pay Rs. 10 instead of Rs. 20 to Government. But the superior holder is bound to give a remission of half the rent to his tenant which means Rs. 30, that is, he will have to suffer a loss of Rs. 20 which means a good deal when compared with his gain. The Government can safely afford to lose an infinitely small portion of its revenue in times of distress, but a superior holder whose only means of subsistence is his rent cannot, in my opinion, afford to do the same with regard to his tenant. And the pressure of law to compel him to do so will tell heavily upon him.

This is the case with tenants at will; with respect to Marashi ryots the provision is likely to do still more harm to the landlord. Owing to the permanent tenancy, the ryot leaves no stone unturned to improve the land in every way possible and the benefit he derives in good years enormously outweighs the occasional loss in a bad year and thereby the superior holder not receiving every year the Kamal assessment, but some fixed sum, much less than the Kamal assessment from his permanent tenant, will be put to great disadvantage by being obliged to keep the ratio of suspensions and remissions as stated in the Bill.

To encourage cordial relations between superior and inferior holders is and ought to be the object of Government which none can doubt. This provision will estrange the relations and thereby will be found to widen the gulf between them and vitiate the object (the good of the ryot) in the long run.

With respect to the amendment regarding notice, I quite agree with the Honourable Member in charge.

With these remarks, I support the first reading of the Bill.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows:—Your Excellency, I am in full sympathy with the principle of this Bill. I only regret that there should have been any necessity of placing this measure before the Council. So far as I know about big landlords generally, I understand that there is always a tendency to deal with the tenants generously, and I believe that even without any legislative provision there would be really very few cases where the landlord would act in opposition to the conditions under which remissions and suspensions are granted. There may be some black sheep amongst the landlords, but in these cases I do not think they will be going to the Civil Court, because, going to the Civil Court means considerable loss of time and money.

As regards the Mámlatdárs I understand that instructions to them have always been that where remissions and suspensions are granted they should take no action under section 83 of the Land Revenue Code in opposition to the conditions on which they are given.

I may, however, point out some reason why the landlords are somewhat anxious to try to take steps for the purpose of recovering their rent. You will note that under

section 86, which is the section of the Land Revenue Code which empowers the Mám-lat-dárs and Revenue authorities to give assistance for the recovery of dues either from tenants or inferior holders, the right is limited to the recovery of dues of a single year. If that remedy is not availed of during the year, the man would have no right whatever to obtain the help of the Revenue Court. This being the position of things, I should think that, unless there is a further provision in the Law for giving relief to such as are prevented by this Bill if it becomes law from recovering suspended revenue, the result would be that they would be put into great difficulty. And, therefore, if this measure should pass, then I should submit that there should be some provision which would enable landlords to obtain the help of the Revenue Court for the recovery of rent or revenue even after that year, and I think that would be a very just and proper concession, because, if they are prevented by the mere force of law from recovering their dues, they should not lose the benefit of obtaining the help of the Revenue Court. Subsequently I hope that this matter will be considered by the Select Committee and the Select Committee will consider whether some change in the provisions of section 86 should not be made for the purpose of enabling those people who have suspended the recovery of their dues to give them longer time to recover them.

There is one difficulty which has been pointed out in this Council in reference to tenants who hold on yearly leases. In this I do not include cases where the tenant is really holding the same land for a considerable time, but to prevent his acquiring any right against the landlord, he passes to him rent-notes from year to year for the payment of his rent. In such cases the lands remain the same, the rights remain the same, and the tenant wants to keep his land. All the same I do not think the provision of this Bill is likely to cause any hardship. But there is another class of cases, namely, those of casual tenants who come in once or occupy the land for one or two years and then go away. Cases of this kind should also be provided for, because in these cases there is not the slightest guarantee to the landlord that he would be able to get his rent if he omits to recover it at the time, and this is a matter, I think, that will also have to be considered in the Select Committee. An exemption therefore is to be made in the case of casual tenants who come in for a short time and who, therefore, could not have those claims which would be derived from regular tenants? Of course there will be hardship any way. At the same time the Council will have to see whether a much greater hardship would not be caused by the landlord losing all his right of recovering the rent. The landlord has only very few rights to recover. Those rights can be enforced only through Revenue Officers, and in those cases there ought to be some provision for safeguarding the rights of the landlord as against people who are merely casual tenants.

With these observations I support the first reading of the Bill.

The Honourable the THAKOR OF KERWADA spoke as follows :—Your Excellency, I submit that the principle of the Bill is no doubt a very sound one, but there is one little omission to which I should like to refer, and it is this that though it makes it obligatory on the landlords to give corresponding suspensions and remissions to his tenants, it does not provide means nor says, how the amount so suspended could be recovered. It regulates the relations between the landlords and tenants with regard to suspensions and remissions.

I submit, Your Excellency, that this amending Act has for its object nothing more than what a landlord who has got at heart the interests of the tenant ought to do.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH spoke as follows :—Your Excellency, the amendments proposed by this Bill introduce a desirable alteration in the law governing the relations of landlord and tenant. The Land Revenue Code, Section 84, provides that a tenancy, if it is an annual tenancy, shall not terminate except at the end of the financial year and except by three months' previous notice. But, where there is a special contract between the landlord and the tenant as to when the tenancy shall terminate, there is no reason why the law should step in and say that the tenancy shall not terminate as agreed upon but shall terminate only at the end of the year and that too when notice is given.

It is necessary that this principle should be carried further in a way which has been hinted at in the Statement of Objects and Reasons, but which is not to be found in the Bill. I mean that when a tenant repudiates the title of the landlord the tenancy ought to terminate at once. It is not right that, when the tenant denies his position as such, the landlord should be compelled to continue the tenancy till the end of the year and to give notice of ejection. A proviso to this effect ought to be added at the end of clause 2.

The provisions of clause 3 of the Bill are fair and equitable. When in a bad year the State remits or suspends its demands from the superior holder, it is but just that the latter should give a corresponding remission or suspension to his inferior holder. It may be that there may be hard cases. For instance, as pointed out by the Honourable the CHIEF OF KURUNDWAD, there may be cases of permanent tenants who may be making defaults persistently and who ought not to be given the benefit of such remissions or suspensions. Or, as pointed out by the Honourable Mr. PAREKH, there may be cases of casual tenants who cultivate only for a season. But these cases can be dealt with by the Government under the discretionary powers given to them under this clause. There cannot be hard and fast rules for such individual cases which can only be adequately provided for by the Executive, *i. e.*, by the Collector following the policy laid down by Government.

It has been pointed out by some Honourable Members that the provisions of clause 3 will prevent superior holders who have been compelled to give suspensions from getting the assistance of the revenue authorities at the end of the suspensions, as, the period of one year during which they can get such assistance will have then elapsed. This, I think, ought to be remedied and there ought to be a provision to extend in such cases the period of limitation.

With these remarks I beg to support the first reading of the Bill.

The Honourable Ráo Bahádur SHRINIVAS KONHER RODDA spoke as follows :—Your Excellency, this Bill though calculated to do immense good to the inferior holders, has its disadvantages also. I hope the Select Committee which will no doubt be appointed will do justice to the superior holders also. I have seen many cases in which superior holders have shown indulgence to the inferior holders by postponing the whole of the rent in consideration of the service these inferior holders have done to the superior holders, with a view that the land should not be alienated from them. In cases where the inferior holder has a house to build, sometimes the rent is not recovered, and the

land revenue is not recovered and a large remission is also made to them. And even when there are Government remissions, etc., it is true that the inferior holder has paid money to the superior holder. But the inferior holder has in cases of suspended payment to suffer a good deal, as it sometimes tells more hardly than remission, because in one year it is suspended, the next year it is collected. Sometimes the produce is not bumper but at the same time double the money is to be paid to Government. In such cases too the superior holder has come to the assistance of the inferior holder by distributing his assessment over a number of years. Such being the case, I hope, that, as contemplated in Section 84 the proportion to be fixed should be the same amount as the proportion of the remission or suspension. That proportion may be altered or the Collector should have the discretion of fixing a proportion in consideration of the superior holder having shown some indulgence to the inferior holder.

With these remarks I heartily support the Bill which I am sure will come to the assistance of poor cultivators. But at the same time if the law is so amended as to give relief to the persons who live on their lands in the recovery of their rent, etc., that will be a boon both to the superior and inferior holders. With these remarks I support the first reading of the Bill.

The Honourable Mr. NAOROJI DORABJI KHANDALAVALA spoke as follows:—Your Excellency, there is no doubt that the principle of this Bill will be recognized as just and equitable. When Government very considerably comes forward to give remissions or postponement of the payment of land revenue to the superior holder, it is but fair that the superior holder should in his turn show the same consideration to the tenant. To leave the tenant to the mercy of the superior holder has been found not always very safe, and in several cases there have been complaints that the tenants are not fairly dealt with by the superior holder. Although many superior holders are very mindful of the great difficulties to which tenants are put when there is a partial or entire failure of crops, still to make it as sure as possible, Government have taken this measure in hand, and I think it will be conceded that such a measure is very necessary. In cases where there has been an entire failure of crops there will be no difficulty if Government granted an entire remission. But in a case where there is only a partial failure of crops and a suspension is granted, I believe some difficulty will certainly come in, because, if the tenant is not one who has been cultivating the land from year to year for a number of years, that is to say, who is not generally attached to the land but only comes in now and again and cultivates the land for a year or two only and goes away, and the assessment is only suspended and after one or two years more Government ask the superior holder to pay the whole of the suspended assessment owing to there having been subsequent good years, and the tenant has gone away taking partially the crop which he had in the year of suspension, the landlord will have very great difficulty in getting anything from the tenant who is then no more a tenant of the land. I am sure the Select Committee will take into proper consideration this difficulty where there has only been suspension of land revenue and not entire remission, so that the superior holder may not suffer.

I think there will be few other difficulties except in minor details, and I therefore support the first reading of the Bill.

The Honourable Mr. G. S. CURTIS spoke as follows:—Your Excellency,—It seems that there is a certain amount of confusion in the minds of some of the Honourable Members who have spoken on this Bill. It must be remembered that there are three separate ways in which the superior holder may recover his rent from the inferior holder. There is first of all one method under section 88 of the Land Revenue Code. In the second place the superior holder may apply to the Collector or his representative, the Mámíatdár; in the third he may go to the Civil Court and sue for his rent. Now many Honourable Members here who are familiar with revenue questions know that, until a few years ago, the revenue administration of the Bombay Presidency was described as a cast-iron one. Government recovered its assessment year in and year out. The principle which was followed, has been admirably described by my Honourable friend the Chief of Kurundwad, when he said that the landholder had to pay the full assessment out of his surplus produce in a good year, and to pay the same in a bad year out of what he has saved in the previous year.

Honourable friend Mr. PAREKH will remember that the old system broke down a decade ago, and as a result we now have the system of remissions and suspensions which promises to work so well as to be almost automatic. Now it is alleged by my Honourable friend Mr. PAREKH that in a bad year, under the rules now in existence, the Mámíatdár as the Collector's representative is expected to refuse assistance for recovery of more than the amount which is held to be due from a tenant in Government villages. I regret to have to inform him that such is not the case. The provisions of the law as contained in section 87 are clear. On application being made to the Collector, he shall cause a written notice to be served on the inferior holder. Then he shall make a summary inquiry and shall pass an order for rendering assistance to the superior holder for the recovery of such amount, if any, of the rent or land revenue as appears to him upon the evidence before him to be lawfully due. "If the land in dispute is assessed, he shall grant assistance to the extent only of the assessment so fixed upon the said land."

The whole difficulty or the major part of the difficulty in the present case has arisen out of the terms of section 87. The fact is that the Mámíatdár as the Collector's representative has no option to vary the extent of assistance granted in accordance with the character of the harvest. He is bound, if there is a written agreement and the evidence supports it, to give his decree for assistance according to the terms granted. Therefore, Sir, as I say, as regards section 87, the necessity to amend the law as now proposed is obvious. If the law is to remain as it is, it will follow that Government officers, as I have frequently seen, will find themselves in the invidious position of being worried by the Inámjár on the one side, and by the rayot on the other. There are still instances in the Central Division where there are arrears of 10, 11 and 12 years still due. The Inámjár have repeatedly been asked by officers to remit these arrears. But they still refuse.

Quite apart also from cases under section 87, there is the case when the Inámjár sues in the Civil Court. Obviously, of course, that is not possible for a Civil Court to vary the amount of its decrees in accordance with the character of the harvest. The Court can of course suspend execution, but that only means that the file of decrees unexecuted goes on steadily rising. Various suggestions have been made with reference to the annual tenant. I cannot see that, under the new law, the position of the Inámjár

with reference to the annual tenant will be worse than it is now. What happens now is that the annual tenant tills his land and takes his harvest. After the harvest is reaped the annual tenant goes away and the Inámdár is totally unable to execute the decree. This alone accounts for a large number of decrees, given by the Mámlatdárs under section 87, to remain unexecuted. But, Sir, I venture to hope that if the new law does place the Inámdár in a worse position as regards his annual tenants, it will lead the superior holder to give leases for long periods on a large scale. It is perfectly obvious that the arrangement under which large bodies of tenants are merely tenants-at-will for short periods is not a good one. They cannot make any improvement in cultivation, or attempt to render the land more permanently profitable for the purpose of agriculture. Obviously as far as possible it is desirable that the actual tenants of the soil should have the interest in careful tillage and should be encouraged to improve it by long leases. Therefore I say, Sir, that if this amendment of the law leads to long leases, I venture to think, it will be a very good thing.

A point has been raised by my Honourable friend, Mr. PAREKH, with reference to the proviso in section 86 and also by the Thakore of Kerwada, in reference to the recovery of rents in subsequent years. It certainly was the intention, as I understand, of the framers of the Bill that the arrears of one year should be collected in the same way as Government arrears are. Under the rules as they at present exist those are often recovered in the second year or the third year. I venture to submit, therefore, Sir, that the principle involved in this Bill is thoroughly equitable, that it will produce in the rotations between the Inámdár or superior holder and the tenant, an element of equity which is often conspicuously absent at present. In many cases it will save the officers of Government from being placed in the unfortunate position of endeavouring to bully the ryots in the famine years into the payment of their rents; and it will tend generally to peace and harmony.

I venture to submit, Sir, therefore, that the Bill be read a first time.

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows:—Your Excellency, a part of this measure is undoubtedly unexceptionable. Clause 2 which is designed to make it easy for landlords to recover their lands from the possession of their tenants without giving notice is obviously desirable. It was said by one Honourable Member here that that clause is imperfect as the wording now stands. His idea was that it should also include a provision to the effect that no notice should be necessary where the title of the landlord is denied. I submit, my Lord, that a reference to any standard book on Landlords and Tenants will show that where the title of the landlord is denied by the tenant, no notice whatever is required by the law under any conditions. The tenant becomes liable to be evicted at once if he denies the right or title of the landlord. Therefore, so far as clause 2 of the Bill is concerned, there is nothing that needs to be included in it and that is a sound measure of law. But I cannot say the same thing about the principle which clause 3 involves. To my mind clause 3 of the Bill covers debatable ground. In the first place it seems to me that the Collector is to be armed with special powers to break through the contractual relations subsisting between the landlord and the tenant, and it seems to me that if clause 3 becomes law, it will undoubtedly bring about an estrangement of feeling between the landlord and the tenant in a large number of cases. In the first place I fail to understand why the landholder who holds his land under a special agreement with the Government for a

definite period should be compelled by law to remit in some cases and to suspend in other cases, the collection of his own rent from his own tenant. I do not see any justification whatever for this. The only justification that is pleaded is that the State itself will be pleased to grant to the landlord a certain amount of remission. Sometimes the State may not give the remission of the whole amount of land revenue. At other times it may suspend the collection of land revenue. But we are told in this clause 3 that, simply because Government is pleased to remit a definite portion of the land revenue payable to it, the landlord will be required to give a remission in the same proportion to his tenant. It seems to me that if you read this provision which is embodied in clause 3 the injustice of this would be quite clear. Suppose *A* holds a piece of land assessed at Rs. 10, and *A* lets it out to a tenant *B* for 10 years on a rent of Rs. 40. Government may be pleased to give *A* the remission of Rs. 5 in a year. Then under this clause 3, *A* will be compelled to give a remission of Rs. 20, that is, 50 per cent. to his tenant, whereas Government loses only Rs. 5 out of its land revenue.

His Excellency the PRESIDENT (interrupting):—Order, order. I do not wish to stop the Honourable Member. But I hope that he quite understands that we are only talking of general principles and he appears to be taking the Bill rather clause by clause.

The Honourable Mr. BELVI (continuing):—Your Excellency, my point is to show that this clause 3 embodies a principle which is obviously wrong. It seems to me that the principle in the legislation in the Punjab and in the United Provinces is not suitable to the Bombay Presidency. (My contention is that the landholder in this Presidency is the owner of the soil and the legislature has no right whatever to create any special conditions as between the landholder and his tenant.) All that Government may fairly say is that the landholder may give the same amount of remission to his tenants, the amount that is remitted to him by Government. If a certain amount is remitted to him by Government, the landlord may fairly be expected to make the same remission to the tenant. If Rs. 10 are remitted to him he may be called upon to remit only Rs. 10. But the principle embodied in this clause 3 says that the landholder is to be required to give a remission which the Collector may in his discretion sanction. It seems to me that this measure is the first step in the rent law which is perhaps coming into this Presidency. We have not got any tenancy Act at present, and it seems to me that this is only the thin end of the wedge. I have looked carefully into the provisions of the several Acts which have been cited in the Statement of Objects and Reasons. I have looked into the provision of section 51 of the Agra Tenancy Act (the United Provinces Act of 1901), and of section 30 of the Punjab Tenancy Act, and of section 18 of the Central Provinces Tenancy Act of 1898. But I am surprised to find that this measure goes much beyond the provisions of these three measures. This measure is intended to be much more stringent than all those three Acts. For instance those of my Honourable friends who have examined the provisions of those Acts, will not find anything like what is to be found at page 2, from the words “provided”, from lines 45 to 51 of this Bill. There is a proviso to sub-clause 2 of clause 3 which reads thus: “Provided that” There is a proviso here which says that if a landlord recovers his rent even partially from his tenant after the Collector gives suspension, then he runs the risk of being called upon to pay the whole amount of his land revenue to the Collector: not only that, but he runs the risk of being sued by the tenant for the refund of the amount he has collected from his tenant, which you won't find in any of the three

enactments. Reference has been made to a particular difficulty in the case of tenants who give up possession after the lapse of a year or so. The Honourable Mr. KHANDALAWALA has already alluded to the difficulty and he has pointed out to this Council that there will be considerable difficulty in recovering the amount of the suspended rent from a tenant who gives up the land at the end of the year. In the case of Government the matter is altogether different. The Land Revenue Code says that if land changes hands then, whoever the holder of the land is, he is responsible for all the liabilities. He takes it subject to all subsisting liabilities. If there are any arrears due to be collected, he takes the land subject to all those liabilities. Now these conditions do not obtain in the case of a piece of land which is held privately by a tenant from a landlord. So my submission to this Council is that this important Bill in clause 3 embodies a principle which is most objectionable. (We must take into consideration the fact that there is a very large class of people in this Presidency whose principal source of livelihood is their rents from their lands.) Here again in the case of Government the matter is different if Government is pleased to remit a portion of the land revenue, it does so, because it has numerous other sources of revenue. But these private landholders have practically no other sources of revenue. Either they must live on the rent of their land or they must starve. Government has got infinite other sources of revenue and so these considerations should weigh with the Council and I trust that if this measure passes the first reading, the Select Committee will be very careful in considering this measure clause by clause to see that the landlord should not be called upon to remit his rent in the same proportion in which remission of land revenue is given to him by Government.

So far as the principle of clause 3 of this measure is concerned, I cannot see my way to accept this Bill. I have already said that so far as the other clauses are concerned, they are purely formal and may be passed without difficulty.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows :—Your Excellency,—I think we had gone enough in the direction that was needed in this respect when we embodied section 94A in the Land Revenue Code only last year. This subject of granting relief to the tenants of landholders was then considered and section 94A was enacted with the express object that the relief which Government gives to holders of alienated villages in the form of suspension or remission should pass to their inferior holders and not be appropriated wholly by the superior holders. That principle was given effect to so far as it was then deemed necessary in the cases referred to in the said section 94A and I do not know what has passed since then within this year to require further departure from the provision that was then embodied in the law. The present Bill goes further and extends the relief to the tenants of all superior holders throughout the Presidency proper whether these be holders of alienated or unalienated lands.

In the Statement of Objects and Reasons it is stated, the object is to secure for tenants and other inferior holders a share in the concessions granted by Government under the rules for the suspension and remission of land revenue. That principle, I think, most of my Honourable friends have admitted to be sound and I will not demur to it, but the Bill as it stands provides not for a mere share but for something more than a full share for the tenant and we have to see whether that would be fair. I have been trying to read the section as closely as possible, but I have been unable to make out that it does not go beyond giving effect to the object set forth in the Statement of Objects and Reasons.

The section as it stands actually runs thus :—

“ Whenever from any cause the payment of the whole or any part of the land revenue payable by a superior holder in respect of any land is remitted or suspended, the Collector, acting under the general or special orders of Government, may, by order, remit or suspend, as the case may be, the payment to such superior holder of the rent or land revenue, or both, of that land by the inferior holder or holders to an amount which may bear the same proportion respectively to the whole of the rent or land revenue, or both, payable in respect of the land by such inferior holder or holders, as the land revenue of which the payment by such superior holder has been remitted or suspended bears to the whole of the land revenue payable by him in respect of the land. An order passed under this sub-section shall not be liable to be contested by suit in any Court.”

As has been pointed out by my Honourable friend, the CHIEF OF KURUNDWAD, this new provision may work more hardship than would probably be suffered by the operation of section 87 of the Land Revenue Code as it stands. Government's object is that the inferior holder should have a share of the relief which Government gives to the superior holder. Now the section as it stands instead of requiring the superior holder to allow his tenant only a share of what relief he may receive from Government actually requires him to allow the relief to a much larger extent than he may himself receive at the hands of Government. Supposing the land is assessed at only Rs. 10 and Government remits half the assessment which is Rs. 5 ; now if the land is let for Rs. 30, under the section as it stands the superior holder will have to remit to his tenant not merely Rs. 5 but half the rent due to him, *i.e.*, Rs. 15 and half the land assessment, *i.e.*, Rs. 5 more. Thus he will have to allow remission to the amount of Rs. 20, while the remission granted to him by Government will be only Rs. 5. I do not think, that it is really the object of the framers of the Bill that the tenant should thus receive more than a share of the relief which the superior holder may receive from Government and if that be the case, I pray that the wording of the new section may be modified so as to make the intention clear so that the superior holder may not be chargeable with liability to allow relief to his tenant to a larger amount than he may himself get at the hands of Government. To require him to co-operate with Government in giving to his tenant, part of the relief which he may receive from Government is fair and reasonable but to make him allow it to a larger extent than he may himself receive will be placing him in a hard position which his individual circumstances will not allow. Government's resources, my Lord, are unlimited and when Government itself give relief only to the extent of the amount of the assessment, would it be fair that the superior holder should be called upon to give relief to the tenant to the extent of three or four times that amount. If that will be the operation of this section, as it stands, its hardship, I pray, must be avoided in the interests of the superior holder. By all means make the superior holder liable to give the tenant a share of the relief that he may receive from Government or even the whole of it, I do not mind, but what I insist upon is that he should not be asked to grant more relief than what he may himself receive at the hands of Government.

Another thing which I would urge, my Lord, is that it would be better if the operation of this provision be limited only to cases where remission is allowed because Government will allow remissions only in a year of actual famine, and in that case there

will be no hardship in the superior holder being also made to allow corresponding remission of his own dues. But as regards suspensions these, I submit, are now allowed under principles which it is difficult to work in the case of all individual superior holders. As remarked by myself on a previous occasion in this Council, the present arrangements for the crop valuations are not as satisfactory as would be desired and those valuations, I believe, are made on the basis of the extent of the failure of the crops. Formerly the policy of Government was to allow suspensions and remissions according to the capacity of the individual holder to pay. That was found unworkable during the famine of 1900-1901 and since then suspensions and remissions have been allowed on the extent of the failure of the crops in any particular area as recommended by the Famine Commission. Now it happens that in certain tracts, though there may be a general partial failure of crops in individual holdings, the crops may be full or may not have failed to the extent to which it may be reasonable to estimate the average failure for the whole tract. In such cases it would apparently not be necessary to allow remission when the tenant may not want or deserve it. It is not possible either for the Collector or the Assistant Collector to inspect the crops and make the valuation in all individual cases. To avoid this hardship it will be better to limit the operation of this section only to such extreme seasons where Government may be pleased to allow remissions. I do not know if it is fully realised what hardship will be caused to the superior holders by the operation of the new section as it stands if suspensions are allowed under the rules which now apply to Government dues. In the case of tenants there is no guarantee that the amount suspended will be recovered. The powers which Government commands in respect of the recovery of its dues are not the same which private landholders possess. Government can attach immediately his holding and charge 25 per cent. for default in punctual payment and even take precautionary measures. Well all this is not possible to private landholders. And in this Bill no provision is made that if a superior holder is compelled to allow suspension, he will be secure of the recovery of the amount suspended, even in cases where Government recovers its share of revenue from him. Government can proceed not only against his person but also against his land and his whole property. In the case of the tenant the landlord has no security beyond the tenants person for recovery of his dues. We know that in many cases it is difficult to recover anything from the tenant if the crop is once disposed of by him and the enforcement of payment by him is delayed. We have heard of cases of Inamdars not being able to recover arrears from 1896 until now. Only lately very strong measures have been taken to assist the Inamdars to recover their dues, but until recently it was difficult for the Inamdars to recover their dues punctually. That being the case it will be seen that the private landlord stands in a more hard position as far as recovery of his claims is concerned than Government. If he goes to a Court, the tenant is allowed to pay by instalments and as a rule he cannot recover his dues as quickly as Government can, and the hardship to him is very great. I pray, my Lord, that this aspect of the case will be very carefully kept in mind when the Bill is considered in the Select Committee.

Another thing which I beg to point out, my lord, is this. The section as it stands, gives the Collector the power to remit or suspend payment of the amount due to the superior holder rather than allow this. It will be, I think, better simply to provide that in cases where remission or suspension is allowed by Government, the superior holder will be bound to allow a proportionate share of the same to the tenant. Now it appears all

the credit will go to the Collector while the superior holder who will actually suffer by his dues being remitted or suspended will not get the credit for the same. This may lead to estrangement between the latter and his tenant which is not desirable. I know Government does not desire it. These strained relations ought not to be allowed and in their mutual interests and of fair dealing it is desirable that the superior holder should get the credit for the remission or suspension to be allowed to the tenant in respect of his dues. It is more difficult for the superior holder to tax and harass his tenant than in many cases for the tenant to evade the just payment of his dues. Of course on both sides there are extreme cases, but on the whole it is much better to leave the parties to themselves to take special measures in extreme cases. We have seen in the operation of such Acts as the Dekkhan Agriculturists' Relief Act that it is not safe nor desirable to interfere with the contractual relations between private parties. They know their affairs better than outsiders and now that education is increasing the tenants will be in a better position to understand their interests than they have hitherto been. Even now we find at times that the landlord is at the mercy of the tenant and not the tenant at the mercy of the landlord. Again the section as it stands will apply to all superior holders whether small or large, and it would be difficult to supervise its operation or to counteract or to remove the hardship which its operation may cause. Under these circumstances, I think, it will be better to limit this provision only to cases where Government is pleased to allow remissions in any case.

(The Honourable Mr. UPASANI having paused for a few moments, the Honourable Mr. W. D. SHEPPARD rose to address the Council, but the Honourable Mr. UPASANI having continued, the Honourable Mr. SHEPPARD resumed his seat.)

I want to point out only one more thing. In the Punjab Act the remission or suspension to the tenant is allowable only up to twice the assessment but in our Bill as it stands no such limit is placed. Now Government itself allows relief only up to the limit of the full assessment, and at least that limit should be embodied in this Bill for the remission or suspension to be allowed by the superior holder to his tenant.

With these few remarks I beg to support the first reading of this Bill.

The Honourable Mr. W. D. SHEPPARD spoke as follows :—Your Excellency, I must apologise for having interrupted the remarks of the last speaker. I thought when I rose that he had finished his remarks.

I rise now to make a few remarks in reply to what has fallen from the Honourable Mr. BELVI and others. They have drawn our attention to the question of remissions and have argued that it is not right on the part of Government to interfere with the contractual relations existing between private parties, landlords and tenants. It should not be open to Government to come forward and say that given certain conditions a remission may be granted by the Collector. With reference to this I would ask this Council to consider the conditions under which alone such remissions will alone be liable to be granted. No remission can be allowed or is to be allowed until for three consecutive years famine conditions have prevailed throughout some particular tract of country and I would ask this Council to consider what the financial position of an ordinary tenant is likely to be in the fourth year following these three years in which he has obtained nothing from his land. The actual result to the tenant we know only too well from the accumulation of arrears which appear in the books of Inámdárs in Inám villages after two or three years

of famine. I was Collector of Poona during some years of famine and I can tell you from my personal experience that the revenue accounts of the Inámdárs became absolutely choked with outstanding arrears of which there was no hope of recovery at all. It is true that these accounts have been cleared of recent years but this has largely been done by our insisting on remissions and by our using a great deal of pressure in the collection of the remainder. I think, Sir, that if this Council will consider the position of the tenants who have had practically no crop at all for three years, they will be of opinion that it is perfectly right that some relief should be given to him even at the expense of the contractual relations between himself and the landlord. That seems to me to be the only serious point in the discussion of this Bill but there are two other matters to which I may refer. One is that the assistance of the Mámlatdár is said to be limited to one year's demand. It seems to me that rent suspended in one year which becomes recoverable the next year forms an integral part of that year's demand and will be leviable in the same way as the rent for that year. If this is not so I hope steps will be taken in Select Committee to put the matter right.

Then there is the question of the Collector's discretion. I do not quite understand the point of my Honourable friend Mr. Upasani's objection to this provision in the Bill. The Bill lays down that the Collector's interference is optional and not obligatory so that if he declines to exercise the powers given him the fact that he has discretion allowed him can only eventuate to the benefit of the landlord. I should have expected my Honourable friend to have preferred to see this discretion allowed.

The question of the casual tenant has been disposed of by the Honourable Mr. CURTIS. If the tenant is a casual tenant working only for one year the position of the landlord in regard to him will not be affected by the provisions of the Bill as it is always open to the casual tenant to leave at the end of the year and nothing in the Bill will affect the capacity of the landlord to recover his dues from such a tenant. I hope therefore, Sir, that this Bill will pass its first reading.

The Honourable Sir RICHARD LAMB spoke as follows:—Your Excellency,—I think the course of this discussion has shown how very unnecessary was the motion moved by the Honourable Mr. BELVI that the first reading of this Bill be postponed.

I think it has been quite clear to the Members of this Council that landlords and lawyers and landlord-lawyers—there are such people—have come here fully prepared to express their views on the principle of the Bill. It demonstrates that there was no need on this occasion for postponing the discussion of the first reading of this Bill. At the same time I am grateful to the Members who have spoken for indicating that there are very good reasons for not referring the Bill to the Select Committee, immediately after the Session of this Council as I had contemplated, and that it would be wise to start the deliberations of the Select Committee after a period has elapsed during which those outside the Council may have an opportunity of more fully considering the Bill.

Honourable Members will no doubt not expect me to make any remarks at all as to the amendments which have been suggested for introduction in the Bill in the course of its passage through the Select Committee. Those suggestions will of course be taken into consideration there and it would be altogether out of place if I as member in charge of the Bill were now to discuss those suggestions or express any opinion upon them

whatever. They will be brought before the Select Committee and will be threshed out there and decisions will be taken upon them in accordance with the opinions of the Committee. There are, therefore, Sir, only a very few points on which I should detain the Council with my remarks.

In the first place I should like to take the point of the stringency of the Bill. It appears to me that the Honourable Mr. BELVI cannot have sufficiently studied the Acts to which he says he has referred. As a matter of fact the consequence of the provisions of the Act in force in the Central Provinces, is that a landlord levying commuted or suspended rent is liable, on the application of the tenant, to a penalty not exceeding Rs. 500 or double the amount of the rent, if that exceeds Rs. 500, such penalty being awarded to the tenant as compensation. I would like to ask the Honourable Member to consider what provision in our Bill approaches that provision in stringency. In the Punjab, the maximum penalty which may be imposed by a Revenue Officer of his own motion is double the amount of the rent collected and this is refunded to the tenant. There again I would like the Honourable Member to consider whether we have any provision in our Bill approaching in stringency to the Punjab Act. And yet the Honourable Member gets up and says that our Bill is much more stringent than what is in force in other provinces. It would be well, Sir, it seems to me, if Honourable Members took care to acquaint themselves thoroughly with the subject on which they address the Council. Again, I think, the Honourable Mr. BELVI in the course of his speech referred to the superior holder being *required* to remit the same proportion. I beg your Excellency's leave to draw the attention of the Council to the fact that the words in the section are "which *may* bear the same proportion". There is no provision in our Bill that the landlord *shall* remit the same proportion as has been remitted to him by Government. It is only a provision that he should suspend or remit a proportion which *may* bear the same proportion as the suspension or remission granted to him bears to the revenue due from him.

I should also like to point out in reference to what the Honourable Mr. PAREKH said that the whole clause is discretionary.

Sir PHEBOZESHAN (interrupting): In whose discretion?

Sir RICHARD LAMB (continuing): The words in the Bill are "the Collector acting under the general or special orders of Government, may, by order, remit or suspend." The discretion is vested in the Collector but express words are used to indicate the control of Government in each case on the Collector's discretion, the intention being that the Collector in an ordinary way should not use that discretion without taking the orders of Government. In the first place when this Act comes into force, I do not doubt that it will be proper for the Collector to report to Government and take orders in each case. As experience is gained it will then be possible for Government to frame a general order such as is referred to in the clause. That meets, I think, the case which has been raised of some landlords being very good landlords and granting suspensions and remissions. I am happy to say that there are such landlords, and to them of course it would be perfectly unnecessary to apply the provisions of this clause. But, as the Honourable Mr. PAREKH said, there may be some black sheep among the landlords—I am sorry to say that there are many landlords who refuse, whatever the calamities of the year may be, whatever the calamities

year after year may be, to wipe off, suspend or to remit one single pie due to them from their tenants. Well, I regard those as bad landlords, and I consider that the Government is perfectly justified in taking power to intervene in the case of an estate mismanaged by a landlord to that extent. I submit therefore that where the landlord is a good landlord, this clause if passed into law will not affect him in the least, and no steps will be taken, but where it is found that he persistently refuses to grant any sort of relief to the occupants, whatever the calamities may be and however much the relief granted to him by Government, there it will be proper for the Collector to take orders from Government regarding what proportion of the suspension or remission granted to the landlord shall be passed on to the tenant. Sir, I am happy to observe that the principle of the Bill was accepted by all, except one or two. I do not think, Sir, that it is necessary for me to detain the Council with any further remarks on the subject, those that I have just mentioned being the principal points which I have noted as calling for a reply. The motion that I have to move is that this Bill be read a first time.

His Excellency the PRESIDENT spoke as follows:—Frankly I must admit to Honourable Members that I do not feel I am in a position at present to speak on such rather intricate matters as the land revenue system, but I can assure Honourable Members that to me this debate has been—and I hope to all Honourable Members—one of considerable interest. What has been a very great satisfaction to me has been to listen to, for the most part, short and business-like speeches giving useful information and offering criticisms on certain points with regard to the provisions of the Bill. I feel quite sure that this Council and the Select Committee when it comes to sit will take these speeches and the criticisms into full consideration, and I trust that the result may be a fair and just measure both to the landlord and the tenant and to Government itself.

Bill read a first time.

The motion for the first reading of the Bill was then put to the vote and carried.

The Honourable Sir RICHARD LAMB spoke as follows:—With your Excellency's permission I propose that this Bill be referred to a Select Committee with instructions to report by the 20th of June. I have mentioned that date in view of the undertaking which I gave that the Select Committee should not be asked to consider the Bill until Government have assembled at Poona. I think that, after our assembling there, by the 20th of June they will have had time to consider the Bill and get out their report in time if there be any amendments, before the meeting of this Council, which is likely to be held towards the end of July. I propose, Sir, that the Bill be referred to a Select Committee, with instructions to report by the 20th of June, consisting of

The Honourable Mr. PAREKH and the Honourable the THAKOR of KERWADA from the Northern Division, the Honourable the CHIEF of KURUNDWAD and the Honourable Mr. KAMAT from the Central Division, the Honourable Mr. BELVI and the Honourable Rao Saheb NAIK from the Southern Division, and the Honourable Mr. BARROW, the Honourable Mr. CURTIS and myself.

His Excellency the PRESIDENT:—The motion is that this Bill be referred to a Select Committee who are to report by June the 20th. The names will be as read by my Honourable Colleague.

Bill referred to a Select Committee.

The motion was put to the vote and carried.

BILL NO. VI OF 1912 (A BILL TO PROVIDE FOR THE LEVY OF A CESS FROM THE MUSSALMAN LANDHOLDERS IN SIND FOR THE PROMOTION OF EDUCATION IN THAT COMMUNITY).

His Excellency the PRESIDENT :—The next item on the agenda is, a Bill to provide for the levy of a cess from the Mussalman landholders in Sind for the promotion of education in that community—The Honourable Mr. BHURGRI.

The Honourable Mr. G. M. BHURGRI spoke as follows :—Your Excellency, since introducing this Bill into this Council there has been unfortunately a difference of opinion among some of my landlord-friends and therefore I have been obliged to say, though I may inform the Council that at an early date I hope to obtain the support of my friends, that at present I am unable to go on with the Bill and I now propose to ask for an adjournment *sine die*, so that when the Bill is thoroughly digested by the people concerned we can proceed with it. Therefore I have brought this motion to get an adjournment and I ask the Council to accept it.

His Excellency the PRESIDENT :—The question is that the consideration of this Bill be now adjourned *sine die*.

The Honourable Sir PHEROZESHAH MEHTA :—I would advise my Honourable friend to withdraw the Bill for the present. One does not like this practice of bringing Bills forward and hang them over the heads of members of this Council for an indefinite period. I think the better course is that the Bill under those circumstances should be withdrawn, but, if opinion is matured in favour of the principles of the Bill after a certain time, then the Honourable Member can again come before the Council and obtain permission to introduce it. I think it is undesirable to follow the practice of adjourning Bills *sine die*.

His Excellency the PRESIDENT :—Is the Honourable Member prepared to accept that? Government also thinks that it will be the better way.

The Honourable Mr. BHURGRI :—Very well, my Lord, I accept that.

His Excellency the PRESIDENT :—The question is that this Bill may now be withdrawn.

Bill withdrawn. The motion was put to the vote and carried.

BILL NO. IX OF 1912 (AN ACT FURTHER TO AMEND THE BOMBAY TRAMWAYS ACT, 1874).

The Honourable Mr. P. D. PATTANI then moved for the first reading of the Bill further to amend the Bombay Tramways Act. He said :—The
 First Reading. Bill to amend the Bombay Tramways Act, 1874, of which I am about to propose the first reading, was introduced by publication over the signature of the Honourable Mr. CHAUBAL in July 1912, but it was not proceeded with at that time owing to certain representations which were received against it relating to the application of the Bill to the Tramways Depot on the Colaba Causeway. These representations as well as the reply of the Managing Director of the Tramways Company have been printed and supplied to all the Honourable members of this Council. The object of the Bill is to give the grantees statutory protection against actions at law to

restrain them from carrying out necessary overhauling and repairs, in other words to prevent the Courts from issuing an injunction directing the Tramways to stop altogether such overhauling work at the places in question. As to the need for legislation of this nature the Managing Director could not refer to any Indian Act, but brought to the notice of Government no less than 16 English Acts dealing with Tramways, Electric Supply, etc., which contain provisions generally on the lines of those contained in the present Bill. Government did not anticipate opposition to the Bill nor, in fact, have there been any representations against it except so far as it relates to the Colaba Depôt. It is necessary, therefore, to refer briefly to the above-mentioned representations which were received in connection with the Colaba Depôt. These representations were received from the Secretary of the Bombay Port Trust, the Secretary of the Bombay Improvement Trust, His Excellency Sir A. E. BETHELL, the late Naval Commander-in-Chief, the Rev. Mr. EDWARDS, and other residents of the Colaba Causeway. The views expressed by the latter petitioners are similar to those expressed by the Secretaries of the Port Trust and Improvement Trust, and the Trusts may, therefore, I think, be taken as representing the views of the remaining petitioners. Now since the first introduction of the Bill the Tramway Company have, it is believed, partly by their explanation and partly by proposed additions to the Bill, met the opposition of the Trusts, at any rate to the first reading of the Bill. The additions which Government propose to recommend in the Bill as published are contained in the provisos to the new section 3A, which have also been sent to the Honourable members. These provisos state that:—

(I) After 1st January, 1917, the Colaba Depôt shall no longer be used for heavy repairs but only for light and emergent repairs, and (II) From now up to the 1st January, 1917, such heavy repairs as must necessarily be carried out at the Colaba Depôt shall be effected only between the hours of 8 a. m. and 8-30 p. m. The reason why the 1st January, 1917, has been selected is that the Managing Director informs Government that that is the earliest date by which the workshop can be transferred from the Colaba Depôt to the north of the Island. The Bombay Municipality were also consulted regarding the Bill and their reply seems to indicate that they regard it favourably. They had only one slight alteration to propose in the Bill, which has been entered as a proviso to the new section 4A to be inserted by the Bill. Turning to the explanation given by the Managing Director, I would draw the attention of Honourable members to the Managing Director's letter No. 398, dated 15th January, 1913, which is among the printed papers supplied to them, and which explains in detail the necessity for a Bill of this nature. In paragraph 4 of the letter Mr. Remington refers particularly to the representation of His Excellency the Naval Commander-in-Chief, and shows that there will not be an increase of the nuisance resulting from the repairing works at the Colaba Depôt. In fact, after 1st January, 1917, there will be less noise at that depôt than there is at present.

When the Bill is read a first time it is proposed to refer it to a Select Committee, of which I intend to propose that the Honourable Mr. SPROTT and representatives of the Improvement Trust, the Municipality and the general public, shall be members. So that if additional safeguards are necessary the Select Committee will be able to introduce them. I may add that the proposed provisos have not been actually included in the Bill, because, when a Bill has once been introduced, the Local Government cannot alter it without a further reference to the Government of India; but the Select Committee can do so. Government propose, therefore, to place these provisos before the Select

Committee for their favourable consideration. The Bill as amended by the Select Committee will, of course, be considered further by the Legislative Council at their next meeting. The safeguards against any nuisance to the Colaba public resulting from the Bill are therefore :—

- (I) The addition of the proposed provisos;
- (II) The explanation given by the Tramways Company which shows that there will be no increase in the noise at the Colaba Depôt;
- (III) The fact that the representatives on the Trusts will be members of the Select Committee;
- (IV) The Bill as amended by the Select Committee will again come before the Council for their consideration.

I think, therefore, that Council will agree that the Bill may now safely be read a first time; and I propose its first reading accordingly.

The Honourable Sir PHEROZESHAH M. MEHTA spoke as follows :—May it please Your Excellency, so far as the Corporation is concerned we very carefully considered this Bill and referred it to a special Committee, and some of the representations about which the Honourable Member in charge of the Bill has spoken were placed before that Committee and carefully considered. We ourselves, members of the Committee, went into the locality and saw how the matter lay, and came to the conclusion that in the interests of the public it is desirable that the main principles for which the Managing Director of the Tramways Company had applied should be acceded to with the proviso which will be embodied in the Bill. As my honourable friend Mr. PATTANI has pointed out, it seems to me that no possible objection can now be raised either against the principles or against the details of the Bill.

So far as English legislation is concerned, it is perfectly true that there are various Acts in the English Statute Book relating to this matter, but I can assure my honourable friend that we consulted our Solicitors, who scrutinised them, and said that they did not go so far as is contended by the Managing Director of the Bombay Tramways Company. But leaving those things alone, we considered the proposals laid by him before Government on their own merits, and it seemed to the Committee that it would be well if the Colaba Workshop were removed within a definite period to the north of the Island. The recommendations of the Committee were accepted by the Corporation, and we can now assure Government that, so far as the Corporation is concerned, there will be no objection in passing the Bill in the form suggested by my honourable friend in charge.

The Honourable Mr. F. L. SPROTT spoke as follows :—Your Excellency, the Port Trust who objected in the first instance did so not so much on principle as in regard to the scope of the Bill. They considered that its scope was too wide, and that no distinction was made between the work which is to be done properly in a workshop and the work which is to be done in a running shed; without such distinction the bill was such as they could not accept. That distinction has now been supplied in the proviso which has been agreed to after a considerable discussion. With that proviso, I think, the rights of both parties are safeguarded, that is to say, the reasonable rights of the tenants and the landlords, while it also safeguards the interests of the Tramways Company. With that proviso, I am quite prepared on behalf of the Port Trust to agree to the First Reading.

The Honourable Mr. J. P. ORR spoke as follows:—Your Excellency, the Improvement Trust, acting on the advice of their lawyers, objected to this Bill in its present form, because it was not made clear that the Bill was not practically amounting to a license to the Tramway Company to become a nuisance to their neighbours. There was not any real hardship to the inhabitants of the Improvement Trust's estates from the way in which the work was conducted at the Colaba Causeway Depôt for the time being, but the Improvement Trust considered it necessary to safeguard their tenants from an extension of the Tramway Company's workshops towards the west in the direction of the Trust's estates. I am unable to entirely agree with the Honourable Member in charge of the Bill that the provisos in the Bill will result in completely removing the nuisance caused by work in the Tramway Depôt. What they seem to effect is to require that the nuisance which must necessarily result from the heavy work that must be done in the Tramway Company's workshops shall be reduced to the minimum, and shall not be any more than is absolutely necessary for the proper conduct of work in connection with the Tramway service. To justify the interference of the law for the assistance of the Tramway Company, we have the consideration that the Company are doing an immense amount of good to the City of Bombay, and cannot continue to do it unless they are protected by law from vexatious prosecutions in connection with their workshops which under the best management cannot escape being to a certain extent a nuisance to their neighbours. With the provisos we now have, and with the assurance we have received from the Managing Director of the Tramways Company that the Company's Colaba workshops will not be extended further westwards, *i. e.*, nearer to the Improvement Trust's estates, the Improvement Trust have authorised me to say that they have no objection to the Bill as it now stands.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency, after the adoption of the provisos, I had anticipated that there would be hardly any objection to the acceptance of the Bill in its present form, and those anticipations have been realised.

I have only one or two remarks to make with regard to what fell from my honourable friend Sir PHEROZESHAH MEHTA. I agree that the English enactments do not quite go to the extent to which it is intended to go under our present Bill. My attention was drawn to that fact, and therefore I have taken precautions to say in my opening remarks that the provisions of this Bill go "generally" on the lines of the English enactments. But I am satisfied to know that the Honourable Member, in spite of that slight difference in the provisions, is agreeable to the acceptance of the Bill.

My honourable friends Mr. ORR and Mr. SPOTT who, it may be well said, first started the opposition, have been quite satisfied with what has been done by way of arranging an amicable settlement. As to the proposal of the Honourable Mr. ORR that the workshop should not be extended towards the west, if the Honourable Member is very keen on it, he being on the Select Committee he will be in a position to bring that forward before the Select Committee, and if the Select Committee is satisfied that that recommendation should be adopted, I do not anticipate there will be any difficulty in its adoption. With these remarks I move that this Bill be read a first time.

Bill read a first time.

The motion was then put to the vote and carried.

The Honourable Mr. PRABHASHANKAR D. PATTANI:—The First Reading of the Bill having been passed, I have now to suggest that a Select Committee consisting of the following Members be appointed :—

The Honourable Mr. F. M. CHINoy,

The Honourable Mr. R. W. L. DUNLOP,

The Honourable Sir JAMSETJEE JEEJEEBHOY,

The Honourable Sir P. M. MEHTA,

The Honourable Mr. J. P. ORR,

The Honourable Mr. F. L. SPROTT, and myself,

with instructions to report within six weeks.

His Excellency the PRESIDENT:—The question is that this Bill be referred to a Select Committee with instructions to report within six weeks, the names of the members being what you have just heard from my honourable colleague.

Bill referred to a Select Committee.

The motion was agreed to.

His Excellency the PRESIDENT:—Order, Order. I think perhaps it will be a convenience if we adjourn now till say 2-30.

The Council adjourned till 2-30.

The Council re-assembled at 2-30 P. M., after lunch.

BILL NO. V OF 1913 (A BILL TO PROVIDE FOR THE MAKING AND EXECUTION OF TOWN PLANNING SCHEMES)

His Excellency the PRESIDENT:—Order, Order. A Bill to provide for the making and execution of Town Planning Schemes, First Reading. The Honourable Mr. CLAUDE HILL.

In moving the First Reading of the Bill to provide for the making and execution of Town Planning Schemes, the Honourable Mr. C. H. A. HILL moves the First Reading. HILL spoke as follows:—Your Excellency,—After the very prolonged remarks which I made last December in introducing Bill No. V of 1913, I do not propose to take up the time of the Council in making a long speech now in moving its first reading. It will be within the recollection of Honourable Members that last December, partly out of deference to suggestions received, it was decided, in view of the fact that this Bill represented a new departure in India, that the motion of the first reading should not then be taken. It might, it is true, have been argued that the taking of the first reading then was merely the acceptance of the general principles underlying the Bill, but I think it was quite reasonably urged that the principle underlying it being entirely new, time should be allowed not only to Honourable Members of this Council, but also to the Presidency at large, to consider and digest its provisions in order that opportunity might be given, if necessary, to suggest modifications in the principles involved in the Bill. Well, Sir, I am glad to believe from all I have heard, and from informal enquiries made, that there is in fact no feeling against the principles underlying this Bill. Since, as I have said, this is the first attempt of its kind to legalise the organised planning of new areas for residential purposes, I think that is a matter for congratulation to the drafters of this Bill; and that, incidentally, it somewhat detracts from the validity of a motion which my Honourable friend Mr. GODBOLS brought forward when the Bill was introduced, that it should be entirely recast in order to express what it was intended to mean. At the same time, I must admit that,

when the Bill was introduced three months ago, I was entirely new to it, and as I admitted on that occasion, I found it somewhat difficult to understand, and since then,—thanks to the assistance of Mr. TURNER and others,—I have gone very carefully into the Bill again, and when it comes to proposing that it be referred to a Select Committee, I fancy that the member who will have the largest number of modifications to propose in the Bill as drafted will probably be myself. But none of the amendments touch on the essential principles of the Bill, and they make chiefly for clarity and improvement in arrangement. They do, however, as I think will be found when the Select Committee meets, go some way to meet some of the objections which may be taken *prima facie* to some of the provisions of the Bill; for example, such provisions as relate to the finality of the decision, of to the method of appointing the arbitrator, and so forth, and I only wish here to say that in respect of those provisions, the changes which will be proposed in the Select Committee will, I think I may say, all be in the direction of greater liberalisation, if I may so express it, of the process of formulating final schemes and adjudicating on them.

I do not think, Sir, at this stage I need detain the Council longer, but if I may for a moment anticipate I should like to refer to one proposal, which I understand will be made by my Honourable friend Sir PHEROZESHAH MEHTA, without going into the details of it, it has reference, I believe, to the contingency of this Bill being applied to any area within the jurisdiction of the Bombay Corporation. Well, Sir, I can only say that in respect of that, every deference will be shown to any suggestions relating to the circumstances in which the Bombay Municipality, as local authority, might wish this Bill introduced to any part of its dominions, and that I wish in advance to give an assurance to this Council that all suggestions will be thankfully received and digested by the Select Committee, and that we shall show the utmost readiness to adapt ourselves to the needs and requirements of the suggestions that may be received from Honourable Members; and I may add that there will be many of them invited to serve on the Committee.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATTALLAH spoke as follows:—Your Excellency,—I quite approve of the principles involved in the Bill, but I see from clause 1 “that this Bill shall extend in the first instance to the Island of Salsette, but Government may by Notification in the *Bombay Government Gazette* apply it to the whole or any part of the Presidency”. Therefore, I suggest that all sacred places, places of worship and burial grounds should be exempted from the operation of this Bill. With these few words I support the first reading of this Bill.

The Honourable Dr. DE DEMONTE read the following speech—Your Excellency,—I have much pleasure in supporting the motion that the Bill to provide for the making and execution of town planning schemes be read for the first time. I venture to think that there can be no two opinions as to the necessity of regulating beforehand the construction of new towns and the growth of older ones. For want of such regulation, towns have been allowed to rise without any regard to the requirements of sanitary, not to mention aesthetic requirements. When once vested interests have been allowed to be acquired, much hardship is naturally caused and a good deal more of heart-burning, if such interests have to be interfered with owing to the necessity of town improvement. A measure of the kind before us, is, thus, an exemplification of the principle that prevention is better than cure. Every one should, therefore, accede to the principle of the Bill. The Bill is based mainly on the English Town Planning Act,

and I trust all the safeguards provided by the latter will be found in the former. The several stages of the progress of the Bill in this Council, will necessarily involve some time, and there will be ample opportunities in the Select Committee and in the Council for modifications and improvements to be effected in its provisions. I should like especially to lay stress on the desirability, as the idea of town planning is quite new to this country, of the public having the Bill before them for discussion for some time before it proceeds to the more advanced stages prescribed by the regulations for the conduct of business in this Council. I may also take this opportunity of remarking that a measure of this kind has necessarily to be somewhat complex as it deals with long-standing property rights, and as ample time and facility has to be provided for those whose interests may be affected, to place their side of the case before the authorities. Simplicity is a good thing in itself, but town life, as compared with village life, is a complex matter, and nothing but harm can come out of trying to adopt a simple remedy for a complicated problem. I am far from saying that the Bill is perfect in every detail, but it is obvious that a good deal of enquiry and thought has been given to its preparation, and that, as it stands, it provides an excellent basis for framing a law to regulate the growth of towns in this Presidency and more especially in the adjoining Island of Salséte. I do not wish to take up more of the time of the Council at this stage, and will only repeat that it is with much pleasure that I support the motion of the Honourable Member in charge of the Bill.

The Honourable the Chief of KURUNDVÁD read the following speech:—Your Excellency,—The introductory speech of the Honourable Member in charge of this Bill explains clearly the necessity for the introduction of this Bill at this time. The principles underlying this Bill are not novel, but they are somewhat puzzling as their application (if this Bill becomes law) will be more direct and stringent. The Honourable Member in charge of this Bill, as the draft of this Bill clearly shows, must have taxed his energies and high abilities to the utmost in bringing before Your Excellency's Council such lucid draft of a Bill of so complicated a nature. I say lucid because I cannot think, for myself at least, of a more simple draft of this Bill, which has for its object the extension and development of towns based upon healthy and æsthetic considerations.

The preamble is not so clear as it ought to be. It is to a certain extent ambiguous. The Bill is, I think, for the development of the local areas not included in a town proper according to some definite principles; therefore, in my opinion, the Bill should not be made applicable to areas already occupied by buildings in existing towns. It should have effect only where the extension of an existing town is thought necessary.

The first reading of a Bill necessarily concerns itself with the principles underlying it. An exhaustive discussion of a Bill, clause by clause, must be left to the second reading. As for the principles, I see nothing repugnant in them. The sections dealing with the appointment of an arbitrator, the costs of the scheme and one or two other sections will require some changes. But to enter into these points will be a digression at this stage. And with my congratulations to the Honourable Member in charge for presenting to Your Excellency's Council a Bill providing for the better sanitation of towns on hygienic principles I beg to support the first reading of the Bill.

The Honourable Sir CHINUBHAI MADHAVLAL read the following speech:—Your Excellency,—I rise to support the first reading of this Bill. It is quite true that legisla-

tion of town-planning is quite a new experiment in India. That there is a necessity for such a legislation all who take any interest in sanitation and who appreciate living in wholesome localities will readily admit. I would go a step further and say that the needs for such a legislation is greater in India than in Europe, because sanitary principles are hazily understood and hardly appreciated by the majority of the population of this country. It is very necessary therefore that the dwellings and places of habitations should be governed by some settled method which should be followed and maintained steadily according to regulations once laid down. In my opinion localities built on such principles ought to be practically immune from the effects of epidemics and also from diseases arising from Malaria that spring up quite suddenly and if they once start they linger on indefinitely in a more or less chronic state and some times make this country their lasting home. Although legislation in this direction is badly wanted we must not shut our eyes to the fact that it is not at all easy. There are so many varieties and so many divergencies of opinions, notions and ideas amongst the peoples of even a part of this country as to make it almost hopeless for any measure to be acceptable all round, and therefore it requires an exceptionally strong mind to attempt legislation in this direction. I must therefore congratulate our Government for the present attempt and I feel sure that eventually a satisfactory way that may be acceptable to a large majority if not to all may eventually be found out from this effort.

There is one feature of this Bill that particularly appeals to me and this is the probability of its application to places like Ahmedabad and Poona when it is passed into law. Places like Ahmedabad which on account of their antiquity and on account of their growing development are rapidly becoming congested, are mostly in need of such a town-planning scheme because they are not likely to get a chance of having anything like a City Improvement Trust of Bombay or Calcutta, and also because of the rise that is almost daily taking place in the value of land and property on account of its expansion and development. Municipalities single-handed are unable to do anything appreciable in this direction, because their resources are quite unequal for the purpose. Even the rich Municipality of Bombay was found to be unequal to this task as is evidenced by the existence of the City Improvement Trust, I therefore welcome this Bill which will provide some relief to the congestion of Ahmedabad, although no immediate action is contemplated for Ahmedabad in this Bill. I see its application at no distant date if the proposed amendment of the District Municipal Act, 1901, which we shall presently consider be passed.

The question of details will be considered by the Select Committee to which the Bill will no doubt be referred and they will best be considered at the second reading.

With these remarks I support the first reading.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE spoke as follows:—Your Excellency,—I submit that the principle of the Bill is a very sound one. People have learnt now the value of open air and sanitation, and they are moving more freely from congested areas into open plots. It is necessary, therefore, that we should have future town extensions going on with due consideration and on sound principles.

The Bill applies mainly, I suppose, to the Island of Sálsette, but in the first clause it gives power to Government by notification in the *Bombay Government Gazette* to

extend it in whole or in part to any part of the Bombay Presidency. With reference to this provision, I have to observe that the provisions of the Bill, as drafted, are not very suitable to outlying towns in the districts. They are suitable to areas where the value of land is very high, but in the case of towns like Sholapur, Bársi and other small places, where land is very cheap, I think the most economical way in which town extensions can be carried out will be by acquiring the required areas out-right by paying compensation under the Land Acquisition Act. The acquired areas should then be laid out into building plots after construction of suitable roads, etc. The cost of acquisition and of construction of roads and other sanitary improvements will be distributed on the building plots parcelled out by the local body itself. I hope I have made myself clear. What I mean is, that in the case of a small town like Sholapur, under the town-planning scheme, it should remain with the Municipality or Local Body to say that they want a town-planning scheme for housing a certain portion of their inhabitants. The Local Body should select an area, acquire the whole of that area under the Land Acquisition Act, lay out the principal roads, parcel out the land into building plots and sell out the plots by auction, keeping a reserve price which will enable the Local Body to recoup the whole of the cost of acquisition, and the whole or a portion of the cost of constructing the roads and other sanitary improvements.

The Bill, as drafted at present, will not suit small mofussil areas. As drafted now, the town-planning has to go through three stages. First, we have the Survey and Provisional Scheme and Plan, second the Block Scheme and Plan, and the third the Final Scheme and Plan. Before the Block Scheme and Plan is framed, the areas have to be reconstituted; special accounts have to be kept in the case of each original owner of a plot and a debit and credit account has to be opened for him. The arbitrator then comes in for telling us what the price of the plot was before the town-planning scheme came into force, and what it would be after it comes into operation. All his estimates of the reconstituted plots and their values will be problematical. This complicated machinery will not suit the smaller towns of this Presidency. It would be all right so far as Sálsette is concerned, and perhaps, so far as towns like Karáchi and Ahmedabad are concerned, but for smaller towns and Municipal areas the machinery would not be suitable.

As regards the general principle of the Bill, there is no question at all. Lands are being taken up for buildings on all sides, and the growth of towns must proceed on some recognised system. The City of Bangalore has been extended in three or four directions. Large new suburban areas have been added to the town, and they have been acquired and laid out in the manner I have explained. Government there have acquired land, have constructed their own roads, &c., and have parcelled out the acquired areas. The parcelled out plots have been let to people, and I believe the costs of the schemes have been partially recovered by the letting out of the parcelled out plots. This is the method that I meant to refer to when I sent in a motion at the last sitting of the Council. The Honourable Member in charge of the Bill gave me a pretty stiff rubbing on that occasion which I do not think I deserved. He should have taken into consideration that my remarks related to smaller towns only, and not to schemes like those of Sálsette, upon the consideration of which the legal officers of Government have had to spend so much time and trouble and to pass several sleepless nights.

The Honourable Mr. BALKRISHNA SITARAM KAMAT spoke as follows:—Your Excellency,—I had hoped that my honourable friend Mr. GODBOLE, while speaking about the mofussil areas, would allude to the town of Poona, to which a direct reference has been made in the explanatory notes to the clauses in the Statement of Objects and Reasons in this Bill. I shall confine myself, therefore, to the areas around Poona, which probably are contemplated in this Bill.

I think, so far as the areas, both around the City Municipality and the suburban Municipality at Poona with which I am connected, are concerned, the main principle involved in this Bill will be acceptable. I may say that there has arisen in Poona of late years a tendency to build houses outside the congested city area, and to convert agricultural lands into building sites. There is also a regrettable tendency on the part of builders, especially on the Fergusson College side, to build in a most haphazard and random manner, which tendency, perhaps, this Bill tries to counteract. I therefore think that so far as this tendency is concerned, a Bill like this in the hands of a Local Body like the City Municipality, will be a welcome machinery to put a stop to the random and haphazard buildings already going on and spoiling very good localities.

So far as the æsthetic considerations are concerned, that too, I think, will be a welcome feature. But just as my honourable friend Mr. GODBOLE has his own difficulties in Bārsi and Sholápur, I have my own difficulty with regard to the application of this Bill even to areas in Poona, and, with Your Excellency's permission, I will only point out some of the difficulties which I feel. The main principle which is involved in this Bill is in regard to the costs of the scheme, and these costs are to be met by means of a levy of contributions upon the owners of the lands. Now, in mofussil towns like Poona, most of the lands which are in the City Municipality are at present in the hands of very small holders or agriculturists, and I fear that even, although the agriculturists might feel that eventually they have the prospect of reaping a very good harvest in the increment of their lands, still if they are called upon now in order to meet the cost of the scheme, to pay down a contribution, either in a lump sum or even by means of the easy instalments system, still I believe most of the owners who are small agriculturists will not be able to meet the demand made by the arbitrator. That is a difficulty which may perhaps be very difficult to get over in the case of towns like Poona.

There is another thing which I may point out. This Bill leaves the question of estimating the prospective increment entirely to an arbitrator. As far as the English Act is concerned, upon which the present Bill is based, I think I am not wrong in saying that section 58, clause (4), provides that any person whose property is injuriously affected by the making of a town planning scheme shall, if he makes his claim within a certain time, be entitled to a certain compensation, and the whole of this valuation will be done not, in the first instance, by the arbitrator, but there is something like a second alternative laid down, that is to say, the arbitrator is to step in *only* in cases where people cannot come to any mutual arrangement regarding the prospective increase in the value of the land. I think the present Bill does not provide a similar thing, that is to say, under this Bill the arbitrator is to decide upon the increment in *each and every case*. If the Local Body and the private owners can come to a compromise between themselves, there should not be any necessity to refer the whole question of increment to the arbitrator. That is a principle which, I believe, this Bill does not contain.

Secondly, even after the arbitrator decides upon the prospective value of the land, if the owners feel aggrieved, I suppose an appeal does not lie over the decision of the arbitrator. There is no appeal on a question of fact over the decision of the arbitrator. What I think is necessary is that the Bill ought to contain a principle which should provide for something like a Tribunal to assist the arbitrator, instead of leaving the whole question about the levy of contribution or the increased value to the judgment and discretion of a single individual. Of course, the individual approved by Government for the arbitrator's duties might be, according to the best of his judgment, doing full justice, but, after all, it is the judgment of one single individual, and if the principle of assisting the arbitrator by means of two other individuals, I mean something like a tribunal were to be provided in this Bill, I think it would meet the wishes of the people in the mofussil better than the provisions now laid down. I would not leave the whole question of increment to the judgment of a single arbitrator. These are one or two observations which, I think, are applicable to areas like the town of Poona.

There is one more thing I wish to say in reference to what has fallen from my honourable friend Mr. GODBOLE. He thought that the present method of acquiring lands under the Land Acquisition Act would be better than the provisions of this Bill. So far as facility and simplicity are concerned, I do admit and confess that the present Land Acquisition Act is quite suitable for mofussil towns. But by means of the Land Acquisition Act, the result is that the man whose land is acquired is dispossessed of his land and thereby would lose the advantages which he might get in the long run if any proposed scheme comes into operation, whereas under this Bill a man whose land is likely to rise in value gets the opportunity of retaining the land in his own hands. I therefore think that instead of having the application of the Land Acquisition Act, in towns like Poona—I am not speaking of towns like Bārsi and Sholapur—we shall be able to tackle the complex provisions of this Bill in all the stages referred to by the last speaker, *viz.*, the Provisional Scheme, the Block Scheme and Plan, and the Final Scheme. No doubt, the only difficulty will be about the levy of contributions from holders of lands who are small agriculturists.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH spoke as follows:—Your Excellency, I beg to support the first reading of this Bill. In the vicinity of large areas, suburbs are springing up without any previously devised plan and in the course of a few years it becomes very difficult and costly, if not impossible, to improve these suburbs on the lines of modern notions of sanitation and town-building.

The Honourable Mr. GODBOLE observed that the provisions of this Bill are unsuitable to places like Sholapur and Bārsi. I am not aware of the special conditions which obtain in those areas, but the method which he advocated for proceeding in such areas seems to me to be impracticable. He suggested that in such places the Municipality should buy a large tract of land, plot out roads and building sites and then sell out the building sites by auction. Now the first defect which this method has is that the Municipality would have to incur a large cost in acquiring the land. And when the Municipality sells out the building sites, it would get nothing for the cost it has incurred for the roads. And further, when the building sites are sold by auction the Municipality may or may not recover the price it paid for acquiring the land. But the method advocated has another shortcoming. It makes no provision for the reimbursement of the cost of constructing bridges, water-works, drainage, etc. A town planning scheme

must necessarily provide for public works of this kind, and the alternative method advocated leaves no room for any such provision. In my humble opinion it is therefore necessary that the scheme provided in this Bill should apply also to smaller areas.

The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK read the following speech :—
 May it please Your Excellency,—As has been pointed out in the statement of objects and reasons almost all our towns have been built and later on developed in a hap-hazard manner without any regard to their appearance and sanitary conditions. The attention of Government and the public has been directed since the appearance of plague in this country towards the improvement of sanitary conditions, the removal of congestion and the extension of the towns and suburbs. The basis of all sanitary achievements is the knowledge of the people and the conditions under which they live. It must be remembered that this axiom not only applies to their habits and customs, but also to their surroundings. The situation may be summed up by saying that the essentials of life are pure water, good food, and living in pure air and thereby to be free from epidemic diseases. In order to achieve these things sanitary measures dealing with conservancy, drainage, water-supply and town improvements are necessary. These conveniences can nowhere be had except in big cities like Bombay. Though the District Municipal Act has provisions for dealing with conservancy, drainage, water-supply, etc., the provisions regarding the town improvements, and their extensions on modern principles are defective. This Bill when it becomes law aims to provide remedies for some of the difficulties that were felt in the matter of town improvements, and building new extensions, under the existing enactments. It is a short Bill and I quite agree with its principles in general. It is also one of mild and modest nature and being of permissive character, does not apply all at once to the whole of the Presidency and so there is no fear of its irritating the country. It leaves at the option of the Government and the Local Bodies to adjust their programme according to their conditions and requirements. If it proves successful on application at Salsette for which it is primarily intended, which I am sure it will, it will serve as an example to other towns to take it up, and gradually extend its application more widely. The main object of the Bill is to give more airy, sanitary and decent dwellings and good appearance to the towns and thereby improve materially the physical state of the population of the towns to which the Act will be applied.

Though the provisions of sanitary measures like drainage, water-supply form part of the objects of the Bill, in dealing with the preparation of Blocks and Plans, no provisions appear to have been made in the Bill, making it compulsory for the local authority, controlling authority, or the Arbitrator to consult the sanitary experts. The principles laid down in section 19 of the Bill, that when the construction of a road leads to a large rise in the price of a land fronting on it, the frontage owners are required to contribute up to 50 per cent. of the enhanced value, towards the cost of the road, which they thereby obtain, is rather new to this country and is likely to meet with some opposition. Every action of the Government and the local bodies towards the welfare of the people committed to their care, is sure to meet with some sort of opposition in the beginning, and it is not unnatural that this measure also may meet its share. I think that there will be no hardship if an individual who derives special advantage, at the expense of other general population living in the area, is made to contribute towards the improvement. When the frontage owners realise the benefits of the measure, and the advantage they derive thereby, they will feel grateful to the authorities for the improvements introduced,

and will not grudge to pay the contribution. From the careful perusal of the Bill and Chapter 3 in particular dealing with its finances, it appears to me that the cost of the scheme as per section 19 of the Bill is to be borne wholly by the owners of the building plots, and in cities like Bombay, Poona and Ahmedabad, the scheme may prove successful, but for small Municipal towns, the amount of contributions to be levied on the plots may become prohibitive, and consequently it may not be feasible to carry out any scheme without a substantial contribution by local bodies as well as by Government and therefore it seems desirable that there should be some provision in the Bill, to the effect that a certain portion of the net cost of the scheme, will be borne by local bodies and Government in the form of grant-in-aid.

The final actions of the arbitrator in the matter of drawing up schemes, awarding compensation, etc., under the various provisions of the Act, seem to be without any provision being made to correct mistakes and therefore I beg to suggest that all his acts should be subject to at least one appeal to the controlling authority or his approval. Sub-clause 6 of section 29 authorises the arbitrator to issue notice, and then to pass awards for compensations in respect of property or private rights of any sorts injuriously affected by the scheme. Cases are likely to occur in which the owner of a plot is too far from the local area to be personally served with a notice, and may not get timely information of the notice served in any other manner. The result will be that no claim will be made and the owner of the plot injuriously affected by the operations of the scheme, may not get any compensations for the same.

Section 30 prohibits any suits on that account. To obviate injustice likely to be so caused, some provision appears to be necessary to ensure that the notice to be issued by the arbitrator, should reach also the absentee owner. The details as to the way in which these suggestions are to be given effect to, I suggest should be left to be worked out by the Select Committee, to whom this Bill will pass before it is read a second time clause by clause. With these remarks I support the first reading of the Bill.

The Honourable Mr. G. K. PAREKH spoke as follows:—May it please Your Excellency,—No man can deny that the main principles of the Bill, to see that the development of Sálsette, which is in the neighbourhood of Bombay, goes on in a systematic way, is a sound one. It is also desirable that in the neighbourhood of big cities like Ahmedabad, Poona and Sholápur buildings should not proceed in a haphazard way. So there should be such measures to regulate the principles whereby sanitary conditions may be secured and convenience and amenities may be obtained. The whole question which this Council will have to consider would be whether the Bill as it is will answer the objects that are intended, whether it will be practicable, and whether other principles of administration would not be sacrificed in carrying out the intended provisions of the Bill. The measure in itself is a very novel one and the experiments that are to be made upon the passing of the Bill would be the first experiments that are to be made in this country. It may be, I do not at all deny, that under certain conditions great benefit may be derived by the schemes which may be framed. At the same time there may be conditions under which the scheme may be unsuccessful, may be too costly and may prove disadvantageous to the people. Therefore the success or failure of the measures that are intended to be brought in by the Bill would depend on whether the conditions necessary for the success or otherwise would exist or would not exist. Government have been for a number of years

making long and anxious enquiries in connection with the development of Sálsette, and there may be, as is likely, before Government several schemes for the development of Sálsette and there may be with Government a large amount of information upon which would depend the success or otherwise of the scheme. So far as the information about the conditions of success is concerned, we have nothing in the Statement of Objects and Reasons of the Bill and we have had nothing also in the very elaborate speech which we had from the Honourable Member when the Bill was introduced, but I should think that the Council should have information upon several points in order to enable it to make out whether the Bill in the condition in which it is a measure the principles of which ought to be supported. The first thing upon which I think the Council would expect some information would be as regards the manner in which the scheme for the development of Sálsette, as I understand that that would be likely to be the first scheme that is going to be taken up, would be carried out. In regard to the scheme for the development of Sálsette that is to be carried out, whether it is the intention of the authorities that the plots which may be the result of carrying out the scheme would be plots which would be within easy reach of the majority of the present owners of lands in Sálsette; whether these people who now occupy the lands would continue to occupy them after the scheme, whether the scheme would be carried out in such a way that those people, considering the contributions that the owners may have to make and considering the taxes also which they may have to pay, the present owners of lands in Sálsette would be the persons who would be benefited by the scheme. If that be the condition, then I think it would be necessary that the scheme should be—

The Honourable Mr. HILL (interrupting):—I would like to ask the Honourable Member to make clear the point he has just stated. I understand that what he desires is that we should make clear how Government are going to carry out any development schemes in Sálsette, but, as I understand it, his difficulty is that he really wants to know how individuals may or may not be affected by a given scheme and how they are going to profit by the scheme. I do not understand what the connection is. Would the Honourable Member make it clear?

The Honourable Mr. PAREKH (continuing):—I really do not wish to enter into details or wish to have any information of details, but what I believe and what I understand I put before the Council in the way in which I look at the matter is that if the scheme is to be carried out for the benefit of the people who are at present occupying lands, then the schemes would proceed upon a particular way and upon particular lines, and they would be regulated according to the conditions of those people. And my particular desire in referring to this matter was that if it was thought that the result of the scheme would be that a majority of the inhabitants would not be able, looking to their economic conditions, to hold lands, then I should consider that it would not be proper to apply the Town Planning Act for the purpose of carrying out the scheme, as a large number of inhabitants who really own the land would in the end be forced to give it up. Another consideration which I think would be necessary, in order that the Council may be able to form its opinion in connection with the scheme is what would be in connection with the scheme the area of agricultural land or lands which are now held for the purpose of agriculture that would be taken into the Town Planning Scheme, and what would be the number of people and the number of agriculturists' families that

would be deprived of the land upon which they live for the purpose of carrying out the scheme. If a large part of the agricultural population—The Honourable Mr. HILL (interrupting),—May I rise to a point of order? I would ask the Honourable Member what he is discussing. He appears to be discussing details of a hypothetical scheme which is not even yet formulated or adumbrated for a hypothetical area in the Island of Sálsette for the use of the hypothetical inhabitants some of whom may hope to benefit by that scheme. I venture to suggest, Sir, that that is out of order. We are at present considering the general principles of the Bill to regulate town-planning in general. *

The Honourable Mr. PAREKH (continuing)—My idea, Sir, is that, in order to enable the Council to see whether a measure of this kind would prove beneficial or otherwise to the country, more information is needed, and it is with a view that, after the information, there may be certain conditions under which if the information comes the views of the Members of this Council may be inclined to one thing and, if the information is of a different kind, they may be inclined another way, and therefore I am putting forward this matter for the purpose that more information be laid before this Council in order that they may be able to form their opinion as regards the advantages or disadvantages of the measure now before the Council.

The Honourable Sir PHEROZESHAH MEHTA (interrupting)—Information of what sort?

The Honourable Mr. PAREKH (continuing)—Approximate information as regards the number of the agricultural population that may be affected by the scheme, the number of agriculturists, the amount of agricultural area that may be affected by the scheme, and in reference to the provisions that have to be made in reference to the agriculturists whose lands may be taken away from the position of agriculture and appropriated to town-planning.

The Honourable Mr. HILL (interrupting)—May I again rise to a point of order? I just want to make a short explanation. I really do not think that the Honourable Member can have read the Bill, because he will see if he glances at the Bill, the whole of his enquiries at present relate to schemes which may or may not be taken up. There may be one scheme of one, two or three hundred acres in any given area and to ask Government now how many agriculturists are likely to be affected by a hypothetical scheme is to ask a conundrum which nobody can possibly answer.

The Honourable Mr. PAREKH (continuing)—I submit, Sir, that considering the complete novelty of the measure, the Bill, as it is, instead of being applied to a considerable area, may be limited to one or two areas for trial in which experiments may be made.

His Excellency the PRESIDENT:—Order, order. Will the Honourable Member confine himself to the Bill? He will see this Bill is confined entirely to the Island of Sálsette and I do not think he can go into a long history of several other parts as he proposes to do.

The Honourable Mr. PAREKH (continuing)—My idea, my Lord, is that it is no doubt confined to the Island of Sálsette, but the suggestion that I was making was that instead of the operation of the Bill being extended to the whole Island of Sálsette it may be at present applied only to a limited portion of Sálsette, one or two schemes in connec-

tion with a portion of Sálsette, and a full Bill may be put before the Council after the results of the experiments so far as those schemes are concerned are known. There will be no objection whatever so far as any two, or three or four areas are concerned.

His Excellency the PRESIDENT (interrupting)—I must really tell the Honourable Member that it seems to me he is rather wasting the time of the Council by the way he is now discussing. I must ask him to confine himself to the provisions of the Bill on general principles.

The Honourable Mr. PAREKH (continuing)—I put before the Council my view that in order to accept this measure the information we have now before the Council is not sufficient.

The Honourable Sir PHEROZESHAH M. MEHTA spoke as follows:—Your Excellency, my Honourable friend in charge of this Bill will pardon me if I begin with a little jarring note, and that is in regard to the circumstance that the present Bill has never been referred to the Bombay Corporation. It is true that the draft Bill first prepared was sent to the Municipal Corporation for its opinion, but that Bill was dropped and the Corporation thereupon discharged the committee which they had appointed for the purpose of considering it. The present Bill has never been sent to the Corporation for its opinion though it immediately affects them. As the Bill includes the whole of the Island of Salsette in its immediate application, including the Town and Island of Bombay, I think the course is always preferable that when a Bill concerns the interests of a body like the Municipal Corporation or any other body, it should be specifically forwarded to it for its opinion and criticism.

Having got rid of this little jarring note, I must say that I congratulate my Honourable friend on bringing before this Council a Bill which I consider is a great step in advance so far as sanitary improvements for housing in the whole Presidency are concerned. I think the time is quite ripe when such a measure should be laid upon the Statute Book for the purpose of meeting the necessities and needs that arise, and that something should be done to provide against unhealthy quarters being run up all over the Presidency, not only in the Island of Sálsette. I quite confess that at the same time we have to bear in mind somewhat more than we have yet done, the economic aspect of the working and the operation of a Bill like this. What I mean by the economic aspect I can best illustrate by something which I came to know when the English Town Planning Act, upon which this Bill is very largely based, was being considered. At that time a very influential meeting of a Society of Engineers—I forget the exact name of that body—was held in London, at which engineers and authorities on those points from all parts of Europe were invited, and I remember the humorous speech which a German authority made on this subject. He said humorously, but appropriately, that the action of the British legislature in regard to Town Planning reminded him of what used to be said of German ladies who took to French fashions after they ceased to be the fashion in France, and he humorously asked the British public to take care that they were not going to take up the German method after its having been discredited in Germany itself. Leaving aside the humour of the observation, it was founded upon this circumstance that the experience of Town Planning in Germany led some to the conclusion that, though it was a useful and valuable thing for the middle classes, it somehow or other was not of equal value or useful-

ness to the labouring classes, upon whom Town Planning came rather as a burden than as a relief. Now I do not say this for the purpose of saying that we should not proceed with this Town Planning Bill. I am saying it only for the purpose of asking my Honourable friend, when he sits as Chairman of the Select Committee, to consider the proposals in the light of the burdens falling on different classes. I ask him to carefully consider those provisions, so that in the light of past experience we may be so able to frame the measure that it would be beneficial in the interests both of the middle classes as well as the labouring classes.

I confess I was not able to follow my Honourable friend Mr. PAREKH in regard to the criticism which he made upon this Bill. If I understood him aright, he said information was necessary before we could see whether we could proceed with this legislation. Well, it struck me that the information which he indicated should be supplied was information relating to all possible Town Planning schemes throughout the whole Presidency. I do not see what information would be of any use otherwise. Then he confined himself to the Island of Salsette. I think it was really what was passing in his mind, that if Government possessed any schemes for Town Planning in the Island of Salsette, they should be laid before the Council. Now I confess, though very often I agree with my Honourable friend Mr. PAREKH and his principles are principles in which I generally agree, I do not even follow his observations in that respect, because it seems to me that we are not considering any specific Town Planning Scheme. We are considering at present only the principles, whether the Town Planning Scheme is a suitable and beneficial measure for the purpose of avoiding that congestion which is admittedly taking place in the greater portion of Salsette.

He said the second point we are considering in this Bill is whether the methods of Town Planning are generally adapted for the purpose of securing our object. If my Honourable friend thinks that those methods should be modified or should be more adapted to the circumstances prevailing in Salsette, the proper time is when the scheme is really before the public for consideration, and in that respect I would ask my Honourable friend, the member in charge of the Bill, to see that he deals with it in some way by which the Town Planning Scheme may be placed before the public. Might it not be a good idea that schemes for Town Planning for any particular quarter should be laid before the public for their consideration before any definite steps are taken in regard to them? I know there is a clause which says that, when the authority has come to the conclusion that the Town Planning Scheme is necessary for a whole area, some time should elapse within which various subsequent processes are to take place, but I should like that in a country like this, which is new to a Bill of this character, some time should be given to the parties concerned to say whether the Town Planning should take place or not. I only throw out this suggestion for the consideration of my Honourable friend when he comes to a detailed discussion in the Select Committee.

Now, Your Excellency, so far as the very clear and exhaustive speech of my Honourable friend at the time of introducing this Bill was concerned—and I was very glad to receive a copy of a separate reprint of his speech—I quite understood it at the time, and I carefully read the speech when it came to me in a separate printed form. From what is stated on page 3 of that pamphlet, and he has put it in very clear language,

he says "Having made it clear, then, that the scope of this Bill is aimed, not only primarily, but I might almost say entirely, at the object of extending towns, of dealing with areas which Municipalities may desire to take up for the purpose of extension in an orderly and satisfactory manner, and not for dealing with congested areas." I think this is a very accurate summary of the objects for which the Town Planning Bill is, not only primarily but almost exclusively, intended. But, then, Your Excellency will observe that, so far as the provisions of the Bill are concerned, they are applicable to every Municipality, and every suburban area and every possible place in the Presidency of Bombay, because in the first place though it says insinuatingly, if I may say so, that its application shall extend in the first place to the Island of Salsette, it contains an important section which places the whole Presidency, every Municipality and every suburban area at the mercy of the Act. It goes on to say that Government may by notification in the *Government Gazette* direct the extension of the Act to any part of the Bombay Presidency, so that the provisions of the Bill may be applied by Government to any and every part of the Presidency. Now that does not seem to be quite in harmony with the summary I have just read with regard to "not only primarily but almost exclusively," etc., which my Honourable friend says in his speech to be the main object of the Town Planning Bill. Further, when we come to the Municipalities which are called Local Authorities, there is one important section to which I wish to call your Lordship's attention, which is section 8. That section says—(reads). Your Lordship will see that under that clause it is not only that the local authority with the sanction of Government can determine upon a Town Planning scheme, but it also may be ordered by Government to prepare a Town Planning scheme, so that, after all, the whole working of the Act is placed entirely in the hands of Government. Now I think that this provision ought to be very seriously considered. Take the instance of the City of Bombay. I should venture to say that it would be a most inappropriate and a most disastrous thing that the provisions of the Town Planning Bill should be applied to some of the congested areas within the already existing City of Bombay. The Corporation, I know—at least a large number of members of the Corporation—are of opinion that, so far as removing the congestion of the City of Bombay is concerned, the remedy should not be by applying the Town Planning Bill, but that the remedy ought to be taken in a different manner, into the details of which I do not propose to enter at present. But I think that something should be done which would safeguard the local authorities from being ordered to embark upon schemes of that character. My Honourable friend, with his usual policy of give and take—though yesterday he did not give us a proof of that, but I know that he has generally distinguished himself by the liberal manner in which he realises his duty in carrying out the policy of give and take—has already referred to that point in his speech on the present occasion. He said all the points will be considered in the Select Committee. I go so far, my Lord, as to hold that the power of introducing the provisions of a Town Planning Bill of this character in the heart of the City of Bombay should not be given to the naked vote of the majority even of the Bombay Corporation. However, those are things which my Honourable friend was kind enough to say will be carefully and deliberately considered in the Select Committee; and I am perfectly certain that needs his guidance,—and I know what his guidance on an important committee means—therefore, I hope that this matter will be carefully and deliberately considered before it is finally put into the report of the Select Committee.

With these observations, my Lord, I congratulate again my Honourable friend in charge of the Bill on having taken, by bringing this Bill into this Council, a very great step—a very valuable step—in the work of co-operating in the object of improving the sanitary condition of housing in the whole of this Presidency. If properly worked, if worked cautiously, and if worked always in the spirit of co-operation, about which my Honourable friend has been often recently speaking (though I take one exception to it, that we have not always been strangers to the doctrine of co-operation in the City of Bombay which has attained its present greatness, because, as remarked by Sir WILLIAM HUNTER in his account of Lord REAY's administration, "all communities, European and Indian, worked together in hearty and harmonious co-operation for the welfare of the city"), if worked in that hearty spirit of co-operation and, I repeat, if worked properly and cautiously, I am perfectly certain that if we put such an Act on the Statute Book it will be for the perpetual and permanent benefit of all classes of the people in the whole Presidency.

The Honourable Ráo Bahádur SHREINIVAS KONHER RODDA spoke as follows:—Your Excellency,—The Bill which is before the Council is a satisfactory one. I would have been still more gratified if the Bill had been framed as a Bill for the making and providing not only towns alone but even villages. In regard to the Town Planning Act it is intended to apply only to towns having a stipulated number of people. But there are villages with a population of even ten thousand or so. Therefore, in order to secure the advantages of sanitation, etc., in villages and in outlying tracts where education has not yet permeated to the hearts of the people, it is entirely necessary that villages founded long ago, where principles of sanitation are practically unknown, should receive the best attention on the part of Government. The Bill contemplates now only that its provisions should apply first to the Island of Sálsette and afterwards by degrees to some places of importance like Ahmedabad, Poona, and some other places. It would have been one thing had this Bill been made applicable without any restriction whatever to towns having more than 20 or 25 thousand people. Again, the local authority is also only a Municipal authority. The Local Boards are not included. Even in England Town Councils are striving for their rights, while the District Local Boards are entirely omitted. I think, in the local authority District Local Boards should also be included, because there are many villages where these Boards can do substantial service and can give substantial aid to Government with regard to any measures that may be brought forward for the improvement of towns.

As to the cost I do not think that the application of this Bill even to smaller towns would entail very great hardship. Now, taking for example the town of Belgaum and the town of Dhárwár, the sites which have been acquired for the extension of towns have already been laid out and the Municipalities have sold plots with the greatest advantage. The other day I sold about 9 plots in the town of Dhárwár—Gibbs Town—and I realized more than three thousand rupees, while my expenditure for laying out was not more than one thousand or a few hundreds. Such being the case the application wholesale of the Bill to towns having 20 or 25 thousand people without waiting any longer would be a great boon and I am sure would be hailed with satisfaction by all the intelligent and educated public inasmuch as it will save thousands of lives from death or from suffering, because there have not been any sanitary conditions nor amenities of life. With these

few remarks I heartily support the Bill with the earnest hope that without any discretion its provisions be made applicable even to towns of smaller dimensions.

The Honourable Sir JAMSETJEE JIJEEBHOY spoke as follows :—Your Excellency,—I rise to support the first reading of the Bill. I agree with the Honourable Sir PHEROZESHAH MEHTA that the area of the town and island of Bombay should, if possible, be excluded from the operations of this Act. Efforts of the Municipal Corporation for the improvement of the City are well known. But this is not the time or occasion to dwell upon them. Since the Improvement Trust came into existence in 1898, it has been doing very valuable work in the same direction. And as long as these bodies have not given any occasion for interference by the operation of the Town Planning Act I respectfully submit that the area of Bombay should be excluded from its operation.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA spoke as follows :—Your Excellency,—I rise to support this motion. Being intimately connected with Salsette, I am in a position to say something about the conditions prevailing there. These are almost similar to what have been mentioned in the circular on Town Planning to Councils by the Local Government Board in England. With Your Excellency's permission, I will quote only one sentence : "Hitherto the absence of any power with the local authority to guide and control the development according to the circumstances and requirements of particular cases has resulted to a considerable extent in the development of estates whether large or small with sole regard to the immediate interest of a particular estate and without regard to the amenities and conveniences of neighbouring lands". The Local Government first gives the reasons why such conditions are allowed to grow up, and the same reasons apply here in the case of Salsette. It is therefore a matter of congratulation that the Government of Bombay has taken the lead in this matter and is trying an experiment, which is a bold experiment, and which with the co-operation of the house owners and the local authorities is sure to succeed. With these preliminary remarks, I beg to draw the attention of the Council to a few general principles to which some objection may be taken and which may be considered in the Select Committee.

Clause 13 provides that the objections can be disposed of by the local authority.

The Honourable Mr. HILL :—I did not catch the Honourable Member's remarks.

The Honourable Mr. LALUBHAI (continuing) :—Under clause 13 the final consideration and decision rest with the local authority. The English Act provides that all such objections should be placed on the Table before each House of Parliament and they will be the final authority in the matter. Of course that is not possible here. But I would suggest that in the Select Committee, the question should be considered whether it is not possible to give the final authority either to the controlling authority or—I will go still further and say—to the Governor in Council. That is one suggestion which I have to make.

The other suggestion is about the financial section. My friend the Honourable Mr. KAMAT suggested that instead of power being given to an arbitrator it might, as in the English Act, be given in the first instance to an umpire appointed by both parties. Section 58 (4) of the English Act clearly lays that down. I do not know if it is possible to incorporate it in the present Bill.

The other matters are matters of detail and will be threshed out in the Select Committee. But before I take my seat, I may quote the remarks of Mr. John Burns when introducing the Bill, that "the object of this Bill is to provide domestic conditions in which their physical health, their morals, their character and social conditions can be improved, and that is what we hope to secure in this Bill. The Bill hopes to secure the house beautiful, the town pleasant, the city dignified and the suburb salubrious." I hope these conditions will result from the passing of this Bill.

The Honourable Mr. J. P. ORR spoke as follows :—Your Excellency,—The object of this Bill is to secure good development of large tracts of building land as distinguished from small individual plots, the development of which can be controlled under Municipal by-laws. The call for legislation on this account is due here, as in other countries whose lead we are following, to firstly a rise in the standard of comfort and secondly an advance in sanitary science. The unhealthiness of the town atmosphere is at its worst in places like the congested areas in the centre of Bombay where the congestion had already many years ago become so serious as to render it impracticable to apply the simple, modern sanitary remedies; but even at its best town atmosphere can never be really healthy unless factory, workshop and ware-house areas are kept quite separate from residential areas and both have ample space between buildings for the perfusion of air while every inhabited room is well lighted and well ventilated. Sanitary science has taught us that the remedy for existing evils lies in reducing density of population in every small unit of area, in admitting light and air into dwellings and in reducing congestion of buildings on land so as to create ample open space around individual dwellings, working places and warehouses. The application of this remedy to areas that are already seriously congested is, as I might show from the example of Bombay, a matter of the greatest practical difficulty. Other towns have in Bombay an awful example of what they may come to if they do not quickly bring the development of urban and suburban areas not yet densely built over under adequate sanitary control by some such methods as are provided for in this Town Planning Bill. I might take up much of your time in giving details of the difficulties encountered in efforts to reduce congestion in Bombay; I might tell how, because the poor must live near their work, we have to leave them in congested areas except in so far as we can remove the working centres themselves out of the congested area, as in the case of the Port Trust's great work of transferring the centre of the cotton, grain and timber industries to the reclaimed area in Sewri. I might tell you how, because we cannot move many of the poor, we have to make more room for them where they are and to that end have to make it easy for their middle and upper class neighbours to migrate by providing improved communication by which they might go to and from their business centres in or near the congested area; how we have to provide attractions in the shape of sanitary suburbs outside the congested area; and how finally on account of the spread of insanitary suburban development, more particularly in recent years, having made it impossible to find any large area on virgin soil that can be developed on modern lines within easy reach of business centres, it has become necessary to consider whether this ideal site for a new sanitary city can be provided by reclamation within easy reach of the heart of the city. The Town Planning Bill is not directly concerned with congested urban areas, but is aimed at providing only indirect relief from urban troubles by securing the sanitary development of suburban areas and preventing them from deteriorating as so many large areas in Bombay

Island, which not so many years ago were quite suburban, have deteriorated in the last 20 years into a condition in which the only remedies possible are too drastic and too costly to be undertaken by local authorities without substantial assistance from not only Provincial but even Imperial Funds.

In illustration of the large share of the outlay on a scheme that is taken up by acquisition, I may mention that in the Improvement Trust's programme the outlay on acquisition of the altogether too small proportion of the city which their estates will ultimately occupy according to their present sanctioned programme will be crores, while the cost of works is comparatively small, *viz.*, 2 crores. In more advanced countries the policy of wholesale acquisition and development by the local authority has been tried and found wanting; and it is now generally recognised that it is far more satisfactory to leave development to private individuals or societies and reserve to the State or the local authority merely the power of sanitary control; and the Bill before us supplies the first step in this direction.

The financial provisions of the Bill are at first sight somewhat complex. The main point about them is that they are devised so as to reduce cash payments whether by or to the Local Authority to a minimum; against payments due by the Local Authority to an individual owner on account of his land having been taken up for a road or for any other public purpose is set the payment due by the owner to the Local Authority on account of any increment in value accruing to his land by reason of the Local Authority's scheme. If the balance is in favour of the owner it will generally be made good by cash payment but such payments will aggregate far less than the capital the Local Authority would have to provide if it were to buy up the whole area affected by its schemes, as the Improvement Trust does in Bombay.

The general effect of the procedure contemplated by the Bill is to compel owners of many small intermingled holdings to so co-operate as to secure the development of the whole area of these combined holdings under the control of the Local Authority as if it belonged to a single owner. Every owner will find his wishes consulted in the general development, but the interests of the majority will not be sacrificed to those of a recalcitrant minority. Disturbance of possession will be reduced to a minimum and will be directed towards improvement in shape of building sites and in access to them from public roads.

In England it is no uncommon thing for a single owner to have so large a holding that he can embark upon schemes for suburban development of any part of it without concerning himself as to what his neighbours will do; but here the trouble is that holdings are so small that the development of a suburban estate by a single owner is almost unknown. In order to form a building estate of 775 acres in Dadar, Matunga and Sion the Bombay City Improvement Trust had to acquire land from no less than 1,865 owners at a cost of Rs. 55 lakhs. The acquirement of this land took 8 years and the development and disposal of it will probably take 20 more and the net financial result will probably be a loss of Re. 1 for every square yard in the estate. Under the Town Planning Bill it should be possible to secure the development of a similar estate in Salsette by the original owners at one-twentieth of the gross outlay to which the Trust have been put and with next to no loss to the public purse, whereas without such an Act the orderly development of any large building estate on sanitary lines will be an absolute impossibility in Salsette since there is no Local Authority rich enough to undertake such wholesale acquisition schemes as the Trust has undertaken in Bombay.

I was amused to receive the other day a copy of a representation against this Bill addressed by the Matunga Residents' Association to the President of the Bombay Legislative Council. I was amused because I knew that the Association included a number of well-meaning house-owners who have made an awful mess of what might under a Town Planning Act have easily been made an admirable building estate near Matunga Station. To refresh my memory I made an inspection of it this morning. It supplies in every way an admirable illustration of how estate development should not be carried out and how good building plots may be utterly spoilt when their owners are not bound to one another by such prescriptions as the simplest Town Planning schemes always contain in the way of limitation on the height of buildings, on the proportion of each plot that may be built over, on users, on provision of roads, drains, open spaces, etc. I think it is wise to apply the proposed Act to Sálsette in the first instance. It breaks novel and difficult ground and it must be recognized as at the outset at any rate a piece of experimental legislation. It will need very thorough overhauling in Select Committee, I think, and I for one shall not be surprised if it emerges in quite a different shape. It may need even more overhauling after it has been tested by practical experience in Sálsette, but the principles it is based on are, in my opinion, very sound and therefore I hope this Council will pass its first reading.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE spoke as follows:—Your Excellency,—I agree with the object with which this Bill has been brought forward in this Council, and looking to the principles, one has to express his concurrence. I do not profess to know the peculiar conditions of Salsette, and therefore I would not trouble this Council by making observations in respect of the conditions of Salsette. However, I think I ought to say something which to me appears useful for the information of this Council so far as the mofussil conditions are concerned.

I am afraid, this Bill, though it is intended to bring about sanitary results, seems to me to be much in advance of the conditions prevailing in the mofussil. Members of this Council might be aware, that there are many Municipalities,—I am talking of large Municipalities,—which are suffering from chronic indebtedness on account of schemes of water works, drainage, and so on, and I doubt whether such Municipalities will be in a position to undertake such costly Town Planning Schemes within a measurable distance of time, even if, and as it is certain, every effort should be made to promote the sanitary conditions of towns, and also to provide, or to guard against the haphazard growth of buildings, still, if I have rightly understood the provisions containing in the existing Municipal Act,—I refer to the Bombay District Municipal Act,—those provisions are quite enough to bring about the desired result. Only if the Municipalities would care to have by-laws framed under section 48, clauses (n), (o) and (p), and if the Municipalities exercise power given to them by section 90, and if the Municipalities take a keener interest in the subject which has now attracted the attention of this Council, and formulate by-laws, really not only sanitation will be looked after, but improvements can be effected in every direction. My view of the matter is, that so far as conditions at present prevail in the mofussil, this Bill seems to me to be much in advance. However, if those regulations or those sections do not go far enough, then this Bill ought to be accepted, and ought to be introduced into certain areas where the need for its introduction will be felt.

The Honourable Mr. GODDOLÉ referred in his speech to the town from which I come and to another town in the same district, and said that the Land Acquisition Act might

be easily made applicable. I think he forgets when he makes that statement that when land is acquired by resorting to Land Acquisition Proceedings, there is always a likelihood of people making a combination and the Municipality not getting an adequate price for the plots as reconstituted after the land acquisition takes place. The experience, so far as congested areas in the existing towns is concerned, was the other way; and that was because, though the tendency has grown latterly to go outside the town and make habitations, still from mercantile considerations, people give more price for land which is already within the heart of the town, and though experiments have been twice made in a town like Sholapur by acquiring land under the Land Acquisition Act, that experiment has not failed, because we were in want of such plots; but I am in great doubts whether this Bill would secure the desired results so far as existing development is concerned. I will not trouble this Council with any more remarks on this head. So far as certain sections of the Bill go my first suggestion with regard to the constitution of the controlling authority is that the Sanitary Board would be considered as more competent for deciding projects of Town Planning Schemes than the Commissioner. That is my own view, and I do not know whether it is acceptable to others, but I am bound to place my own view before this Council. In the City Municipalities, the controlling authority should be, as the provision now exists in the Municipal Act, the Governor in Council. These are my two alternative suggestions, so far as the definition of controlling authority goes.

Then in section 9, I have a very small suggestion to make. Just as the owners are consulted under section 9, I think they should have a voice before a preliminary scheme is prepared under section 8.

Then as regards the most important section, namely the section about finances, I have some apprehensions, and I will place my own doubts before the Council. In a good many towns, Government land,—not agricultural land, but Government waste land, is included within Municipal area, and though it is included in the Municipal area, it does not form part of the town site, and Government, under the existing rules of the Land Revenue Code, is competent to dispose of building sites on payment of certain occupancy price and building assessment. Now supposing for a moment that a local authority wishes to bring some part of this Government land within a Town Planning Scheme, I doubt whether Government will be ready to make its contribution under section 19. Of course, if it does, one would be glad, because Government would be helping the local authority by giving increment according to the valuation of the arbitrator. I have placed my doubts before this Council, and I shall be glad to know if I am wrong in apprehending that Government would not be ready to make any contribution.

Another section on which I have to say something is the section about the appointment of the arbitrator. With all deference to the drafters of the Bill, it seems to me that it is a misnomer, because the arbitrator is to be appointed by the controlling authority. Arbitrator has always an idea underlying that word that he is to be selected by two contending parties, and here the arbitrator's appointment is to be made solely by the controlling authority. My submission is that, instead of giving finality to his decisions, some Board on the lines of the Tribunal of Appeal under the Improvement Trust Act in Bombay should be formed, where people can go and have their grievances ventilated, if they are not satisfied with the decisions of the arbitrator. These are in

short my suggestions on the main principles of the Bill, and with these suggestions I beg to support the first reading of this Bill.

The Honourable Mr. E. G. TURNER spoke as follows :—Your Excellency,—It is not always easy to distinguish between principles and details but I consider that the chief principles of our bill are that a town planning scheme should be drawn up in advance of development; that the boundaries of land holdings should be altered where necessary so as to render them more suitable for building purposes, and that those persons who are directly benefited by an improvement scheme should contribute towards its cost. The first of these principles gives a local authority power to look ahead and to endeavour to do for a town what an architect does for a house.

The principle dealing with the alteration, where necessary, of the boundaries of plots so as to render them more suitable for building purposes refers to the existence of a problem which is most evident in several parts of Salsette. Instead of a nicely arranged series of building plots along a road we get a jumble of irregularly shaped plots, many of which are altogether too small to put a house on. The Bill enables a local authority to bring order out of chaos. The third principle that I have cited lays down that those persons who are directly benefited by an improvement scheme should contribute towards its cost. It is common knowledge that when a road is made, the properties to which it gives access rise very considerably in value. The two things are indissolubly connected, namely, the expenditure on the road and the rise in value. What the Bill proposes to do is to take part of the rise in value and set it against the expenditure. It is proposed to take, if necessary, from each owner, fifty per cent. of the profit he derives from the road. Generally this fifty per cent. will more than cover the cost of the road. In such cases less than fifty per cent. is taken each owner contributing in proportion to the benefit that he enjoys. We claim that this equitable arrangement is a great advance on the present system. It is a general practice for the local authority to build roads at the expense of the rate-payer and by so doing to benefit a few at the general expense. This is surely not fair. Those who get special exclusive benefit from public expenditure should be asked for a special contribution to meet this expenditure. If this principle is put in force, the local authority will be in a position to build far more roads than it is able to do at present, and thus supply in many cases a long felt want.

Under our Bill the full half-share of the betterment can only be demanded from owners when the costs demand so much to be taken.

The suggestion of the Honourable Mr. GODBOLE that the whole area to which a town planning scheme relates should be acquired and then sold in lots after carrying out the required improvements would add enormously to the capital cost of a scheme and would in practice materially limit the size of the area to which schemes would be applied. Within a small area where plots are irregular and small and where development is immediately required it might be practicable to apply the Honourable Member's suggestion but to apply it to tracts of land, through which it is necessary to fix the alignment of main roads, though not necessary to construct them, immediately would entail a great hardship on the owners by forcing them, if they wished to retain their lands, to buy back their own plots at a price which includes not only the sum that was paid to acquire them, but also proportionate share of the costs of constructing roads and drains which neither they nor the public may require for some years. The

Honourable Member suggests that after the completion of the necessary work the new plot should be offered in the first instance to the original owners at cost price which presumably includes the proportionate share of expenses for the works executed but he does not suggest how such expenses are to be apportioned. It would be no easier to make such an apportionment than to apportion the contribution mentioned in the Bill.

The Honourable Mr. LALUBHAI objects to clause 13 which, he says, gives a local authority power to dispose of objections, and he refers to the English Act which leaves the power of final disposal of objections to the Houses of Parliament. I would point out that clause 13 does not give power to the local authority to dispose of objections, but it gives a local authority an opportunity of endeavouring to meet objections by modifying their draft scheme so as to secure mutual agreement. It is the controlling authority who finally decides the matter under section 14, and to whom all the objections made to the local authority have to be forwarded, and he will only be called upon to decide those objections which the local authority have not been able to meet. The procedure of the English Act which has been quoted is by no means parallel. The objections that can be considered by the Houses of Parliament are directed against the Local Government Boards' proposal to give their sanction to a final scheme. In other words they corresponded to the objections that might be raised to the scheme as finally amended by the controlling authority and which he proposes to sanction. It might be provided either in the rules or in the Act that the controlling authority should publish his intention of sanctioning a particular scheme and that any objections thereto might be made to the Governor in Council within a prescribed period, but for the present it is sufficient to note the Act as drafted lays down the principle, that objections can be made to a scheme before it is finally sanctioned and I submit that it is a matter of detail to decide when they can be made.

The Honourable Mr. MANMOHANDAS RAMJI spoke as follows:—Your Excellency,—I rise to support the first reading of this Bill on principle. As several difficulties are already pointed out by several speakers, I have only one suggestion to offer, and it is this that in Salsette and other places, Government always claims a certain fine after cultivable land is transferred into building site and it should be made clear whether in areas dealt with under the Town Planning Act, Government will insist upon these fines or whether they think of disposing of that claim in some other way. As it is when a land is converted from a cultivable land into a building site, has been improved in the surroundings by Local Authorities, buildings grow up, and therefore, the value of the land is appreciated on account of some expenditure undertaken by the Local Boards or by Government and to compensate for that a building fine is levied. Now as the owner pays for the betterment under the Town Planning Bill, this fine will be leviable around towns. The details will be considered in the Select Committee, when this Bill is considered there. I am in entire agreement with Mr. SATHE also in his difficulty about Government lands.

As to the appointment of arbitrators, I think, the Select Committee will have to consider some better way of appointing an arbitrator in the shape of a tribunal or some other body where the interests of all concerned will be properly looked after.

The Honourable Mr. NOWROJEE DORABJEE KHANDALAVALA spoke as follows:—Your Excellency,—I rise to support the first reading of this Bill. I have been acquainted for a

long number of years with Salsette and the lands that are generally taken up as building sites. The Honourable Mr. MANMOHANDAS has just alluded to the point whether when the Town Planning Bill becomes Law, if agricultural lands are taken up for building sites, Government will still take a fine and give a lease determining a certain rent for a number of years, or whether that rule will be done away with. I think that that rule cannot be done away with. It is a matter which concerns the changing of one class of land into another. It will be seen that the principle upon which the Town Planning Bill has been framed gives a great deal of facility in bringing together, and making into suitable plots irregular lands, which are often of very inconvenient shapes and which are not generally fit to be built upon. A number of such lands may be conveniently plotted out together and the owners of the lands would then have no difficulty as they would get regular and shapely plots to build upon. This is one of the great facilities that the Bill will give to many owners of land, and I am sure that such owners of land in Salsette will be very glad to have their lands so plotted out as to be useful and convenient for building purposes and also opened up by roads. The valuation of land previous to the improvements and the valuation after the proposed improvements will cause a great deal of difficulty, but it is probable that when this Bill comes into the Select Committee, ways and means will be found by which the increment may be determined in a manner acceptable to a large number of owners so as not to press heavily upon those who have small pieces of land. A certain amount of inconvenience will occur in a few cases, but I think in the generality of cases the valuation of the increment will be fixed in such a way as to prove acceptable to many owners. In the case of the appointment of the arbitrator also a very delicate point will have to be considered. It may be that in certain cases the arbitrator will have to take the help of experts in determining what would be the approximate value of the improvements that are proposed to be made, so as to fix fairly correctly the value of land when it is improved by roads. It has been said that this Act will primarily apply to the Island of Salsette, but there are not many places in Salsette where it can be applied at present. The very exhaustive report that has been published by Government in regard to the prevalence of Malaria in certain portions of Salsette will help a great deal to select salubrious spots in Salsette which could be taken up at present for making this experiment. Government again will have power under this Act to apply it wherever it is found necessary to other places. In a place like Poona, although it will be a beneficial thing to apply the Act to some parts where necessary, it will be found that the prices of land do not go up so high there as in the vicinity of Bombay. It is very appropriate that this experiment is being made in the first instance in Salsette, which is quite close to Bombay and where there are many people who would like to have buildings in Salsette. Just as we travel a few miles on the B. B. & C. I. Railway we see a large number of buildings that are put up near the small stations that we pass, but the irregular manner in which those buildings have been constructed shows that there has been no control of any authority or that very little advice has been taken by the owners in building their habitations in such a manner so as to be convenient both for the residents of the houses and their immediate neighbours. In many cases owners try to put difficulties in the way of their neighbours, and this is one of the principal things that the Act will remedy. I am sure that all the difficulties that may possibly arise in reference to the working of the different sections of the Act will be carefully considered by the Select Committee, and that when this Bill comes to be read

and discussed a second time it will emerge from the Council in a shape which will be found generally acceptable to all. With these remarks I support the first reading.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency,—I will not detain the Council long. I have only to say a few words. The idea of Scientific Town Planning is most welcome and I think that the Bill as it stands is well suited for extension of big cities like Bombay, Karáchi, Ahmedabad, etc., but so far as mofussil towns are concerned, I think the Bill is in advance of our needs and of our means also, and rather than have the Bill extended to us, it would be better if we introduce a few sections in the Municipal Act, based on the lines of some of the provisions that are embodied in this Bill. In my own town, Dhulia, so far back as 1820 the new town was laid out on sufficiently scientific principles, more recently the town of Jalgaon has also been laid out on new principles, and still more recently open areas in its vicinity have been taken up and given at reasonable prices to private owners for building purposes. I think all the ordinary public necessities, as regards drainage, sanitation and water-supply should be provided for by the Municipality as it raises from the people a large amount of tax to meet this expenditure.

It would also be better if all the expenses in the way of contribution for the improvement of roads are likewise met from the corporate funds of the whole Municipality. It is not possible to allocate to any individual owners the proportion of benefit which they derive from the improvement of roads. The upkeep of roads, lighting, water-supply, drainage and all similar works are to be taken up by the body corporate and as such they are being looked to and paid for by the Municipality. The great difficulty we find is as regards open sites required for building. These should be allotted on terms that would keep it within the means of ordinary owners to take them up for town extension. If the rules as regards the sale of open sites close to a town and the use of agricultural lands adjoining large towns for building purposes are made more favourable than at present, I think many difficulties as regards town extension will be solved by us with a much simpler procedure than that provided in this Bill as it stands and I hope that when the Bill is referred to the Select Committee, it may be found possible to separate the provisions suitable for smaller towns from those which would be suited for larger cities like Poona, Ahmedabad and Karáchi. Also it may be considered what provisions could be made applicable with advantage to large villages. Towns with Municipalities are better able to take care of themselves than villages. It is the villages that are in greater need of sanitary improvements and for them this Act is far too cumbersome, but when the Select Committee considers all the detailed provisions I hope it may be found possible to embody simpler provisions that might also be applied to smaller areas. With these few remarks I beg to support the first reading.

The Honourable Mr. VITHALBHAI JHAYERBHAI PATEL spoke as follows:—Your Excellency,—I should like to say a few words with Your Excellency's permission on this Bill. The Honourable Sir PHEROZESHAH MENTA and the Honourable Sir JAMSETJEE on behalf of the Corporation said that they do not want this Bill for the Corporation. Those gentlemen who come from mofussil towns say that the Bill is not suited to them in the form in which it is drafted, and that they are not so far advanced as the Bill contemplates that they are. The Bombay Municipal Corporation says that they are far more advanced than what the Bill assumes they are. However, Salsette being so near,

every Honourable Member's eye falls on it readily and it is proposed that an experiment should be tried on poor Salsette. Your Excellency, if that is so, in the first place, I would suggest that the definition of "a local authority" which is proposed to be embodied in the Bill should be changed. The conditions of Salsette at present, if Your Excellency will enquire, except so far as the Bándra Municipality is concerned, are such that there are Local Fund Committees mainly of nominated members. Each Local Fund Committee in Salsette consists of three members, two Government officials and one non-official nominated by Government. If that is so, the local authority is purely a Government body, and people have no representation on it, and they have no voice, and they will have no voice in the preparation of schemes which are proposed to be applied to Salsette areas. The first scheme that is proposed to be prepared is the provisional scheme in which people have no voice whatsoever; secondly, Block Scheme and Plan, and the third the Final Scheme and Plan. Now all these Schemes are to be prepared under the proposed legislation by the local authority, and that local authority being a nominated body, people will practically have no voice whatsoever in any of these Schemes.

The second point which I would like to suggest is this, that local authority should be so defined as to include District Local Board. The District Local Board of Thána really is a partly nominated and partly elected body, and I do not see why Salsette being in the Thána District, the District Board of Thána should not have the right to prepare the schemes under the Bill.

Another suggestion that I would like to make to this Council is this, that the controlling authority, so far as Salsette is concerned, I submit, should not be the Commissioner of the Division, but it should be the Governor in Council. We are trying an experiment in Salsette which is so near Bombay, and the people of Bombay are so much interested in the Schemes to be experimented on in Salsette, and there is no reason why the Governor in Council should not be the controlling authority in a matter of so great a moment.

Another thing that I would suggest is, that in the preparation of any of these schemes the owners of plots over which such schemes are proposed to be tried must not only be consulted, but they must have an effective voice. Members of this Council will remember that we are depriving the owners of plots of certain rights over them against their own wish if we do not give any effective voice to them in the matter. I would suggest that unless the majority of the owners consent, no scheme under the Bill should be framed. If the majority of the owners consent, by all means let the local authority prepare the scheme and submit it for the sanction of the controlling authority, but unless the majority of the plot owners consent, I think it is not right to force them to accept a scheme in the preparation of which they have no hand.

The third thing that I would object to is the arbitrary powers which are proposed to be given to the arbitrator under the Bill who, I understand, will be an official. Not only his decisions with regard to the calculations as to increment but decisions as regards compensation are to be final. Under section 35 of the Bill as it now stands, the members of this Council will find that, although there is under certain circumstances a right given to plot owners to appeal to the controlling authority,—but under what circumstances? If more than half the number of plot owners agree that the increment is more than it ought to have been. An individual plot owner who is aggrieved as to the amount of

compensation or increment, has no right to go to the controlling authority and lay his grievances before him, and the controlling authority under these circumstances has thus no power to appoint another arbitrator to decide as to whether an increment is correct or not. I submit that the plot owner who is aggrieved as to the calculation of increment or as to the amount of compensation which he ought to receive should have the right to go either to the Civil Court or to any other Tribunal such as my Honourable friend Mr. SATHE suggested.

Of course, with regard to the Bill, on the whole, I would say that Salsette is really an agricultural district, and if this Bill at all goes to the Select Committee, I would suggest that the Honourable Members of that Committee will take very good care to see that a certain amount of land is set apart for agricultural purposes, as it is to be set apart under the Bill for market, gardens and other public purposes. Unless and until that is done, I am afraid the agricultural population will be driven away from Salsette if the Bill as drafted successfully, goes into the Statute-Book. The agricultural population will be driven away from Salsette, and they will have to find room somewhere else. I know that the gentlemen who opposed this Bill with regard to towns, or with regard to the Bombay Corporation, are really afraid of increased rates. Of course, Town Planning, if it is to be worth anything at all, must mean increased rates. Town Planning means the extension of its schools, its colleges, extension of its public buildings, construction of roads, and so many other things, and all these mean increased rates, and the rates must predominate the whole question, and the practical question really for Your Excellency's Council to consider is whether, in the present state of the country, we are in a position to afford, all these things. That is really the practical question.

To my mind, I am not at all confident about the success of this legislation. I wish the measure full success, but I must say that considering the state of this country, one has to think twice before trying the experiment in a place like Salsette. I must plainly tell this Council that if it is tried in Bombay, which is a very big city, which is a commercial city, which has plenty of resources at its back, and which has very good and rich citizens, one would hardly feel the pinch of such an experiment if it proves unsuccessful, but to try an experiment in Salsette, I am afraid, one has to think and consider whether it is really going to be a success or not.

There is also another question which Your Excellency will have to consider in passing this Bill into Law. We have to consider whether the building operations will not be delayed. If they are, then the question is, how are we going to meet the slackness thereby arising for some years to come. That is another question. Of course I would like to see beautiful cities growing all round us, and beautiful gardens and roads laid out and constructed, but the practical question is, whether the country is prepared, whether the people are rich enough, to afford all these—what I may, in the present state of country call 'Luxuries.' The history of legislation in England in this respect is this, that till the year 1898, there was nothing known of Town Planning in England. It was in 1898 for the first time that one Mr. Howard published a book entitled "To-morrow" on Town Planning in England, and after the publication of that book which laid down effectively the advantages of town planning Honourable Members will find that a Garden City Association was formed, meetings were held, and the literature on the subject was circulated to the people, and a series of attempts were made to enlighten public opinion on town planning. A few years later, in 1914, another Book—

The Honourable Sir JAMSETJEE JEEJEEBHOY interrupting :—Your Excellency, I am compelled to rise on a point of order. What I want to know is whether we are discussing the literature on the subject or the Bill before us.

His Excellency the PRESIDENT :— I am rather inclined to agree with the Honourable Member. I think the Honourable Member may reserve his remarks on English Town Planning for another occasion.

The Honourable Mr. PATEL continuing :—I would be very brief and would take only a couple of minutes more, but I must say that I am perfectly right when I am discussing how the legislation on Town Planning in England was brought about. In the year 1904, another Book—.

His Excellency the PRESIDENT :—Order, Order. I would ask the Honourable Member to obey my ruling.

The Honourable Mr. PATEL :—What I mean to say is that it was after the public opinion was sufficiently educated that a Bill on Town Planning in 1909 was introduced into the Legislative Assembly in England, and I am afraid we are inflicting upon an ignorant public in India a piece of legislation about which an experiment has yet to be made for the first time.

The Honourable Mr. C. H. A. HILL spoke as follows :—Your Excellency,—Before dealing with the very few points which still remain to be referred to after the explanations given by the Honourable Mr. ORR and the Honourable Mr. TURNER, I want, at the opening, to express my regret that a copy of this Bill was not sent to the Bombay Municipal Corporation, as I admit it should have been, for their opinion at an earlier stage. I am afraid I am responsible for that, not having directly ordered it, but I feel certain, with Your Excellency's permission, that I may undertake to issue orders for this to be done in the future in such cases as a matter of course.

Now, Sir, I do not propose to follow all Honourable Members through all the details connected with the Bill which they have noticed, but to deal only with two or three main points. In the first place, because there is such a general unanimity in favour of reading this Bill a first time, thus expressing approval of the general principles, and, in the second place, because so many Honourable Members have incidentally replied to their predecessors in debate, it seems unnecessary to follow them in detail. But I should like to notice one or two salient points which seemed to indicate that there is some lack of comprehension as to the meaning of what is, after all, an extension clause, in very ordinary term. It seems to be supposed that, when Government extends the operation of this Bill to places in the Presidency other than the Island of Salsette, that thereby Schemes for town planning will automatically commence to arise. Well, of course, nothing is further from the meaning of that clause, and I am really rather surprised, at this time of the day, that it should be necessary to explain that. All that it means is this, that if from any district in the Presidency a proposal comes up that this Bill should be applied to a particular area in that district in order to legalise the making of town planning schemes, that thereafter, if and when Government assents to that proceeding, the Act will come into force in that area, and the local authorities can then proceed legally to frame a Town Planning Scheme. That is all that is intended by that clause.

An important point was certainly alluded to by my Honourable friend Sir PHEROZE-SHAH MEHTA when he referred to the question of its extension or extensibility to the Town and Island of Bombay. I did not understand my Honourable friend to object to the extensibility of the Act to the Town and Island of Bombay, as was supposed, I think, erroneously by the Honourable Sir JAMSETJEE, but only that this section should, if in the Select Committee it appears to be desirable, be so modified as to secure, without any reasonable shadow of a doubt, that such application by the Bombay Municipality for the extension of the Act to that particular area, shall unquestionably voice the feelings of at least a majority, and a substantial majority, of the Municipality. (Hear, hear). If that is correct, I have no hesitation in saying that in the Select Committee we shall most certainly see whether we cannot frame the section in such a way as to meet all possible objections.

Then, Sir, the next misunderstanding which seems to have underlain some criticisms I believe (notably in the case of the Honourable Mr. GODBOLE, and some speakers who followed him,) is that there is no difference except in method between what is proposed in this Bill and what is provided for in the Land Acquisition Act, and that it is much better to adopt each and every of those means which happens at the moment to be cheaper. But there is the most radical difference in the world between the two. Part and parcel of the meaning of this Bill is that the land which is required for public purposes, as indicated in this Bill, shall *not* pass from the ownership of the persons to whom it belongs. On the contrary, though for the benefit of the community at large, it shall be permissible to modify the boundaries, and perhaps the whole of such land in a particular way for the public weal, it is intended that operations under the Act shall not affect the ownership more than is absolutely essential, and that the owner of the land shall be the first beneficiary of such improvements, although not to the full extent of the benefits which are involved.

Then, Sir, I was rather astounded to listen to the Honourable Mr. PATEL suggesting that on the passing of this Bill into law and its application to Salsette, the agriculturists will necessarily be at once ousted from that Island. I presume he labours under the same misunderstanding to which I referred just now, *viz.*, that he supposes that directly a given area comes under the operation of this Bill, then it becomes one mass of town planning schemes from which everything else is excluded. Of course, anybody who reads this Bill carefully will perceive that town planning must relate to specific areas within the territories to which this Bill will apply, and that it relates to nothing else. It will be perfectly clear that my Honourable friend Mr. PATEL is tilting at a wind-mill when he presumes that the unfortunate Salsette was going to be depopulated, and my friend Mr. TURNER and other Government officials were going to upset the whole Island.

Again, Sir, I cannot follow the same Honourable Member's argument that this Bill is going to increase the rates. Surely, if anything is really designed in this Bill, it is to prevent, as far as possible, the future burdening of posterity with the very enhanced and heavy rates for the purpose of remedying the reckless and short-sighted town planning as carried out now, and it is so designed by providing for a contribution from beneficiaries so as to secure, if possible, that no increase of rates shall be necessary to the local authority operating under this Act.

Now, Sir, the next point and one of the last, to which I think I need refer, is that alluded to by my Honourable friend Sir ПНЕВОЗЕСНАН relating to clause 8; in which, I think, again there was some over-cautious apprehension as to the sole authority concerned ultimately with the authorising of the declaration of an intention to town plan, and the means of securing that such declaration of intention shall be duly notified. This is a detail which will certainly receive our most careful consideration in the Select Committee, and the addition of a few words to that clause will remove all possible doubts or criticisms.

I do not at the present stage propose to enter into the detailed costs of the scheme and the methods of levying the costs, because it is quite clear that, since the explanation I gave at such length last time has not been quite understood by Honourable Members, no explanation now, until the Bill comes to be closely studied, could make those provisions entirely clear, and I therefore propose to wait until the Bill has been threshed out in the Select Committee, when I hope also to arrange for a special publication of it, with a view to attracting to it public attention in every possible way.

There is one point raised by the Honourable Mr. KAMAT, which, I think, does require to be noticed and cleared up at once. The Honourable Member was apprehensive that it is possible in some cases that a small cultivator of land who came under notification might not be in a position to pay the contribution which may be required towards the cost of a scheme. I would ask the Honourable Member's special attention to clause 25 of the Bill as at present drafted, which has again been slightly modified, so as further to protect the cultivator, in amendments which I shall lay before the Select Committee; and he will see that the net amount payable, etc., shall be paid in lump sum or in such instalments including charges for interest, as shall be fixed by the local authority with the sanction of the controlling authority. This is a very general clause, it is true, but it is specially designed to give a latitude in cases in which it might be a hardship for an individual cultivator to pay his contribution down in cash.

Now, Sir, generally in regard to the criticism which has been made on the subject of the appointment of an arbitrator, and of his rather arbitrary powers, and the nature of his appointment, I propose at present to say nothing, because I do feel that here again there are certain radical differences between the conditions which led to the passing of the English Act in 1909 and which obtain in India at the present time, and that these differences render it difficult to follow precisely the safeguarding clauses which are found in the English Act and which we have tried, as far as possible, to reproduce with reference to Indian actualities. But in the Select Committee again, I think, the large number of gentlemen, whom I shall shortly invite to serve on it, will be satisfied that everything possible is being done to secure all concerned in these schemes from any harsh treatment or arbitrary decisions by the arbitrator or by anybody else. With these few words, Sir, and with, I should like to add, the sincere appreciation of the kindly and appreciative manner in which this Bill has been received, I beg to propose that it now be read a first time, after which, if that motion is passed, I shall propose the reference of the Bill to a Select Committee.

His Excellency the PRESIDENT spoke as follows:—I only wish to say one word to Honourable Members in summing up the debate. I think we all agree that the one outstanding feature that has come out in the debate has been the general chorus of approval of the general principles of this Town Planning Bill. In fact, I think I may

fairly say that practically the only critic—and I do not think he was a severe critic, and I hope he will become an approver in time—was my Honourable friend Mr. PATEL, who seemed rather anxious about certain details on which I hope will be reassured. I am much pleased at the gratifying reception of the Bill particularly for this reason. As we are all aware, on this Council lies the responsibility of bringing forward for the first time a Bill of this kind. That is a very important matter, for we know that the other Councils in this country are looking with interest at our proceedings and for the general and final development of our Bill when it becomes an Act. It is satisfactory, to feel that our Council is satisfied with the general principles of this Bill and that we shall have much discussion on it hereafter, for my Honourable Colleague himself says that to his own Bill he will have many amendments to move. I hope that we shall work in order to ensure a really satisfactory Act being put on the Statute Book in the future as an example to the rest of India. I agree with my Honourable friend, Sir PHEROZESHAH MEHTA, that the whole question has to be carefully and deliberately thought out with justice and fairness to the landlord and at the same time to make him realise the responsibility and duties which lie on the ownership of property, and, on the other hand, to ensure that in future lands all round great towns should be planned and developed in a sound and satisfactory manner and that people should not be allowed to run up buildings in every direction at their will and pleasure. I am sure Honourable Members will be extremely satisfied with the discussion that we have had and I sincerely trust that when the Bill becomes an Act it will be of immense value to the whole Presidency and to India.

The motion for the first reading of the Bill was then put to the vote and carried.

The Honourable Mr. C. H. A. HILL spoke as follows:—With Your Excellency's permission I propose that this Bill be now referred to a Select Committee consisting of a very large number of gentlemen whose names I will shortly read out, and that the Select Committee be instructed to report by the 18th of April. Your Excellency, I feel that I owe some apology for suggesting a specific date and one moreover so close at hand, but I do earnestly trust that I may rely on the co-operation of this Council on this matter for two reasons. In the first place I may be leaving India for a short time on the 18th April, and that perhaps is a sufficient reason; but the other reason is that the sooner we get the Select Committee's report published, the longer it will be before the public for consideration before it is again taken up by Your Excellency's Council, and if we arrange, as I hope it may be possible, to give greater notoriety to the publication than is usually the case, then I was going to add to my suggestion that the further consideration of this Bill and of the Report of the Select Committee be deferred until at least six months from the present time, so as to be taken up at the next Bombay Session of the Legislative Council. The gentlemen whose names I suggest to serve on the Select Committee are—

The Honourable the ADVOCATE GENERAL.

The Honourable Mr. CURTIS.

The Honourable Dr. D'MONTE.

The Honourable Mr. GODBOLE.

The Honourable Mr. KAMAT.

The Honourable Mr. KHANDALAVALA.

The Honourable Mr. KOTHARE.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA.

The Honourable Sir PHEROZESHAH MEHTA.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH.

The Honourable Mr. ORR.

The Honourable Ráo Bahádur SATHE.

The Honourable Mr. SETALWAD.

The Honourable Mr. TURNER.

The Honourable Mr. CHINYOY, and

The Honourable MOULVIE RAFIUDDIN AHMAD.

His Excellency the PRESIDENT:—The question is that this Bill be referred to a Select Committee, the names of whom have been read out by my Honourable Colleague, with instructions to report by the 18th of April, and that further consideration of the Bill be deferred until the next meeting of the Council in Bombay.

The Honourable Sir PHEROZESHAH MEHTA:—May I make one suggestion? I quite recognise the desirability of the Select Committee sitting as soon as possible, because I frankly say that though I should have objected to such an arrangement under ordinary circumstances, I think it is most desirable on this particular Bill that we should have the services of the Honourable Mr. HILL, who is in charge of the Bill as Chairman of the Select Committee. I know what that means from actual experience in the Development Committee of what value his chairmanship will be, and therefore I am quite prepared to accept the proposal that the Select Committee should set to work at once, although I would suggest that instead of the 18th of April the date itself may be put off a little further, though the Select Committee may make its report by that time to enable the Honourable Mr. HILL to leave Bombay on the 18th of April. What I mean is that there will be no harm in putting off the date even a month later; not that we are bound to make our report as late as the 18th of April, but I think it may be desirable to leave it open, so that if any representations or anything comes afterwards we may be able to consider them in the Select Committee.

His Excellency the PRESIDENT:—What date would my Honourable friend suggest?

The Honourable Sir PHEROZESHAH MEHTA:—Say a month later; only I do not want to make a limit upon the making of a report.

The Honourable Mr. HILL:—My only difficulty in accepting my Honourable friend's motion is that I do not precisely see how, if I am in England, I am to sign the report.

The Honourable Sir PHEROZESHAH MEHTA:—I mean that the date should be kept open. I do not mean the preparation and signing of the report should be delayed, but that the date should be kept open formally for that purpose.

His Excellency the PRESIDENT:—First of all, I must tell my Honourable Colleague that he has forgotten to put his own name in the list of names which he just read, That is to be understood as included.

The question is that this Bill be referred to a Select Committee, consisting of members whose names have already been read out, with instructions to report by the 15th of May, and that the further consideration of the Bill be deferred to the next meeting of the Council in Bombay.

Bill referred to a Select Committee.

Carried *nem. con.*

The Honourable Mr. HILL —May I, Sir, do what I omitted to do just now, and that is to ask the Honourable Members whose names have been read out, if possible, to meet me at a preliminary meeting on Thursday next at 3 o'clock in this room for the concerting of arrangements for the Select Committee?

His Excellency the PRESIDENT :—I think it will be to the convenience of Honourable Members if we adjourn now till 11-30 on Monday morning.

The Council then adjourned till 11-30 on Monday the 16th March 1914.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,

Bombay, 14th March 1914.

Secretary to the Legislative Council.

Journal of the Proceedings of the Legislative Council of the Governor of
Bombay, assembled under the provisions of the Indian Councils Acts,
1861 to 1909.

The Council met at Bombay, on Monday, the 16th March 1914, at 11-30 a.m.

P R E S E N T :

His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E.,
Governor of Bombay, *presiding*.

The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S.

The Honourable Mr. CLAUDE HAMILTON ARCHER, HILL, C.S.I., C.I.E., I. C. S.

The Honourable Mr. PRABHASHANKAR D. PATTANI, C.I.E.

The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.

The Honourable Mr. R. P. BARROW, I. C. S.

The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.

The Honourable Mr. GHULAM MUHAMMAD valad Khán Bahádur WALI MUHAMMAD
BHURGRI, Bar.-at-Law.

The Honourable Mr. FAZALBOY MEHERALLY CHINYOY.

The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.

The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (Lond.), L.M. & S.

The Honourable Mr. R. W. L. DUNLOP, C.I.E.

The Honourable Sardár SYED ALI EL EDROOS.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE.

The Honourable Mr. W. L. GRAHAM.

The Honourable SHEIKH GULAM HUSSEIN HIDAYATALLAH, LL.B.

The Honourable Sir JAMSETJEE JEEJEEBHAY, Bart.

The Honourable Mr. J. E. C. JUKES, I. C. S.

The Honourable Mr. BALKRISHNA SITARAM KAMAT.

The Honourable Sardár DULABAWA RAISINGJI, Thakor of Kerwada.

The Honourable Mr. NAVROJI DORABJI KHANDALAVALA, LL.B.

The Honourable Mr. JEHANGIR H. KOTHARI.

The Honourable Sardár BHALCHANDRARAO ANNASAHÉB PATWARDHAN, Chief of
Kurundwad (Senior).

The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.

The Honourable Sardár Sir CHINUBHAI MADHAVLAL, Bart., C.I.E.

The Honourable Mr. J. A. D. MCBAIN.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA.

The Honourable Sir PHEROZESHAH MERWANJEE MEHTA, K.C.I.E., Bar.-at-Law.

The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.

The Honourable Mr. J. P. ORR, C.S.I., I. C. S.

The Honourable Mr. RAGHUNATH PUESHOTTAM PARANJPYE.

The Honourable Mr. GOKULDAS KHANDAS PAREKH, LL.B.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.

The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHOY.

The Honourable Sir HENRY E. E. PROCTER, Kt.

The Honourable Mr. MANMOHANDAS RAMJI.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE.

The Honourable Mr. W. H. SHARP.

The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.

The Honourable Mr. F. L. SPROTT.

The Honourable Mr. E. G. TURNER, I. C. S.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.

The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

BILL NO. VI OF 1913 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY IMPROVEMENT ACT, 1893).

His Excellency the PRESIDENT:—Order, order. A Bill further to amend the City of Bombay Improvement Act, 1898; first reading—The Honourable Mr. PATTANI

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency,—

The Honourable Mr. PATTANI moves the postponement of the first reading of the Bill.

I do not think I shall detain this Council long on this item on the agenda. The Bill further to amend the City of Bombay Improvement Act came up before the Council for its first reading in December last. As Honourable Members will remember, the Municipality on that occasion requested that the consideration of the Bill be postponed in order that they may have an opportunity of submitting a representation which they intended to do, and we are also aware that that demand was strongly supported by the Honourable Member in charge of the interests of the Municipality, and in deference to that demand and subject also to the understanding that the promised representation should reach us in good time before March, the postponement was granted. It has, however, happened that that representation came to us on the afternoon of the 11th instant, thus giving us hardly time to consider it carefully. While I allude to this delay, I have not the slightest intention to say that the delay has been due to any intentional desire on the part of the Municipality. On the contrary, from the heavy agenda work that appears from time to time in the *Government Gazette*, it has been quite clear to me, as it should have been to all Honourable Members who are interested in Municipal work, that the last few months of Municipal life have been months of good and strenuous work. The delay therefore, it must be conceded, was perhaps inevitable. I only refer to this to show that by that circumstance we have been once more confronted with the necessity of granting a postponement. If I may be allowed to say so, barring a little overstretching of an argument here and there and a little vehemence of language in one or two places which should have been made milder without affecting the substance and the arguments advanced, the representation would appear to be a weighty document, and, if it is to receive at the hands of Government that careful and patient consideration which the influential position of the Municipality would demand and which also the importance of the issues raised would merit, it becomes necessary that the postponement must be granted, and, Your Excellency, I move that it

be so granted and that it may be ruled that the first reading may be taken up when we meet next at Poona.

His Excellency the PRESIDENT :—The question is that this Bill be postponed.

First reading of the Bill postponed.

The motion was put to the vote and carried.

**BILL NO. IV OF 1913 (A BILL FURTHER TO AMEND THE
BOMBAY IRRIGATION ACT, 1879).**

His Excellency the PRESIDENT :—A Bill further to amend the Bombay Irrigation Act, 1879; second reading—Sir RICHARD LAMB.

The Honourable Sir RICHARD A. LAMB spoke as follows :—Your Excellency,—In moving the second reading of the Bill, I have extremely little to say as regards the Bill itself. The meaning and objects of the Bill were explained fully, and I hope clearly, in my speech on the first reading, and the report of the Select Committee together with the amended Bill have been in the hands of Honourable Members for quite a sufficient time for them to read and understand the modifications which have been made in the Bill in the Select Committee. It seems to me, therefore, Sir, that I should be only taking up unnecessarily the time of the Council if I were to go through the Bill again, and I hope that Members have considered the revised draft, in which no modifications of essence or substance in the Bill have been made but only modifications to get the provisions in better form and to ensure the more satisfactory working of the Bill.

The Honourable Mr. GODBOLE and the Honourable Mr. UPASANI have both given notice of motions for the postponement of the second reading. I have to thank these Honourable Members for their courtesy in giving notice of a motion for postponement, which they were not bound to do. They could move a motion for postponement at any time under rule 7 without previous notice. I therefore thank them for giving us word beforehand that they proposed to move such a motion. At the same time I am bound to tell them that as member in charge of the Bill I am not prepared on behalf of Your Excellency's Government to accept either motion, and I hope that the Council will resolve to continue the consideration of the Bill at this meeting and to pass the second reading. It would be perhaps unfair if I were to state now the reasons for which I should not be able to accept this motion for postponement. It would be anticipating the arguments which I presume my Honourable friends are prepared to lay before the Council in favour of their motion. I will only say, at this stage at any rate, briefly, that, as has already been explained at the time of the first reading, we are not prepared to undertake legislation with a view to placing the smaller irrigation works under the control or custody of panchayats. That they should be so placed appears to me to be the main or only reason for which the Honourable Mr. GODBOLE desires that the consideration of the Bill should be postponed. Perhaps I may mention, Sir, that even if it should appear right and desirable to place some of these works under the management of panchayats, that would not in the least affect the necessity for our making the provisions that are proposed in the Bill now before the Council. It would not be

possible to place under the guidance of panchayats works of the description which was referred to at the time of the first reading, namely, those in which Government have contributed largely to the improvement of the works and works which extend over several villages. It is conceivable that works of a smaller kind relating to a single village could be placed under the management of panchayats, but that fact does not alter the fact that it would not be possible to place under the panchayat larger minor works, and for them we must have some such Bill as that before the Council.

What the Honourable Mr. UPASANI's reasons may be for a motion of postponement are not stated in his motion, and I can only surmise that he desires to have time for further information, such as he has sought to acquire by the questions asked at this meeting. It does not appear, however, that the time during which the report of the Select Committee has been in the hands of the Honourable Members has been insufficient to enable the Honourable Member to devise quite a number of amendments to the Bill which he is moving at this meeting, and it is not at all clear that any advantage would be gained by a mere postponement of the consideration of the Bill.

Any further remarks that I may have to make, Sir, on the Bill I should prefer to reserve until the motions for adjournment have been disposed of and until we come to the consideration of the Bill clause by clause. I therefore move, Sir, that the Bill be read a second time.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE read the following speech :—

Your Excellency,—The motion that stands in my name is as given in the Agenda paper. It asks for a postponement of the second reading of the Bill before the Council and the appointment of a Committee of the Council to consider and report whether the maintenance of the Second Class Irrigation works in this Presidency cannot be more efficiently secured by other arrangements similar to those adopted in Mysore.

A question might naturally be asked as to why I did not bring forward this proposal at the first reading of the bill. I must tell the Council that I was not aware of the Mysore Regulation having been passed at the time. The Regulation came to my hands before the meeting of the Select Committee, however, and I placed it before the Select Committee but it was not considered there.

Before dealing with my motion in detail, I should like to make some introductory remarks regarding the Second Class Irrigation works under consideration. These works have originally been constructed by the people themselves, and have since been improved in some instances by the British Government from Imperial Funds. I tried to ascertain the exact number of these works, but have not been successful in my attempts. The Public Works Department have 1,344 of these works on their list which irrigate 148,444 acres and yield Rs. 5,05,878 as Irrigation share of Land Revenue. In addition to these 1,344 works on the Public Works list, there are others which are small and less important. I could not ascertain the exact number of these small works. I find, however, that the Irrigation Commission Report of 1903 places their number at 4,300 in Gujarát and I have reasons to think that their number in the Deccan and the Karnátick is over 3,000. The small Irrigation works in Gujarát are stated to be irrigating 40,000 acres and the small Irrigation works in the Deccan and Karnátick 125,000 acres in the Irrigation Commission Report. The works are situated in all the districts of the

Bombay Presidency proper except Sholapur, Thána and Kolába. The total number of the Second Class Irrigation works, large and small, in this Presidency may thus be put down at over 8,000 and the area irrigated by them at over 300,000 acres.

These details will give the Council some idea of the works that have to be dealt with and their number, character and distribution. The works are very important in village economy, not only on account of the direct irrigation practised under them, but also on account of their usefulness in raising the subsoil level of water in their surroundings and thus feeding the irrigation and water-supply wells in the neighbourhood.

The Honourable Mr. G. S. CURTIS:—I rise to a point of order, Your Excellency, The Honourable Member is dealing with the nature and constitution of these works I submit that on a motion for adjournment of the second reading of a Bill we cannot go back to the principles. The nature of the works is already well-known and it can have nothing to do with any question of panchayat management, when dealing with the question of adjournment of the consideration of the second reading of the Bill.

His Excellency the PRESIDENT:—I think the Honourable Member is perfectly entitled to give his reasons. I gather from him that he is giving his reasons as to why he considers it necessary that the second reading should be postponed. He must go into some detail on the particular question.

The Honourable Mr. GODBOLE:—I thank Your Excellency.

I have stated above, that all these works have been originally constructed by the Irrigators themselves. They were also efficiently maintained and repaired by the Irrigators up to within the last 50 or 60 years. The village autonomy and communal spirit for such joint and communal work existed in pre-British times and in the early days of the British Rule. During the last 50 years, however, co-operation amongst villagers for communal work has disappeared on account of various reasons, the principal of which are the present Revenue and Police organisation of Government, establishment of numerous Civil and Criminal Courts, increased communications and the general growth of individualism. The village officers have lost all moral control over ryots and the consequence is that communal work has become almost impracticable.

Under the above circumstances, the repairs and maintenance of Second Class Irrigation works are being more and more neglected and the works are going to ruin.

Government have been trying during the last 30 or 40 years to devise some workable machinery for the efficient upkeep of these works and the present Bill is the outcome of their deliberations. I do not think the situation has been met adequately in the Bill. Let me tell the Council what Government have been doing in the matter of repairs of Second Class Irrigation works, of late. Of the 8,000 works referred to by me, they have selected the larger and more important ones, 1,344 in number, and have undertaken to repair and improve them according to necessity from time to time. The remaining works, over 6,500 in number, have been left to their fate. They have been handed over to the villagers for upkeep with the full knowledge that the villagers will not be able to do anything under the present altered conditions of village communities. I should not be surprised therefore, if half of the 6,500 works referred to, have become defunct under existing arrangements.

The problem before Government is to set up an agency for looking after the Second Class Irrigation works in the Presidency. The works require frequent inspection and

small petty repairs and periodical silt clearances. The agency of the Public Works Department is quite unsuited for the purpose. In the first place it is very expensive, on account of the scattered nature of the work. Again, the Department cannot economically arrange for throwing up a few basketfuls of earth, cutting a shrub, removing a patch of silt or other petty work which must be done in time and cannot be delayed on the principle that a stitch in time saves nine. I may tell the Council how these Second Class Irrigation works are at present going to ruin: The tank bund gets lowered in one place on account of the cattle and villagers using it. Five or six baskets of earth must be thrown at this low place, before the succeeding rains. If this is neglected, the crossing will get further lowered in the succeeding year. The flood water of the tank will then pass over the lowered spot and cause a breach in the embankment and the ruin of the tank. Similarly the lining wall of a channel gets outflanked by canal water. The outflanking must be repaired immediately, by throwing up a small bank. If this is not done, the lining wall will have eventually to be extended. All this would be saved, if a few baskets of earth are thrown where required at the commencement of the damage.

The only way in which petty work of the above character can be carried out economically, is by local agency on the spot. The old village communal spirit must be revived and strengthened. Legislation should step in for effecting this revival, where necessary.

The Government of Mysore have a much larger property in the shape of Second Class Irrigation works than we have in this Presidency. They have about 40,000 of these works on their hands, and they have solved the problem by entrusting these works to Local Tank Panchayets formed under their Regulation 1 of 1911. I have obtained copies of this Regulation and they have been distributed to the Honourable Members of this Council through our Secretary. I am of opinion, Sir, that we should have a similar act in this Presidency for renewing the old village machinery for the maintenance and repairs and management of our Second Class Irrigation works.

The Mysore arrangements will have to be modified in some respects, to make them suitable to the requirements of this Presidency. I would have the following modifications amongst others:—

1st.—I would have special official organisers to guide the Bombay Irrigation Panchayets in their initial stages. The organisers might be of the grade of Circle Inspector working under the orders of the Collector. One of their duties should be, the periodical auditing of the Panchayet accounts.

2nd.—I would have some additional ex-officio members of the Panchayet at the commencement. The canal subordinate and the regular Circle Inspector of the village concerned, should be such ex-officio members.

3rd.—All the proceedings of the Panchayet should be appealable to the Collector and his assistants.

4th.—Among the funds to be placed at the disposal of the Panchayet, I would place a contribution from Government which should be, say $\frac{1}{3}$ th of the Irrigation Revenue of each work. This contribution should be utilised mainly towards the payment of patkaris, manegars and other establishment entertained for the repairs and management of the irrigation work.

5th.—Before starting the system of village Irrigation Panchayets, I would exclude from their operation works which might be irrigating the lands of more than one village. Such joint village works which will be very small in number, should be transferred to the Irrigation Department for management like First Class Irrigation works. The Shahada channel which irrigates lands in 6 or 7 villages and about the mismanagement of which the Honourable Mr. CURTIS told us so much at the last Council sitting, the Gangwan—Bhadwan—Visapur channel and other works where there are intervillage disputes would thus go out of the purview of the proposed village Irrigation Panchayets.

I am sanguine, Sir, that the Mysore Regulation provisions, if made applicable to this Presidency with the above and other necessary safe-guards and alterations, would prove successful and adequate to meet our requirements. They will go much further than the present Bill before the Council. I will give some of the reasons which lead me to take this view.

First and foremost, we will be thereby reviving and strengthening an existing institution. The irrigators under Second Class Irrigation Works have not yet generally repudiated their responsibilities. In some of the villages, we still find irrigators clearing their channels of silt and attending to water distribution and petty repairs very satisfactorily. If Irrigation Panchayets are established by law, they will be very acceptable to the people, as they will be merely an old living institution revived.

Secondly, the work that is to be carried out by the Panchayets is well understood by the people. The water distribution and the system of repairs and silt clearances are established by long custom, and the new Panchayet will simply legalise existing practice and make its infringement punishable by law.

Thirdly, if the Irrigation Panchayet takes root and becomes firm, we can arrange for the efficient upkeep of all our 8,000 Second Class Irrigation Works and not of 1,344 only, as is the case at present.

And fourthly, the proposed Panchayets will be dealing with matters which are of vital and daily interest to the villagers, and with which they are closely and intimately acquainted. Every serious irregularity in their administration will therefore be at once brought to the notice of higher authorities and rectified.

I may add that the introduction of Irrigation Panchayets in this Presidency will mark a distinct advance in the progress of self-government in our rural areas. Self-government in this form is not likely to fail or to prove abortive, and if we succeed in initiating it, as I strongly expect we will, we will be paving the way for gradually introducing village Panchayets for sanitation, for local works and for adjudication of petty cases and petty offences, forward steps in local self-government that are advocated in the report of the Royal Commission on Decentralisation in India, and that will gladden the heart of every well wisher of the country.

I am informed, Sir, that one of the reasons why the present Bill has taken so long to come before this Council is, that some of the previous high Revenue officers of Government were in favour of forming village Panchayets for the management of Second Class Irrigation Works in this Presidency. The proposal that I have put forward before the Council is thus apparently in accord with the views of those officers.

Before concluding my remarks, I should like to read to the Council three extracts from the speech that was made in the Mysore Legislative Council in introducing the village Tank Panchayet Bill which was subsequently passed as Mysore Tank Panchayet Regulation No. 1 of 1911.

EXTRACT 1.

“It is therefore necessary that an effort should be made to create in them (the ryots) an interest in the maintenance of their tanks. And if this is to be done there should be no feeling of compulsion when the ryots have to do any work to their tanks. They should be given a substantial voice in the measures necessary for the maintenance of the tanks. The powers to execute the necessary works should be given to them, instead of their being pressed and compelled to do those works; and the control over the funds that may be set apart for the purpose of repairing and maintaining tanks should also be transferred to them. They should be made to regard the tanks as their own and be induced to attend to their repairs and maintenance with the same readiness and interest as they would show in renewing the thatch to their houses or repairing the hedge of their gardens. In short the ryots' interest in the tanks can best be secured by allowing them a certain measure of self-government in respect of the tanks. It is with this view that it is proposed to constitute Village Panchayets for the control of tanks.”

EXTRACT 2.

“Will the ryots show any more zeal in the matter when the enforcement of the rules is handed over from the Deputy Commissioner to their own Panchayets and when the Deputy Commissioner can exercise coercion only on the application of the Panchayets? This question has been asked and my answer to this is that the Government have every confidence that the proposed scheme will revive a communal spirit which will effect what any amount of coercion on the part of the Revenue officers has failed and must fail to achieve.”

EXTRACT 3.

“Personally I have every hope that the scheme will be a success in its primary object of improving the condition of tanks and its ulterior object of reviving the communal spirit. I look forward to a day when the ryot will have so identified himself with his tank as to feel a proprietary interest in it and a pride in keeping it neat and trim without any prompting from the officials.”

I fully concur in the views expressed in these extracts. I may tell the Council that I have had considerable experience in the management of the Second Class Irrigation Works in this Presidency, having inspected, repaired and managed a considerable number of them in the Deccan, Guzerat and the Karnatak. My acquaintance with these works is rather old, but I do not think things have altered since my days to such an extent as to make my opinion valueless. I think Irrigation Panchayets will be the most suitable agency for the management and upkeep of our Second Class Irrigation Works. The Panchayets will require sympathetic guidance from Government officers in the first period of their existence. When they grow up, they will keep in repair not only our Second Class Irrigation Works but another class of village works which we are

initiating in the shape of reservoirs for raising subsoil water level in the Deccan tracts. Government have provided one lakh of rupees for this new class of works in the Budget of the next year. When these new works are constructed, the village Irrigation Panchayets will look after their upkeep and management also.

The Honourable Mr. CURTIS during the first reading of the present Bill remarked that I was an old advocate of legislation for keeping up our Second Class Irrigation Works. I can assure him that I have not abandoned that position. I still think that legislation should be resorted to, for keeping up our Second Class Irrigation Works in an efficient condition. I think, however, that the legislation should set up local village Irrigation Panchayets with proper safeguards and not make the provisions of the Bombay Irrigation Act of 1879 applicable to our Second Class Irrigation Works. I can assure Your Excellency with reference to Your Excellency's remarks at the last session of this Council, that I do not want to desert my child but I want to see that my child grows into a strong, healthy and self-reliant man, and it is with that object that I have brought forward the motion that is before the Council.

With these remarks, I beg to place my motion before the Council for their consideration and adoption.

The Honourable Mr. R. P. BARROW:—Sir, as there are two motions of the same nature before the Council, shall I be in order in suggesting that it would be well if we could take both of them together so that we may not have them both discussed separately?

His Excellency the PRESIDENT:—The Honourable Member is perfectly correct. Not only it would be well, but it would be imperative. If my honourable friend Mr. GODBOLE's motion is negatived, the Honourable Mr. UPASANI's motion would necessarily lapse in the same manner because they refer to the same motion. Perhaps my honourable friend would like to understand clearly the situation. If he wishes to speak on the particular motion for adjournment, he must speak on Mr. GODBOLE's motion for adjournment which is before the Council.

The Honourable Mr. UPASANI:—With Your Excellency's permission, I would like to say a few words. My motion is simply for an adjournment. Mr. GODBOLE's motion means something more than an adjournment. He proposes the adjournment so that the whole may be redrafted on a new basis. It is a larger question and one that requires consideration and discussion on its own merits. Even if that proposal is not accepted by the Council, still there will be room for my motion for adjournment of the consideration of the Bill as it stands or as it is before us in its present form. Therefore, my reason is not the same as Mr. GODBOLE has advanced in support of his motion. It is of a different nature and I think it will be more convenient to have them considered separately. I will in that case have a right of reply, which I will lose if I am asked to support the motion of Mr. GODBOLE, which is for the consideration of a special scheme in which I myself may agree on certain points. I have my own reasons for the postponement. I may be allowed, even if the proposal of Mr. GODBOLE is not accepted by this Council, to speak separately. This is my difficult position. Of course, I will not take much of the time of the Council and I beg that I may be allowed to place my motion on its own merits and not be called upon to support Mr. GODBOLE's motion as if it were my own motion. I am entirely in Your Excellency's hands, but what I am anxious for is that my motion should

receive proper consideration, because the Bill is to affect 8,000 works, my Lord, over the whole Presidency and we shall have to consider whether more time is not necessary to allow the people concerned to consider the provisions of this Bill. It will be a separate motion and it will not cause much inconvenience to the Council. That is my prayer and I am leaving it to Your Excellency's consideration, but I shall be placed in a very false position if I am only allowed to speak on Mr. GODBOLE'S motion and not to move my own motion.

His Excellency the PRESIDENT :—I quite realise the Honourable Member's position. It is a very unfortunate thing, but there are two motions before the House for adjournment, and I am afraid that under the rules of all Parliamentary Councils the Honourable Member who has the first to say has the right of reply, and the other Honourable Member has to give his views on the particular question during the course of the debate, but I am prepared, if the Honourable Member will agree to it, to divide his motion into two parts: That the second reading of the Bill be postponed, and then he should move another motion if he sees fit. If that is negatived, he may move that a Committee of the Council, and so on. Would he agree to that? What I mean is this. Would he agree merely now to discuss the question of postponement, and that will give the Honourable Mr. UPASANI opportunity to say what he wants to say with regard to the postponement? Then he would be able to move another motion, at the conclusion of the consideration of the motion for postponement, with regard to a Committee.

The Honourable Mr. GODBOLE :—If I understand Your Excellency's remarks correctly, I have been asked to say whether I agree to divide my motion into two parts: the first will be that the second reading of the Bill be postponed, and the second will be that this Council appoint a Committee of the Council to consider and report whether the maintenance of the Second Class Irrigation Works in this Presidency cannot be more efficiently secured by other arrangements similar to those adopted in Mysore. If I understand that position correctly, then I accept the suggestion.

The Honourable Mr. UPASANI :—If the motion for adjournment of the Bill as it stands is rejected, there will be no room for consideration of Mr. GODBOLE'S motion for a separate Committee. That is a motion which requires to be first considered.

His Excellency the PRESIDENT :—I did not quite catch what the Honourable Member said. Would he say it again?

The Honourable Mr. UPASANI :—Mr. GODBOLE'S motion deals with two things. The first is a reconsideration of the provisions of the Bill on a new basis and for that purpose he wants a postponement. My motion is for further time for the consideration of the Bill as it stands. If this motion for time for consideration of the Bill is accepted, it will not be possible for the Council to take up his motion. His motion must be first disposed of, that is, if you are to accept the Bill as it stands. Then we will see whether we should proceed immediately with the Bill or postpone the consideration of it. If Mr. GODBOLE'S motion is accepted for referring the Bill to a Committee on the lines of the Mysore Bill then, of course, the postponement will follow and there will be no reason for me to move my motion.

His Excellency the PRESIDENT :—But the Honourable Member would not be able to move his motion. That is the parliamentary procedure. If there are two motions for adjournment, and if one Honourable Member gets the right of priority to speak, then

the other motion will obviously lapse and the other Member would have to speak on the motion for adjournment of the original Member.

The Honourable Mr. UPASANI :—Your Excellency, I am not clear myself as to the position. What I say is that if Mr. GODBOLE'S motion to reconsider the provisions of the Bill is accepted, the postponement will follow of necessity and there will be no necessity for me to move my motion. It is only if his motion is rejected that I shall have to speak.

His Excellency the PRESIDENT :—Order, order. No, the Honourable Member is quite wrong. We are now considering the motion for adjournment. That is what the Honourable Member wishes for, is it not? The Honourable Member is anxious to have the Bill postponed or adjourned. Very well, that is the position at this moment. We are discussing whether the Bill should be postponed or adjourned and I am informing the Honourable Member that he can say what he wishes to with regard to that particular matter. But it is quite obvious that, if my honourable friend Mr. GODBOLE'S motion for adjournment is negatived, it would be somewhat ludicrous if I allowed my Honourable friend, Mr. UPASANI, to get up and move the same motion.

The Honourable Mr. UPASANI :—I submit to the ruling of Your Excellency. (Mr. UPASANI turning towards Mr. GODBOLE) :—I have no objection to support Mr. GODBOLE'S motion.

His Excellency the PRESIDENT :—I shall be glad if the Honourable Member will talk to me and not to the Honourable Member. Would the Honourable Member tell me exactly what he wants?

The Honourable Mr. UPASANI :—I will proceed with my motion. That is what I understand from your Lordship's ruling. In support of my motion for simple adjournment—

His Excellency the PRESIDENT :—Does the Honourable Member wish to move his motion? Is that the position?

The Honourable Mr. UPASANI :—Yes, my Lord.

His Excellency the PRESIDENT :—It is quite impossible for him to do so; I have told him that three or four times. We are discussing Mr. GODBOLE'S motion for adjournment. The Honourable Member has already got on the paper the same motion. If the Honourable Mr. GODBOLE'S motion is negatived, it obviously would be ridiculous to discuss the same motion for adjournment afterwards. We cannot have the same discussion twice over, if the first is negatived, on the same matter.

The Honourable Mr. GODBOLE :—I submit, my Lord, that my motion should be divided into two parts and the second motion should be taken up first; whether the Bill should not be recast on the lines of the Mysore Panchayat Bill. That should be taken up first and the postponement motion afterwards.

His Excellency the PRESIDENT :—I do not see how the Honourable Member can possibly do that. We must, first of all, make up our mind whether the postponement of the discussion should exist, and then, if the motion for postponement of the discussion of the second reading is accepted, he is perfectly entitled to say that he would like to have a Committee, etc. We must go on with the postponement motion first.

The Honourable Mr. GODBOLE:—What I am anxious is that the motion that the Bill should be redrafted should be discussed in the Council, but if the motion for the postponement of the second reading is carried, then there will be no room for further discussion.

His Excellency the PRESIDENT:—But I do not quite see that. If the Bill survives the Honourable Member's motion for postponement, the discussion on the second reading would follow on. Then the Honourable Member would be perfectly entitled to bring in the second part of his motion.

The Honourable Mr. GODBOLE:—I agree.

The Honourable Mr. BALKRISHNA SITARAM KAMAT spoke as follows:—Your Excellency,—I rise to support the motion moved by my Honourable friend, Mr. GODBOLE, for postponing the second reading of the Bill. The Honourable Mr. GODBOLE has in his very exhaustive and lucid remarks given us his reasons why he considers the postponement necessary, and has shown what we are likely to gain if the Bill is considered in the light of the Mysore Panchayat Regulation. Those of us who have gone through the Mysore Regulation will see that this Mysore Regulation is likely to throw a good deal of light on the legislation that we have been considering. The Honourable Mr. GODBOLE has told us the importance of the minor works by quoting the number of minor irrigation works throughout the Presidency. But leaving aside the question whether there are six, or eight or ten thousand minor works, I feel that even if the number is smaller, the Mysore Regulations would give us an advantage on various other grounds. For instance, if this Bill were reconsidered by a special committee, or if we have a reconsideration of it even in the Select Committee, I think we will be able to get a clear idea of what the maintenance of petty repairs shall mean; because the Mysore Regulation tells us what those petty repairs are which they in Mysore have to do. And, above all, not only would it be advantageous generally, but we shall gain another advantage perhaps by postponement in so far as we shall be able to introduce the principle of co-operation, if we adopt a Bill on the lines of the Mysore Regulation; and I am sure that every one present here, as well as the Bombay Government itself, are perhaps anxious to introduce the principle of co-operation in the village economy. On these grounds, as I believe that the Bill is likely to gain by postponement for reconsideration at the hands of a special committee, or even by the Bill being referred back to the Select Committee, I support my Honourable friend Mr. GODBOLE's motion.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency,—My task is a little lightened by what my friend the Honourable Mr. GODBOLE has already placed before the Council. I have no doubt his valuable remarks will be considered, carefully and earnestly, in the light in which they have been made. He was placed in a rather unpleasant position on the last occasion in being charged with being the father of the Bill, as though the Bill was drafted only on the suggestions which he himself had made. It was no doubt a hard position for him in a way, but he has cleared it himself and I believe very satisfactorily. As he has stated he is himself in favour of some legislation on the subject before us but not for legislation on the lines on which this Bill has been drawn up. We must also take into account that when one is in office he has to look at things from the official standpoint and I think it was very proper of Mr. GODBOLE to have made the suggestions he is stated to have done while

in office. We do not know what they were from the official standpoint. However, assuming that they were in favour of some of the provisions embodied in the Bill, I am the more glad that he has, with his official experience, now viewed them from the non-official point of view and put the other side before us and has shown us that the Bill as it stands will not meet the actual requirements, either from the Government's or the ryots' standpoint. That being the case, I think it would be better for us to reconsider the provisions as they stand in the Bill and to have them drafted on the lines of the Mysore Government Act, which provides for a much larger number of works than we have to deal with. My Lord, when the Bill was last brought before us, it was not made clear what works were expected to be affected by the provisions of this Bill. We had expected that it would be done when the Bill would be considered in the Select Committee but that has not been made clear even in the amended Bill. That is one thing which I have to urge. Another thing which I would refer to, before we proceed further, is that a very short time has been allowed for consideration of this Bill. My Lord, the Bill which we have now immediately to consider is that amended by the Select Committee. Its translations were published only on the 5th March, that is, only a week before we met in this session. I put it to this Council whether one week's time was sufficient for consideration of the Bill by millions of ignorant, illiterate agriculturists, who own or have interest in 8,000 second class irrigation works, spread over not only one district, my Lord, but over all the three divisions in separate districts and in separate villages. We know what the proportion of literates is in our Presidency and how still smaller is the proportion of those who know English. Our Bills published in English can be studied only by those who know English. They are published only in the Government Gazette. It is no doubt presumed that anything that appears in the Gazette must be taken to be known to all. It is, however, only a legal fiction, and a fiction, relied upon so far as the knowledge of duly enacted laws is concerned. The fiction has come to us from the English law, but we have to remember that in England all Bills, Acts and Laws are promulgated in the language of the people. There they have got an advance press and several organisations in which these things are talked about. Here we are in an entirely different atmosphere. So far as the Government Gazette is concerned, only one copy of it, I believe, goes to a distant taluka, and not more than a few copies to the whole district. Under those circumstances, I would ask whether it will be fair and right on our part to presume that the provisions of this Bill are known to the people actually concerned and that we have given sufficient time to allow them to communicate their grievances to us? Under the rules as they stand, we have to give 10 days' notice of an amendment we may have to propose, while at the time that we sent in our amendments translations were not even published and there was no time for us to receive representations. As a matter of fact, there is only one representation which has been submitted to the Council, it is from a gentleman living in the Sátára District. The necessity for this Bill is stated to have arisen when the question of Government's power of interference in the control of the village Bhandhara works was seriously disputed by a village in the Násik District and the matter went up to the High Court. The High Court ruled that the Government had no power to interfere with their control. Will it be fair, my Lord, to suppose that even these people who had contested the right and who went up to the High Court have no representation to submit in support of their rights which were judicially upheld as against Government and shall we proceed on the

presumption that none of the parties concerned have any objection to our passing this Bill at this sitting? And I beg to ask whether there has been shown any necessity for expediting the passage of the Bill in the manner that is being done. Keeping all other considerations apart I will only put it on the broad ground that matters of this kind which affect such a vast mass of illiterate population should be gone into very slowly. My Lord, this question of the present legislation has been before Government, I believe, for nearly 20 years. In 1896 this question was very carefully considered by Government. There was a committee appointed to consider it, if I am properly informed. Then the question was also referred to the Legal Remembrancer, and then Government decided, if my information is correct, that it would be difficult to take up any legislation in this matter or to import any amending sections in the Irrigation Act as it stood. It was also then stated that it would be better to have a separate Act rather than to add any amending sections to the Act as it stood. The present Bill does not provide for a separate Act as was then contemplated but proposes to amend the existing Act. That Act, we have already seen, refers to works constructed by Government alone. They are under Government control and are of a more important character than those for which the Bill purports to provide. Now would it be proper for us to patch up a few sections in the existing Act and apply them to works which are admitted not to be Government property but to have been mostly constructed by the people or by previous Governments and which for centuries together have been managed and controlled by the villagers themselves? Is it not proper and necessary, I say, to consult those people who actually own these works and have the right to their exclusive control and shall we not allow them sufficient time to submit their representations? I am quite sure that those people will be able to show reasons why they desire that the control should be left to them, or they will be able to show us the way how they will co-operate with the Government and in what way they will require Government control and assistance for these works. They will no doubt welcome any co-operation on the part of Government to help them in the preservation of these works. These works were constructed in ancient times, some so far back as the twelfth century and even earlier, and for so many years people have been able to control the works themselves without any interference on the part of Government. Unfortunately for various reasons, as the Honourable Mr. GODBOLE put it, the village communal life is changing. The village community, which formed a Government unit, an administrative unit by itself, with all its village servants and with all its control by local officials of the village is now no longer what it was. Therefore we shall have to strengthen the hands of the villagers. The Patels and Kulkarnis have now so many duties and functions to perform that it is hardly possible for them to devote as much attention to these works as they used to devote in former times. We have to take all these circumstances into consideration. Those who are entitled to the ownership and actual use of these works are the people whose help and co-operation we ought to seek, and that help and co-operation, I beg to state, are not secured, as they should be in the Bill as it stands. The Mysore Bill provides a much better security for such co-operation, and that being the case, it is quite necessary that larger time should be allowed for the consideration of the provisions of this Bill.

My Lord, when I came here I thought that the provisions of the Bill must have been studied by all concerned, but I was surprised to find that even some of us did not know what *Bandharas* were (I mean some of those of us who do not belong to the

Central Division). That being the case, it would have been better, I think, if this Bill had been circulated with a small statement or description of these works, with their number, the previous orders which have been passed by Government with reference to them, so as to allow Honourable Members from different parts to study the provisions and understand them properly. That has not been done, and in the course of a week the people themselves have had very little opportunity to place their representations before the Council.

This is my chief ground for asking for time for further consideration of this Bill. The matter is different when we move for the first reading, but passing through the second reading will practically mean the passing of the law, because at the third reading we shall only go through formal corrections, and questions of importance will have to be settled before we consider the second reading. Therefore, under these circumstances, I think the Council will realise the necessity for postponing the consideration of the Bill as it stands, and in the meantime allowing an opportunity for considering the very valuable suggestions which our Honourable friend Mr. GODBOLE has made.

The Bill as it stands, my Lord, would appear to have been drawn up from the standpoint of official convenience, and not from the standpoint of the ryots so far as it is necessary.—I do not mean to make any sweeping remarks, my Lord,—but this is what I wish to be taken into consideration in deciding the question whether time should be allowed. My remarks are made only to support my prayer for granting time for consideration of the Bill.

It has not been made clear in the Bill as to whether all works, whether small or large, will be affected by it; whether the works owned by private individuals or families would also be affected. When the Honourable MEMBER of the Bill spoke on the last occasion about it, he said that the Act would be applied only in a very few cases where the people will not settle matters amongst themselves, but I find in the Select Committee the suggestion to exclude even works owned by single irrigators was not accepted, and we have amendments in that respect. That would show that it is proposed that all works, whether owned by individuals or by families, large or small, are made to be governed by it. In that case it will be a very big question. The chief difficulty, as the Honourable MEMBER has pointed out, arose when a surplus supply was introduced in the channel.

The Honourable Sir RICHARD LAMB :—I rise to a point of order. The Honourable Member seems to me to be discussing the provisions of the Bill, and not the discussion of the question as to whether we should postpone the consideration of the Bill or not. I would suggest, Sir, that it is out of order to discuss the provisions of the Bill.

His Excellency the PRESIDENT :—I have given the Honourable Member a very considerable amount of latitude and I must really ask him to confine himself entirely for the future to the particular motion before the House. He seems to be wandering round the Bill and not confining himself to the motion before the Council.

The Honourable Mr. UPASANI :—All right, my Lord; I will not go into details, but I had to refer to them in a general way to support my prayer that time should be given for further consideration of the Bill. I do not wish to comment on the particular provisions at this stage. Without taking any more time of the Council I will only appeal to them and to their sense of responsibility as to whether a measure like this

should not be considered in a manner so as to allow all those persons affected an opportunity to do the needful in their interest, to place us in a position to intelligently discuss an enactment which will affect their interests seriously. We here have a responsibility of our own and I only hope that the Council will come to realise their own sense of responsibility and do what they think proper and necessary under the circumstances I have stated.

The Honourable Mr. G. S. CURTIS spoke as follows:—May it please Your Excellency,—I desire, first of all, to set the Honourable Member right on a point of fact. The Honourable Member has made a great deal of the point that the vernacular translation of the Bill, as amended by the Select Committee, was only published a week ago, and he appeals to the Council to give a number of ignorant people, who are likely to be affected by this Bill, more time to consider it. I think, Sir, he ought also to have informed this Council that the original translation of the Bill was published very nearly three months ago, on the 18th December. And I may also point out that the members of the Select Committee have had ample time to make themselves acquainted with the real points of the Bill.

The new Bill has two main parts. One is to enforce what is known as the customary obligation for the removal of silt and petty repairs. That, Sir, was enforced for a good many years before the Committee which the last speaker referred to was appointed, in 1896. Before 1896, it was customary to levy from irrigators who failed to discharge this obligation the cess known as the Patfora cess. The Committee of 1896 came to the conclusion that it was not legal, and accordingly recommended legislation to enforce it. For various reasons, which it is not necessary to go into now, that legislation was not taken up in that year. It has been left to us to take it up in the present Bill.

With regard to the contention of my Honourable friend Mr. KAMAT that the new Bill is defective in its definition alone and that we have to go to the Mysore Bill for a full definition of maintenance and repairs, I would invite his attention to the fact that repairs are almost word for word as described in sub-paragraph 6 of the Mysore Regulation. Therefore by adopting the Mysore Regulation we gain nothing as far as that is concerned.

As regards the Bill generally, it merely lays down who are the irrigators, what rights they possess, what rights other people who are anxious to irrigate possess, and what the rights and liabilities are on the part of Government. Sir, there is nothing in those clauses that can possibly harm any one. I think that some members are under a wrong impression as to the character of the works to be affected by this legislation. To a large extent, these works are inter-dependent. They consist largely in the Deccan of a series of Bandharas or tanks drawn across the rivers, reinforced in some parts by tanks constructed by Bunds. In one case a very large reservoir has been constructed at a cost of twenty lakhs of rupees by the Bombay Government. Even if the Mysore Tank Regulation were passed to-morrow, it could not be worked as regards 90 per cent. of those works. The main trouble at the present moment is not so much inside the area affected by the dam or tank, but it is the relations of one village with another village, or I might say, of groups of villages. There are cases which I mentioned on the last occasion in which disputes have gone for centuries together. It is therefore perfectly obvious that any one who has read the Mysore Tank Regulation carefully will realise that it will give no assistance whatever in solving disputes of that nature.

Leaving that on one side, however, I will merely take the Honourable Mr. GODBOLE's own description of the differences that arise at present. I do not at present propose to go into a detailed history.

The Honourable Mr. GODBOLE:—I rise to a point of order, Sir. The suitability of the Mysore Regulation and the desirability of drafting the Bombay Bill on the Mysore lines will come up for discussion later on.

His Excellency the PRESIDENT:—The Honourable Member is perfectly correct. We are taking his discussion in two parts. My honourable friend will be able to discuss the second part under the second part of the motion.

The Honourable Mr. CURTIS continuing:—I would point out that the Honourable Mr. GODBOLE and the Honourable Mr. KAMAT have referred to the Mysore Tank Regulation. Well, Sir, perhaps I may have an opportunity of referring in detail to the Mysore Regulation at a later stage.

His Excellency the PRESIDENT:—I should just like to say that I have given Honourable Members a considerable amount of latitude, and I propose to allow Honourable Members that latitude having begun like that, but I do trust they will not take too much of it in this debate.

The Honourable Mr. CURTIS continuing:—Well, Sir, I have said very nearly all I had to say on the motion, restricted as it is, for adjournment, and I have very little more to say. As I said, the Bill was translated and has been before the Irrigators for three months, and they had full opportunities of acquainting themselves with the principles of it. It embodies the principles with which they are all familiar for something like 50 years. I think, Sir, that nothing whatever would be gained by postponing the consideration of the Bill till the July session.

The Honourable Sir RICHARD A. LAMB spoke as follows:—Your Excellency,—The position before the Council at present is that there is a double-barrelled motion for adjournment of the second reading of the Bill, one barrel being discharged by the Honourable Mr. GODBOLE, and the other being discharged by the Honourable Mr. UPASANI.

Now the reasons that these two Honourable Members have for their motions are entirely and totally different. I submit, Sir, that the Honourable Mr. GODBOLE's motion is not really a motion for adjournment at all. It is really a motion for the rejection of the Bill, (Hear, hear), and as such, it is a motion that is out of order. He proposes that the second reading of the Bill should be adjourned, and that some separate Committee, totally apart from any Committee which has yet considered this Bill, should be appointed for the purpose of considering some totally new scheme of legislation. That, Sir, I submit, amounts to a motion for rejecting this Bill *in toto*, and taking up another course of legislation altogether. I submit, therefore, Sir, that although in form, in the matter of words, the Honourable Mr. GODBOLE's motion is for adjournment, it is, in fact, and on account of the reasons which he gives for his motion, a motion for the rejection of the Bill, and a motion for the rejection of the Bill is not a motion in order in this Council, because it rests merely on the vote whether the second reading should be taken or not.

As regards the reasons that he gave for his real motion for rejecting the Bill, all I can say is that if his motion for the appointment of a Select Committee for a certain

object is to come forward later on, I shall have something to say on that, but it is impossible, if we are to discuss his motion for adjournment, to disregard altogether the reasons which he gives for that motion.

His reasons, as they appear to me, are that this Bill is a rotten Bill, and that the one he proposes to frame is something very superior indeed. Sir, I beg to differ very distinctly. I say that, without this Bill, we shall be unable to secure in the case of any minor irrigation works that record-of-rights which it is essential to secure, and which, with such a Bill as my honourable friend seems to contemplate, will not be provided for. I will not, Sir, lay myself open to the possibility of being called to order by saying anything more about the Mysore Regulation, though there is much that can be said about it.

The reasons that the Honourable Mr. UPASANI has for his motion for postponement which is a real motion for postponement, and therefore in order, have, I think, to a considerable extent, been demolished by the Honourable Mr. CURTIS. He has pointed out that this Bill, not exactly in words, but substantially in the form in which it is now before the Council, has been before the public for just three months. If my honourable friend Mr. UPASANI says that in three months he is not able to understand the objects of the Bill, and the drafting of it, and the application of it, well he appears to be in very much the same position as he was on Saturday in regard to the small Bill then under consideration. There he said that the drafting of the Bombay Land Revenue Code Amendment Bill was unintelligible, and he could not understand it. Well, Sir, I will condole with my friend for his apparent lack of intelligence. I will say, Sir, that the Bill, as drafted, is a perfectly intelligible one. It was drafted by our expert drafters here, and has been accepted by the Government of India and by the Secretary of State as a properly drafted Bill, and if my honourable friend's mind does not rise to grasping the points that are put in a Bill so drafted and so approved, then it is a thing on which I can only condole with him.

As regards this Bill, it is, I submit, a Bill of a very simple and clear nature. I say Sir, that my honourable friend has to a large extent been arguing as if this Bill were going to apply, when it becomes law, *proprio vigore* to every single minor irrigation work in the Presidency. I must once more explain that that is absolutely not the fact. I have explained already on a previous occasion, that the Bill will not apply to any irrigation works whatever in the Presidency until full enquiry has been made whether it should apply or not, and until all objections have been heard and considered by the Governor in Council, and only when those objections have been found to be invalid, then alone will the provisions of this Bill apply. It is perfectly beside the point to argue as if this Bill were going to affect immediately and at once some eight thousand or more holders of land under irrigation works which are called minor works. I have to insist on the point, Sir, that it will not apply to any irrigation works whatever until complete enquiry has been made whether it is proper to apply it at all, and then it will be applied only if the objections, if any, are found by the Governor in Council not to be valid. I say, Sir, that we cannot at present get on with the management of certain works in which Government is very largely interested. We cannot get on with the management unless some legal power is given to us to ensure that the management shall be economical, and that the maintenance of the works shall be adequately kept up, and I submit, Sir, that this Bill makes provision for that, and that it has been sufficiently considered, and that the second reading of it should not be postponed.

His Excellency the PRESIDENT:—I feel quite sure that the Council will be convinced by what my honourable colleague has said with regard to this particular Bill, and I trust that we shall be able to get on, and not agree to the postponement of the Bill.

I hope that Honourable Members who have been moving the adjournment of this measure will not be frightened by the rather forcible remarks which my honourable colleague made. I am sure, he will agree, and I agree too, that in any remarks that Honourable Members have made, they are acting with absolute sincerity and are only anxious to do what they can for what they consider to be an improvement of a Bill in several respects. I sincerely trust, therefore, that my honourable friend Mr. GODBOLE will see his way to withdraw his motion for adjournment, but I do agree with my honourable colleague that it is very undesirable to postpone it.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE spoke as follows:—Your Excellency,—I am not very keen about the adjournment of the Bill. The second reading of the Bill might go on, but before the second reading proceeds, the second part of my motion should be considered.

His Excellency the PRESIDENT:—The question is that the second reading of this Bill be postponed.

The motion was then put to the vote and lost.

His Excellency the PRESIDENT:—The question is that a Committee of the Council composed of official and non-official members be appointed to consider and report whether the Bill referring to Second Class Irrigation Works cannot be drafted on the lines of the Mysore Panchayat Regulation No. I of 1911.

The Honourable Sir RICHARD LAMB:—I rise to a point of order. I submit the question now before the Council is whether the second reading of this Bill should be proceeded with, and that the motion for appointing a Committee of the Council to consider some totally fresh scheme of legislation is not relevant to the discussion on the second reading of the Bill now before the Council.

The Honourable Mr. GODBOLE:—It would be rather placing me at a disadvantage. When I put my motion before the Council, Your Excellency ruled that the motion should be divided into two parts, one part dealing with the postponement of the second reading and the second part dealing with the appointment of the Committee. I agreed on the understanding that the second part should come up for consideration before the Council after the first part was disposed of.

His Excellency the PRESIDENT:—I quite appreciate what the Honourable Member says, but I think his motion must be drafted in a different manner. I think that the particular remarks, if a fresh Bill has to be drafted, must be taken out of his motion.

The Honourable Mr. G. S. CURTIS:—Shall I be in order, Sir, if I make a further suggestion? My excuse is that the Honourable Member's motion seems to be unnecessary for the present Bill, and that there will be no difficulty in moving, after this Bill is passed, a supplementary Bill to provide for delegation to Panchayats of the powers taken by the Government in this Bill. In the original measure, there were certain Panchayat clauses. There is really no clashing whatsoever, I submit, Sir, between the principles of the Bill as it is before us, and the Honourable Member's motion. In fact,

so far from clashing, they agree to this extent that before attempting to carry on works of irrigation by means of a Panchayat, it is absolutely necessary to have a Record-of-Rights for it. As regards the purely customary obligations in the matter of silt clearances and repairs, the two clauses in our Bill and the clauses in the Mysore Tank Regulation tally almost word for word.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows :—What I urge with reference to the suggestion which has just fallen is the proposal, as I understand it, that we should proceed with the Bill and pass it, and reserve my Honourable friend Mr. GODBOLE's suggestion for a separate Bill. I think the passing of this measure in this manner will not be convenient. We will have to draft the Bill in such a way as to provide for all the works in one small Act. That would be the proper position, and I think it would be better to have this Bill and the Honourable Mr. GODBOLE's Bill considered together.

Now this Act is meant to amend an existing Act which does not refer to the classes of works for which it is meant, and that Act will refer directly and specifically to the works for which the amendment is intended. It would be much better to make the provisions of the Bill to be a part of that Act, and in that Act we may incorporate so much of the Honourable Mr. GODBOLE's suggestions as may be possible. If Government thinks fit to have a small separate Act, it might be better to provide for it. If that is not possible, we may for the present limit this Bill only to the Record-of-Rights. We do not object that the Record-of-Rights should be gone into, but there are other provisions referring to the management, control and also repairs, and then those provisions are required for all the works, and then it will be much better, if it is in contemplation, to have those provisions taken up along with the other Bill, which the Honourable the Chief Secretary says they have in view. I think it would be much better if we postpone the consideration of the whole thing.

The Honourable Sir RICHARD A. LAMB :—I submit, Sir, that my Honourable friend is entirely out of order, because we have already decided that the second reading shall not be postponed; that question has already been decided. I do not think, therefore, that my honourable friend is in order now in suggesting the postponement of the whole Bill.

I should like to explain why I rise to a point of order. I do not wish to imply that I have any objection to an enquiry being made as to the possibility of a Panchayat Bill for minor irrigation works being prepared. I have none at all, none whatever. But as my Honourable friend Mr. CURTIS remarked, it should be prepared as something ancillary or subsidiary to the present Bill. My point of order is that with regard to the matter now before the Council,—the Second Reading of the Bill,—the motion of the Honourable Mr. GODBOLE is not in order. It would be in order as a Resolution on a matter of general public interest, but as a matter relating to Bill No. IV now before the Council, unless Your Excellency so directs, it is out of order.

His Excellency the PRESIDENT :—I cannot accept my honourable colleague's point of order, because I distinctly told the Honourable Mr. GODBOLE that he would be able to move his motion in two separate stages. But I would suggest this, that he now move a Resolution something to this effect, that a Committee of this Council composed of official and non-official members be appointed to consider and report on the matter of

Second Class Irrigation Works in this Presidency, with a view to drafting clauses in the Bill similar to those of the Mysore Tank Panchayat Regulation.

The Honourable Mr. GODBOLE:—I shall be quite satisfied with that, Your Excellency.

His Excellency the PRESIDENT:—My honourable colleague does not like my drafting, and he prefers the Honourable Member's drafting, so we will accept the Resolution of his drafting.

The Honourable Mr. GODBOLE:—I think Your Excellency's draft is better. (Laughter.)

The Honourable Mr. GODBOLE continues:—Your Excellency,—I have already made my remarks at great length, and I won't add much to them, except by stating that I do not want the Mysore Regulation to be adopted in its entirety. I am quite willing that the Regulation should be modified to suit the requirements of the Bombay Presidency. Of course, I have a right of reply after discussion in this Council.

In the meantime, with reference to the remarks that have fallen from the Honourable Mr. CURTIS, I may say that the number of disputed works, to which he referred, is extremely small. As I remarked in my speech, the number of village irrigation works is very few indeed. As far as I know, the number of such works would amount to five per cent. of the whole lot.

With reference to the remarks that have fallen from the Honourable Sir RICHARD LAMB, as I said, I do not want the Mysore Regulation to be adopted in its entirety. Any modification that seems proper to Government might be made, but the Bill as drafted at present is not the proper thing for the management of Second Class Irrigation works. After the discussion ceases, I shall have the right of reply, and I will make my further remarks then. At present my motion is, as drafted by Your Excellency, which is much better than the one I drafted.

The Honourable Sir RICHARD LAMB:—It might save the time of the Council if I state at once that I am willing to accept that Resolution. I am perfectly willing to agree that a Committee of this Council composed of official and non-official members be appointed to consider and report whether a Bill dealing with Second Class Irrigation Works in the Bombay Presidency cannot be drafted on lines similar to those of the Mysore Tank Regulation, No. I of 1911. I have no objection to that whatever. I have expressed my willingness to accept the resolution.

His Excellency the PRESIDENT:—The question is that the motion as moved by the Honourable Mr. GODBOLE be passed.

The motion was then put to the vote and carried.

His Excellency the PRESIDENT:—Now we will proceed with the second reading of the Bill.

The Honourable Sir PHEROZESHAH MEHTA:—May I rise to make an appeal to members of this Council? We really do not know where we are, and what it is that we are to speak on.

His Excellency the PRESIDENT:—We are now discussing the second reading of the Bill. There was a motion before the Council that a Committee be appointed to enquire into and report whether a Bill dealing with Second Class Irrigation Works in the Bombay Presidency, etc., etc. That particular motion is passed.

The Honourable Sir PHEROZESHAH:—We shall be running the Committee side by side with the discussion. I only beg Your Excellency to relieve us a little from our want of understanding.

His Excellency the PRESIDENT:—The Honourable Member rather came late in the debate. He does not know exactly what has happened. We began by discussing the second reading of the Bill. The motion for adjournment was moved, and that has been negatived. The motion by my honourable friend Mr. GODBOLE was then moved, and has been passed. A Committee has to be formed with a view to consider and report if a Bill can be framed, etc., that is, I suppose, for the information of Government. In the meantime, the present position is that we are to go on with the discussion on the second reading of the Irrigation Bill.

The Honourable Mr. GODBOLE:—Your Excellency,—If my motion is carried, the Committee will have to discuss whether a Bill on the lines of the Mysore Regulation cannot be drafted to suit the requirements of the Bombay Presidency. If the Committee's report is favourable, then the present Bill becomes quite unnecessary.

The Honourable Sir RICHARD LAMB:—No, no.

The Honourable Mr. GODBOLE:—Of course the Committee is going to report whether a Bill can be drafted on the Mysore lines to suit the requirements of the Bombay Presidency. If the Committee comes forward before the Council and says that the Bill drafted on the lines of the Mysore Regulation would be more suitable to meet the requirements of the Bombay Presidency, then what is the use of passing the present Bill? If the Committee's report is favourable, the present Bill becomes unnecessary.

The Honourable Sir RICHARD LAMB:—If I may rise once more, I should like to state that I am unable to agree with my honourable friend that the preparation of a Panchayat Bill would render this Bill unnecessary. The position as it appears to me is this: however excellent a Panchayat Bill may be drafted, there must necessarily and inevitably be a considerable number of irrigation works to which it would be absolutely impossible to apply the Panchayat system, and for such works the Bill now before the Council makes good and adequate provision. What we require is a Bill such as that now before the Council to enable us to undertake the management and the distribution of the water-supply in an economical way in the case of works in which Government has expended so much and in which it is so largely interested. To such works no system of Panchayat management can possibly apply. For all those works we require such a Bill as we have now before the Council.

The Honourable Sir PHEROZESHAH:—How many are there of these works? The Honourable Mr. GODBOLE says there are only five per cent. of these.

The Honourable Sir RICHARD LAMB:—I submit that even if we have only one per cent., nevertheless, when we have spent many lakhs of rupees, even for one work, it would be desirable to have the legal power to manage the thing economically and with

due regard to the maintenance of the work and to the distribution of water. Even if there were only one work, such as the one frequently quoted, the Chankápur Tank, on which we have spent about seventeen lákhs of rupees—I believe the Honourable Mr. CURTIS put it at twenty lákhs of rupees—if the management of that work cannot be secured without investing us with legal power, then I say we ought to have that legal power, and the Bill now before the Council gives that legal power.

I also submit that, given an investigation as to whether the Pancháyat Bill can be prepared or cannot be prepared, and given that the investigation results in the conclusion that it can be prepared, and given that a Bill is prepared accordingly, and given that it is passed into law by this Council, still it will not apply, nor ever be applicable, to that work; and it will be applicable possibly to very few works, such works as will not be suitable for the application of the Bill now before the Council. I submit, therefore, Sir, that there is room for both the Bills—the Bill now before the Council which will give us what we desire in the matter of legal power to control efficiently and economically the works in which we are largely interested, and another Bill which would enable a Pancháyat to be appointed for works that lie within a single village where there is no conflict of interest between villagers, and in which we are not so largely interested as to make it desirable for us to apply the provisions of the Bill now before the Council. I submit, therefore, Sir, that the present Bill can be passed, and thereafter the Committee which has been suggested can be appointed, and can meet and consider the question of a Pancháyat Bill in addition to the amendment of the Irrigation Act now before the Council.

The Honourable Sir PHEROZESHAH MEHTA :—Is my honourable friend prepared to say that this Bill would not be applied to any but those works in which there is any urgency that Government should have legal powers? Is he prepared to exclude all other works from the operation of this Bill? His argument is that it is required for the purposes which he has described. The Honourable Mr. GODBOLB says that there are not more than five per cent. of those works. My honourable friend has argued that even if it is one per cent. the Bill must be passed for the purpose of giving legal powers in respect of that one or those few works. Is he prepared to say that he will exclude all other works at present from the operation of the Bill till the report of the Committee is made?

The Honourable Sir RICHARD LAMB :—I cannot say actually to how many works the present Bill, if passed into law, would be applied. I can only say, as I have already said, that we should carefully refrain from applying it to all small works for which there was no call or demand for the control to be given by this Bill. As to the actual numbers which should be excluded or included, it is not possible for me to give any absolute binding assurance. I can only say in a general way that we shall very carefully refrain from notifying the intention to declare and from declaring, under the provisions of this Bill when it becomes law, any work, except where it becomes necessary for the efficient maintenance of the works themselves, and the economical use and distribution of water.

The Honourable Mr. UPASANI :—May I speak a word, Your Excellency? Your Excellency has shown us a way very rightly out of the difficult position in which we were placed. We are now entirely in Your Excellency's hands. What I say is, if you appoint a Committee, the Committee will consider how far the provisions embodied in this Bill may be applied. These very provisions will form part of some of the provisions

relating to the Village Panchayat Bill. There also there are clauses to provide for repairs which are included in this Bill. That and this Bill are to go together, and unless my friend has any particular urgency about one work or two works, I think the best way will be as Your Excellency has shown, that two or three months' delay will not matter much. The Committee will report in a short time. It will be consistent, and it will save us from a difficult position. If this legislation is meant for one or two works specially, we can do it at any time, but as it is meant to refer to any works which we may select, it will be much better if Your Lordship directs that only three months may be allowed for that report. We do not object to Government control where it may be necessary, but the proper course is that this Bill should go hand in hand with a Bill on the lines of the Mysore Regulation.

The Honourable Mr. R. P. BARROW :—Your Excellency,—May I rise to a point of order and suggest that we have no alternative left but to proceed with the second reading of this Bill according to our regulations? The procedure for the second reading is that the motion for the second reading of the Bill (or the Bill as amended by the Select Committee, as the case may be) shall first be made.

We got to a position when there was a motion made for postponement of the further discussion. That was thrown out. Then we finally carried a proposal made by the Honourable Mr. GODBOLE, that a Committee should be appointed to consider and make a certain report, and it is nowhere stated in his resolution that that resolution, if carried, whatever the new Committee may propose, shall be a substitute for this Bill. It seems to me, Sir, that we must go on now with the consideration of the second reading because everything else has been thrown out.

The Honourable Mr. LALUBHAI SAMALDAS :—The Honourable Mr. GODBOLE is going to name a Committee. The Committee has not been appointed. He is suggesting the names of the Committee.

His Excellency the PRESIDENT :—I do not think that really is a very serious matter. The Honourable Member may appoint his Committee whenever he feels disposed. The position, as far as I can see, is, as the Honourable Mr. BARROW says, that we must now proceed with the second reading of the Bill.

The Honourable Mr. GODBOLE :—Do I understand the Honourable Mover of the Bill to say that the present Bill before the Council will apply to such second class irrigation works only as relate to several villages, and that the irrigation works which relate to one village only will be excluded from the operation of the Bill?

His Excellency the PRESIDENT :—I did not catch the Honourable Member.

The Honourable Mr. GODBOLE :—I understood the Honourable Mover of the Bill to say that the present Bill before the Council will apply to such second class irrigation works only as will deal with two villages or more than two villages, but works which relate to one village only will be out of the purview of the Bill before the Council.

The Honourable Sir RICHARD LAMB :—I cannot give my honourable friend anything more than the assurance which I recently gave to the Honourable Sir PHEROZESHAH. I cannot say absolutely definitely that there exist in the Presidency no works within the boundaries of one single village to which it will never be desirable to apply the provisions of this Bill. I can speak only in a general way. That the Bill will never be applied

in the case of any work which is situated in a single village is a statement to which, Sir, I cannot undertake to commit myself.

The Honourable Mr. GODBOLE :—I have simply to say with reference to the discussion that has proceeded so far, that I consider that it would be wasting the time of the Council by considering the present Bill as the Committee that is to be appointed is going to report upon a Bill which will deal with almost exactly the same works.

The Honourable Sir PHEROZESHAH MEHTA :—I think, my Lord, we had better proceed with the discussion on the second reading of the Bill.

His Excellency the PRESIDENT :—That is exactly what I should like.

The Honourable Sir PHEROZESHAH MEHTA spoke as follows :—Therefore, Your Excellency, I will set a good example in that respect and offer a few observations. I did not intend to speak on a subject like irrigation and irrigation works, but I see my honourable friend Mr. SHEPPARD looks at me as if I was quite competent to speak on this as on other subjects. There are two observations I should like to make even on this Bill with regard to irrigation. The one is, that I think it is a great pity that this Bill has not been framed on lines which would have brought out the communal spirit in our villages more than it has. It has often been deplored as an unfortunate circumstance arising from the rigid and inelastic character of the Bombay revenue system that the old spirit of communal co-operation has been almost crushed out of existence in our villages. We have often heard it said—I believe the Decentralization Commission has pointed it out—that we had committed a great mistake in that respect, and that it seems desirable that everything should be done to re-create, as it were, to revive the old spirit of communal co-operation which formerly was the foundation of the Indian village system, and it seems to me that, whenever an occasion arises, we should never lose an opportunity of doing something which would go to re-create that communal system.

I have only just looked into the pamphlet on the Mysore system, and it shows how the communal spirit could be revived in a matter of this character, and Village Panchayáts would be very useful bodies for purposes of dealing with matters with which the Bill purports to deal. My Honourable friend Mr. GODBOLE pointed out that he is perfectly willing that, where the matter really concerns two villages, those works might be put out of the purview of the Village Panchayát's action, but where they relate to a single village, there is no reason whatsoever why the village community should not be left to consider the question themselves, and therefore it is that I regret that this Bill does not utilize this occasion, which has fortunately arisen, to deal with the matter in that spirit.

There is really no reason for much hurry about the matter, as appears from a remark which fell from my honourable friend Mr. CURTIS. He said that formerly they were taking illegal action in the matter, and a Committee was appointed in 1896, which pointed out that it was illegal to act in the way in which revenue officers were acting, and that Committee recommended that some steps should be taken to put the matter on a more satisfactory basis. Mr. CURTIS added that, for various reasons, Government slept over the matter, for how many years now? let us see,—from 1896 to the year of Our Lord 1914, that is to say, for 18 years. It is the old tale. Government sleep over a matter for years, of course always for good reasons, but when it wakes up, the matter must be pushed through urgently, and we are told that it is not necessary to give

us as many days or months for our consideration as they took years to consider. I venture to think that we may justly take some time in dealing with this Bill. I think revenue officers like my friends the Honourable Mr. BARROW and the Honourable Mr. CURTIS, who take an interest in these matters, should be asked to suggest some measure which may have the effect of reviving the old village co-operative system that had existed.

It was very refreshing to hear my honourable friend Mr. CURTIS, if I may venture to say so, correcting what had fallen from my honourable friend Sir RICHARD LAMB. He pointed out that the provisions of the Mysore Bill were not really antagonistic to the proposals in the present Bill, as the revenue member thought, but might be made ancillary or supplementary to those provisions. If they are not so, my honourable friend Mr. CURTIS might have gone a bit further and said that it was a most desirable thing to do and that they should be incorporated in this Bill. They would have stood side by side for various purposes in this Bill itself, and I think that would have been a desirable way of dealing with this matter. My honourable friend Sir RICHARD LAMB does not deny, that to irrigation works relating only to one village he does not seriously press to apply the provisions of this Bill. What he is most concerned about is with regard to the works of a character in which more than one village is concerned. Now, if that is so, surely in this very Bill we might side by side run sections which would enable the village Panchayats to deal with other minor class of works. I still think my honourable friend Sir RICHARD LAMB might consider whether it would not be desirable to model the Bill in some manner which would take advantage of both ways—one requiring direct action of Government in the way in which it is proposed to do in this Bill, and the other to be dealt with by village Panchayats on the model of the Mysore Tank Regulation. Probably my honourable friend Mr. CURTIS is quite right in saying that the Mysore Bill is not a new model. I know that English revenue officers have very often regretted that the rigid system of revenue administration in this Presidency has crushed out the real spirit of the old village system, and that everything should be done for the purpose of re-creating it as far as possible. It seems to me, therefore, that the Bill might very well be framed on those lines.

The second observation which I should like to make is what comes in a very incidental manner, it does not appear on the face of the Bill itself, because it is brought out only with reference to the motion for amendment of the Irrigation Bill, which is the system of penalties which might result in the imprisonment of the parties concerned. Now, Your Excellency, I feel very strongly on that point. Looking at the scope of the Bill, and the position of the parties who are likely to be affected by it, I ask this Council whether it is right to include in a Bill of this character personal penalties entailing imprisonment for the purpose of compelling petty repairs to be done. I can well understand Government insisting that if the parties interested will not do what is required by law that they should do, that work should be taken out of their hands, and they should be mulcted with all costs of carrying out that work. That, I am prepared to admit, would be a reasonable way of dealing with the matter, that Government may take over and make the sinning persons liable for all the expenditure which might be incurred. There are numerous provisions in the Bombay Municipal Acts in which it is provided that, if a person will not carry out the work which is considered necessary for public purposes, that work should be taken out of his hands, and that he should be made to pay

the cost which might be incurred in respect of doing the work by the Municipality itself. But that is a very different thing from saying that all defaulters should be liable to be sent to jail. I think my honourable friend will carefully reconsider this part of the Bill. I say take everything out of his hands for the interest of the village, but do not send him to jail, and I ask my honourable friend Sir RICHARD LAMB, I ask the two or three Commissioners who are now sitting in the Council, and who are supposed to be most intimately acquainted with the feelings, prejudices and ideas of these people, what a man would feel if he thinks that if he fails to do something of that character, he is marked to go to jail.

(The Honourable Mr. GODBOLE at this stage whispered something to the speaker.)

His Excellency the PRESIDENT:—The Honourable Members cannot hold a little conversation.

The Honourable Sir PHEROZESHAH MEHTA:—My honourable friend Mr. GODBOLE is doing me a service, Sir, because he is correcting to some extent what I have been saying.

His Excellency the PRESIDENT:—We should be glad to hear what the service is.

The Honourable Sir PHEROZESHAH MEHTA:—I am glad to be corrected in time, my Lord. He says that so far as the penal clauses are concerned, they will not altogether operate upon the ryots themselves, the irrigators themselves. If that is so, my remarks will require modification to that extent. But even the irrigators themselves will not be altogether free from liability. I understood that the penal clauses which inflicted imprisonment in the main Act were also rigidly to be used for the purposes in the manner in which I have spoken. If that is not quite so, I am very glad, but if it is so even to some extent, I would ask Honourable Members to see that the penalties will not include personal penal sentences.

There is only one other observation which I wish to make. My honourable friend Mr. BARROW said that it is essential that there should be a record of irrigation rights, but I am not a great believer in the Record-of-Rights in the way in which it is proposed to be done. Poor people who hardly know what exactly their irrigational rights are, and what they are to claim, but which they have exercised for a number of years, are placed at the mercy of a Revenue Officer who draws such inferences as he thinks proper from such evidence that is placed before him. We know the difficulty of establishing a right. We are now throwing the burden of proving exactly what their rights are upon these people. We know, in numerous instances in the past, that people upon whom this burden has been thrown, though their position has been of an indisputable character for a number of years, have been unable to establish them as satisfactorily as might be established in legal ways. Therefore it is with great apprehension that I view that portion of the Bill which requires the Record-of-Rights to be prepared. I always view with apprehension the difficulty there is in establishing the existence of rights, though they are exercised for a number of years, particularly those of this character. These are the only observations, Your Excellency, which I propose to make, and I hope my honourable friends will follow my example in confining themselves to the second reading of this Bill.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency,—I shall try my best to adopt the course suggested by my Honourable friend, Sir

PHEROZESHAH MEHTA, and confine myself to such remarks as are needed on the second reading of this Bill.

The first thing, my Lord, I have to point out is that the Statement of Objects and Reasons shows that the Bill is intended to provide for better management of the minor works that we have. That being the case the provisions should have been so drawn up as to provide for efficient management for all of them, and for that purpose to extend the control to all of them. However, the Bill as it stands, extends that control to such works as Government may declare, and what I understand from the remarks which fell from the Honourable **MOVER** is that the immediate purpose is to apply the Bill only to a few villages where there has been some dispute. If that is the purpose, and if the declaration is to be so limited, it will not satisfy the purpose for which the Bill is intended as stated in the Statement of Objects and Reasons. As the Honourable **Mr. GODBOLK** has pointed out, there are about 8,000 works for which we have to provide, and I do not presume that Government is prepared just now to take up the control of those 8,000 works and to extend the provisions of the Bill to all of them. In fact I understand the **MOVER** to say that I was under some misapprehension on that point and that it was not the intention of Government to do that. If I am correct in that I beg to say that the Bill falls short of the provision which is intended to be made. Last time we rejoiced that legislation on this point was brought in, inasmuch as it would enable all village communities to secure Government help for the management of their works. These works are in many places going out of repairs and the chief help that we wanted was with regard to the main repairs that had to be done, the repairs to be done to keep up and improve the water-supply in the catchment area and in the works themselves and the petty repairs for the channels. The Bill as it stands does not provide for any responsibility on Government for the doing of needful works required for the first two purposes which involve extensive and costly repairs. The Bill only contains provisions for petty repairs, and even with respect to them the responsibility is thrown upon the ryots. The Bill should have contained provision for the more costly and valuable repairs being done by Government but it does not. Some explanation on that point was necessary. It is absent so far as I can see. The only provision it contains is that the work should be treated as a second class irrigation work. Well, if only a few of those works, some 15 or 20, are declared as second class irrigation works, all the rest of the 8,000 works will be left to the owners not only for petty repairs but for all kinds of repairs. That is a serious defect in the Bill as it stands.

Then again it does not provide any conditions on which the works may be taken up under Government control. If indeed Government is prepared to take up all the works under its control and take the responsibility for keeping them in repairs and to require the villagers only to do the minor repairs that should be made clear. If on the other hand only some of the works are proposed to be taken up it should be made clear in what circumstances and on what conditions their control will be taken up by Government. These works purely belong to the people and the question will be why their control should be taken away from the people by Government. It will be, I think, for Government to show why they should take away the control. There should have been provision for setting forth in the declaration the reasons for which the control is to be taken up by Government. The reasons may be that people are not able to manage the works themselves or to do the necessary repairs and that Government should take it upon themselves

Whatever be the reasons they should be required to set forth in the notification proposing to declare any work to be a second class irrigation work. The section which provides for the declaration, however, does not say anything about it. On the contrary it requires the people who own the works to show reasons why they should not allow their control to be taken away from them. If the control is to be taken by Government who do not hold proprietary ownership, it should be for them to show that in the interest of the general community it is necessary for them to interfere. Of course such interference will be justified if in the interests of Government and the people Government is prepared to take up the responsibility of keeping all these works in good repair and to require the people to do only petty repairs, but for that purpose it will be necessary to tack the provisions of the Mysore Tank Regulation to this Bill. I think, therefore, that the Bill as it stands will not fulfil the purpose desired and it will be more or less onesided. If we have the provisions of the Mysore Act tacked to this Bill the major repairs to the works and those for keeping up the springs of water-heads by reservoirs or some other means will be done at Government cost and needful provisions for that purpose should be included in this Bill. Out of all these works a large amount of income is derived by Government. In the Násik District alone I believe there are 11,000 acres which yield a yearly water assessment of over one lách of rupees and the land revenue is only Rs. 10,000. The rate is heavy and the income thus derived would allow of some amount being earmarked for the doing of these repairs. I should be glad if it were provided that these repairs should be done out of the income which is derived from the works. Some definite proportion might be utilized for the keeping up of water supply by reservoirs or improving the whole of the water shed system of the rivers, tributaries or streams from which the water supply is drawn into the Bundharas. I would next urge that provision is required for additional payment to Patkaries in connection with petty repairs to the Bundharas and channels. At present the provision for these repairs is that every village has one or two Patkaries, who hold inam lands or receive cash allowances and do the necessary petty repairs. The remuneration that is paid to them is not sufficient and it should be increased. It is not possible for all people to combine to do these small repairs jointly. That has been a great difficulty with engineers of experience. Rather than that the Patkaries, Pathasthalies and themselves should be put to difficulties, the people had consented to allow a rate of one anna per acre, to be charged to them to meet the cost of these repairs. But it was found difficult to enforce payment of this voluntary rate and the collections were also utilised for other purposes than those for which they were levied and were stopped. Thus it has been found not possible for these repairs to be done by those people or at their cost. Therefore, I think, that some provision for these repairs being done out of the assessment which they pay should be embodied in this Bill. I think if that is done, the Bill will be more workable and will serve the purpose which we have in view of keeping all these works in proper repair.

With these few remarks I oppose the second reading of the Bill.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows :—Your Excellency,—There are three points in connection with the Bill on which I propose to make a few remarks, as I consider them to be points of great importance. The first matter to be considered in connection with the Bill is the question of control. The works in reference to which the control question arises would be works which have not been constructed by Government, which have not been maintained by Government, in respect

of which money for repairs has not come from the public funds, and which have up to now not been controlled by Government but by village communities. Now I do not at all mean to say that there may not be circumstances under which it would be necessary for Government to take the control of such works, but they ought to be well and clearly defined, and not vague and general. The condition under which I should consider that Government would be justified in taking control of irrigation works would in the first instance be where more than one village community is concerned. These are really cases where it would be more proper for Government to take up control than that it should be left to more than one village to do the work. The other circumstance under which it may be proper to do so would be where the irrigators themselves wish that Government should take up control and responsibility. There is another case in which control may be taken up by Government, namely, where they find that the so-called repairs and keeping in order of the works are neglected or the people who are responsible for the same are not prepared to carry out their responsibility. Under these circumstances the control may be taken away from them. Where the people are quite prepared to do what is needful in connection with these works, where they have exercised the control, where the construction was done by them, I think it is more desirable that the control should remain in their hands. There is another circumstance to which I might refer under which the control may be taken by Government, namely, where any breach of the peace is apprehended in consequence of disputes among the irrigators. There may be other circumstances under which Government may assume control. But, except in such limited circumstances where it may be desirable that the control should be taken away from any irrigators, I submit that the more desirable course would be to leave the control with the irrigators themselves, so long as they are willing to keep the works in order. This would foster co-operative spirit among villagers themselves. They would have to co-operate among themselves for the purpose of maintaining and keeping in good order the irrigation works.

Another point in connection with which I think it proper to offer an observation is in reference to new section 80, which provides that where there has been a large increase of water arising from any cause than what according to the Record-of-Rights the irrigators are entitled to have the property in the increased water would be vested in Government and Government should have the right of disposing of this water. Now the relation between the irrigators and Government does constitute a partnership, but it is a partnership between the weak and the strong, a partnership which generally ends to the disadvantage of the weaker body. We have in Gujarát some instances, though they may be of major, first class works which well illustrate that in matters of this kind such a partnership is not at all a desirable thing. Your Lordship's Government is aware that in Gujarát there is the Khari Irrigation, and connected with the Khari irrigation there are the Kalambandhi villages which have certain rights of obtaining water from the Khari. With a view to improve this Khari water supply, Government put in the Khari the waters of the Bokh, and against it there was an arrangement for the opening of the Chandolia system into which some portion of the water of the Khari was taken. The system of assessment in connection with the Khari Kalambandi villages is that there is a consolidated assessment consisting of water rate and land rate which holds good for the whole of the survey period; on the Chandolia system on the other hand this payment for water depends upon the supply. Therefore

Government is benefited by the diversion of larger quantity of water into the Chandolia system. The result has been—and there have been serious complaints from the villagers of the Kalambandi villages—that they have not been receiving for a long time the quantity of water to which they are entitled, or which is needed for their crops, but the Public Works Department says that Kalambandi villages receive the whole of the Khari water as it originally stood and what is diverted towards the Chandolia system is the additional water brought from the Bokh into Khari. These are matters of great difficulty not at all easy to decide, and I submit that if any increase of water occurs in a second class work of irrigation, there should be no disposal of water until the needs of those who were entitled to the water in the original condition of the work are fully met. There is a provision in the Bill, no doubt, that rights registered in the original record or in the revised one would not be interfered with, but whether such a provision would secure their rights would depend upon circumstances. The irrigators are not the judges and I am afraid that difficulties would arise if this provision remains in its present form.

The third point upon which I should propose to offer some remarks is in connection with new sections 84 and 85. Under section 85 a burden is thrown in connection with improvement, repairs and preservation upon occupants and holders of land, and there are a very large number of such people. Now in connection with these people nothing is stated as to the locality or portion of the area to which a man's liabilities would be confined. Then there is nothing from which it would appear when a man should be deemed to have satisfied his liability—the liabilities extend to the whole of the area. I understand a thing of this kind will be almost impossible to work and there should be some sort of other arrangement in connection with these repairs, and when we consider the high water rates (and in some cases the water rates in connection with second class works even exceed rates levied on first class works), I should think the proper thing would be, in case of such small repairs, that they should be done by Government and the responsibility should not be thrown upon the holders of land or upon the irrigators.

Then in reference to the question of punishment, I think that in many cases the punishments are exceedingly heavy; in reference to small injuries, and things which may be done innocently or through ignorance, sentences of rigorous imprisonment up to a month are prescribed. I think that, so far as those penal provisions are concerned, they should be considerably modified. Where an injury does not arise from any intention to do mischief, the punishment ought not to be imprisonment.

His Excellency the PRESIDENT:—We shall now adjourn for lunch and meet again at a quarter to three.

(After lunch.)

His Excellency the PRESIDENT:—Order, order. Second reading of the Bill further to amend the Bombay Irrigation Act.

The Honourable Mr. G. S. CURTIS spoke as follows:—Your Excellency, I was relieved to hear this morning from my Honourable friend, Mr. GODBOLE, that he did not deny the fatherhood of this Bill. My Honourable friend Sir PHEROZESHAH MEHTA has remarked that it is not clear why there has been a delay of 18 years between the recommendation of the Committee in 1896 and the introduction at Council of the Bill now before us. I may perhaps take in detail the history of the measure. In 1894, there was a Committee which sat to consider the question of these particular works. My Honourable friend

Mr. GODBOLE was a Member of that Committee and prepared the notes which form the main part of the report submitted by that Committee. The points at issue were much the same as those now before us, *viz.*, the enforcement of the communal obligation for repairs and silt clearance, and secondly the right to the use of the surplus water, over and above that to which the irrigators were entitled. The opinion of the Committee as regards silt clearance coincided with that of my Honourable friend Mr. GODBOLE, which I will give in his own words. (Reads.) "My own opinion is that the customary obligation should be enforced by law and that legislation therefore is called for." That report was placed before Government. It received careful consideration, but the Government at the time thought that perhaps it might be possible to dispense with legislation and they passed an order which practically amounts to very little more than that the spirit of the Mysore Tank Regulation should be carried into practice. In other words, first of all they stopped the levy of the cess to which I referred this morning and they urged that the village officers and the village in general should be urged to carry out and discharge the obligations which custom imposes upon them. That was in 1896. My Honourable friend was then in charge of a number of these works and continued so till the year 1903. In 1903 I was myself Collector of Khán desh when further difficulties arose owing to circumstances which my Honourable friend alluded to in his speech at the last meeting. He said that the Patils' or village officers' influence had disappeared. Irrigated lands had passed into the hands of the local Sáwkárs and absentee holders. Repairs had therefore been neglected. The matter came to my notice in an aggravated form and I addressed the Commissioner. The state of affairs appeared to me to be that the village community had broken down completely, that the irrigated areas had become, to some extent, filled with non-resident owners, mainly Vakils and so forth, that the power of the village officers had disappeared completely as my Honourable friend Mr. GODBOLE told us this morning. My own suggestion was that if Government were unwilling to take power by legislation, in order to impose the customary liabilities in the form of silt clearance, etc., they should take this obligation on themselves (just as my Honourable friend Mr. PABEKH suggested to us just now). I pressed that suggestion rather strongly. The suggestion was referred once more to my Honourable friend Mr. GODBOLE, who at that time was considered a great authority in those matters. He treated my suggestion with the utmost scorn. He said it was entirely unnecessary to relieve the cultivators of the obligations which custom had imposed upon them, that Government had done their share and all that was necessary was to take power by law to insist that the cultivators should discharge the duties easily within their power. He therefore urged that legislation should be taken in hand without delay. The form of legislation he asked for was a simple notification under the existing Irrigation Act so that section 61, sub-section 10, might apply. That recommendation went on to Government. About that time, in 1904, there was a big Irrigation Commission sitting, of which Sir JOHN MUIR MACKENZIE, who was afterwards Revenue Member of this Council, was a Member. And when my letter eventually came before him, he considered that the difficulty would be met by the passing of a measure similar to the Madras "Kudi Maramat" Bill, which was then before the Madras Council. A bill on these lines was drafted but was placed on one side pending the passage of the Madras Bill through Council. The latter bill, however, for reasons of which we have no knowledge, did not become law, and another model had to be looked for. This was found in the Punjab Minor Canals Act which with the Burma Minor Canals Act was the prototype of the present measure. A committee was appointed

to consider the adaptability of those measures to Bombay conditions and as a result we have our present Bill, with its very simple form.

Now, Sir, I venture to think that very little exception can be taken to the Bill in its present dress. In the first place it is divided into two parts. The first five sections mainly relate to the compilation of the record of rights in regard to the works, and the remaining sections relate merely to silt clearance. I would ask my Honourable friend to take the last section first. As I have already stated, these sections, from 84 onwards, merely represent a liability which lies on the cultivator by custom. They merely put into legal form a custom which was actually in force up to the year 1896. Some slight exception has been taken to the definition of the works included in section 84, but I would point out that the wording of section 84 corresponds almost exactly with the wording given in sub-section (6) of section 1 of the Mysore Act.

With regard to the objections raised by various Members of this Council to the imposition of the liability on irrigators, it is only necessary to point out that the ordinary charge involved is a very small one. It may possibly amount to not more than one rupee per acre, and that if a cultivator wishes to avoid it all that he is to do is to take the ordinary care of his own and other persons' property that a decent minded citizen ought to take.

As regards other sections of this Act, sections 78 to 83, it has been suggested that a great deal of hardship will be caused to some of the poor irrigators by their want of being able to articulate their rights and claims. I have no fears on this score. There is scarcely a case of work of any importance on which the right holders have not been concerned in disputes. There are probably no other classes of people in this Presidency who are more fully aware of what the law can do for them.

Furthermore, I bring to the notice of this Council the fact that there is nothing in the Act which precludes recourse to a Civil Court. In fact I am afraid, that there may be certain cases, cases for instance like those I have mentioned two or three times, of villages who have been fighting out for as long as three hundred years, culminating in a really big suit which will go to the Privy Council. But even if they do, there will be the advantage that the disputes of these villages and its inhabitants will be settled once and for all, and the unfortunate Executive Engineer, who is to earn his 4 per cent. on the 20 lakhs of rupees which has been invested on the reservoirs supplying these villages, will know exactly how much water he is to give to them and how much more he is to spare for other persons who have no ancestral right to the irrigation but who are equally anxious to use it.

With regard to the other provisions of the Act a suggestion was made, I think, by my Honourable friends, Sir PHEROZESHAH and Mr. PAREKH, that it is extremely undesirable to extend to these works the penal clauses of the Act. The answer to that, I submit, is that it is impossible to enforce a penal clause unless there is some punishment attached to it. The ordinary cooly who damages the watercourse supplying a large cultivable area, who injures works which have been repaired at large expense by Government, is hardly a person particularly deserving of consideration. If, for instance, he damages an expensive sluice or he steals an expensive grating and sells it in the bazar—

The Honourable Sir PHEROZESHAH :—Those are cases of ordinary theft.

The Honourable Mr. CURTIS (continuing):—Not necessarily theft. If a man throws a stone and damages a sluice, such cases are not cases of theft. Mr. GODBOLE or his predecessor has cited a series of offences which have resulted in damage to works on which large sums of money had been spent and which could not be punished adequately by the ordinary law. For them, I contend, that it is necessary to extend the penal clauses which the legislature has already considered necessary for larger-irrigation works.

There is one more point, Sir, which I should like to bring to the notice of the Council. A great deal has been made about the discussion of the fact that these works were constructed originally by the people. Of course it is true that in many cases they were. But their construction dates from a very long time and you may take it as certain that if Government had not systematically repaired them and put them in order as they have done, not one of them could have been in existence at the present day. I hoped to have been able to put before this Council today (but I am sorry I have mislaid it) a statement of the amounts which Government have devoted in the past two years to the repairs of these works. I speak subject to correction, but my strong impression is that the amount of repairs has exceeded the total revenue. Practically I may say that as regards works irrigating areas exceeding 200 acres, not a Bandhara or a tank would be existing at the present time but for help from provincial funds, and the supervision of the Public Works Department. Added to that, quite a considerable number of these works have benefited in the form of storage reservoirs constructed by provincial funds. Therefore, it must be remembered that though many of these works are called contemptuously second class works, had it not been for a small capital invested in the distant past by land owners in the construction of the works, they would have been styled first class works and assumed first class position. Therefore, I contend, Sir, that having regard to the fact that a large sum of provincial money has been invested, there can be no objection to apply the provisions of the Irrigation Act which are given in section 75 of the draft Bill, to the second class irrigation works and to treat them on the same lines as first class works.

One more point, Sir, and I have done. We have heard a good deal today about the Mysore Tank Regulation and the Panchayat Bill. Personally I have no objection to both: there was a Panchayat Section in the old Bill as originally drafted. But, Sir, I should like to know from my Honourable friend Mr. GODBOLE where this tank regulation is working. Can he point to a single village where it is worked satisfactorily? We know that there are many Statutes on many Statute Books which look very nice indeed but when you come to apply them they do not work at all, or only work when there is some official pressure behind them. Where are these villages in Mysore where this regulation is in operation? In Mysore they have a large staff. They have an Assistant Collector in charge of every taluka, who may be able to enforce measures of this sort. But, Sir, I decline to believe that anything on these lines would meet satisfactorily the case of these eight thousand works to which my Honourable friend Mr. GODBOLE referred. I do not wish to detain the Council long, but, I hope, Sir, that this Council will hold that the Bill under discussion is urgently wanted and that it may be read a second time.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE spoke as follows:—Your Excellency,—I have to make a few observations with reference to the remarks which have just fallen from the Honourable Mr. CURTIS.

As regards the working of the Mysore Tank Regulation, I confess that I cannot quote any instance in which it has been worked, nor can I say how it has been working. The regulation was passed in 1911 only, and I am not aware of the number of villages to which it has been made applicable. It is too early yet to say how the Regulation has been working. It has however been drafted by sympathetic officers who have been looking into the condition of these second class works for years. They have gone into the previous records, and after full consideration the Mysore Bill has been drafted on lines based upon experience which has been gained in the past. The Deputy Commissioners in the Mysore Province had been trying, before the passing of this Regulation, to work the old tanks on the same system as we are trying in this Presidency. After these trials, and after spending a good deal of money on the repair of these tanks on the same system as prevails in this Presidency, they came to the conclusion that the right course was the course which they have adopted in their Regulation of 1911. It would be worth while for some Members of this Council to go and see how the new Mysore Regulation has been working. The presumption is that it is working satisfactorily, because it has been drafted by members of the Mysore Government who are in close touch with the people and who would not have brought in the Regulation if they considered that it was unsuited to the requirements of the case.

As regards my previous report that has been referred to by the Honourable Mr. CURTIS, I have already stated that I am still in favour of legislation. I only differ as regards the form in which that legislation should come in. I say that the form in which it is proposed to legislate for the second class works the present bill is not the proper form. I will give an instance of what I mean. Take section 87 of the Bill. Let us examine more closely the machinery that is proposed to be set up by the Bill for the repairs of second class irrigation works. Suppose in an outlying irrigation work standing at a great distance from the head-quarters of a district or of a Taluka,—say Karehalli in Dhárwár, or a place like Mulher in Násik,—a portion goes out of order and wants repairs. A small embankment is required to be immediately put up in order to prevent further damage. What is the machinery that the Bill sets up? If the irrigators concerned do not execute the work, the Patel has to report to the Mámílatdár. The Mámílatdár, after receiving the report, has to issue a notice to the irrigators concerned who may be 50 or 60 in number. The Mámílatdár tells the irrigators in the notice “There is a small earthwork required on your tank. You should do it within 15 days.” The people do not execute the work. The Mámílatdár has then to come down and see the work for himself, arrange for its execution, and certify as to its actual cost. He then issues notices to all the irrigators concerned calling upon them to pay the actual cost. Each individual irrigator’s liability may amount to a few annas only.

The question is whether this is the right way of attempting to effect small repairs? The proper method would be to set up a local machinery which will promptly do the work, and by the influence of the local Panchayat get the small and ordinary repairs economically done from time to time as found necessary. Instead of this machinery, the Bill proposes to set up a complicated machinery which is not likely to work well. The machinery of the Village Panchayats that I have been advocating is the real and correct machinery to adopt in such cases and it must be established by law. Legislation is necessary for the purpose. The small repair works necessary cannot be economically carried out by the Mámílatdár or by the Public Works Department, the establishment charges of which

come up to something like 50 per cent. It is not the fault of the Department; it is the nature of the work that has to be carried out. Probably the Department sends out an Engineer getting Rs. 300 per month and arranges for the execution of the petty work, and the consequence is that the work which the village machinery would carry out for Rs. 2 or Rs. 3 would cost Rs. 5 or 6 by the agency of the Public Works Department. For these reasons the legislation should be directed to revive the old village machinery which was efficiently working 50 or 60 years ago.

Then, as regards the point that has been brought forward by the Honourable Mr. CURTIS with reference to the expenditure that Government has been incurring on the construction of new first class works, he is referring apparently to the Chankapur Tank in the Násik District. No doubt, Government have spent about twenty lakhs of rupees on this tank, and the position is that the water that is let down from the tank goes along the river bed and is picked up by some old Bandhárás and utilised for irrigation on certain second class works. But it is not the fault of the people that Government constructed the Chankapur Tank works on the river. The people have their own ancient rights. Let Government take measures for ascertaining what supply the old irrigators are entitled to, and let them be prevented from taking any additional supply. This can be easily done. For instance, in the case of Dabhadi-Patna channels, it is probable that Government have got on their record the supplies which these channels usually obtained before the construction of the Chankapur Tank. Let arrangements be made to give them only these supplies to which they are entitled, and no more. I am aware that the rate-payers' interests must be guarded, but at the same time the rights of the people must be guarded also. The ancestors of the people have constructed the Bandhárás, and they have been irrigating from these Bandhárás for years past, and surely their rights must be protected. The rights of the general tax-payer must also be protected, and I submit that it is feasible for Government to protect both these interests.

The other provisions of the Bill I do not object to at all. The Record-of-Rights will be a very good provision indeed. From the Record-of-Rights the irrigator will know exactly what he is entitled to.

Then, as regards punishments the Honourable Mr. CURTIS' opinion is that punishments in connection with first and second class works should be the same. Now I would ask the Council to consider whether this is right. In the case of a first class work Government keep very costly establishments. They have their own chowkidárs and patkárís going over the canals and works and warning people against trespass. What is the case with a second class work? It is an outlying work, in some instances about fifty or sixty miles away from the head-quarters of the district. The work is hardly visited by the Mámlatdár and other officials. I think there are some second class works which have not been visited by the Collector of the district for years together. There is no regular establishment employed on these second class works to tell the people that they have no right to trespass, or that they cannot bring their cattle inside canal boundaries, or that they will be punished by law if they allowed their cattle to graze on the tank bund or on the banks of the channel. The channel has not been hedged in, and I think we should not make the same punishment applicable to this set of works that is applicable to works on which a costly establishment is maintained. There must be a difference in the punishment to be awarded in the two cases. I have therefore given notice of an

amendment which will come before the Council in due course, that in the case of offences on second class works imprisonment should not be prescribed as punishment. I submit, Sir, that punishment in the case of the two sets of works should not be the same, and it will not be fair to have the same punishment for offences committed on second class works as are set down by law for first class works.

These are the remarks I have to make with reference to this Bill being read a second time.

The Honourable Sir RICHARD LAMB spoke as follows :—Your Excellency,—I did not quite catch the last words of the Honourable Mr. GODBOLE's speech. But what I understood him to say was that he proposes the second reading of the Bill, for which I am very much obliged. When I proposed that myself a little while ago, I was rather under the impression that he was going to oppose it. And now that he supports the second reading I am perfectly pleased to hear that. It has been to me a somewhat difficult thing to appreciate the position my honourable friend has taken up. He appears first of all to wish to scrap the present Bill altogether and substitute something in the form of a new Bill which would introduce the Village Panchayat system, but at the same time he hankers after something in the way of machinery to work irrigation works which have not come under Panchayats, something which differs from the machinery proposed in this Bill. However, Sir, since he has supported the second reading of the Bill, it really does not appear to me to be worthwhile discussing in detail what the Honourable Member has laid before the Council.

Similarly, I find a good deal of difficulty in dealing with the Honourable Mr. UPASANI's remarks. In the course of them I failed to find out for certain whether he was supporting the second reading or was opposing it.

The Honourable Mr. UPASANI :—I am against it.

The Honourable Sir RICHARD LAMB (continuing)—I understand from my honourable friend that he is against the Bill. The Honourable Member has put down a number of amendments to the Bill which will be considered in due course as soon as the second reading is passed. And it will not be necessary to deal with those points until those amendments come under discussion in the Council. What does seem necessary is that I should endeavour to re-state the position which may have got a little obscure in the course of the debate today. The position is that there are a number of works which are called sometimes colloquially second class irrigation works but which it is more convenient to term minor works so as to avoid using the term second class irrigation works which is used in the Bill. These minor irrigation works differ very largely in quality and size; by quality I mean character or kind. Some are mere single tanks with a small channel running from the tank and irrigating a few fields; some are tanks of larger size extending their irrigation canals into several villages. Others are bandhárás, small dams put across the course of streams; and in the case of bandhárás there are a number of works in which Government have expended considerable sums of money in improving the flow of water in the streams. Well, Sir, it is to my mind perfectly clear that in the case of small works which do not affect more than a single village, it is a proposition which may possibly prove workable in practice to appoint local panchayats to manage these minor irrigation works. But it is, I think, clear that it is not probable at all that it will be possible to appoint a pun-

chayat to manage the minor irrigation works which extend beyond the limits of a single village. The Mysore Regulation which the Honourable Mr. GODBOLE holds before us as an admirable example to follow, expressly provides that a Panchayat may be appointed for "any village," that is to say, for a single village. The basis on which he is proposing to adopt some other plan contemplates expressly only the single village works. And I am sorry that while my honourable friend is greatly interested in following this example, he is absolutely unable to give the smallest information as to how the experiment has worked. As the Honourable Mr. CURTIS has said, it is perfectly easy to put on the Statute Book an enactment which looks very beautiful but may possibly turn out to have no effect in practice; and I think it would not be wise to go whole-heartedly for village Panchayats, while we are still in absolute ignorance as to how the regulation in respect of them has been working in a Native State. That the subject is worth inquiring into I have admitted and accepted by agreeing to the resolution in favour of an inquiry which has been moved by my honourable friend; but further than that we cannot go. Still, if we do learn that the experiment made in Mysore is working well and if we do devise a Bill for presentation to this Council for instituting Panchayats in this Presidency, they will touch only a very small portion of the minor irrigation works in the Presidency proper, for they will touch only the minor irrigation works in single villages, while all those works which extend to more than one village, such as in Gujarát the Kalambandi works to which the Honourable Mr. PAREKH referred, or in the Deccan the works so often mentioned the Chankapur Tank, to these the Panchayat Bill will have no possible application. It, therefore, seems to me, Sir, that whatever we may do about the Panchayats, we have to do something about the remaining works which cannot be dealt with by the Panchayats.

The Honourable Mr. CURTIS has explained the course by which we have arrived at the Bill now before the Council. The Committee of 1896 recommended at that time legislation. The Government of 1896 decided to go on trying to do without legislation and see whether the matter could not be worked otherwise. The attempt has failed. It has not been found possible to go on without legislation and the form of that legislation has had to be devised. To carry out that object, existing enactments in Madras, Burma and the Punjab have been referred to, and after several meetings amongst officers capable of dealing with the subject and after further consideration of the reports of the Commissioners, this Bill has been prepared. The Honourable Mr. GODBOLE said that the Mysore Regulation had been prepared by local officers well acquainted with local conditions, and he therefore commended it to us. Sir, possibly I might claim that this Bill also has been prepared by officers well acquainted with local conditions existing here, and I might take that ground for commending this Bill to the approval of the Council. In any case, Sir, it is a Bill which provides only for a discretionary use of power by Government. It is not in the least proposed to make any of its provisions applicable at all to any irrigation works of any kind, of any size, until every body who is affected by it shall have had his full say.

Fortunately there are some portions of this Bill which commend themselves even to our critic the Honourable Mr. GODBOLE. He approves highly of the record-of-rights. The Honourable Sir PHEROZESHAH MEHTA seems to consider that this preparing of the record-of-rights is of very doubtful benefit. Well, Sir, when, not so long ago we had under consideration the amendment of the Bombay Land Revenue Code, and when we

proposed to embody in that Code the Record-of-Rights Act, I was told by my honourable friend that we were effecting a revolution in the land administration of the country. The Bill was passed into law and has been in effect for some considerable time now.

The Honourable Sir PHEROZESHAH :—I did not say that the preparation of the record-of-rights was a revolution. What I called revolutionary was another thing altogether.

The Honourable Sir RICHARD LAMB (continuing)—I must have misappreciated the remarks of my honourable friend. What I understood at the time was that our action in introducing the collection of land revenue based on the record-of-rights was considered by him revolutionary.

The Honourable Sir PHEROZESHAH :—It was the minute sub-division which was sanctioned by law that I called revolutionary.

The Honourable Sir RICHARD LAMB (continuing)—I do not think I failed to catch accurately the point of my honourable friend. We were certainly threatened with a revolution; and the revolution was to result from the legal recognition of the sub-divisions of land. These sub-divisions were to be recorded in the record-of-rights and on that record the collection of revenue was to be based. It is exactly this proposal to base all collection of land revenue on those sub-divisions so recorded which my honourable friend said would produce a revolution. The proposal was adopted and has now been at work for some time; and the revolution has not come off. I submit, Sir, in this case also there will be no revolution. I predict that when the Act is applied to any particular work or works, we shall find these provisions working with singular smoothness. The record-of-rights will be prepared in just the same way as the settlement register is prepared under the Land Revenue Code, and the entries in it will, according to one of the new sections in our Bill—I won't stop to look at the number—be invested with presumptive value as evidence, but they will of course be subject to be altered by the decision of a Civil Court. I do not think that the record-of-rights provisions which have the approval of my Honourable friend Mr. GODBOLE are likely to bring us into any difficulty whatever.

I do not propose, Sir, at this stage to say anything about penalties, because there is an amendment relating to them which will have to be discussed in the future. But that there should be some sort of penalty can hardly be denied. What the penalty should be will of course be considered when we come to consider the particular clause of the new section dealing with it.

There was much in the remarks of the Honourable Mr. PABERH in which I agree. I did not gather from him exactly whether he was going to support the second reading or oppose it. But at any rate, he said, as I understood him, that the works wholly controlled or maintained by the villagers should continue to be so controlled and maintained. I think that should be done so long as they continue to be efficiently managed by the villagers. The only cause for application of the provisions of this Bill will be the failure of the villagers so to maintain and control them. My Honourable friend said that the provisions might well, in his opinion, be applied to the minor works extending to one or more villages, or when the application is made by the irrigators themselves, or where there are disputes. Quite so, I thoroughly agree. In such cases, my Honourable friend, I understood, was willing that these provisions should apply. As at present, the works might be left to the villagers themselves so long as the custom of maintaining the works

efficiently is maintained, and there are no disputes. If there are no disputes, I do not think there will be the smallest possible cause for the provisions of this Bill being applied.

As regards new section 80 to which the Honourable Mr. PAREKH made some reference, it appears to me that that section is purely ancillary. The right of Government in water is declared or enacted in section 37 of the Bombay Land Revenue Code, and this section is merely a declaration as to the right vested in Government when it has added surplus water to irrigation works already giving water to irrigators on works which have been previously constructed by them, or by a previous Government, and such work had been subsequently restored or extended at the cost of Government. My Honourable friend Mr. PAREKH had also something to say about new sections 84 and 85 indicating that he thought that Government should take over all the work of minor maintenance in addition to the work of major maintenance. That, Sir, as has already been explained by the Honourable Mr. CURTIS, does not commend itself, because these works of minor maintenance, which it is proposed to claim from the irrigators, are works, which it is already customary for them to carry out. I understood the Honourable Mr. UPASANI to complain that the Bill did not make provision for the works of major maintenance. But I do not think it is necessary to mention that in the Bill. If the work is in existence and is being carried on, and if we express that the works of minor maintenance are to be carried on by one party, then, I suppose, that the expression of what is the duty of the irrigators leaves it absolutely indisputable that the works of major maintenance which are not laid on them rest with the authority controlling, that is, Government, and it is not necessary to mention it specifically in the Act.

The Honourable Sir PHEEZESHAH MEHTA was sorry and I do not understand whether he is disposed to bring an amendment that this Bill did not provide for the reviving of the old communal spirit. It is, Sir, I am sorry to say only because that communal spirit has so completely failed in some instances to carry on the work that we have been driven to devise other means for the maintenance of the work and the distribution of water. Further, where the communal spirit revives and is capable of carrying on the work of exactly distributing the water, I certainly do not wish to interfere by the application of the provisions of this Bill at all, and if it is found advisable that there should be a Panchayat Bill the work might very well be left to the Panchayat's management. But where communal feeling does exist, in all probability they will get on very well without any Act at all. They will come neither under the provisions of this Bill nor under the provisions of the Panchayat Bill.

I should like to refer to one point regarding the Panchayat Bill which the Honourable Mr. GODBOLE desires us to prepare, and I would remind the Council that in speaking on the first reading, I said that it is possible that where the work is quite a small one affecting only a single village a Panchayat could be formed, but, at any rate, in our opinion, it is premature to say that it can be done, and it appears to us preferable to leave the matter over until we shall be able to introduce in this Council a Village Panchayat Bill. Well, Sir, the Panchayat Bill to which I there referred was one of a general nature, not relating specially to minor irrigation works. It is a somewhat unfortunate measure which has been under consideration for some little time, and has not so very long ago been before the Government of India for consideration. It has come

back again from the Imperial Government with a number of criticisms and comments and queries which do not render practicable the placing of such a Bill before the Council at an early date and it is a matter which will have to be postponed for an indefinite period. In these circumstances, I am not unwilling to consider the point raised by the Honourable Mr. GODBOLE that we might conceivably have a Panchayat Bill for minor irrigation works. If it is found practicable, we might try that as an independent measure and work it as an independent Bill.

Well, Sir, the time is getting on and I do not think I have anything more to say, although I could make passing comments on other things that have been said in the course of the debate, but to save the time of the Council, I will conclude by saying as I said at the beginning of my remarks that I propose that the Bill be read a second time.

Irrigation Amendment Bill read a second time. His Excellency the PRESIDENT:—The question is that this Bill be read a second time.

The motion was then put to the vote and carried.

Clause 1 and new section 71 were then put to the vote and carried.

His Excellency the PRESIDENT:—New section 72, the Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—My Lord, section 72 as it now stands runs thus (reads).

It does not define the second class works or the first class works nor exactly show what works are meant to be included in the definition of "second class". To remove that doubt I have proposed this amendment. I suggest that section 72 do stand as follows. I will read my motion. (Reads). This will clear the doubt and I think it will be desirable as these terms are referred to all through the new Bill. I need not, I think, take up more time of the Council but I would reserve the few remarks that I may have to make in reply if there is any objection to my amendment. I believe there will be no objection if the Honourable Member in charge is disposed to adopt them as they stand.

The Honourable Mr. G. S. CURTIS spoke as follows:—

Your Excellency,—I venture to submit to the Council that the Honourable Mr. UPASANI's amendment will not do. It will be noticed that there is a sentence in the definition which runs "Any private Irrigation Works which may be the property of a single individual or family, though the same be enjoyed by separated members or those claiming through them, shall not be liable to be constituted Second Class Irrigation Works".

Now, Sir, Honourable Members of this Council, those at any rate, who are familiar with the conditions of the holders of property in irrigated villages, will see at once that this last sentence of the definition of second class irrigation works makes a very great difference. It is not only the property of any single individual that will be affected, but any irrigation which is owned by a family, not merely a joint Hindu family proper, but also persons claiming through separated members. Now, Sir, if we construe that sentence very closely, we shall find that it would be perfectly possible to bring almost every tract in the Deccan under that definition. Practically every tank irrigates an area which was originally held by the founder of the village and his relatives. In course of time the

vendor has gone away and the separated members have disposed of their shares. No doubt at the present moment, on paper a large portion of irrigators appear with the same family name but in actuality they differ. They have claims based on transactions with separated members in the past. Therefore, Sir, I regard this definition of the second class works as entirely unsuited.

Apart from that, with regard to the first and second class irrigation works, I submit, Sir, that every body knows what a first class irrigation work is. As regards the expression second class works that is fairly clear from section 73. It depends on the notification of Government. I admit, Sir, that the term second class works is not a very happy one. Possibly the Punjab term "minor irrigation works" would be a better one. But it really does not matter by what name it is called. The point is that the classification of the work depends upon the notification under section 73. In any case I submit, Sir, that the latter part of the amendment is open to very serious objection and that the Honourable Member's amendment should not be accepted.

The Honourable the CHIEF OF KURUNDWAD spoke as follows:—Your Excellency, I quite concur with the remarks of my Honourable friend Mr. CURTIS that the terms first class or second class irrigation works should be defined and that it is most desirable. At the same time to restrict it and not to apply the conditions of this Act in individual cases is to vitiate the object of the Act to a certain extent, and I would suggest that as far as the definition goes, I have no objection to it. But I would suggest that the words "any private irrigation works.....", to the end, should be omitted from the amendment if the amendment is to be carried.

His Excellency the PRESIDENT:—Does the Honourable Member wish to move an amendment?

The Honourable the CHIEF OF KURUNDWAD:—Yes, my Lord. I suggest that the words "any private irrigation works....." should be omitted.

His Excellency the PRESIDENT:—Is the Honourable Mr. UPASANI prepared to accept that?

The Honourable Mr. UPASANI:—No, Your Excellency.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE spoke as follows:—Your Excellency, I want to make a few remarks with reference to what has been said by the Honourable Mr. CURTIS. He said that all irrigation works in the Deccan were originally intended to irrigate the property of one family only. I understood him to say that the irrigated area under each work belonged originally to one individual and his family. That position to my knowledge is not correct. The Bandharas and tanks in the Southern Maratha Country and other irrigation works are said to have been originally constructed by all the members of the village community. All the substantial cultivators of a village combined together and constructed the irrigation works of the village at their joint expense. That seems to be the history of many of these works.

His Excellency the PRESIDENT:—Order, Order. I must remind the Honourable Member that what we are discussing is what the irrigation works shall mean, whether it shall be the canal, channel or anything else. We are not discussing how many families or by what arrangement the irrigation works are worked.

The Honourable Mr. GODBOLE :—I submit, Your Excellency, that my remarks are relevant with reference to the last part of my motion.

His Excellency the PRESIDENT :—That does not entitle the Honourable Member to go into the history how these canal works were worked.

The Honourable Mr. GODBOLE :—I have no more remarks to make.

The Honourable Mr. UPASANI :—Am I entitled to speak on the amendment?

His Excellency the PRESIDENT :—Order, Order. The Honourable Member has a right of reply afterwards.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows :—Your Excellency, my sympathy is with the amendment which has been moved by my Honourable friend Mr. UPASANI. All that I wish to say is that if he can accept the correction which I propose, I would be glad to support his amendment. What I want to have taken off is the portion "though the same be enjoyed by separated members or those claiming through them". If that portion be omitted the rest of it may remain. If the Honourable Mr. UPASANI agrees to that I would support his amendment.

His Excellency the PRESIDENT :—Is the Honourable Member prepared to accept that?

The Honourable Mr. UPASANI :—I will accept that.

His Excellency the PRESIDENT :—Then Honourable Members will understand that new section 72 will all stand until you get to the last paragraph, line six, and leave out "though the same be enjoyed by separated members or those claiming through them".

The Honourable Sir RICHARD LAMB spoke as follows :—Your Excellency, the first part of the proposal I do not think it is desirable to accept, because, it appears to me that it would clash with the definition of 'canal' in the main Act. We have in the Irrigation Act the definition of canal as including tanks, canals, channels, pipes and reservoirs constructed, controlled or maintained by Government. My Honourable friend proposes to add as part of the same Act the following words : "An Irrigation work shall mean and include every canal, channel, stream, river, pipe, or reservoir, natural or artificial, or any part thereof which is actually used or required for the purpose of Irrigation."

It appears to me, Sir, that it is not convenient to have in the same Act (as this Bill when it becomes law will form part of the Irrigation Act) the same definition repeated twice over. We shall have then a separate definition in section 3 of the main Act and supplementary definitions in the new part added to the Act covering the same ground as that which is covered by section 3 of the main Act. The amendment continues that first class irrigation works means and includes every irrigation work constructed, maintained and controlled solely by Government coming within the definition of canal given in section 3 of this Act. It does not appear to me, Sir, that we can in the least be any clearer by adopting such an amendment as that. It appears to me very much clearer to stick to the wording of the Bill and say in section 72 that "this Part X shall apply to Second-class Irrigation Works only." So far as I can see the Honourable Member's amendment does not make provision for them in the enactment at all. It is difficult to understand new section 72 without reading also the proposed amendment of new section 73. The two really hang together. What we propose to enact is that in

section 72 this part shall apply only to second class irrigation works. Then we describe what kind of irrigation works may be declared to be second class irrigation works and make provision for the procedure to be gone through to arrive at such a declaration. My Honourable friend's amendment leaves out the detailed provision which we have made for such inquiry. It makes arrangement for what is to be a first class irrigation work or a second class irrigation work and for the assumption of control by Government, and provides that before making a declaration, a notification is to be issued, but it abolishes all our proposed procedure for ascertaining objections and provides merely that the declaration to be made shall be preceded by a notification of the proposal to constitute the work together with the description of the work. We give four months' time to consider the objections and proposals but he leaves out the details as to how the publication is to be made and where it is to be published. These details which we inserted with much care, the Honourable Member strikes out.

I have to pass on to what is not exactly before the Council now, section 73, because it hangs together with section 72. Our procedure, it appears to me, is distinctly preferable to that proposed by the Honourable Mr. UPASANI. The really effective part of his proposal is that contained in the last sentence of his new section 72, namely, "Any private Irrigation Works which may be the property of a single individual or family, though the same be enjoyed by separated members or those claiming through them, shall not be liable to be constituted second class Irrigation Works." That is in effect what the Honourable Mr. GODBOLÉ is proposing; that is his amendment to new section 73. He proposes to insert in new section 73 the wording "by more than one irrigator." That has the effect of restricting the possible application of the provisions of this Bill to any work in which only one irrigator family is concerned. It appears to me, Sir, that the proper place to consider that would be when we come to section 73. For these reasons I am not prepared to accept the amendment to new section 72, partly because, it will be unnecessary and possibly conflict with the definition when we read it as part of the main Act, and partly because, the portion of the amendment which relates to a single irrigated work will be more conveniently dealt with under section 73.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency, all the Honourable Members will see that even our Honourable friend Mr. CURTIS has not seriously objected to the definition proposed by me excepting the last sentence to which I will refer presently. Our other Honourable friends who have spoken have also no objection to adopting the definitions I suggested with the exception of the last sentence. The necessity for these definitions, my Lord, is this. The present Act, as it stands, applies admittedly to works which have been constructed solely at Government expense, while the present Bill is to refer to works which are admitted to be constructed, managed and controlled by private owners. That distinction should be kept on the record in the Statute Book as the Act is to apply now to both classes of works. All that we speak in the Council will not form part of the Act, and there is no distinction made in the Act as it stands either between major works or First Class and Second Class minor works. Therefore, we must make it clear that the main Act applies to Government works, and this new part of the Bill is to apply to works which belong to the people and which have been under their control. With a view to make that clear I have proposed the definitions to which this amendment refers. I have taken

the definitions almost word for word from the Bill and the Act. First class works are defined to be works constructed solely by Government and coming within the definition of canal given in section 3 of the Act. The definition of the word canal does not include the works to which this Bill is to apply and it is therefore desirable to indicate distinctly and specifically the new works to which this Bill will refer, and for that purpose I have put in the words "Second Class Irrigation works shall mean, and so on".

The Honourable MOVER of the Bill in his speech on the last occasion made it distinctly clear that this Bill was mainly to refer only to works of this nature which I now include in the term 'second class irrigation works'. It is but fair, therefore, that these definitions should be adopted if the Bill is to be understood clearly and to be operative without any prejudice to the interests of the large community whose proprietary rights are to be interfered with under the provisions of this Bill. As to the last sentence, my Lord, I have added it simply with a view to save petty works from the operation of the Act. There are in the Ratnágiri District small private canals only intended for the use of single private houses. It is not intended that these very small and petty works should be taken under the Act. As the Honourable MOVER of the Bill has said, it is only in the case of very large works that Government help will be required and control will be undertaken by Government. Therefore there can be no objection to the definitions proposed by me being accepted as I have shown them to be necessary, and, I think, they will be adopted.

The motion was then put to the vote and lost.

New section 72 was then put to the vote and carried.

His Excellency the PRESIDENT :—New section 73, the Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows :—My Lord, the amendment that I propose in this section is as follows :—

"Whenever it is found that an Irrigation Work used by the ryots of one or more villages is not maintained in good repair and that the persons interested in the enjoyment of its use are not able or willing to incur the expenditure necessary to keep up the water-supply, the Government may undertake to do the required repairs and improvements at its own expense and for that purpose constitute the work to be a Second Class Irrigation Work. In similar other cases also Government may assume control over any such work with the consent of the persons interested or the majority of them in case for any reason they are not able to manage it efficiently. In either case the control thus assumed by Government shall in no way prejudice the rights of the persons entitled to the use of the water from the Irrigation Work but shall be exercised so as to secure them the full enjoyment of those rights more efficiently.

Before making the declaration referred to in paragraph 1 a notification shall be published in the *Bombay Government Gazette* notifying that it is proposed to constitute the work a Second Class work and specifying therein, as nearly as possible, a full and correct description of the work, its situation, limits and source of supply and not less than four months' time shall be allowed for submission of objections to the proposal."

My reasons for this, my Lord, are as follows:—The amendment which I proposed in the first section was with a view to indicate to what works this Bill was to refer, and the amendment which I now propose in this section is meant to show under what circumstances control over the works may be taken away from the hands of the irrigators who are the proprietors and assumed by Government. The main circumstances under which it may be necessary for Government to assume the control are stated in the proposed amendment. Our friend the Honourable Sir RICHARD LAMB stated these to be the circumstances under which Government would interfere or take the control in its hands, and there should therefore be no objection to the amendment which I suggest being accepted. If we leave absolute power for Government under the section as it now stands there will be no safeguard to protect the rights of the people, and even when their ownership is not recognized by adopting the definitions which I suggested, there is greater necessity, I beg to submit, to expressly limit Government's interference with their rights to circumstances which may justify it, and the amendment I propose sets forth the circumstances under which control may be taken up by Government. Taking away the control means a serious thing to the people as it will not only prejudice their proprietary rights but also it will subject them to liabilities with which they are not at present charged. It was stated by the Honourable MOVER of the Bill at the last meeting that Government would interfere only in those cases where people might not be able to manage the works themselves or where they might not be able or willing to incur the expenditure required and it would be necessary for Government itself to do it. I have proposed the present amendment to embody that assurance in the Bill and also because there is no provision in the Bill as it is drafted, as regards the responsibility of Government with regard to repairs and improvements necessary for the works when taken under Government control. The Honourable MOVER assured us a few minutes ago that this is implied. But when we are making legislation, it is not proper to leave anything for implication. If what I urge is understood and if that is the actual understanding, it is fair on both sides that that understanding should be recorded and the amendment which I suggest is with a view to give written expression to that understanding. That being the case, I hope, my suggestion will commend itself to Honourable Members of the Council. I will not take up more time but with these few remarks leave the motion to the Council.

The Honourable Sir RICHARD LAMB spoke as follows:—Your Excellency, as Member in charge of the Bill I cannot, on behalf of Your Excellency's Government, accept this amendment. It would in any case, if accepted in principle, require an extreme amount of revision to bring it into accord with the phraseology of our Act and quite apart from its phraseology, it appears to me very undesirable to attempt to lay down in an Act, the precise conditions under which a declaration may be made. I have already stated that I agree with the Honourable Mr. PAREKH generally as to the conditions under which a declaration might be made for the application of the Act. But to attempt to define in the Act the only conditions under which such declarations might be made, appears to me to be unwise. I do not think this amendment can be accepted.

The amendment of the Honourable Mr. UPASANI was then put to the vote and lost.

His Excellency the PRESIDENT:—Section 73 (1) (a) and (b). The Honourable Mr. GODBOLE.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE spoke as follows:—Your Excellency, the amendment of which I have given notice is that in new section 73 the words 'by more than one irrigator' be inserted before the comma preceding the words 'a Second Class Irrigation Work' in clause 2, section 73, sub-section (1) (a).

The object of my amendment is to exclude the work of one irrigator only. I do not think, Sir, that such works should come within the purview of the Act. The works are private. They are intended to irrigate one man's holding only, and there is no reason at all why Government should interfere in a case like that. As I have said, the work affects the interests of one person only and that person is the owner of the work. And the State should certainly not intervene in the case of such works. Government are concerned only in the interests of such works as affect a large community and not when they affect only one person.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows:—Your Excellency, I support the amendment. Your Excellency will see that in the Select Committee's Report, the majority says "the Honourable Mr. GODBOLE proposed that tanks used by a single irrigator only should be specifically excluded from the Bill. But the Committee held that their exclusion was unnecessary, as such 'one-man tanks', apart from any exceptional cases that might arise, will not in fact be notified under this Amending Act". Your Excellency will see that it is not the intention except under special circumstances to notify the tanks which are owned by single owners and I really cannot conceive what difficulty can arise by excluding works of irrigation so long as they remain the property either of an individual or of an undivided family from the operation of this measure. I submit that no difficulty will arise if the amendment as it is suggested is accepted.

The Honourable Mr. HARCHANDBAI VISHANDAS spoke as follows:—Your Excellency, in support of what has fallen from the Honourable Mr. PAREKH, I would like to read the dissenting minute of the THAKORE OF KERWADA which contains very sound reasoning. It runs thus:

"While agreeing with the principles of the Bill, I cannot conceive of an instance which could ever necessitate the declaration of a 'one-man tank or well', for the purpose contemplated by this Act. The bare assertion that 'in fact such tank will not be notified' is not enough, when we do not recognise such exclusion while we legislate. I, therefore, submit that some safeguard is necessary, and I do apprehend that in the absence of a clear expression to that effect in the Act, difficulty may arise in case a tank or a well which is constructed by a Thakor or a talukdar or any proprietor, is notified, for there is nothing in the Act to prevent such tank or well being notified."

As was pointed out by the Honourable Sir PHEROZESHAH MEHTA the other day, it is not enough that there is an understanding, but that if the real intention is to exclude such tanks, the best method is to say so expressly in the legislation.

The Honourable Sir PHEROZESHAH MEHTA spoke as follows:—Your Excellency, I beg to support my Honourable friend Mr. GODBOLE's motion. I thought from the remarks that my Honourable friend Sir RICHARD LAMB made when controverting the amendment of the Honourable Mr. UPASANI that he was prepared to exclude the provisions of the Act applying to one-man's holding, and I think with very good reasons. I see my Honourable friend firmly shakes his head and is quite firm about it. But I

really ask my Honourable friend if in opposing the Honourable Mr. GODBOLE's amendment we are not very near confiscation? If not confiscation, what is it that you are going to do? Here is the work which belongs to only one man and you say we shall have control over it. To my mind it is perilously near confiscation. What does the Select Committee wisely say about it? They do not deny that it ought not to be brought under the notification as a rule. But they point out that if the works are not specifically excluded that might lead to some difficulties in view of the joint family system in India. If that was a good reason, why we ought to give power to confiscate a large number of properties which belong to the joint family system in India? I ask my Honourable friend, whether that is a right attitude for Government to take up in matters of this kind, to take away private rights in this fashion and for such a reason. When you go on to say that one-man tanks ought to be dealt with under the provisions of this Act by a simple notification by Government, then his control over it can be infringed in all sorts of ways as provided in the Act. It really seems to me—if it does not exclude one-man tanks—we would be perilously near what I may fairly call confiscation.

The Honourable Mr. G. S. CURTIS spoke as follows:—Your Excellency,—I beg to point out that there is nothing in the present Bill to prevent any person concerned who may claim to be affected by the decision of the revenue officers from going to a Civil Court at once. And, Sir, there is a further section 79, wherein the commutation of rights are clearly indicated, from which it may be inferred once more that any person who may claim to have been damaged or injured can have at once recourse to a Civil Court. There is extreme difficulty in accepting the amendment of the Honourable Mr. GODBOLE, because, one irrigator may under the joint family system represent three or four or even 500 persons. And it is almost impossible to prevent any exception of this sort being misused. Therefore, I submit, Sir, that this amendment should be rejected.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency, as I am in full sympathy with what the Honourable Mr. GODBOLE proposes, I need put in one word only. Even now if under the Land Acquisition Act, any small piece of property is to be taken up, we have to pay compensation. Under this Act we are not to give anything. We are to take away the control over the Irrigation works from the hands of the owners without their consent and without any payment to them and that being the case no private man's interest will be safe. I submit that even when a village is concerned there ought to be some limitation on the powers of Government to take that control. But no limitation has been placed and there is therefore the greater necessity for protecting at least individual rights. If it is not done, no property in the Presidency will be safe. It may be urged that if the owners wish to stand on their own rights they may go to Court but they will be driven to it on unequal terms, Government on the one side and the poor men on the other. And the power of deciding finally is vested in Government. On the one side we are assured that Government will deal only with works on which large sums of money have been expended by Government, and where it is quite necessary for the help of Government to be given. And on the other hand even when one single man has a small property managing it himself alone in an humble way, then in that case also Government wants to assume control. Will this stand to reason? I think it is for the Council to decide and say whether such a course is fair. I think that we ought not to disregard the private rights of property-holders altogether.

The Honourable Ráo Bahádur SHÉRINIVAS KONHÉR RODDA spoke as follows:—Your Excellency, my Honourable friend Mr. GODBOLE's suggestion is full of sense, and therefore, I fully support it. The laws which we legislate are for things as they stand and we are not legislating for posterity. The single irrigator has his private property and then he has full control over it to deal with the whole field. If by the joint family system brothers are divided and each brother holds his portion, and sells them to others then it seems to me that it ceases to be a single man's property and Government may at any time bring this law into operation by their notification and declare the tank as a second class tank. There will not be the least objection in that case to exclude a tank in the possession of a single cultivator from the operation of this law. With these few remarks I support the Honourable Mr. GODBOLE's amendment.

The Honourable Sir RICHARD LAMB spoke as follows:—Your Excellency, I am sorry to say I am entirely unmoved by what I have heard.

The Honourable Sir PHEROZESHAN:—You are very hard-hearted.

The Honourable Sir RICHARD LAMB (continuing): I do not know about being hard-hearted, but I flatter myself I am fairly hard-headed, and that I am not one to be influenced by specious, plausible arguments with nothing whatever substantial in them. I protest particularly against the term confiscation in respect of this clause. I do not understand how any Honourable Member can use the word confiscation when it is proposed to apply to any particular work a series of sections which provide for a record-of-rights. There must of necessity be prepared at once and as a first step a complete record-of-rights. I cannot conceive how it is possible that any man affected can stand to lose any rights which he possesses at the time of the application of the Bill to the minor irrigation works in question. All rights that he possesses are safeguarded to him by that provision itself of the preparation of a record of the rights which then existed. And if there be, in consequence of the necessity of a work, any occasion for limiting any man's rights, it is expressly provided that he shall receive proper compensation therefor.

As to the convenience of accepting such an amendment as is proposed by the Honourable Mr. GODBOLE, I should like to cite an instance of the inconvenience that will be caused by the acceptance of such an amendment. We will suppose that there is a stream and on that stream there are four bandharas, A, B, C and D, A near the head of the stream, B lower down, C further down and D furthest down the stream; that Government have taken measures to improve the flow of water in that stream, and that the bandhara A can come under the operation of this Bill if it becomes law without any objection, as also bandhara B. But when we come to bandhara C, we may find that it is in the possession of one single irrigator. Then if the Honourable Mr. GODBOLE's amendment is adopted, we shall be unable to deal with that bandhara; and going on to bandhara D we may find that it can come under the provisions of the Act. So that when we are notifying and declaring under the Act the minor irrigation work which includes the bandharas A, B, C and D we should be entitled to go ahead with the bandharas A, B and D, but as regards bandhara C that will be excluded by the adoption of the Honourable Mr. GODBOLE's amendment. I hope I have made it clear.

The Honourable Sir PHEROZESHAN: You can acquire those rights in different other ways.

The Honourable Sir RICHARD LAMB (continuing): My submission, Sir, is that instead of acquiring a right you preserve the right. We will record his rights in the record-of-rights

under this Bill, whereas if we adopt my honourable friend's suggestion, we will have to cancel them. Which is the better thing, I ask to secure him in the possession of his rights or to acquire them compulsorily? I submit, Sir, that it is much better to secure. And it is much better for the administration of all the works, the second class irrigation work which comprises the four bandharas, that all the four bandharas should be able to have their record-of-rights prepared for them, and therefore should be dealt with as provided in this Bill. This will be a course far preferable to acquiring under the Land Acquisition Act. I submit, therefore, Sir, that the amendment should not be accepted.

The Honourable Mr. KASHINATH RANCHANDRA GODBOLE spoke as follows:—Your Excellency, I have heard the arguments advanced by the Honourable Mr. CURTIS and I must confess, I am not convinced by them at all. Suppose a man has constructed a small tank in his own field for giving water to his own lands. Now is it contended that it is desirable in the interests of the State to acquire this man's tank and to tell him that he must repair it in a particular way and so on? The tank is his private property. He repairs it at his own expense and he uses it for himself. There is no interest involved at all except his own. Is it right that we should legislate that all these small one Irrigator works (of which there are many, as my Honourable friend Mr. UPASANI has said in the Ratnágiri District) are liable to be taken over by Government? If you are to notify private properties like that, there will be hardly any safety for private property (Hear, hear). As I said, when I put the motion before the Council, had there been 10 or 15 persons interested in the work and if there were many disputes likely to arise amongst them it would have been right that the State should step in. But in the case of one man works—I know of a friend of mine who has constructed a tank in his own field, and that tank is irrigating 5 or 6 acres of his land—in the case of such a man the Collector should not have the power to go and say to the man “this work of yours will be brought under the Irrigation Act.” That I maintain would be a great hardship. I, therefore, hope that the Honourable Member in charge of the Bill will accept the small amendment that I have put before the Council.

The amendment was then put to the vote and declared to have been lost.

The Honourable Mr. GODBOLE: I ask for a division.

Voting Lists then went round and on the votes being recorded by the Honourable Members the Lists were submitted to His Excellency the PRESIDENT. A consultation took place between His Excellency the PRESIDENT, the Honourable Members of the Executive Council, the Chief Secretary, the Secretary to Government, Legal Department, and the Secretary to the Legislative Council.

After the consultation His Excellency the PRESIDENT said:—I am very sorry to keep Honourable Members waiting, but a very interesting situation has arisen which we are not quite clear about yet.

The Honourable Sir PHEROZESHAN:—May I suggest, Your Excellency, to adjourn the Council till to-morrow.

His Excellency the PRESIDENT:—No, I do not think so. I think we should be able to deal with the situation in a moment.

The consultation continued for a few minutes after which His Excellency the PRESIDENT said:—Order, Order. I think on the whole it would be well if we accept my

Honourable friend Sir PHEROZESHAN'S suggestion. But before we adjourn, I should like to tell Honourable Members that the interesting situation which has arisen is this : that there is an equality of votes and although we have been making strenuous efforts, we cannot discover up to the present moment whether the President is entitled to a casting vote. We propose to adjourn at the moment and we will try and discover some way to meet the situation and will meet you at half past eleven to-morrow, (Hear, hear) when we hope to have the solution of a difficult problem.

Ayes.

- The Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law.
- The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
- The Honourable Mr. Ghulam Muhammad walad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.
- The Honourable Mr. Fazalbhoj Meherally Chinoy.
- The Honourable Mr. Kashinath Ramchandra Godbole.
- The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
- The Honourable Sir Jamsetjee Jeejeebhoy, Bart.
- The Honourable Mr. Balkrishna Sitaram Kamat.
- The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.
- The Honourable Mr. Navroji Dorabji Khandalavala, LL.B.
- The Honourable Mr. Lalubhai Samaldas Mehta.
- The Honourable Sir Pherozechah Merwanjee Mehta, K.C.I.E., Bar.-at-Law.
- The Honourable Ráo Sáheb Venkatesh Shrinivas Naik.
- The Honourable Mr. Raghunath Purshottam Paranjpye.
- The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.

Noes.

- His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay, *presiding*.
- The Honourable Sir Richard Amphlett Lamb, K.C.S.I., C.I.E., I. C. S.
- The Honourable Mr. Claude Hamilton Archer Hill, C.S.I., C.I.E., I. C. S.
- The Honourable Mr. Prabhashankar D. Pattani, C.I.E.
- The Honourable Mr. R. P. Barrow, I. C. S.
- The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
- The Honourable Dr. D. A. D'Monte, M.D., L.R.C.P. (Lond.), L.M. & S.
- The Honourable Mr. R. W. L. Dunlop, C.I.E.
- The Honourable Mr. W. L. Graham.
- The Honourable Mr. J. E. C. Jukes, I. C. S.
- The Honourable Mr. Jehangir H. Kothari.
- The Honourable Sardár Bhalchandra-rao Annasaheb Patwardhan, Chief of Kurundwad (Senior).
- The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
- The Honourable Sardár Sir Chinubhai Madhavlal, Bart., C.I.E.
- The Honourable Mr. J. A. D. McBain.

Ayes.

- The Honourable Mr. Vithalbai Jha-
verbhai Patel, Bar.-at-Law.
- The Honourable Mr. Abdul Hussein
Adamjee Peerbhoy.
- The Honourable Mr. Manmohandas
Ramji.
- The Honourable Ráo Bahádur Shri-
niwas Konher Rodda.
- The Honourable Ráo Bahádur Ganesh
Krishna Sathe.
- The Honourable Mr. Shridhar Bal-
krishna Upasani.
- The Honourable Mr. Harchandrai
Vishindas, LL.B.

Noes.

- The Honourable Ráo Babádur Raman-
bhai Mahipatram Nilkanth, LL.B.
- The Honourable Mr. J. P. Orr., C.S.I.,
I. C. S.
- The Honourable Sir Henry E. E.
Procter, Kt.
- The Honourable Mr. W. H. Sharp.
- The Honourable Mr. W. D. Sheppard,
C.I.E., I. C. S.
- The Honourable Mr. F. L. Sprott.
- The Honourable Mr. E. G. Turner,
I. C. S.

The Council then adjourned till 11-30 on Tuesday the 17th March 1914.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,

Secretary to the Legislative Council.

Journal of the Proceedings of the Legislative Council of the Governor of
Bombay, assembled under the provisions of the Indian Councils Acts,
1861 to 1909.

The Council met at Bombay on Tuesday, the 17th March 1914 at 11-30 a.m.

P R E S E N T :

His Excellency the Right Honourable Lord WILLINGDON of RATON, G.C.I.E.,
Governor of Bombay, *presiding*.

The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S.

The Honourable Mr. CLAUDE HAMILTON ARCHER HILL, C.S.I., C.I.E., I. C. S.

The Honourable Mr. PRABHASHANKAR D. PATTANI, C.I.E.

The Honourable the ADVOCATE GENERAL.

The Honourable Moulvie RAFIUDDIN AHMAD, Bar.-at-Law.

The Honourable Mr. R. P. BARROW, I. C. S.

The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.

The Honourable Mr. GHULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD
BHURGRI, Bar.-at-Law.

The Honourable Mr. FAZALBHOY MEHERALLY CHINYOY.

The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.

The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (Lond.), L.M. & S.

The Honourable Mr. R. W. L. DUNLOP, C.I.E.

The Honourable Sardár SYED ALI EL EDROOS.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE.

The Honourable Mr. W. L. GRAHAM.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.

The Honourable Mr. J. E. C. JUKES, I. C. S.

The Honourable Mr. BALKRISHNA SITARAM KAMAT.

The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.

The Honourable Mr. NAVROJI DORABJI KHANDALAVALA, LL.B.

The Honourable Mr. JEHANGIR H. KOTHARI.

The Honourable Sardár BHALCHANDRARAO ANNASAHEB PATWARDHAN, Chief of
Kurundwad (Senior).

The Honourable Surgeon-General B. W. S. LYONS, M.D., I. M. S.

The Honourable Sardár Sir CHINUBHAI MADHAVLAL, Bart., C.I.E.

The Honourable Mr. J. A. D. MCBAIN.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA.

The Honourable Sir PHEROZESHAH MERWANJEE MEHTA, K.C.I.E., Bar.-at-Law.

The Honourable Ráo Sáheb VENKATESH SHRINIVAS NAIK.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.

The Honourable Mr. J. P. ORR, C.S.I., I. C. S.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.

The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHOY.

The Honourable Sir HENRY E. E. PROCTER, Kt.

The Honourable Mr. MANMOHANDAS RAMJI.

The Honourable Ráo Bahádur SHRINIWAS KONHEE RODDA.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE.

The Honourable Mr. W. H. SHARP.

The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.

The Honourable Mr. F. L. SPROTT.

The Honourable Mr. E. G. TURNER, I. C. S.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.

The Honourable HARCHANDRAI VISHINDAS, LL.B.

His Excellency the PRESIDENT:—Honourable Members will remember that when we separated last evening there was some difficulty because the state of the votes in the Council showed that they were equal on the amendment of the Honourable Mr. GODBOLE, and we were in some doubt as to whether the PRESIDENT had a casting vote. We have been into the question, and, with the assistance of the Advocate General, have found that in the Indian Councils Act of 1861, section 34, page 11 of our Book, there is a clause which gives the PRESIDENT the casting vote. Therefore, I shall use the prerogative given me under the Act and vote against the amendment.

But I would like to say this, that Government is fully alive to the very strong feeling that exists in the minds of certain Members of the Council with regard to the particular question that was raised in the Honourable Mr. GODBOLE's amendment, and therefore, after the Council meeting was over, yesterday evening and this morning we have been trying to discover some means by which we could, without altering the principles of the Bill, insert some proviso in order to give effect, if possible, to the wishes of the members, and I propose, before many minutes are over, to suspend the rules for amendments and to ask my Honourable colleague, Sir RICHARD LAMB, to move the proviso that we have decided on.

I should like to make this one concluding observation with regard to the general debate that took place yesterday afternoon. There was a certain amount said about confiscation. Well, I should like to enter as PRESIDENT of this Council my strongest protest against any suggestion being made that Government is anxious to use any form of confiscation on either individuals or on the community. Our duty, and I hope we shall always fulfil our duty, is to look after the interests of both owners and the community, and it is entirely with that object that we are framing this Bill; and I trust that our future consideration of this Bill will produce a measure which will be to the satisfaction of all concerned and will be an absolutely fair and just measure in every way. By my casting vote as PRESIDENT therefore the amendment of the Honourable Mr. GODBOLE is lost. I now suspend the rules for amendments and ask my Honourable colleague to move the proviso that we have decided on.

The Honourable Mr. HARCHANDRAI VISHINDAS:—Does not the rule 2, on page 22, also provide for a casting vote?

His Excellency the PRESIDENT:—The Honourable Member may be perfectly correct, but I am quite satisfied that clause 34 at page 11 of the Indian Councils Act of 1861 gives me full power.

The Honourable Sir RICHARD A. LAMB spoke as follows :—The amendment which I propose to move with Your Excellency's permission, the rule requiring notice being suspended by Your Excellency, is

To clause (b) of sub-section (1) of new section 73 the following proviso shall be added, namely :—

“Provided that no artificial reservoir which is actually used for the purpose of irrigation by a single irrigator shall be included in such notification except either with the consent of such irrigator or, if in the opinion of the Governor in Council such inclusion is necessary in the public interests, then without such consent, but subject to the payment, after the issue of the declaration mentioned in sub-section (3), to such irrigator of such compensation for his rights as may be settled in accordance with the provisions of section 79.”

There has not been time to supply copies of this amendment to Honourable Members and I am not perfectly certain that a single reading of the amendment will enable them to grasp exactly the purport of it. I will, therefore, explain it.

Section 73, sub-section (1), clause (a), uses the words “natural or artificial (reservoir), or any part thereof, whether constructed, maintained or controlled by Government or not, which is actually used or required for the purposes of irrigation.” Now to have accepted yesterday's amendment would have been to insert after the words “for the purposes of irrigation” the words “for more than a single irrigator.”

The Honourable Mr. GODBOLE “by more than a single irrigator.”

The Honourable Sir RICHARD LAMB (continuing) :—which would have been inconvenient considering that those words would have equally applied to works required for the purposes of irrigation, so that under my Honourable friend's suggestion we should have had to read “a reservoir,” etc., etc., “which is actually used or required for the purpose of irrigation by more than a single irrigator.” That, I think, would have been a very inconvenient reading and the proper place for providing for the single irrigator appears to be in a separate sentence added at the end of the whole sub-section. For that reason, it is proposed to put the provision regarding the single irrigator into a proviso added after clause (b) of this sub-section (1), and the proviso uses the words which are already used in that sub-section. It speaks of an artificial reservoir which is actually used for the purpose of irrigation, using exactly the same words as are used in paragraph (a) of sub-section (1). It says that where the artificial reservoir is actually used for the purpose of irrigation by a single irrigator it shall not be included in such notification, namely, in the notification which the sub-section enables the Governor in Council to publish. It shall not be included in such notification except in two sets of circumstances. The first set of circumstances is where that single irrigator consents, and I presume there can be no objection to including in a notification the artificial reservoir which is used by a single irrigator where that irrigator gives his consent to the inclusion. Then the second set of circumstances is where the irrigator does not consent, but for the purposes of developing irrigation in the part of the country where the particular artificial reservoir is situated it becomes necessary in the public interests that the tank should come within the scope of the second class irrigation work which it is proposed to constitute. Then where public interests demand it, it may be included even without his consent, but subject to the express provision that, when final notification declaring the

work to be a second class work is issued under sub-section (3) of the section, then there shall be paid to him for his rights such compensation as may be settled in accordance with the provisions of section 79. Section 79 is included further on in our Bill and provides for the commutation of rights.

I hope, Sir, that in these circumstances that proviso will be found to meet the wishes of those who desire to safeguard the estate of the single irrigator under an artificial reservoir. I do not think I need say anything more at this stage on the amendment. If anybody has to say anything on the amendment, I shall reply to him.

The Honourable Mr. GODBOLE:—I would only request, Sir, that the Honourable Member will read the proviso again or ask the Secretary to read it again, because I failed to grasp it fully.

His Excellency the PRESIDENT:—I think perhaps it would be to the convenience of the Council if we were to postpone the consideration now of new section 73; we will have this proviso written out and handed round to Honourable Members. We will go on with the consideration of the remaining new sections and we will then take section 73 at the end instead of at the present moment. I think that will be to the convenience of the Council.

New section 74 was then put to the vote and carried.

His Excellency the PRESIDENT:—New section 75—The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—May it please Your Excellency,—Section 75, paragraph 1, as it stands in the Bill, reads as follows:—(Reads.) Instead of this paragraph, standing as it is, I propose that it should stand as follows:—“Only the following sections and parts of this Act besides Part X shall apply to Second Class Irrigation Works.” This is what I propose to be substituted for the first paragraph. My object is that the words “A Second-class Irrigation Work shall be deemed to be a canal within the meaning of sub-section (1) of section 3” be omitted. I need hardly explain to the Council that the definition of section 3 given in the Act as it stands only refers to canals and channels which are constructed, managed and controlled solely by Government, and the works to which this Bill is to refer are those which are admitted to be constructed, managed and controlled by the villagers themselves and not by Government. Though Government is now to be allowed to assume control, we do not thereby provide for complete transfer of proprietary ownership in them to Government. The consequence of these works being deemed to be canals under section 3 will be to have them regarded as works solely constructed by, and solely under the control of, Government. That anomaly will be removed if the paragraph in question is omitted and made to stand only as I propose.

The Honourable Mr. G. M. BHURGRI:—I rise to a point of order. My Lord, what is the amendment that my Honourable friend is moving?

His Excellency the PRESIDENT:—The Honourable Member is moving what he has got on the paper. He is moving to substitute certain words for the words in the Bill as it stands at present and he is speaking on that. There is no point of order.

The Honourable Mr. UPASANI (continuing):—To make my meaning more clear to Honourable Members, I will read the definition given in section 3 as it stands in the present Act. It reads thus:—(Reads.) This definition of “canal”, as Honourable Members will see, is a very wide one. It includes not only all canals constructed by Government but all channels and other works, water-courses and parts of rivers or streams which are connected with that canal and are required for the maintenance of that work, and it is quite necessary that this definition with regard to the major works constructed by Government should stand as it is, but we have to see whether for the Second Class works which are constructed and controlled by the people it is necessary that they should be treated as coming within this definition. Our object is only to extend certain sections of this Bill to the new works, and, if these sections are specifically named in section 75, will it not be sufficient if we simply say—

The Honourable Mr. CURTIS:—I rise to a point of order. I beg to submit that the Honourable Member's remarks are out of order. He has practically moved a new amendment, in that he wishes to substitute a new definition, new parts, different parts to what are in the Bill. Rather he wishes to propose that certain sub-sections of section 3 shall find a place in this new Bill instead of the whole section as contemplated in draft section 75. I submit, Sir, that that is no part of the amendment of which he has given notice. There is nothing in the draft amendment on page 4 of the *agenda* of this Council to show that any specific sub-section of section 3 might not or should not apply, or that, on the other hand, any sub-section of section 3 should apply. He has not moved any amendments with reference to the sections of the main Act other than Part VIII, that is to say, section 61 *et cetera*, and the addition of section 26. The rest of his amendments are purely literal, and that sub-sections (1), (2) and (3) should be printed *in extenso* in the new part instead of with reference to the main Act. The only actual amendments which he has moved are—

(1) the addition of section 26 ;

(2) the omission of Part VIII.

He is not, Sir, in order in discussing that any part should not apply or any part should apply. I trust I have made myself clear.

His Excellency the PRESIDENT:—I think the Honourable Member is perfectly correct and my Honourable friend (Mr. UPASANI) must confine himself strictly to the terms of his particular amendment as on the paper. He cannot speak on various numbers of sections which are not referred to at all in the amendment he has got before the Council at the moment.

The Honourable Mr. UPASANI:—I will make myself more clear, my Lord. My amendment is:—

For paragraph 1 substitute—

“Only the following sections and parts of this Act besides Part X shall apply to Second Class Irrigation Works.”

That is my amendment and I want this to be substituted for paragraph 1 of section 75, which runs thus:—(Reads.) In fact, the amendment which I propose strictly shows that I want all this portion of the section as it stands to be removed. It requires

that the words "Second Class Irrigation Works shall be deemed to be a canal" should be deleted and the words which I propose should be substituted, and I am within my limits in giving my reasons why I desire that this should be done.

His Excellency the PRESIDENT :—I think if the Honourable Member goes on with his arguments to show what his reasons are, perhaps the Council can get on quicker. Will he kindly do that?

The Honourable Mr. UPASANI (continuing):—My further reason is that, if the paragraph is allowed to remain as it stands, we shall be including in this Bill also clause (d) of section 3, which refers to section 5, which is not proposed to be extended to these minor works. Moreover, the extension of the definition in section 3 to these minor works will take away their character as works belonging to the people and will subject the owners to liabilities which it is not clear are meant to be imposed upon the owners of these minor works. There are rules framed with reference to the first class canal works which I think will not be suited for the second class works to be provided for in this Bill but they will apply to these works if they are deemed to be canals within the definition. There is, therefore, every reason why we should not treat them as canals within the definition, especially when the purpose in view is to apply only a few sections of the Act and not the whole Act to these works. In my amendment I therefore propose that paragraph 1 of section 75 should simply provide for application to these works of the sections referred to in paragraph 2. With this provision our purpose will be served and there is no need to add specifically the further provision that these works shall be treated as canals within the definition given in section 3. We must treat them as second class works and only apply to them the sections proposed to be applied to them. That, I think, will suit all our purpose, and the consequences, which cannot be definitely stated, which will follow the inclusion of these works in a canal as defined in section 3 with all the several extensions which it includes, will be avoided. With these few words for the present I propose my amendment.

The Honourable Mr. G. S. CURTIS spoke as follows :—Your Excellency,—I submit that the arguments advanced by the Honourable gentleman do not support his amendment, in fact the whole of his amendment is out of order as being unintelligible.

The Honourable Sir RICHARD A. LAMB spoke as follows :—Your Excellency,—So far as I understand the position, the Honourable Mr. UPASANI has so far restricted himself entirely to that first paragraph which appears on the *agenda* under the little letter "(c)". He has so far refrained from addressing himself to anything which is said or mentioned in the second and third paragraphs of item little "(c)" of the *agenda*, so that the matter at present before the Council is solely the proposal which the Honourable Mr. UPASANI is making for the amendment of the first paragraph of new section 75. What is to be done with the remaining paragraphs of item little "(c)" is a matter which will be disposed of by Your Excellency in the course of business when we have disposed of this particular amendment relating to the first paragraph of section 75. I do not think there can be any doubt that the Honourable Member has moved the amendment of paragraph (1) of section 75 and has not as yet moved anything else. Whether he is in a position to move it or not hereafter remains to be seen. For the moment we have got a definite amendment laid before us for the modification of paragraph (1) of new section 75, and we can

proceed to deal with that proposition without troubling ourselves for the moment with paragraphs 2 and 3 of that particular item on the *agenda*.

As regards the merits of the proposition, I should like to say, Sir, that I do not in the least understand the position of my Honourable friend Mr. UPASANI. He proposes to leave out the words "A Second Class Irrigation work shall be deemed to be a canal within the meaning of sub-section (1) of section 3" and to use only the words "only the following sections and parts of this Act besides Part X shall apply to Second Class Irrigation Works." But he makes no proposal for omitting from the clause new section 75, so that although he was careful to cut out all the preamble, so to say, of section 3, he nevertheless leaves the whole of that section applicable in the main body of the section itself. What on earth he expects to achieve by this modification, I do not know. We start by saying that it shall be deemed to be a canal and then we say that the section relating to the term "canal" shall be applicable to it. He says, it being deemed to be a canal, let us make the section applicable to Second Class Irrigation Works. What is the difference? We use the correct, legal and technical methods of putting it, so that the definition of the section relating to the "canal" shall apply to the Second Class Irrigation Works. I submit, Sir, that there is little or no improvement; on the contrary, our drafting is far superior to that of the Honourable Member.

His Excellency the PRESIDENT:—I should make my position perfectly clear with regard to the Honourable Member's amendment, in that I entirely agree with the Honourable Mr. CURTIS. I understood, on looking at the agenda, that the only amendment that the Honourable Member had got was the amendment "only the following sections and parts of this Act besides Part X shall apply to Second Class Irrigation Works." The rest seemed to me, and, I think it would appear so to every Honourable Member, as an expression of opinion, and I cannot accept it as an amendment to the Act.

The Honourable Mr. UPASANI (continuing):—Your Excellency,—I confined myself only to the first portion of my amendment, as it was the more important part of the whole of it and I left the other portions untouched as I did not think there was any serious objection to them. My amendments in these portions were only formal and they were suggested in the form in which they stand on the understanding that further time would be allowed for the second reading of the Bill. I expected that time might be allowed and that the amendments as they stand would be taken into consideration in redrafting the Bill. I admit that these amendments could have been made more specific, but even in the form in which they stand their meaning is clear, and I think their necessity will also be realised. In any case at least the first portion of my amendments should be allowed, because I have shown very strong reasons for disallowing the preamble which the Honourable Member says should be allowed to stand. The preamble, as drafted, runs as follows. It says (reads). These words must be taken off, and only the following retained, *viz.*, "to such works the following sections and parts only shall apply." This is necessary because the preamble changes the character of the second class works and that preamble, my Lord, I do not think is necessary for the application of the sections proposed to be applied to these works. If we apply these sections and remove the preamble, we shall do away with the anomaly of treating second class works as first class. The preamble will, in fact, practically amount to a declaration that the second class works which are constructed by the people are works con-

structed solely by Government. That does not appear to me to be the object of the Bill, and, if it is not the intention, I fail to see why we should include that preamble, which apparently is misleading. It is admitted in the Statement of Objects and Reasons, and in the course of the explanation given by the honourable mover of the Bill, that these works are constructed by the people and they are not to be treated as works solely constructed by Government. There was once a proposal to treat these second class works as coming within the definition of canal under section 3 of the Act, but Government's legal authorities, I believe, did say that these works could not be included within the definition of "canal" in section 3, and it was on this very ground that this definition given in section 3 was meant to apply to works constructed solely by Government and could not apply to works constructed by the people. That distinction we have to keep in view, and it is with a view to keep that distinction prominently before us that a separate part is now to be added for these second class works belonging to the people over which Government is to assume control. It is, therefore, the more necessary that a positive negation of the people's rights over these works should not be on the Statute Book. The amendment which I moved yesterday with a view to define First and Second Class Irrigation Works contained sufficient recognition of the people's ownership over the latter; but that amendment has not been adopted, and now, on the other hand, there is to be a positive negation on their proprietary interests if the preamble in paragraph 1 of section 75 is to be retained as it stands. That positive negation ought not at any rate to remain. I think the so-called preamble is not necessary and should be done away with, because it might be interpreted to take away the people's interests in these works which are admitted to have been constructed by the people and to convert them into works constructed solely by Government. What consequences will follow this conversion is not possible now to see clearly with reference to the other sections of the Act. Already these major works are subjected to all the rules framed under section 70 of Part IX, and whereas under new section 89 power is separately given to frame rules in respect of Second Class Irrigation Works, these will be subject not only to the rules which may be framed under section 89 but in addition to all the rules and regulations which have already been framed for the major works under section 70 in Part IX. That being the case, this double hardship will be avoided if we do not treat these second class works as coming within the definition of canals which is given for the major works. My reason for including section 26 —.

His Excellency the PRESIDENT:—Order, order. The honourable gentleman cannot refer to his third paragraph.

The Honourable Mr. UPASANI:—I will not refer to that, my Lord, if you are pleased to rule that I should not do it. I will then only observe that my honourable friend suggested that I have not given sufficiently good reason for removing the preamble, but I believe that the reasons I already urged are amply sufficient and I hope will appeal strongly to Honourable Members because the preamble has the effect of changing entirely the character of these second class works, which I believe, is not intended by Government. In the original draft Bill we had the words "for the purpose of the following provisions" added to the preamble; but even these are omitted in the amended Bill now before us. The omission of these words was made in the Select Committee and of this omission very

short notice has been given. That being the case, it is for the Council and the honourable mover to see whether Government's rights will be restricted by the omission of the preamble in the first paragraph of this section and by the paragraph standing as I propose in my amendment. That is all I have to say.

His Excellency the PRESIDENT :—I am bound to admit that I find it rather difficult to realise what are the dangers that the Honourable Member sees in the particular section of the Bill as it stands, but I would suggest to the Council that this matter has been most carefully considered in the Select Committee and this particular point received the unanimous approval of the Select Committee. So I really think my honourable friend is making himself needlessly alarmed on this particular point.

The motion was then put to the vote and lost.

His Excellency the PRESIDENT :—New section 75.—The Honourable Mr. GODBOLE.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE spoke as follows :—Your Excellency,—The amendment of which I have given notice relates to new section 75 (1) in the portion which specifies the sections of the old Act. The sections of the old Act that are made applicable to second class irrigation works have been specified in this section, and I propose that we should add in the place mentioned by me the words “and after omission of the words ‘or with imprisonment for a term which may extend to one month, or with both’ at the end of section 61 and also of the words ‘or with imprisonment for a term which may extend to six months, or with both’ at the end of section 62.” What I am proposing now is that the clauses that relate to the punishments to be awarded in the case of offences in connection with second class irrigation works should be modified. Sub-section (1) of the section 75 as drafted makes all the offences specified in section 61 of the main Irrigation Act punishable in the case of second class works with fine and imprisonment, and, similarly, the punishments specified in section 62 are made applicable to the second class irrigation works also. What I wish to tell the Council is that the present Bill makes no difference between first class and second class works as regards punishments for offences. The works are essentially different in character and, therefore, the punishments should be different. In the case of second class works the punishments should not be as heavy as they are in the case of first class works. As I stated yesterday, first class works are managed by costly establishments. They are patrolled by guards who warn off offenders. They are hedged in and protected and are frequently visited by the supervising officers of Government. The second class irrigation works, on the other hand, are situated in outlying localities far removed from the head-quarters of talukas and districts. They have no special establishments to guard them, and are surrounded by agriculturists on all sides who carry on their field operations in the neighbourhood. I would request the Members of the Council to refer to sub-section 7 of section 61 of the main Act which reads as follows :—(Reads). If there is any offence of the description specified in this sub-section the delinquent is liable to a fine of Rs. 50 or to be sent to jail for one month. Now, what I wish to submit to the Council is that this will be a hard provision. In the case of second class irrigation works situated in the agricultural district and surrounded by cultivators on all sides, it is always usual to take cattle to the works for watering purposes. A man takes 10 heads of cattle to the tank or to the irrigation channel for watering. He is in charge of the herd; but notwithstanding all the precautions that he might take, it may happen that a stray bullock may go on the

embankment of the tank or to the channel bank and eat some grass there. This is a thing that cannot be helped; but for this alleged offence the Bill as drafted is going to make the man punishable to the extent of one month's imprisonment and Rs. 50 fine. I do not think this will be fair. There is no man to guard the tank or the irrigation channel and there is no one to warn off trespassers. There is no notice put up. Without such safeguards to have an offender of the description I have mentioned sent to jail for one month would, I think, be very hard and it should not be done. Public property must be protected, but it must be protected with due regard to the circumstances of the case. As I have been saying, there should be a difference of treatment as regards first class and second class works and as regards the punishments to be meted out in connection with offences relating to them.

I want also to draw the attention of the Council to section 63 of the main Act. The poor offender on the second class irrigation work is not only punishable with fine and imprisonment, but section 63 of the Act says that any damage that is caused on account of his misdemeanour may be recovered from him if so ordered by the magistrate. The damage can be recovered as arrears of land revenue. I hope I have placed the matter clearly before the Council. I think, Sir, that the clauses with reference to imprisonment in connection with offences in respect of second class irrigation works should be omitted from the Bill. Punishments in the case of these works should be simply fines in addition to making good all damages as permitted by section 63 of the main Act.

The Honourable SHEIKH GHULAM HUSSEIN Hidayatullah spoke as follows:—Your Excellency,—The amendment of my honourable friend is a fair one. No doubt public properties ought to be protected, but in cases of the works, as shown by my honourable friend, Sir, a man is punished or he is held responsible for no act of his. As my friend cited the instances, suppose he takes for water a number of cattle, and one bullock goes astray and does damage. Then he is not only held responsible for the damage that the cattle has done, but he is further punished with imprisonment and fine as proposed in the Bill. Therefore, I think Your Excellency will be pleased to accept the amendment of my honourable friend which is a very fair one.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows:—Your Excellency,—I beg to support the amendment that is proposed by my honourable friend Mr GODBOLE. Your Lordship will see that so far as cases of mischief which come under the Penal Code in connection with these offences are concerned, neither section 61 nor 62 would apply. They would be liable notwithstanding these sections to the higher punishments as provided by the Indian Penal Code. What are then the offences to which sections 61 and 62 will apply? Many of them are offences, particularly those under section 61, of exceedingly trivial character. Under Section 61, acts of mere negligence or carelessness without the slightest intention of causing harm are created offences. Section 62 refers to a little more serious class of cases but still they comprise acts of a very trivial kind which do not demand severe punishment when there is no guilty intention. In such cases I submit the sentence of imprisonment would be too severe and, therefore, looking to the different characters of the works, a lighter punishment ought to be awarded in cases of offences in respect of second class works.

The Honourable Mr. J. P. ORE spoke as follows:—Your Excellency,—I have to oppose this amendment on the following grounds. Much has been said on the assumption

that the wording is to be that the offenders *shall* be punished. What the Bill says is that the offender shall be *punishable*; and it very properly leaves the extent to which he should be punished to the discretion of the magistrate. It seems to me impossible for us to provide for all cases in which a man might be bullied for fear of being dragged before a magistrate. The words as proposed in Mr. GODBOLE's amendment will make that threat none the less serious to the man who is being dragged to the magistrate even if it is only for fine. It seems to be that we must look at the thing from the other point of view. If you do not leave the discretion to the magistrate, any man can commit damage, putting forward the excuse that his cattle strayed from him without his intention and being beyond his control, and so on, and people may go on doing damage, and they will be encouraged to do so because the punishment is light. It is just as well to have something behind you which will act as a deterrent to the offender who might not find the punishment of fine sufficient if it is not accompanied by imprisonment. I do not suppose it is likely to be the case that Magistrates will inflict the punishment of imprisonment except for a very heinous offence, but the section as it is worded rightly leaves to the magistrate power to inflict the heavier punishment in cases in which he finds that the offender deserves it.

The Honourable Mr. G. M. BHURGRI spoke as follows:—Your Excellency,—I beg to support the amendment of my honourable friend. Mr. ORR has just now told us that for small offences discretion should be given to the magistrate and he may use it and he should award heavy punishment only in cases of a very serious kind. I may tell my honourable friend that all grave offences are already provided for by the ordinary law. They are punishable by the Courts by imprisonment. Why, then, should punishment for smaller offences, especially in the Irrigation Act, be left to the discretion of the magistrates specially when section 63 already provides for getting damages repaired and made good by the offenders. I submit, therefore, that a strong case has been made out by my honourable friend Mr. GODBOLE and I hope the Council will accept the amendment.

The Honourable Mr. RAGHUNATH PURUSHOTAM PARANPIYE spoke as follows:—Your Excellency,—I wish to support the amendment of my honourable friend Mr. GODBOLE. I really do not see that the Honourable Mr. ORR's suggestion that punishment should be left to the discretion of the magistrate, whether it should be fine or imprisonment will, if logically considered, hold water. Well, why not then in every case provide that the ultimate punishment for every offence should be fine, imprisonment or death. We shall leave to the magistrate discretion in every case whether the penalty of death should be awarded or not. If the magistrate, after using his discretion, awards the punishment of death, we cannot help. I think myself, however, that this is a larger question, whether imprisonment should be given for an offence which does not involve anything more than mere neglect or carelessness. I think we ought to make a distinction between offences which involve moral depravity and those which are merely offences due to neglect or carelessness, and I think the Council would do well in taking care that we do not award punishment of imprisonment for offences due to mere carelessness or ignorance or neglect. I therefore support the amendment.

The Honourable Mr. G. S. CURTIS spoke as follows:—The argument advanced by the Honourable Mr. GODBOLE yesterday was that imprisonment should not be inflicted—

(1) because the second class works are for the most part a long way off from the head-quarters,

(2) because there is no one to look after the works so that there is extreme improbability of offenders being found out, and

(3) because there is very little chance of an offender being found out, he should be let off very lightly.

Now, Sir, I submit, first of all, that as a matter of fact these works are not a long way off head-quarters. These second class works are extremely numerous in the vicinity of Dhulia, Malegaon and similar centres, where land is valuable. Therefore, Sir, as far as the distance from the taluka head-quarters is concerned, there is nothing in the argument. As regards the general question of punishment for offences against irrigation works, it seems rather difficult to realise, but it is a fact, that not very long ago Mr. GODBOLE was himself Executive Engineer at Malegaon—and he was a very efficient Executive Engineer—and as such he had charge of a large number of these works. A prime feature of his reports of that day, if I remember right, was the fact that he lacked the power to punish persons who committed wilful damage to these works and thereby caused waste of public money. Now, Sir, in point of principle I cannot see why public money expended on second class works should receive less protection than that expended on first class works. There are certain cases in the Násik District at the present moment where water will shortly be distributed by two canals or water-courses in one village, one of these will rank as a first class work and the other as a second class work. There does not seem to me any adequate cause for differentiating between the two classes of work in the same village. If the Honourable Member's amendment is carried, a coolie on first class work can get a month's imprisonment, and for identically the same offence on second class works he cannot get any imprisonment. The Honourable Member seems to differentiate between first class works and second class works. He says that second class works are in agricultural areas with cultivators all round. I have seen a good many first class works which are also in agricultural areas and, as far as I know, there is no external sign or token to differentiate one from the other. Now, Sir, once more, from what the Honourable Member said it might be inferred that the general application of Part VIII of the Irrigation Act was productive of great injustice. I have before me the statement of the cases under that Part arising out of damage to the first class works in the whole Presidency. The total number in the whole of this Presidency in one year was 170. There were 298 persons proceeded against, of whom 119 were convicted. Now, Sir, I submit that shows that, at any rate where first class works are concerned, the law is applied with discretion, punishment being awarded only in extreme cases where the damage is serious. As I understand the position, when the new Part of the Act is applied, a great number of these works will be placed under the control of my Honourable friend's successor, the Executive Engineers of Násik and elsewhere. I see no reason to suppose that there will be more lack of discretion in their action with regard to the second class works than there is in the case of first class works.

The Honourable MOULVIE RAFI UDDIN AHMAD spoke as follows:—I have tried my best, Sir, to find out if there was any reply to the arguments that have been advanced by my Honourable friend Mr. GODBOLE, but I am sorry to say that the official explanation has been more confusing than lucid. I cannot understand, Sir, why this spirit of *non possumus* should be taken up by the officials. It will be impossible for any non-official Member to carry any amendment at all if this spirit is continued. Argument after argument has been advanced in favour of an amendment which is an extremely reasonable one.

My Honourable friend SHAIKH GHULAM HUSSEIN, whose experience is well known, has come forward to support this amendment. If this amendment has even got its supporter in Professor PARANJPE, who has left his usual pensive mood and come forward perhaps because he thinks one of these days some college man might be hauled up before a magistrate for a little offence under the Act and sent to jail. I say, Sir, that there will be no harm whatever if this amendment were allowed to be passed, because, as far as damage is concerned, section 63 provides for it. Well, there ought to be some distinction between pats and tanks. My Honourable friend Mr. ORR says that imprisonment should be left to the discretion of a magistrate and that fine and imprisonment may be added together. Why should not capital punishment be added at the same time? I think, Sir, there is no sense of proportion in this piece of legislation with regard to its penal character, and I believe that in the interests of legislation and as an encouragement to Honourable Members in this House to come forward with reasonable amendments this amendment should be passed.

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows:—Your Excellency,—I rise to support the amendment moved by my Honourable friend Mr. GODBOLE. This Bill is intended principally to deal with second class irrigation works, but it seems to me as we proceed with the consideration of the Bill—

His Excellency the PRESIDENT:—We are not discussing the Bill, we are discussing the amendment.

The Honourable Mr. BELVI (continuing):—My Lord, it seems to me that though we are nominally providing for second class irrigation works, if the whole Bill is allowed to stand in the present form, it means that these second class works are for practical purposes the same as first class works. We are anxious that a distinction should be drawn between works constructed by the people for the benefit of the people and works which are kept in repair by the people under section 34, and we should be treated in the case of those works with some sort of indulgence. The Honourable mover of the amendment has already told the Council that he does not wish to interfere with the punishment of imprisonment which is to be awarded under section 61 or section 62. That seems to me an eminently reasonable provision and in my humble opinion it provides in a reasonable manner for unintentional offences committed in the case of second class works. Of course, if there is any wilful damage done, there is provision made already under the Penal Code and also under section 61 of the Bombay Irrigation Act of 1879. It has also been pointed out to the Council by more than one speaker that, if any damage is committed by anybody, he runs the risk of making good the loss under section 63. We have got so many guarantees provided against any possibility of any wilful damage being done to second class works. Then we should also take into consideration the fact that under section 64 officers in charge of canals which come under the heading "second class irrigation works" will also be included, as the Honourable Mr. UPASANI's amendment has been thrown out. The provisions of section 64 provide that the officers in charge of canals can arrest any person without any warrant and take him before a magistrate or the nearest police station. I submit, Sir, that all these powers are more than sufficient to provide for the safety of second class irrigation works. The argument advanced by the Honourable Mr. ORR has been reduced by the Honourable Mr. PARANJPE to a *reductio ad absurdum*. He has shown that we may as well add the punishment of death and leave it to the discretion of magistrates. It has been argued that it would be unsafe to make a distinction between

the kinds of punishment to be awarded in the case of second class works and in the case of offences against first class works. Now I submit, my Lord, that it is but human nature that officers should be unwilling to part with any power with which they have been once endowed. Just as we, non-officials, resist the powers of officials, so it seems to me that officials are always anxious to retain in their hands as much power as is already vested in them by law and sometimes they are very anxious, to add to those powers, but the Council will see that the important point is that second class irrigation works are not works which are constructed out of the public purse, nor are they works to be kept in repair out of the public purse. The argument advanced by the Honourable Mr. CURTIS thus falls to the ground. In fact, he does not make any difference at all between first class works and second class works. He treats all these works as though they were first class works. I should be prepared to accede to his argument provided the burden which is cast upon the people in respect of water rates and to keep works in repair in the case of second class works were thrown upon Government, but the public purse is not to be taxed in that way. It is we, the people, who have constructed the work, but if we commit any offence, however unintentional it may be, we run the risk of being sent to jail and we are to be left to the tender mercy of the magistrate; and we know that magistrates in more cases than one are extremely nervous in dealing with cases which are brought before them by canal officers, by officers of the Forest Department, Abkari Department or of the Agricultural Department. This is a matter of personal observations, to which I can testify from my experience for more than 20 years at the bar.

The Honourable Mr. H. ARCHANDBAI VISHINDAS spoke as follows:—Your Excellency while supporting the amendment, I have only this remark to offer that the Honourable Mr. CURTIS put a conundrum as to why there should be a differentiation in punishment for offences against first class works and second class works. The reply to that is obvious: the differentiation consists in the works themselves, you have got on the one hand first class works, and on the other second class works. So you should have first class punishment for first class works and second class punishment for second class works (laughter). That is one thing. Another thing is that I am sorry to find that the official members have failed to give sufficient reasons for the punishment of imprisonment they support. Well, coming to the offences that are already provided for the first class works, my view is that even for those such imprisonment should not be awarded, but as it is already there, that question does not arise and therefore we ought to deal with the question that is now before us upon its own merits. Now has the question been dealt with upon its own merits? I would certainly agree with the non-official members who have just now supported the amendment that these are merely technical offences, and such a severe view should not be taken of them as to provide imprisonment for them. Therefore I have pleasure to support the amendment.

The Honourable Mr. BALKRISHNA SITARAM KAMAT spoke as follows:—Your Excellency,—I rise to support the amendment proposed by my Honourable friend Mr. GODBOLE but I do so entirely on different grounds. Logically speaking, I think the Honourable Mr. CURTIS is perfectly right when he says that so far as the result of the damage is concerned, it is just the same whether it is a second class or first class work, and I do not see any distinction whatever in the difference sought to be made by the Honourable Mr. GODBOLE, who pointed out that in the one case the work was protected by Government and in the other it was not. I support this amendment on the grounds mentioned.

by my Honourable friend Mr. PARANJPE. I think unless there is some moral turpitude on the part of an offender, there ought not to be a sentence of imprisonment. I for one do not think that imprisonment ought to be allowed to continue at all in the amending Bill which we have now in hand simply because it finds a place in section 61 of the Act passed in 1879. Even looking to the history of irrigation, I am told, that when this Irrigation Act was passed in 1879, the imprisonment that was provided in the first instance was of either description, whether simple or rigorous, but later on in 1886 the Act was amended and rigorous imprisonment was taken away and the only imprisonment provided was simple imprisonment. This itself shows that the rigour of the law was softened down after an experience of 6 or 7 years, and, if we can soften down the rigour of the law entirely at the present day, I think it will be showing a consideration for a class of offence which, after all, does not fall in the category of moral turpitude, but seems to be only an act of omission, and not a regular or direct or positive act of commission, wilful or otherwise. On these grounds I support the amendment of my Honourable friend.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency,—I beg your leave to support the Honourable Mr. GODBOLE's amendment on a few more grounds than have been urged by the previous speakers. In the first place, my Lord, we have to take note of the fact that these second class works belong to the people, have been managed and enjoyed by the people without any necessity for legislation of the kind that is now being provided, to punish any acts of theirs which are now to be punishable under these provisions. If there was not any necessity until now for this legislation is any reason shown for providing in their case punishments of the same character that are provided for the larger Government works? We now take under management the works belonging to people, and then, at the same time, not only provide for their making good any damage that they may commit, but make them also liable to payment of fine which our friend has consented to retain and is it necessary that they should also be punished in addition with imprisonment for doing acts to property over which they are entitled to joint ownership? If they invade any co-owners rights they are subject to civil action on the part of the owners whose interests they might in any way prejudice. For more serious offences, my Lord, provision is already made in the Indian Penal Code under the head "mischief", and needful punishment is provided including imprisonment both simple and rigorous. It is only for acts which do not come under the Penal Code and which are of a minor nature that this additional provision is to be made and I think that the purpose will be amply satisfied by the imposition of a fine. It will be too much to send a man to Jail for committing acts of the nature stated in this section. Sections 61, 62 and 63, my Lord, among other things make punishable even (reads) mere violation of administration rules, inability or failure to perform the several liabilities imposed by the rules and are we to provide punishment of imprisonment for these acts and for acts of damage to property, which for temporary or special purposes is being taken up by Government for management. Will that be consistent with the ownership of these people that they should be thus dealt with for seeking Government help in this matter? We have to view the matter from their standpoint as much as from the Government standpoint when we have made provision for making good the damage, and the damage is to be assured at the discretion left to the Government's own officers, there is ample provision for protecting the works. Then we have fine and we have the Indian Penal Code for the serious offences. Under section 64 these

illiterate poor people may be taken into custody without a warrant by any petty officer engaged on a canal. Well, all this harassment will be quite enough to deter any man from committing any offence. Then there is another provision in section 66 of Chapter VIII which provides for payment of fine as award to informant (reads). We know in these villages there are factions. There is one man against another, and with this provision for payment of rewards, these cases are bound to multiply. As regards the more important works, there are officers and their subordinates who are always on the alert to haul up people who commit any acts of damage, but even as regards these works the Honourable Mr. CURTIS has told us that during the whole year there were only 170 cases in which it was necessary to convict them. If even with regard to the larger works there is such a small number of cases, is it necessary that we should make special legislation for punishment of petty offences to the smaller works and to award punishment which is considered by all our Honourable friends as unnecessary in the case of those who are the actual owners of the works for which Government is to exercise control with a view to secure for them efficient management. That being the case, I think the view I urge will appeal itself to the Council and that they will support the very small and moderate amendment of my Honourable friend. I myself for my part proposed to go further, but in this small request my sincere sympathies go with him, and I think, considering the interests at stake of the helpless people who may suffer great hardship, this small amendment will, I hope, appeal itself to the sympathy of the Honourable **MOVER** of the Bill himself.

The Honourable Ráo Bahádur **GANESH KRISHNA SATHE** spoke as follows :—Your Excellency, I rise to support the Honourable Mr. **GOBBOLE**'s amendment, and as every Honourable Member is saying that he is supporting the amendment on different grounds, I also take credit of supporting it on quite a different ground. The object of having a penal clause in this special Act is really to deter people from committing offences, and, if this Council would take the sentiments of the people into account, I may say from my own experience that the people who are generally liable to come under the provisions of such Acts hardly make any difference between imprisonment and fine so far as the damage to their character is concerned. Ordinary people consider that a conviction by a magistrate with fine, however small that fine may be, is a blot on their character. That is the experience that I have gained and I think I may fairly say so by my close touch with the people whom I have to deal with in such cases. We might not regard such offences as of great consequence, because the offences, after all, do fall within the category of small offences, and if for similar offences under other minor Acts a sentence of imprisonment is not provided for, I really see no necessity for penalising these offences by inflicting the sentence of imprisonment; and on this ground alone it does not appear to me quite expedient or necessary to provide for such punishment. Even with a fine, taking the ordinary sense which common people take of these convictions, I think it will be sufficient safeguard to protect all kinds of offences against the Irrigation Act. With these few words I beg to support my Honourable friend's amendment.

The Honourable Sir **HENRY PROCTER** spoke as follows :—Your Excellency, I found it rather difficult to follow the arguments that have been advanced in support of the amendment by several speakers. If they object to punishment with imprisonment for all sorts of offences, I can understand it, but which they say there is no objection to offenders against first class irrigation works being punished with imprisonment. They do object.

to imprisonment for offences in connection with second class works. It seems to me that if an offence, against the first class works, is punished with imprisonment, there is no reason why one against the second class works, should not also be made punishable with imprisonment. It has been rather difficult for me to understand why they want to differentiate between offences against first class works and those against second class works as morally they are equally wrong.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA spoke as follows :—Your Excellency, I have tried my best to follow the arguments brought forward by my Honourable friend Mr. GODBOLE and the supporters of this amendment, and yet I am not convinced. I think that the argument given by the Honourable Mr. CURTIS that there is no reason why there should be any differentiation between major and minor works, or as has been put by my Honourable friend Mr. HARCHANDRAI, between first class and second class works, appeals to me. If the provision made in the Irrigation Act at present is really hard, attempt should be made to amend the Act, but the only argument used to differentiate between these two works was given by my Honourable friend Mr. BELVI. He says Government have spent money on major irrigation works ; the minor or second class works are all built and maintained by the people. I believe the Honourable Mover of the Bill, when introducing the Bill said that a large portion of the second class irrigation works were, if not constructed, maintained in good order by Government. Well, if that is so, that is a strong argument in favour of the provision under consideration. If the works were maintained by Government, were kept in good order by Government, and I believe they have spent large amounts—I suppose I am not wrong in saying so—

The Honourable Sir PHEROZESHAH MEHTA :—Where is it provided that they are maintained by Government ?

The Honourable Mr. LALUBHAI :—I believe Mr. CURTIS has explained that to us. If that is so, there is no reason why there should be any differentiation between major and minor works ; and if we really believe that there is a strong feeling against any punishment of imprisonment against crimes under the Irrigation Act, I think the best course would be to move for an amendment of the main Act. As it is, I think there is no reason to differentiate between these two kinds of works.

The Honourable Sir PHEROZESHAH MERWANJI MEHTA spoke as follows :—Your Excellency, my Honourable friend Mr. LALUBHAI tells us that he found it hard to follow all those who were opposed to his view. I may be allowed to say that I find it very hard to follow the logic of the arguments advanced by my Honourable friend Sir HENRY PROCTER and my Honourable friend Mr. LALUBHAI. They say that if major works, as provided in the main Act, can have penal clauses in reference to acts of infringement, why not then have the penal clauses made applicable to minor works also ; but they forget one thing, that the main Act, so far as that point is concerned with regard to major works, is not before us. (Hear, hear.) We are not dealing with that portion of the main Act, and because in the main Act there is what might be considered a dark spot with regard to penalties of imprisonment, I do not see why we should, in dealing with minor works, perpetuate what I consider a great hardship on the class of people to whom these penalties are to apply. My Lord, I have a very strong feeling on this subject. I am sorry that Ali Baba's letters have gone out of fashion and are not read as they used to be in the olden days, where he set forth the hard lot and the despairing resignation with which these men, these ryots and cultivators accept their desolate lot

under Providence in a spirit of wonderful resignation and wonderful patience. Why these poor people, ryots and others are, my Lord, now-a-days absolutely inveigled—I do not use that term in an invidious way—absolutely covered with a net of all sorts of Acts, Excise, Salt, Opium, Abkari and a variety of things, providing for the smallest thing that can be imagined. Of course, the old days when it was possible to imprison an old woman for scraping earth in which there was a little salt are not likely to return now-a-days, but I think we ought to refuse to involve these people and drive them into a mesh of penal clauses upon every possible occasion. In many respects, by simple forgetfulness, or ignorance or indifference, they do something which is opposed to the strict clauses of an Act of this character. Further there is a great distinction, I venture to assert, between major works absolutely constructed by Government and these minor works. These minor works include the smallest possible works, such as a small tank, a well, and with regard to them any default, lapse or negligence is liable to be visited with imprisonment. I say it is hard enough that a fine should be inflicted, but also to be punished with imprisonment is really going too far. If Government are solicitous with regard to these works, I say let them by all means take charge of them and see that they are maintained, but I do venture to put it to the Council whether it is right that these poor men should be made to suffer and made accountable for the smallest lapse and punished with fine and imprisonment. My Lord, it is perfectly true that the sections provide for fine or imprisonment, but we cannot always depend upon the judgement of officers who have to deal with these clauses to see that they are administered without harshness. My Lord, I give the greatest credit to the officials, not only of this Presidency, but of all India, for the way in which they on the whole discharge the heavy and responsible duties which lie upon them, but I do speak from a pretty long experience when I say it is not altogether seldom that we come across judicial officers, magistrates and revenue officers, who are obsessed with their own ways of looking at things and are led away in matters of this character in a way which sometimes surprises and sometimes startles ordinary people, who cannot understand that judgment can go so far wrong in cases of which I can give a long catalogue. Therefore it is, Your Excellency, that I always keenly feel that these people, these ryots, these agriculturists, whose lot is hard enough in all conscience in ordinary circumstances, should not be enmeshed, as far as possible, into a net of penalties, fines, imprisonment and a variety of things. Major works, as I have said, may be constructed and maintained by Government, and are already provided for by the main Act. Let it remain as it is, but to go further and to bring minor works, constructed not by Government but by private individuals and private bodies, within the purview of these clauses, is certainly not just or right. It is not right that, after taking over charge of them not only the charge and control are taken away practically from these people who really own them, but also their ownership that there should be thrown on them responsibility in a hundred different ways, directly and indirectly, for infringing the various sections which are put in the Act for the preservation of these irrigation works. I think it is quite enough to take away the right of ownership, it is quite enough that they should be deprived of what was their own “in the public interests”, for that is the only argument in support of an Act of that character, but having done so, I pray to God that they should be left alone so far as fine and imprisonment are concerned.

The Honourable Mr. R. P. BARROW spoke as follows:—Your Excellency, it is with some little diffidence that I venture to rise after the comments made by the Honourable

Moulvie RAFFUDDIN AHMAD. He seems to think, as far as I could gather from what he said, that when an unofficial member has proposed an amendment an official member ought not to place the other side of the question before the Council; I almost feel I ought to apologise to the Honourable Member for venturing to rise, but it seems to me it is about time to point out that this discussion has been shunted on to a line where it has no business to be at all. I venture to think that any one coming from outside to listen to the debate this morning, not having had any previous intimation on the subject, would be under the impression that a tyrannical Government was bringing in a Bill to get hold of private people's properties and then to punish them as far whenever possible by imprisonment, no matter what they had done. I should like to point out that it is not now a question of our trying to visit some new offence with a new punishment. What we are trying to do is to decide, whether, amongst other things, a particular form of punishment is advisable or not; whether in fact it is wise for us to add it to the other powers we have for punishing offenders. That is the only question before us. No member of this Council can for one moment suppose that it is proposed to direct all magistrates dealing with offences under this clause to award the punishment of imprisonment in all cases. What is desired is that in really bad cases in which fine would be an inadequate punishment it should be possible to award imprisonment.

Another point I would like to make is this. Some of the previous speakers have dealt with the question as though petty acts of mere negligence were to be punished by imprisonment. Have these Honourable Members read the Irrigation Act? Have they read the section which we are endeavouring to deal with now? Did they not hear the explanation given by the Honourable the Chief Secretary? What do these sections provide but punishment for deliberate offences? My friend the Honourable Mr. GODBOLE drew a most moving picture of the poor man who took cattle to graze near a tank, who did all he could to drive them down to the water without damaging the embankment, but, one of whose animals strayed with the result that the man would be at once put into jail. He did not give us the other side of the picture and he omitted to point out, as he should have pointed out, that a case of that sort is untouched by the penal provisions of the Bill. For a matter over which he has no control a man would not be punishable under this clause of the Bill which says (reads). Does that cover the case of a man whose bullock strays. The straying of a bullock will not cause a man to be hauled up before the Courts.

The Honourable Mr. GODBOLE:—It is a very easy way to say to people outside that it is not a case for hauling him up. Directly you get a chance of hauling him up, you will do so.

The Honourable Mr. BARROW:—I understood it to be so from my Honourable friend's arguments.

The Honourable Sir PHEROZESHAH MEHTA:—Do you refer to me? Mr. GODBOLE has been from the very beginning against the system of imprisonment, of which we have enough.

The Honourable Mr. BARROW:—We are not as a rule anxious to punish by imprisonment.

The Honourable Sir PHEROZESHAH:—I do not know that, Mr. BARROW, I have seen very sad instances of Mamlatdars and other magistrates not using proper discretion in meting out punishments.

The Honourable Mr. BARROW :—I am addressing His Excellency. Another curious misunderstanding underlies the arguments of some members who have spoken. We are asked what advantage there is in providing punishment under the Irrigation Act when it is already provided for under the Indian Penal Code? Section 61 of the Act makes it clear that the offences described therein are punishable under that section only if they do not amount to offences which can be punished under the Penal Code. There is a great difference, I think you will find, between the spirit actuating the punishment under the Irrigation Act and under the Indian Penal Code. To punish mischief under the Indian Penal Code, you must prove that a man did commit an act with intent to do something likely to cause damage or injury; these cases of damage or injury in connection with second class works, which it is proposed to make punishable under the Irrigation Act, are cases in which it might be very often extremely difficult to prove to the satisfaction of a magistrate that there was intent to cause damage. Under the Irrigation Act it is sufficient that the man should voluntarily and without proper authority do damage to the property of another. I repeat that that which is punishable is an actual offence and not an act of mere ignorance or negligence; a deliberate attempt to commit an offence against the community owning a tank.

The Honourable Sir PHEROZESHAH :—But still unintentional.

The Honourable Mr. BARROW :—It is not intended to punish an unintentional act at all. I venture to think that the Honourable Mr. GODBOLE was rather disingenuous when he took as an illustration the very least of the offences which are dealt with by the section. There is a far more serious offence equally punishable with the others, namely, that of the man who voluntarily damages a canal or diminishes the supply of water or commits damage to the tanks. I think he should have laid stress on the one as much as on the other. We have the old argument trotted out that you cannot or ought not to trust a magistrate with any power at all, because he may misuse it; the Honourable Sir PHEROZESHAH told us that he had a very long experience on which he could draw, if he wished it, to show us what terrible things some of the Mamlatdars, magistrates and revenue officers did sometimes. Fortunately, he spared us the account of them all, but he might perhaps have put before the Council another fact that there is a very large number of Mamlatdars, magistrates and revenue officers outside that grade who can be relied upon and who do their duty not only by the State, but by the people.

The Honourable Sir PHEROZESHAH :—Yes, they do.

The Honourable Mr. BARROW (continuing) :—I won't detain the Council by any further remarks, Sir, except once more to call attention to the fact that we are not devising a new specific punishment for offences in connection with second class works. The one question before us is whether, in addition to the punishment of fine, we should not be well advised to have up in our sleeve the alternative punishment of imprisonment. One Honourable Member said that it is wrong to provide a penal sentence for any act not arising from moral turpitude. I take it there is any less moral turpitude in offences against second class than first class works. I do not see that there is any difference. If Honourable Members are afraid of the possibility of punishment by imprisonment, they ought I think to go further and say there should be no risks even of a fine because in default of payment of fine a man may be sent to jail.

The Honourable Sir RICHARD A. LAMB spoke as follows :—Your Excellency,—I am sorry to have to begin by taking exception once more to a phrase used by my Honourable friend Sir PHEROZESHAH MEHTA. Yesterday I had to protest against his using the word “confiscation.” That protest Your Excellency has been so good this morning as to confirm and emphasize. I am sorry that my Honourable friend Sir PHEROZESHAH was not here to listen to that confirmation. As it is, he has thought fit to use the phrase now of this Bill *taking away the right of ownership* from certain persons. I beg to lay before this Council that this is a very serious misdescription, I will say, of the effect and character of this Bill, and I do not think that, in arguing a case as to whether there should or there should not be imprisonment in respect to certain offences which have been dealt with in the Bill, that it is at all justifiable to bring in such a serious misdescription of the effect of this Bill. I feel bound to say, because I feel strongly, that it is not right that this Bill should be described as confiscating or taking away the right of ownership. It cannot possibly do so.

I will now pass on to the particular question which is now before the Council, and that, as the Honourable Mr. BARROW has rightly pointed out, is the one single question whether in the case of offences committed in respect of Second Class Irrigation works there shall be a power to impose a sentence of fine only or imprisonment, or both, sentence of imprisonment of either description. That is the one issue which is before us. In the main Act there is provision made for a sentence of fine or imprisonment or both, and I think the Honourable Mr. KAMAT was under a misapprehension when he stated that the imprisonment had been reduced subsequently to simple imprisonment only. The words which were struck out of the original Act were “imprisonment of either description,” but the effect of the Act remains exactly the same, because under the Bombay General Clauses Act of 1904 the word “imprisonment” when used in any local Act means imprisonment of either description. Therefore he was under a misapprehension when he said that the main Act provides for simple imprisonment only. Well, Sir, the main Act provides for fine, imprisonment or both in respect of offences that are committed in regard to what we are accustomed to call major irrigation works. These major irrigation works are constructed and maintained by Government both as regards major maintenance and, to a large extent, as regards minor maintenance also, although there are certain liabilities on the irrigators in respect of works of minor importance, such as the keeping up of water courses, etc. The question is whether in respect to Second Class Irrigation works there should be the same liability to punishment or whether there should be the liability to fine only. The Second Class Irrigation works are *ex hypothesi* works which have been constructed and maintained by the people themselves whether with or without the addition of Government support and maintenance. A Second Class Irrigation work will not become a Second Class Irrigation work under the Act until it has been declared and notified, and for the most part those that will be declared and notified under the Act will be works in which Government has taken a share, and therefore, speaking generally, we may take it that the Second Class works to which the sections will be applied will be works which are partly maintained by Government in respect of major maintenance, and partly or largely maintained by the irrigators themselves in respect of minor maintenance. I have not heard, Sir, any substantial reason of any kind or description put forward why a work which is maintained partly by Government and partly by the people themselves should receive any less protec-

tion in the matter of offences committed against that work than a work which is maintained wholly or partly by Government alone. I submit to this Council that the Second Class Irrigation work which is maintained, as regards the minor maintenance, largely by the people themselves, requires just as much protection in the matter of punishment of offences committed against it as works maintained solely by Government. I do not understand on what ground Honourable Members support the proposition that where owners are very largely private persons, a community of irrigators, they shall receive in respect of that work any less protection of their property than is afforded for the property of Government. The only argument that I have detected against that proposition, and which has been very rightly and forcibly pointed out by the Honourable Sir HENRY PROCTER, is that the protection afforded to works owned by Government is itself excessive. That, of course, we are not dealing with at present. The main Act provides the punishment, and we are not at present considering the provisions of that main Act. They can be considered when it appears necessary to do so; and while the main Act remains as it is, I submit the only just and logical course is to extend to the Second Class Irrigation works in which the people themselves are so very largely interested,—their property not being confiscated or taken away,—the same protection of their property as is extended by law to the property of Government. There seems to be some notion that the only people who will be liable to punishment under these clauses will be the irrigators themselves. That appears to me to be a great misapprehension. There is voluntary and unauthorised damage done to irrigation works by people who are not irrigating at all. It is to protect the irrigators from damage from outside that effective sections are necessary, and where a man voluntarily and intentionally does a damage to an irrigation work, it appears to me that it is a false kind of sentiment to call him a poor man. If he is a poor man, he is probably unable to pay fine and he will have to go to jail, all the same, but, at any rate, he is an offender. Whatever his state of wealth may be, he has voluntarily and intentionally committed an offence, and I do not think his mere poverty should protect him from punishment. I think, therefore, Sir, that there is absolutely no reason shown why the amendment of the Honourable Mr. GODBOLE should be accepted.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE spoke as follows:—Your Excellency,—Since coming into this Council, I have come to feel that it is a pity that I have had no training as a lawyer, because that training would have helped me a great deal in the discussions of the Council. This is however only a side remark. With reference to the question which is now before the Council, I will put forth a hypothetical case. Suppose there is private property surrounded and protected by an enclosure of wall and there is an open field belonging to a private individual. There is a case of trespass in the walled enclosure and also a case of trespass upon the open field. The offence is the same in both cases. There is a clear offence of trespass in each case, but will you award the same punishment in both cases? I submit not; the punishment in the case of the walled enclosure trespass should be heavier. In the case of first-class works, there is a regular patrol which goes over the canal from day to day, and warns off trespassers from the canal. The canal is moreover enclosed by hedges. While in the case of the humble second-class work, not only is it situated at a great distance from any town or from any community which we call civilized, but there is no attempt at hedging, there is no establishment in charge, and there is no Patkari or Chowkidâr to warn off offenders. The question is whether the same punishments as regards offences should be awarded in

both cases. Common sense tells me, Sir, that in the case of minor and less guarded works, the punishment ought to be less.

I have been giving reasons as to why the two classes of works should be treated differently as regards punishment. My Honourable friend Mr. BELVI has stated that the principal reason is that the second-class works are private works, owned by the people, and mainly maintained by the people themselves. I coincide with Mr. BELVI in his remarks on this head. The first-class works are works that are constructed by the State at very heavy expenditure, and therefore the punishment in their case might be heavy. But in the case of smaller works of second-class which are not protected, the punishments ought to be less severe.

I have already pointed out to the Council, that section 63 of the main Act provides that the damages in the case of these small works can be recovered by the Magistrate from the delinquents as arrears of land revenue. In addition to this, we have armed the Magistrate with the power of fining the offenders. I submit to the Council that these punishments are quite sufficient for the Second Class Irrigation works.

As regards leaving punishments to the discretion of the Magistrates, that is an argument in which I do not believe at all. If the punishments are to be put down in the Bill, they ought to be specifically and definitely put down, and the discretion of the Magistrate should be as limited as we can make it. Let us tell the Magistrates exactly what powers they have and what punishments they can give.

With reference to the outlying character of the works, the Honourable Mr. CURTIS has been telling us that some of these works are at the head-quarters of big towns and big places, but I can tell him that out of the 8,000 works to which I alluded yesterday, nearly 7,900 are in outlying portions of districts, and only about 100 near towns.

I have no other remarks to offer to the Council, except expressing a hope that the amendment I have brought forward will be carried.

His Excellency the PRESIDENT:—I have a very few words to say to Honourable Members, but I own to a sense of disappointment, and almost of amazement, at what seems to me to have been a want of a sense of proportion in a great number of speeches that we have listened to this morning. I do not say that in respect to all, but I think that before I conclude I shall be able to prove my conclusion up to the hilt. There seems to be running through a great many speeches that I have listened to a sort of general argument that the present system of punishment by imprisonment is often too severe and that it should be diminished in a considerable degree. Well, that is a perfectly arguable proposition. My Honourable friend Mr. SATHE spoke with much feeling on this point. My Honourable friend Sir PHEROZESHAH MEHTA also gave expression to his opinion on the general question of imprisonment with which I am willing to agree, and which might well be discussed on a suitable occasion, but this is not the moment for that discussion, and this is not the question we have got to discuss now. Let me say that, to my mind, the Honourable Sir HENRY PROCTER has put the whole matter in a nut-shell. The question is this. What my Honourable friend Mr. GODBOLE wants to effect is that if a man does a culpable action on a major work which is looked after by Government, he shall be fined or imprisoned, but if a man does exactly the same thing on a minor work, he is to be fined and not imprisoned. Now my Honourable friend Sir PHEROZESHAH MEHTA in convincing language observed that the major works do not come into this question. Well, if that is so, he disagrees

entirely with the mover of the amendment whom he is supporting, for in the note of dissent which the Honourable Mr. GODBOLE put forward after the Select Committee's Report, he made the following observations :—

“Myself and the Honourable Ráo Bahádur RODDA proposed that imprisonment should be taken away as punishment for offences in connection with second-class irrigation works. These works will necessarily be less efficiently maintained, watched and controlled than Government first-class irrigation works on which there are constant periodical repairs and costly establishment entertained for supervision and maintenance. Offences on the second-class irrigation works should therefore be less rigorously punished than those on first-class irrigation works.”

Well, then, what is the position? The position appears to be this. Two individuals, as I say, do an equally culpable action on either of these irrigation works, major or minor. The first is either to be fined or imprisoned, the second under minor works is only to be fined,—why? because there is less supervision on the minor works. Surely, a more astonishing argument has never been heard. I venture to hope that in this Council we shall decide with some sense of proportion with regard to this particular matter, and not be carried away by the idea of this general question of imprisonment. That is a matter as I say that at the proper time and under proper circumstances, Government will always be ready and willing to discuss and consider, but for the moment it is not the question that we are discussing, and I can hardly believe it conceivable that Honourable Members will be willing to support such an extraordinary suggestion as has been put forward by my Honourable friend the mover of this amendment.

The amendment proposed by the Honourable Mr. GODBOLE to new section 75 was then put to the vote and lost.

The Honourable Mr. GODBOLE then asked for a division, which resulted in 18 for and 28 against the amendment. The amendment was therefore lost. ✓

Ayes.	Noes.
The Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law.	His Excellency the Right Honourable Lord Willingdon of Raton, G.C.I.E., Governor of Bombay, <i>presiding.</i>
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	The Honourable Sir Richard Amphlett Lamb, K.C.S.I., C.I.E., I. C. S.
The Honourable Mr. Ghulam Muhammad walad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.	The Honourable Mr. Claude Hamilton Archer Hill, C.S.I., C.I.E., I. C. S.
The Honourable Sardár Syed Ali El Edroos.	The Honourable Mr. Prabhashankar D. Pattani, C.I.E.
The Honourable Mr. Kashinath Ramchandra Godbole.	The Honourable the Advocate General.
The Honourable Sheikh Ghulam Hus-sain Hidayatallah, LL.B.	The Honourable Mr. R. P. Barrow, I. C. S.
The Honourable Mr. Balkrishna Sitaráram Kamat.	The Honourable Mr. Fazalbhoj Meherally Chinoy.

Noes.

- The Honourable Sardár Sir Chinubhai Madhavlal, Bart., C.I.E.
- The Honourable Sir Pheroza Shah Merwanjee Mehta, K.C.I.E., Bar.-at-Law.
- The Honourable Mr. Raghunath Purshottam Paranjpye.
- The Honourable Mr. Gokuldas Khandas Parekh, LL.B.
- The Honourable Mr. Vithalbai Jhaverbhai Patel, Bar.-at-Law.
- The Honourable Mr. Abdul Hussain Adamjee Peerbhoy.
- The Honourable Mr. Manmohandas Ramji.
- The Honourable Ráo Bahádur Shrinivas Konher Rodda.
- The Honourable Ráo Bahádur Ganesh Krishna Sathe.
- The Honourable Mr. Shridhar Balkrishna Upasani.
- The Honourable Mr. Harchandrai Vishindas, LL.B.

Ayes.

- The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
- The Honourable Dr. D. A. D'Monte, M.D., L.R.C.P. (Lond.), I.M. & S.
- The Honourable Mr. R. W. L. Dunlop, C.I.E.
- The Honourable Mr. W. L. Graham.
- The Honourable Sir Jamsetjee Jeejeebhoy, Bart.
- The Honourable Mr. J. E. C. Jukes, I. C. S.
- The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.
- The Honourable Mr. Navroji Dorabji Khandalavala, LL.B.
- The Honourable Mr. Jehangir H. Kothari.
- The Honourable Sardár Bhalechandra-rao Annasaheb Patwardhan, Chief of Kurundwad (Senior).
- The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
- The Honourable Mr. J. A. D. McBain.
- The Honourable Mr. Lalubhai Samaldas Mehta.
- The Honourable Ráo Sáheb Venkatesh Shrinivas Naik.
- The Honourable Ráo Bahádur Rambhau Mahipatram Nilkanth, LL.B.
- The Honourable Mr. J. P. Orr, C.S.I., I. C. S.
- The Honourable Sir Henry E. E. Procter, Kt.
- The Honourable Mr. W. H. Sharp.
- The Honourable Mr. W. D. Sheppard, C.I.E., I. C. S.
- The Honourable Mr. F. L. Sprott.
- The Honourable Mr. E. G. Turner, I. C. S.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE spoke as follows:—Your Excellency,—The next amendment that stands in my name is that for the modification of sub-clause (vi) of sub-section (2) of new section 75 the following be substituted —

“(vi) In Part V, section 31, proviso clause (b) shall be omitted”.

The Bill, as drafted at present, provides that section 31 should apply to the works treated in the new Bill but that the last part of the section should be deleted from it in making it applicable. The last part is “any person who suffers loss from any stoppage or diminution of his water-supply due to any of the causes named in clause (d) of this section shall be entitled to such remission of the water-rate payable by him as may be authorised by the Governor in Council”. Sub-section (d) of section 31 says (reads). When the canal stops on any of these accounts, and when there is a diminution of water-supply, then in the case of first-class works the main Act provides that the person who suffers the loss shall get such remission of water-rate payable by him as may be authorised by the Governor in Council. In the case of second-class works, this provision is proposed to be struck out. What I wish to do, Sir, is to retain the last clause as it is, so that the parties that suffer on account of the stoppage or diminution of water-supply shall be entitled to remission of water assessment in the same way as the parties in the case of first-class irrigation works. No doubt, in the case of second-class irrigation works, there are no regular water-rates, but in such cases they have to pay enhanced land revenue instead. As the Governor in Council has the power of remitting the water-rates in the case of first-class irrigation works so he should have similar powers as regards remitting the irrigation share of the land revenue in the case of second-class irrigation works also when there is a diminution of supply, in the way contemplated in the section. This is the position that I have taken up, and I place it before the Council for their consideration.

The Honourable Mr. G. S. CURTIS spoke as follows:—Your Excellency,—I think it will shorten matters if I point out two points. The proposed amendment of the Bill to sub-section (vi) reads as follows:—“In Part V, section 31, proviso clause (b) shall be omitted”. The proviso in clause (c) reads as follows:—(reads). “Stoppage or diminution of any supply of water in consequence of the exercise of the power conferred by section 5” It pivots round section 5. If reference is made to section 75 of the Bill, it will be seen that section 5 is not one of the sections which it is proposed to apply. Therefore, proviso (c) cannot apply, and therefore it was omitted.

With regard to the other proviso at the end of the section as the Honourable Member has admitted, these second-class works are usually assessed at a consolidated rate which combines the soil rate and the irrigation share of the land-revenue. But the irrigation share of the land-revenue is not a water-rate as defined in the Irrigation Act, and therefore the effect of restoring the proviso.

The Honourable Mr. GODBOLE:—I want to ask whether the word “water-rate” as put down in the last paragraph of section 31 will not include the irrigation share of the land-revenue.

The Honourable Mr. CURTIS:—I am not a lawyer, Sir, but my impression is, that the usual practice, at any rate, is to regard the water-rate under the Irrigation Act as different from the irrigation share of the land-revenue as levied under the Land-revenue Code. There are Standing Orders which enforce the remission of revenue in the case of

any stoppage of supply, from which damage results to the crops. And, Sir, from a practical point of view, it seems to me that the replacement of this proviso beginning "any person who suffers loss" at the end of the section would have no practical benefit. There is no intention whatever to deprive the holders of second-class irrigation lands of remission in accordance with the Standing Orders when they do not get the supply to which they are entitled, and, Sir, it seems to me that the application of the clause which the Honourable Member asks for will have no effect one way or another.

The Honourable Mr. GODBOLE :—Your Excellency,—After the explanation I have received, I do not wish to press for this amendment, and I would withdraw it with Your Excellency's permission.

His Excellency the PRESIDENT :—The amendment by leave withdrawn.

His Excellency the PRESIDENT :—I think it will be to the convenience of Honourable Members if we adjourn now till a quarter to three.

(The Council after lunch re-assembled at a quarter to three.)

His Excellency the PRESIDENT :—Order, order, the question is that new section 75 stand part of the Bill.

The motion was then put to the vote and carried.

His Excellency the PRESIDENT :—New section 76, the Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows :—My Lord, — About section 76 and section 78, I beg leave to withdraw my amendments with Your Excellency's permission.

His Excellency the PRESIDENT :—Does the Honourable Member wish to withdraw No. (i) or No. (ii) or merely No. (i) of the proposed amendments to new section 76?

The Honourable Mr. UPASANI :—No. (i), My Lord.

His Excellency the PRESIDENT :—Amendment No. (i) by the Honourable Mr. UPASANI by leave withdrawn.

His Excellency the PRESIDENT :—Amendment No. (ii), the Honourable Mr. UPASANI.

The Honourable Mr. UPASANI spoke as follows :—My Lord,—The amendment I propose to move reads as follows :—To section 76 (i) as it stands, I propose to add the words "and that afforded by the documents which the parties concerned or their witnesses might produce". The section as it stands provides for the Record-of-Rights being framed only on the evidence ascertainable from the records of Government and the evidence of any person likely to be acquainted with the same. I only wish that it may also include evidence which may be afforded by the documents.

The Honourable Sir RICHARD LAMB :—It may save the time of the Council if I say at once that we are quite prepared to accept that with a slight modification. The substance is the same. Instead of the words suggested by the Honourable Mr. UPASANI we would propose to add "and any other documentary or oral evidence which the parties concerned or their witnesses may produce".

The Honourable Mr. UPASANI :—I will accept that.

Clause 76 as amended was then put to the vote and carried.

New sections 77 to 79 were then put to the vote and carried.

His Excellency the PRESIDENT:—New section 80, the Honourable Mr. UPASANI. I must tell the Honourable Member in the first place that I cannot accept this amendment of new section 80, as the reasons set forth are general observations. That is a sort of general expression of opinion, and I am sorry that that form is not in order. So I must refuse to accept it in that shape.

The Honourable Mr. UPASANI:—Shall we not be allowed to discuss that section? My observations may not be taken as an amendment, but we might discuss the section and the general observations I may put before the Council in the discussion on the section,

His Excellency the PRESIDENT:—I cannot allow the Honourable Member to go into a general discussion on this amendment. He has put in this a sort of general suggestion, but in future if he moves an amendment, it must be an amendment in a definite form.

Section 80 was then put to the vote and carried.

His Excellency the PRESIDENT:—New section 81, the Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency,—My amendment reads as follows:—“Every holder of land irrigated by the irrigation work to which the Record-of-Rights refers shall be supplied with a copy of the same free”. This is also a very small amendment. I only desire that as these rights will be determined therein, it is better that these people should be acquainted with their rights, so that they may be able to take action accordingly. When the management is taken up by the Government, it is much better that they should be allowed to have a free copy of this record so that they may regulate their supply accordingly. In any case under these circumstances it is necessary that they should be acquainted with their rights.

The Honourable Mr. G. S. CURTIS spoke as follows:—Your Excellency,—I submit that the whole of the Record-of-Rights cannot possibly be wanted by individual holders. The whole of the Record-of-Rights may contain details of five hundred or one thousand Survey numbers, of which individual holders may hold one or two, consequently there is no need to supply a whole compilation. Whether individual holders should have copies of extracts of the Record-of-Rights dealing with their own particular holdings is perhaps a matter for argument. When the Record-of-Rights dealing with the rights of land was first compiled, there was a provision that holders of the land who were anxious to file suits, either in Civil Courts or in Mámlatdárs' Courts, should apply to Village Accountants for extracts relating to their holdings and be given them free of charge. Then difficulties arose. The Village Accountants demanded a remuneration for the additional labour imposed upon them for copying fees. These fees were given, and then it was found that spurious or artificial demands were made, and the expenditure involved became very high indeed. So that, finally, after three or four years' trial, it was decided to abolish the free issue of copies and make the parties to pay to the Village Accountant for extracts at the rate of one anna per entry. That arrangement has been in force for the last two or three years, and I understand it works very well. I would suggest, Sir, that a similar provision here would meet the case. No one will grumble at having to pay one anna for an extract from the Record-of-Rights.

The Honourable Sir RICHARD A. LAMB, spoke as follows:—Your Excellency,—The amendment as drafted does not seem to represent what the Honourable Member really

desires. I gather from what he says that what he really desires is that each individual affected should obtain a copy of that portion of the Record-of-Rights applying to him, but that is not at all what he said. The amendment that he moved requires that every holder of land to which the Record-of-Rights applies should be supplied with a copy of the same free. What he has actually moved is that every individual holder is to be supplied with a copy of the whole of the Record-of-Rights. That, of course, as the Honourable Mr. CURTIS has pointed out, is a ridiculous proposition.

As to the word "free", I have only to confirm what the Honourable Mr. CURTIS has said, and it appears to me quite undesirable that a copy of the extract referring to his holding asked for by an individual holder should be supplied otherwise than on payment of a small fee which makes it worth something, for what a man gets for nothing is apt to be regarded as worth nothing.

The Honourable Mr. UPASANI:—I do not mean that a copy of the whole of the Record-of-Rights should be given, but only so far as it relates to his own land. If that is done, I shall be satisfied.

His Excellency the PRESIDENT:—There is one point which the Honourable Member has apparently overlooked, that is, he asked that a copy should be supplied free, while Government want to make a nominal charge of one anna.

Would the Honourable Member be satisfied if he is given this assurance that we would give a copy of any particular entry in the Record-of-Rights that was required under the ordinary conditions to any individual who wanted it?

The Honourable Mr. UPASANI:—I have no objection.

His Excellency the PRESIDENT:—Then does the Honourable Member wish to withdraw his motion?

The Honourable Mr. UPASANI:—Yes, Your Excellency.

His Excellency the PRESIDENT:—The motion by leave withdrawn.

His Excellency the PRESIDENT:—New section 81A. The Honourable Mr. GODBOLE.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE spoke as follows:—Your Excellency, section 81 states that the Record-of-Rights shall be compiled by a Canal Officer and published in the manner specified in the Bill. I want to add another section inviting objections from the parties concerned, to the Record-of-Rights as prepared and published by the Canal Officer. I submit, Sir, that this Record-of-Rights will be a very important document to the parties that are interested. It will be recording the rights that they have, as regards the water-supply of their holdings, as regards the turns in which water will be received by them, as regards the crops that they can grow, and similar particulars. These are matters of very great importance to them, and I submit that the interested parties should have opportunities of examining them and getting them rectified if necessary before the Record-of-Rights is published as a final record. It is but fair that the interested parties should have such opportunities otherwise the only alternative that they will have in the case of any mistakes in the Record-of-Rights will be to go and appeal to the Collector at the head-quarters of the District and if the Collector happens to be away from head-quarters to follow his camp from place to place to get their appeals disposed of, which is a very vexatious affair. I therefore propose, Your Excellency, that the new section 81A as drafted by me should be inserted in the Bill.

The Honourable Sir RICHARD A. LAMB spoke as follows:—Your Excellency,—Honourable Members will have observed that this question was raised by the Honourable Mr. Godbole in the Select Committee, and he appended to the Report of the Select Committee a minute of dissent, in which the fourth paragraph refers to this question. The Select Committee were of opinion that the addition that was proposed was unnecessary, because the modifications which they made in the section, as originally drafted, made adequate provision for the hearing of objections in the course of the preparation of the Record-of-Rights. In section 81 they require the publication at the Mámíatdár's office of the táluka in which the work is situated and in every town and village which is affected by such Record-of-Rights. The modification of section 81 as originally drafted, was not considered necessary, and it was held by the whole of the Select Committee, except the Honourable Mr. GODBOLE, that there would be sufficient time and opportunity for all persons who may be affected by the entries in the Record-of-Rights to make known what they have to say before their publication took place without a specific provision requiring that objections should be invited after the publication of the Record-of-Rights. What the Honourable Member seems to desire is that after publication people should not be left to themselves to raise any objection which they wished to make, but a call for tenders, a call for objections, should be issued asking people to put in anything that they have to say. I understood that it was the opinion of all the Members of the Select Committee, except the Honourable Mr. GODBOLE,—and I presume that the other Members of the Select Committee are still of the same opinion, that those who were affected might well be left to look after their own interest—and it is now for the Council to decide whether this amendment is necessary or not.

The Honourable Mr. KASHINATH RAMCHANDRA. GODBOLE spoke as follows:—Your Excellency,—The Honourable Member in charge of the Bill has placed the case correctly before the Council. The other Members of the Select Committee did not agree with my views, and I, therefore, appeal to the general Council as an appellate body. I think, Sir, that the simple publication of the Record-of-Rights will not be sufficient. The Canal Officer prepares his Record-of-Rights. He publishes it in the Mámíatdár's kacheri and in the village concerned, but if a man is not satisfied with the Record-of-Rights as framed, where is the opportunity given to him to go to the Canal Officer and say 'what you have entered in my name is not correct, I want the entries modified in such and such a manner.' No opportunity is given to him for this purpose. The Canal Officer makes independent inquiries. He probably takes all the evidence that is available on the spot, but cases may occur in which the entries may not be correct or suitable to the parties interested. I submit, Sir, that the interested parties, who will be very small in number, should have notice of what is proposed to be entered in the Record-of-Rights, and if they have any objections to raise, those objections should be heard and then the record should be published as final Record. It is with this view that I propose to insert the new section 81A, and I put my amendment now before the Council for its acceptance.

His Excellency the PRESIDENT said:—I do not think that I can add anything to what my honourable colleague has said beyond this. It seems to me that this matter has been most carefully discussed in the Select Committee with the result that my Honourable friend Mr. GODBOLE found himself in a minority of one on this particular question. I should hardly think that the Council will agree to alter the almost unanimous decision of the Select Committee on this particular point. It seems to me really rather a small point

and I do not honestly think from what I can understand that the insertion of the words which my honourable friend wishes to put in would really make any very serious difference to the individual.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT :—New section 82. The Honourable Mr. UPASANI.

The Honourable Mr. UPASANI :—I beg Your Excellency's permission to withdraw it.

The amendment by leave withdrawn.

Section 82 was then put to the vote and carried.

His Excellency the PRESIDENT :—New section 83. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows :—As regards this section what I urge is that the section as it stands imposes an unnecessary burden upon the Courts in each case where an entry referring to any Record-of-Rights is in question to call upon the Collector to state his desire to make the Secretary of State a party. That being the case, I do not see for my part any necessity to take the action proposed in sub-section (1) in each case. The adoption of the course proposed in the section will only make litigation more costly and more difficult for the other party. The suit being between private parties, if any man gets a decree, he will come to the Collector to have the Record-of-Rights amended if the same be necessary. This is what is now done in ordinary suits. Where a decree is passed, the Court is required to send a copy of it to the Collector. It is open to the Secretary of State to take action if necessary. It is not, I think, desirable nor necessary that private suits should be complicated with further addition of parties whose interests are not directly at stake.

As regards sub-section (2), I will not seriously object to it, although it says whatever is done by the Collector or a canal-officer or any other person, all their acts are precluded from any action.

As regards the third clause, the period of limitation is only one year. My Lord, under the ordinary law each man has a right within the time allowed by the Limitation Act from the date that his right is invaded, and a fresh cause of action arises at every fresh invasion. That being the case, I do not think it is desirable in the interests of the aggrieved parties that only one year's time should be allowed to them from the date the Record-of-Rights is prepared or revised. Under new section 78, the canal-officer has the power to revise the Record-of-Rights from time to time. If it is open to him to revise the Record-of-Rights, I think it ought to be open to the parties to have an opportunity of establishing their rights to which they are entitled within the limits allowed to them under the ordinary law. The restriction of the time to one year will work very great hardship, in the case of illiterate agriculturists, who are too ignorant to be expected to get the needful information of the entries in the Record-of-Rights and then to take action within the short time allowed to them, and there is no reason why they should not have the time allowed to them by the ordinary law. The Record-of-Rights under section 82 will be held as relevant evidence in the case of disputes, and shall be presumed to be true, and that being the case, I think, it is the more necessary that the time allowed by the Limitation Law to the parties who have to establish their rights, ought to be left open rather than closed.

With these remarks I beg to urge that in this section at least sub-sections (1) and (3) be omitted.

The Honourable Mr. G. S. CURTIS spoke as follows:—Your Excellency,—I submit, with reference to the amendment moved by the Honourable Member, that it is an ordinary principle of justice that in the case of a suit about property all parties interested in the property should have notice of the proceedings, with a view to give them an opportunity to engage Counsel or appear themselves if necessary. In the case of these particular works, it must be admitted that Government have spent large sums of money in their maintenance. Obviously, therefore, it is only equitable and fair that Government should have notice of any civil proceedings which may be taken.

As regards sub-section (2), that is the ordinary provision in almost every Act.

As regards sub-section (3), the period of limitation is therein prescribed, and the principle is one taken from the section incorporated in the revised Land Revenue Code last year. A period of one year is given to parties to call in question entries in the Record-of-Rights, the said period to run either from the date of the compilation or from the date of the disposal of the last appeal against the entry. It is considered advisable that there should be some date after which the Record-of-Rights should be final. I submit, Sir, that the period of one year given to the parties is ample, and that the section should stand as it is.

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows:—Your Excellency,—I rise to support the amendment moved by my honourable friend Mr. UPASANI. My reasons for the support I give are briefly these: I do not find any similar provision in the Bombay Land Revenue Code as recently amended. There are various reasons why the Collector should not be allowed to take part in a proceeding between private persons. In the first place, if the Collector is joined as a party, the immediate effect of his being a party would be that the forum of trial would be transferred to a District Judge's Court from the Court of a Subordinate Judge.

The second difficulty in the path of a private person in a suit to which the Collector is a party would be that no suit would lie against the Collector as representative of the Secretary of State, unless the plaintiff in the case proves that he has given two months' notice to the Collector prior to the date of the institution of the suit.

The third difficulty in the way of a private suitor would be that he would be pitted against a Collector, and he would be always labouring at a great disadvantage in fighting out the case against his real opponent who would take shelter under the Collector. The Collector would spend public money by retaining the Government Pleader, and the real opponent to the plaintiff need not incur any expense at all. I submit that it is not necessary at all that a Collector should be brought into the Court in a proceeding between purely private parties.

Then turning to the second clause of section 83, I find that it is superfluous in view of section 88 of the Bill. Section 88 as amended by the Select Committee runs thus: (reads). The Collector is fully protected under the provisions of section 88.

Then turning to clause (3) of the section, I submit, my Lord, that it is also unnecessary. If this third clause is accepted by the Council, it means that the ordinary limitation available to private suitors is curtailed from six years to one year. Under the provisions of the Indian Limitation Act, as it now stands, if the title of any person to a piece of land or other property is denied he may sue within six years from the date of the denial, or if he is dispossessed of his property, he can bring a suit and recover possession

through the Civil Court within 12 years from the date of his dispossession. Why should it be obligatory on a person to go to the Civil Court earlier to establish his right to have an entry made in the Record-of-Rights correctly? It is much better to leave the law as it now stands. The law at present is that if a Subordinate Judge finds that an entry made in the Record-of-Rights is incorrect, the Subordinate Judge or other Civil Officer who tries the suit is bound, under the provisions of the law, to notify to the Collector the manner in which the entry in the Record-of-Rights is to be rectified. That is what is done at present. I submit, my Lord, that the existing practice is much better. To allow the Collector to be implicated in a private suit would be unintentionally favouring one party to the prejudice of the other party. Of course, as stated by the Honourable Mr. CURTIS, if the Collector finds that the interests of the State are invaded by any private suitor, he can bring a suit himself as the representative of the Secretary of State in the District Court, and he will have his claim fully tried. But cases of this kind will be undoubtedly very few, and I do not think that it is necessary to pass this section 83 as it stands, and I agree with my honourable friend Mr. UPASANI in saying that the whole of this should be omitted altogether.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH spoke as follows :—Your Excellency,—I submit that it would not be advisable to omit section 83 as suggested by this amendment. The Record-of-Rights is to be prepared by Government Officers, and it is better that Government should have an opportunity of being heard in legal proceedings instituted for correcting the Record-of-Rights, so that the proceedings might have finality. If the Record-of-Rights is corrected without hearing what Government have to say on the subject, Government would feel justified in the impression that their Record did not stand in need of correction.

I understood the Honourable Mr. UPASANI not to press the omission of sub-section (2) of this section.

As regards sub-section (3), it was urged that the ordinary Law of Limitation should be allowed to govern suits of the kind referred to in this sub-section. But unfortunately it is not very clear what the ordinary Law of Limitation is for such cases. Article 14 of the Limitation Act prescribes a period of one year as the limitation within which a suit to set aside the order of a Government Officer should be instituted. It has, however, been held by the Courts in several cases that that article does not apply to such suits under certain circumstances. It is therefore necessary that the law should lay down clearly the period of limitation for suits of the kind referred to in this sub-section, so that the public may know definitely within what time they are to bring suits to correct entries in the Record-of-Rights. The period ordinarily prescribed for bringing suits to set aside orders of Government Officers is one year, and there is no reason why the limitation in this particular case should be different.

In my opinion, therefore, the section as it stands is quite proper and should not be omitted.

The Honourable Sir RICHARD A. LAMB spoke as follows :—Your Excellency,—I will not detain the Council by going through all the *pros* and *cons* against this section. I can only assure the Council that we in the Select Committee considered this section carefully, and the Select Committee accepted the amendment of the last portion of the third clause

which is described in the Committee's Report. Both this and section 88 are taken from the Punjab Minor Canals Act, and we have followed these sections very closely and adopted what we considered to be good in dealing with a very similar matter. I think, that having been fully considered in the Select Committee and having been adopted, I cannot say anything more than what is stated in the Report of the Committee, and therefore cannot agree to the amendment that has now been moved.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency,—I am afraid my position has not been fully understood. What I urge is that in suits between two parties, there is no reason why notices should be issued to a party against whom the plaintiff himself does not claim any right of action. On the other hand, paragraph 2 distinctly lays down (reads). Under this paragraph and section 88 it is not open to any party to file a suit against any officer or any one of them for any act done by them. Whatever they may have done in drawing up the Record-of-Rights, it will not be open for the party to file a suit against them. When it is not so open, I do not know why the Collector should in each case be troubled to see whether he should put in his appearance. When the decree is passed between two parties, a third party will not be affected, and then in any matter in which the parties interested are in litigation, I think Government will be taking unnecessary responsibility upon themselves to enquire into each case. It will unnecessarily increase the work of the Courts and of Government officers and put the parties, as shown by my Honourable friend Mr. BELVI, into unnecessarily hard conditions, which is not necessary for the adjudication of their own claims against ordinary parties. It appears to me absolutely unnecessary to make the Secretary of State a party in the cases referred to in section 88. I fail to see why private parties should be required to issue notices and processes and take action against Government when they do not claim any relief against it. This will be adding further trouble. There is nothing in the Act to bind the Collector to alter the Record-of-Rights in the terms of the decree. The Court cannot order that a Record should be drawn up in a particular manner. That being the case, I do not know why the proceedings should be complicated and why Government Officers should in each case take the trouble to enquire into every suit in which any entry in the Record-of-Rights may be in question directly or indirectly. Every village will have so many holdings and there will be numberless entries made with regard to each holding, we are told that there are a large number of works in respect of which the suits are filed. That being the case, I think it would be better that this section be dropped. There are Government Officers watching particularly Government interests, and it will be for them to take action when their own rights are really invaded.

As regards the remarks that fell from my Honourable friend Mr. RAMANBHAI that the Collector should know what is passing in Court, I say the Collector *will* know it after the case is decided when a copy of the decree is sent to him. Then he will be in a better position to decide whether it is necessary for him in the interests of Government to take any action in the matter. Under those circumstances, I think this section ought not to be embodied in the Act, and as regards the limitation, I think, already the preparation of the Record-of-Rights will place the parties in a very hard position, because they will be bound by the entries as they may stand, and Government have the right to revise the Record-of-Rights from time to time. That being the case, is it not fair that the party himself should have at least the ordinary period of limitation

to file his suit for the assertion of his own rights. In these circumstances, I think the motion which I urge will receive favourable consideration.

The motion was then put to the vote and lost.

Section 83 was then put to the vote and carried.

The Honourable Mr. GOKULDAS KARANIDAS PAREKH :—I want to ask Your Excellency if section 85 can be put before section 84. Probably the discussion of section 85 may help the decision to be arrived at in connection with section 84, and therefore I request that section 85 be considered before section 84.

His Excellency the PRESIDENT :—I am not quite clear what the Honourable Member says. Does he wish to move an amendment to new section 85 ?

The Honourable Mr. PAREKH :—No, Your Excellency, what I propose to do is to make observations for the purpose of showing that this section 85 ought not to be a part of the Act.

His Excellency the PRESIDENT :—I think he had better discuss that when we come to clause 85. I do not think the Honourable Member has given any particular reason, although I am quite willing to do it if he gives me any strong reasons.

His Excellency the PRESIDENT :—New section 84. The Honourable Mr. GODBOLE.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE spoke as follows :—Your Excellency, section 84 deals with the question of repairs. Certain repairs are specified in that section, and my amendment states that the repairs specified under sub-sections (1), (2) and (3) should be omitted, and those mentioned in sub-sections (4) and (5) only should be retained in this section 84.

The position which I have taken up with reference to these repairs is clearly explained in my minute of dissent, and I will read to the Council that minute. (Reads the minute of dissent.)

Now, Sir, let us compare the revenue under these second class works that is realised by the State, and the net revenue that is realised by the State from first class works. I find on a reference to the Officers of the Irrigation department that on some second class works in the Nasik District, Government realise water revenues of Rs. 8, Rs. 11 and Rs. 12 per acre. In the same district Government have realised only eight annas per acre as net revenue in the case of one first class work during 1911-12. In the case of another first class work in the same district in the same year Government have realised a net revenue of Rs. 3 per acre. Contrasting these with second class works, where Government have realised revenues of Rs. 11, Rs. 12 and Rs. 8 per acre, I think, Sir, that Government should contribute substantially towards the repairs of second class irrigation works from their own funds. I would prefer that all the repairs should be carried out by Government if practicable. But there is the old custom which makes it obligatory upon the irrigators that they should carry out such repairs. In pre-British times they were executing these repairs, and even now according to ancient custom, they are attending to repairs in many instances. It strikes me however that, under present altered circumstances, the irrigators should be relieved of the responsibility of carrying out repairs to a considerable extent. What I propose is that the smaller repairs should be carried out by paid establishments and it is only the larger repairs which cannot be carried out by paid establishments which should be made obligatory on the irrigators.

I know that in the case of works in Khándesh and Násik, there are silt clearances required at the commencement of rains, and at the end of rains, for the efficient irrigation of Kharif and Rabi crops. In those seasons it is impossible to get any outside labour, and it is a necessity, I think, that in the interests of the works, the irrigators themselves should carry out these silt clearances. The petty repair works that are specified in sub-sections (1), (2) and (3), can, however, be easily carried out by one or two men. There are paid men already on many of the works, but the emoluments of these men were settled in pre-British days, and they are quite inadequate under the present circumstances, and under the present high cost of living. The Council will be surprised to hear that in some cases these old village Irrigation Kamdars or Patkaries are getting only Rs. 2 a month. It is impossible to expect any efficient work from a man so magnificently paid. The sum of Rs. 2 was quite sufficient to meet the wants of a labourer in ancient days, but now he cannot get on at all with such an income. I therefore think, Sir, that in consideration of the large net revenue that Government are realising from second class irrigation works they should contribute liberally towards the paid establishments on these works and get the repairs specified in sub-sections (1), (2) and (3) carried out by this paid agency. The other repairs that cannot be carried out by one or two paid men should be made obligatory on the irrigators. That is the position that I have taken up, and I place it before the Council for their consideration and acceptance.

The Honourable Mr. G. S. CURTIS spoke as follows:—Your Excellency, the Honourable Member has my sympathy. His efforts to reconcile his position as a retired Executive Engineer with his present character as the friend of the people is somewhat amusing. I think, Sir, if you read the Honourable gentleman's minute of dissent, it will be seen clearly that if he had had his way he would have proposed that the whole of the repairs to these works should be carried out by Government. Nothing else can be inferred from that minute. That is precisely the suggestion which I made to the Honourable Member ten years ago when he and I were in Khaudesh together. What happened to that suggestion? The Honourable Member rejected it with scorn and saw no reason why the custom prevailing hitherto should not be enforced. That, Sir, is why a reference was made to Government and why the present Act is now before this Council.

As regards the comparative recoveries of the assessment on land irrigated from these works as compared with that on land irrigated from the first class works it is unfortunately the fact that the rates on land used as first class works are low, that the more expensive forms of cultivation like sugarcane and so forth are not practicable and consequently the revenue is not so large. Most of the second class works on the other hand have been in existence for a very large number of years, the standard of tillage is very high, and the proportion of the area of high class crops such as sugarcane and so forth is large, consequently the rate also works out very high.

I submit, Sir, that the Honourable gentleman has shown no reason why the ryots should be excused from effecting petty repairs and there is no reason why they should not be made to repair gullies and ruts and so forth. They are just the petty repairs that a man on the spot can do, and which they should be encouraged to do by the Engineers of the Public Works Department. I therefore submit, Sir, that the section ought to remain as drafted.

The Honourable gentleman is aware of this fact and is therefore trying hard to effect a compromise. He divides the repairs which have to be effected into five sub-divisions of which four are to be carried out by the State and one only, the clearance of silt, by the ryots. Now I must point out that the only class of repairs which entails serious labour and expense is the clearance of silt; every thing else is trivial compared with this. Therefore the honourable gentleman while nominally proposing to relieve the ryots of a heavy burden, really leaves them to bear the brunt of the work.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency, the motion put forward by my Honourable friend Mr. GODBOLE has my full sympathy, and if I were allowed to tack to it the next motion which stands in my name, where I urge that the liability for silt clearance be taken away from the irrigators, it will probably facilitate discussion, and the time of the Council may be saved, because we may have to go over the same ground. If, Your Excellency—

His Excellency the PRESIDENT:—I am afraid I must tell the Honourable Member that I cannot possibly allow the new section that he wants to propose. It is a sort of general descriptive remark, and I cannot possibly allow it.

The Honourable Mr. UPASANI:—In connection with this, I have in the first place to urge that with regard to works on which Government have spent large amounts on construction, all those repairs referred to by our Honourable friends are done at Government expense, and I do not know why on those works on which Government have not spent large amounts, and have yet taken up the ownership these repairs should not be done by Government at their own expense.

As a matter of fact, in the two districts, Násik and Khándesh, alone the income from these second class irrigation works comes to Rs. 1,18,362 plus Rs. 1,04,170 or in all Rs. 2,22,542. The cost of repairs will cover a small portion of what Government gets for simply permitting people to use the water which is drawn from Bandharas and channels put up by the people themselves at very great expense.

Another difficulty, my Lord, is this. It is very difficult to get all people to join together in doing these repairs. The share of each in the repairs cannot be allocated very easily, and I do not know how it can be made workable. So long as people were conscious of joint ownership, they have been doing the repairs, but they are not now able to do them satisfactorily, and that is the chief reason why there has been so much trouble for many years. With a view to avoid this harassment in the matter of repairs, as I said the other day, they had consented to a voluntary payment of one anna in the rupee by way of Patphala. There was some difficulty about its 'collection' and after all that was given up, and Government undertook, I believe in 1904, to make part of the repairs themselves, and directed they should be met out of Imperial funds, and they stated that the silt might only be cleared by the people. Even in the matter of silt, there is a very great difficulty in getting all people to do the needful to clear it, and if Government hold out their kind and gracious hands for the help of these people, and if it is contemplated only to take up a few works under these Acts for the present and leave the rest to be provided for by the new legislation which is contemplated, I think the cost will be very insignificant. That being the case, it will assure the people of the generous intentions of Government as set forth this morning by Your Lordship that the purpose of this Act is not to charge people with any further cost, but to help them in more efficient enjoyment of their rights as they exist and ensure at the same time the payment of the

Government revenue at the rate which they used to pay. These rates, my Lord, are charged at consolidated rates. People have to pay them whether they actually use the water or not, and they may well be relieved from the charge on account of repairs. This would be fair and proper when in the case of the major works for which they pay at lower rates and only when they actually use the water, they are free from the charge on account of these repairs. In the case of the second class works they pay a much higher rate and even if they do not use the water and they have a stronger claim for the repairs being done by Government. The cost to Government will be very small, and a large amount of inconvenience now experienced by the ryots in the matter of these repairs will be avoided. The present arrangements, as I understand, are that each village has its own Patkari and Havaladar to do these repairs. These men either hold Inam lands, or are paid cash allowances. The fact that they have been holding Inam lands and cash allowances shows that these repairs have practically and actually been done at Government cost. When these men hold Inam lands and cash allowances granted by Government, they are servants paid by Government for the service of the village, and that being the case if their remuneration is not now sufficient, and if it is found necessary to engage more hands at larger remuneration, I think the additional charge required on that account ought to be undertaken by Government, and especially in the case of works which are to be taken up under management or control. The undertaking of that charge by Government will fulfil the purpose for which this legislation is intended. The chief reason why this matter has been engaging the attention of Government for a very long time is that the people cannot be made to join together in doing the repairs. With that experience before us, I think the time has come, especially when labour is more scarce and costly, to help these people in the matter of these repairs, especially under the circumstances which I have already placed before the Council. With these few remarks I beg to support the motion of my Honourable friend Mr. GODBOLE.

The Honourable Ráo Babádur SHBINIWAS KONHER RODDA spoke as follows :—Your Excellency, I entirely disagree with the motion that has been brought forward by my honourable friend. He has proposed in the new section that sub-sections (1), (2) and (3) be omitted and sub-sections (4) and (5) be numbered as (1) and (2) respectively. The matter has been sufficiently well discussed in the Select Committee. What the Honourable Mr. GODBOLE now proposes is that instead of petty repairs, heavy repairs are to be thrown on the ryot, while he wants to omit the small repairs which are to be done by the ryots. If we go in detail into the section (reads), removal of grass is a daily occurrence. This is a case in which they should not allow other people to remove this grass. These are in fact petty repairs and which can be looked after by the irrigators on whom the obligation is thrown by custom, while the most costly thing is the clearance of silt from supply and distributing channels. The probability is that these are things which cost people more than what is contemplated in the Act. Therefore I strongly urge that the proposal of keeping sub-sections (4) and (5) and numbering them as (1) and (2) removing altogether (1), (2) and (3) is not consistent, and the matter of petty repair itself is sufficient to show that Government do not want that the ryots should spend more than the cost of the tank. What it wants is that it should keep the tank in its proper state without removing the courses. This is all what Government wants, and therefore I urge that the section as framed and adopted by the Select Committee be retained without any modification.

The Honourable Mr. BALKRISHNA SITARAM KAMAT spoke as follows:—Your Excellency, I confess I cannot agree with the view of my honourable friend Mr. GODBOLE regarding the question of the onus of petty repairs. I think it was only yesterday that he told us that it was not convenient for the Mámlatdár to collect some Rs. 3 from, say, fifty irrigators at a distance of fifty miles from the head-quarters of the Mámlatdár. Under those circumstances, then, I fail to see how it would be possible or convenient for the Government to send down a man to a distance of thirty or fifty miles with something like half a dozen basketfuls of earth, for, say, filling up a hole.

The Honourable Mr. GODBOLE referred to the comparative rates of water, and he told us the water-rate for first class irrigation was something like 8 annas per acre. I believe it is not a question of rates or cost at all, but it is a question of convenience in the matter of repairs, and secondly there is this reason, that after all the onus of the repairs has been upon the shoulders of these irrigators by ancient custom for a very long time. I do not think, therefore, that at the present day we are creating a very great hardship if the irrigators are expected to carry out these small repairs.

The Honourable Mr. CURTIS referred to the Madras and the Mysore Regulation. I do not know whether I shall be in order in referring to that. But I should have liked to suggest a very slight change in the wording of clause 2, viz., "prevention and growth of prickly-pear", for, the wording in the Mysore Regulation is "checking the growth of prickly-pear" and not the "prevention of growth". I feel that to prevent the growth of prickly-pears in this country is perhaps as difficult a task as to stamp out plague, say, from the City of Bombay. Therefore, if the wording "checking the growth" is changed into "the prevention of prickly-pear", perhaps the cultivator or the irrigator will understand his responsibility much better, and he can be more conveniently held responsible for this petty repair than perhaps if the wording were "prevention of the growth of prickly-pear". With this suggestion I oppose the amendment of my Honourable friend Mr. GODBOLE.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows:—Your Excellency, I support my honourable friend Mr. GODBOLE's amendment. One of the grounds which he has urged in support of the amendment is that the Government have been taking considerable revenue from the irrigation works, therefore it would be proper that all sorts of repairs must be undertaken by Government. In addition to this, I have to submit another reason for accepting the amendment. The Council will note that there existed in this country the old system of obtaining forced labour of the inferior people of the community without payment for carrying out works for which the whole community is liable jointly. Ordinarily the headman of the village would make the poorer and depressed people to carry on such work. Somehow or other this kind of liability which I consider to be altogether of an un-British character is understood to survive by ignorant villagers of backward classes. But I submit, Sir, that it is a means of committing oppression in the hands of the village officials upon people of the poorer classes who may hold land in the neighbourhood of Irrigation works. They would not be able to distinguish how far their liability extends, and to find the quantity of work which if done by a family or individual would suffice to free it from further liability during the year or season, and therefore, I am afraid, that the result of keeping this section, standing as it is, would be that a considerable amount of liability would

fall upon the poorer people for which they would receive no payment. There is no provision for payment, and therefore I submit, that a liability on a large number of persons would result in the poorer people being oppressed, and I say in consequence that the amendment which has been moved by my honourable friend Mr. GODBOLE will considerably lessen the burden on the poor people, and it ought to be accepted.

The Honourable Mr. R. P. BARROW spoke as follows :—Your Excellency, I will make only a very small contribution to the discussion. The honourable member referred to the fact that on first class works Government accept the responsibility for small repairs, but for those on second class works they are attempting to place it on the owners of the works. It seems to me that all that the Bill does is to apply the same principle as is applied under the Irrigation Act ; in first class works every owner of a water course is obliged to undertake certain repairs and to do certain things with regard to his water course to meet the convenience of his neighbours. A similar obligation is to be imposed in connection with second class works, the owners of which are to be compelled to do such things as are absolutely necessary for the sake of his neighbours. Occupants are not to be allowed to be so neglectful as to cause inconvenience or damage to their neighbours.

The Honourable Sir RICHARD A. LAMB spoke as follows :—Your Excellency, I am sorry to say that I have begun to lose faith a little in the Honourable Mr. GODBOLE. I find it very difficult to follow him in his numerous changes of attitude. There was, some years ago, a very clever picture in *Punch* of the Right Honourable Mr. Gladstone attempting to turn his back on himself. The Honourable Mr. GODBOLE appears to be trying in a similar manner to turn his back on himself. He changes his attitude, turns his back on his former opinions, with a frequency that is certainly very puzzling indeed. I do not wish to repeat what the Honourable Mr. CURTIS has said about Mr. GODBOLE's previous opinions, but I think he has made clear that he goes back on them, turns his back on himself, in a rather startling fashion. He puts before us, as his latest pet and fancy, a Mysore Regulation and begs us to consider whether we cannot adopt it. Having put that before us, he at once asks us to reject a very large part of what the Mysore Regulation contains in the matter of maintenance and repairs. It is a little difficult to take the honourable gentleman seriously.

As to the merits of the present amendment before the Council, I entirely agree with my honourable friend Mr. RODDA in stating that the matter was considered fully in the Select Committee, and that the conclusion it came to was that it was right to impose, to legalise, the performance of the customary labour which is expected from the owners, the irrigators, on the minor irrigation works. I agree also with the Honourable Mr. KAMAT that it is not so much a matter of cost, as a matter of personal labour. The cost is not very much, it is only labour, and I differ from the Honourable Mr. PAREKH in holding that it is not a matter of forced labour for maintaining all the minor works which people are expected by custom to do, and have unfortunately in many cases ceased to do. I think, Sir, that the amendment ought not to be accepted.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE spoke as follows :—Your Excellency, I have nothing to add to the remarks which I have already made to this Council.

With reference to the Honourable Mr. CURTIS' remarks, I would point out that the Mysore Regulation provides for the same repairs as are put down here, but it makes a provision which he has overlooked, and that provision is, that a Government grant is placed at the disposal of the Panch to enable them to carry out these repairs. If this Government grant is forthcoming in the case of the Bombay Presidency second class works, I have not the slightest objection to the onus of repairs being placed upon the irrigators.

Then as regards the change of front with which I have been charged by the Honourable Mover of the Bill and the Honourable Mr. CURTIS, I submit to this Council that there has been no change of front. I have been consistently maintaining that there is the ancient custom which makes it obligatory upon the irrigators to keep their works and channels in good order.

The Honourable Mr. CURTIS suggested on the occasion he refers to that all the silt clearances should be carried out by Government themselves. I pointed out that this was an impossibility, even if Government attempted to do it on account of the difficulty of getting outside labour when required. That is the position that I took up on the occasion referred to. I still maintain, Sir, that the responsibility of the irrigators as regards repairs is an old responsibility which they ought to be made to carry out in practice as far as practicable. But looking to the altered circumstances of the present times and to the way in which Government are carrying out repairs on their own first class works some alterations in the old customary practices are necessary and it is these alterations that I have been pleading for.

With regard to the Honourable Mr. BARROW's remarks, I have to point that he has been referring to water courses and saying that the irrigators are simply charged with carrying out of certain works which will come in the way of their neighbours. That is not the case. In the first place, water courses are quite different from the canals connected with the second class irrigation works. They are private courses and private water channels which belong to the owner himself. What I plead for is that, under the altered circumstances of the case, the responsibility of repairs should be taken away from the irrigators altogether. If that is not practicable, then they should be relieved of the onus of repairs to a certain extent at least, and the practical way that I have pointed out is that Government should contribute and maintain one or two paid chowkidárs or managers for each work who should go round and do such petty repairs as cannot conveniently be carried out by the irrigators themselves. With these remarks I again place my motion before the Council.

The motion was then put to the vote and lost.

Section 84 was then put to the vote and carried.

His Excellency the PRESIDENT:—Section 85, does the Honourable Mr. PAREKH wish to speak on that?

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—Your Excellency, I intended to speak in connection with this section, but after the decision which the Council has arrived at on section 84, I do not think I ought to trouble the Council. If I had put in any alter-

native proposal in place of section 85, then I would have been in order, but as no notice of any amendment has been given by me, I do not think I shall be justified in troubling the Council with any remarks.

Sections 85 to 89 were then put to the vote and carried.

His Excellency the PRESIDENT:—Now we will return to the amendment to the new section 73 which my honourable friend moved some time ago and which was postponed this morning. I think all Honourable Members have got a copy of it.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE spoke as follows:—Your Excellency, I wish to ask the Honourable Mover of the Bill whether he would accept a small amendment to the proviso that he has drafted. The proviso as drafted is: (Reads.) I might explain that the present tanks are for irrigational purposes, but in addition to that private people will construct small Bandharas and field channels, especially in the Ratnágiri district. There are channels like that in Ratnágiri and Poona, and if I am right, in Sátára also. So if he will agree to the wording that I have suggested “or for irrigation work” or if he does not prefer it, I would say “canal, channel or pipe” which is actually used in the Act.

The Honourable Sir RICHARD LAMB:—A water course is defined in the main Act in section 3, and section 3 is made applicable with reference to this Bill, and in view of this definition of water course in section 3 of the main Act, I have no objection to reading “provided that no artificial reservoir or water course supplied with water therefrom which is actually used.”

The Honourable Mr. GODBOLE:—But it won't include these small Bandhara Irrigation works that I have been referring to. So I think the words “all other irrigation works” will do in preference to “artificial reservoir or other works which is actually used for the purpose of irrigation.”

The Honourable Sir RICHARD LAMB:—The offer which I have just made is the utmost that I can make. I beg to remind my honourable friend that this offer is being made in respect of an amendment which was thrown out. In order to avoid its being considered that nothing would be done to meet the views of the honourable gentleman, I have, with the assistance of our Legal Advisers, devised a proviso which is the utmost which I can feel myself justified on behalf of Your Excellency's Government in offering to the honourable member in respect of the amendment which was thrown out. I can agree, if he desires, to insert “or water course supplied from such reservoir,” but I am not disposed to go any further than that.

The Honourable Mr. GODBOLE:—But it will not meet the case I have put forward. We are grateful for the concession that Government are ready to give. The Council is aware that we are not entitled to any concessions at all. It is a concession that has been given by Your Excellency to the large minority that have voted in favour of my amendment. We are very grateful for the concession, and I beg to point out that we will be still more grateful if the small addition is made. (Laughter.)

The Honourable Sir RICHARD LAMB:—My honourable friend having turned his back on himself a number of times is now asking us for a little more. Again, Sir, I can

only repeat that, after consideration by Your Excellency's Council, this proviso which I have proposed is the utmost that we can afford to give. To me, personally, it appears that the whole of the wording is entirely superfluous. Everything that is put down here is really secured in the Bill itself. This is a superfluity of verbiage which I am very sorry myself to see imported into the Act at all. An Act ought to be restricted to providing just what is necessary, and use no more words than are necessary. By putting in that proviso, we are adding a lot of unnecessary words which, to my mind, are entirely superfluous and ought not to be in the Act. It is much against my own opinion that I have accepted so much as the addition of this proviso, but to do more than that, to enlarge it, I am not at all prepared.

The Honourable Mr. GODBOLE :—I gratefully accept the small addition that the honourable member is going to give us.

His Excellency the PRESIDENT :—I must say that I admire the honourable member's persistency very much indeed. He has really squeezed the stone quite dry, and the Government is unable to give any more. The proviso as amended will read "provided that no artificial reservoir or water course supplied from such reservoir which is actually used" and so on.

Section 73 as amended was then put to the vote and carried.

The Honourable Sir RICHARD LAMB :—The Bill having been considered and having been passed through the Second Reading, and having been considered clause by clause, and certain amendments having been made in some sections, I now propose that the Bill be read a third time and passed. In view of the hour, and this being the fourth day of this Council's sitting, I presume that honourable members will be grateful to me if I refrain from making any lengthy remarks. I, therefore, Sir, move that this Bill be read a third time and passed.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows :—Your Excellency,—Considering all that has passed in this long discussion, and considering the circumstances which I placed before the Council of the very short notice that was given to the parties concerned about the final stage of this Bill, I have already pointed out that the Bill as amended by the Select Committee, the Second Reading of which we have just passed, but the translation of which was published only a week before this Council met here, I beg to propose that there need be no hurry at least for the final stage, and that the third reading be done in the usual course.

The Honourable Sir RICHARD LAMB :—I beg to point out that the usual course is to read a Bill the third time immediately after it has passed its second reading and been considered clause by clause. I beg also to draw the honourable member's attention to the fact that at the third reading no amendments can be moved. What possible good, therefore, can be brought about by postponing the third reading, it is impossible for me to conceive.

Bill read a third time.

His Excellency the PRESIDENT :—The question is that this Bill be read a third time.

The motion was then put to the vote and carried.

BILL NO. I OF 1914 (A BILL FURTHER TO AMEND THE DISTRICT MUNICIPAL ACT, 1901).

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency,—The scene now changes from open country, almost from the jungle, to the more familiar portions of the Presidency,—I mean from irrigated fields to Municipal activities in district towns of the Bombay Presidency.

The Honourable Mr. Prabhashankar D. Pattani moves the first reading of the Bill.

The Bill before us is a Bill further to amend the District Municipal Act, 1901. It contains a large number of amendments, most of them of minor importance, which have been brought to the notice of Government from time to time by officers of Government or by non-official gentlemen, and which have been finally collected together and brought into one Bill.

These amendments can roughly be divided into two classes, namely, those that arise out of the growing importance of certain cities which makes it necessary to assimilate their Municipal administration more closely to that of the City of Bombay. The second treats of the defects which have been brought to light in the practical working of that Act.

In the first class come the provisions for the appointments of Municipal Commissioners for cities with a population of 150,000 and above. Here we follow the corresponding sections of the Municipal Act of the City of Bombay. The powers proposed to be given to the Commissioners will be the powers of the Chief Officers with some more powers added thereto, and some of the orders of the Commissioners will be subject to appeals to the Municipality. If any more powers are to be added to or taken away from what has been proposed in the Bill, the Select Committee will deal with that.

Before I pass on to the other clauses of these amendments, I should like to say that these provisions authorising the appointments of Municipal Commissioners are optional. It is not obligatory that they shall be appointed at once, but it is the intention of Government to appoint one for the City of Ahmedabad. As to whether one will be appointed for Karachi subsequently or not will be considered later on. But the inhabitants of Karachi have not yet reached the limit of 150,000, and they have got a very capable Chief Officer on a salary of Rs. 1,250, and therefore the need for immediate action at Karachi is not so urgent as at Ahmedabad.

Your Excellency, I intend to propose that on the Select Committee, which will sit to consider the Bill, there may be appointed representatives of the cities of Ahmedabad and Bombay who are mostly concerned with the appointment of a Municipal Commissioner, and therefore it is that I do not want to discuss that question at length, but I must say this, that I do not anticipate much opposition to this provision; rather that the cities in question will feel honoured by the fact that their increasing importance has brought or is bringing them to the stage at which their Municipal administration can with advantage be assimilated more closely to the administration which has worked so satisfactorily in the Metropolitan City of Bombay. I may also mention for the information of the Council that the United Provinces have already got officers on salaries of

Rs. 1,200 as Executive Officers for the cities of Allahabad and Cawnpore, although they are styled as Chairmen of the Municipal Boards.

Now coming to the other provisions that we have borrowed from the Bombay City Municipal Act, you will find that clauses 12 and 19 dealing with the control of steam-whistles used by factories and mills, and clause 17 which deals with the question of animals used for dairy purposes have been incorporated in the present Bill. The former have been intended for Ahmedabad where there are already a large number of factories. The latter is needed for Mahableshwar and elsewhere.

Now coming to the second class of amendments, that is, amendments dealing with the defects that have been found in the actual working of the Municipal Act, most of them have emanated from the Honourable Rao Bahadur SATHE, the Chairman of the Sholapur Municipality, who has been good enough to scrutinise the Municipal Act very carefully and give us his experience of the practical working of that Act. Those suggestions have been incorporated in clauses 9, 16, 18, 20 and 21. I do not propose to discuss these at length, for I am quite sure that the honourable member from whom these suggestions have emanated will have to say a few words about them. I will only inform the honourable member that out of the several suggestions that he has placed before us, most of them have been very carefully considered, and although they have not found a place in this Bill to-day, some of them may at a later stage be adopted.

Out of the other amendments, taking them in their order, clause 3 deals with residential qualifications. It is intended to foster healthy local self-government, hence they are placed in the Bill.

Clauses 6 and 7 strike at corrupt practices. Here again in clause 6 we follow the Madras Municipal Act. Clause 7 gives a larger latitude of time to the Collector with a view that he may be enabled to investigate and question the legality of elections. He is rather in a different position from a candidate who is supposed to be always acquainted with the particular facts of an election business in which he is interested, but the Collector is in a different position.

As regards the remaining clauses, I shall not detain the Council with any lengthy explanation, because full explanation has been provided in the Statement of Objects and Reasons.

Your Excellency, we have been in this enlarged Council very fortunate in having a number of members who are either Presidents or leading Members of Mofussil Municipalities, and their practical experience will be of great use when they sit on the Select Committee.

With these few remarks I move that the Bill be read a first time.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATTALLAH spoke as follows:—Your Excellency,—This Bill introduces, in my opinion, two important changes, one by the introduction of new section 15A, and secondly the appointment of a Commissioner. Clause 15A introduces a change which, I must at the very start style as a provision of a retrograde character. My Lord, the law as it stands at present as regards the resignation of a Municipal Councillor—

His Excellency the PRESIDENT :—Will the honourable member tell me what clause he is referring to?

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATTALLAH (continuing):—
 Clause 5, new section 15A, my Lord.

The law as it at present stands as regards the resignation of a Councillor is that the resignation of a Councillor takes effect from the date on which he tenders his resignation, but according to the new change, though a Councillor sends in his resignation, it will not amount to a resignation unless and until it is accepted by the President. Your Excellency knows that the appointment of a Municipal Councillor is an honorary one. According to the new change, we compel the holder of an honorary appointment to serve on the Corporation against his wishes. The reason that has been assigned in introducing these changes is that some of the Councillors, as the Act at present stands after misbehaviour in the Corporation, can by their resignation escape the punishment provided by section 16. But I submit, Your Excellency, that resignation itself is a punishment for them. Now if after they have resigned, they want to seek re-election, we all know what are the troubles and botheration of a re-election, and I am firmly convinced that, if his constituents feel that he has really conducted himself disgracefully on the Corporation, they will not vote for him. Therefore, I submit, the change as introduced by section 15A is a retrograde step in the progress of local self-government.

If this suggestion of mine is not approved of by this Council, then by discussing section 16 of the present Act, I will make another suggestion, Sir. The results under section 16 of the present Act are very drastic. A Councillor, if he is removed by a majority of one vote, cannot re-enter the Municipality under section 16. In the first place, Sir, the words "disgraceful conduct" in section 16 are too general and too vague. They are not defined anywhere in the Code. If we take the case of a Chief Officer, though he is a paid servant of the Municipality, what do we find? he shall not be removed from the service of the Municipality unless there is a majority of three-fourths; but a Councillor of the Municipality who is his superior may be removed by only one catch-vote of majority. It will be said that if we amend section 16, and if the Councillor who misbehaves himself cannot also be removed unless there is a majority of three-fourths, it is so difficult to get the majority of three-fourths, therefore, it will be in practical working an impossibility to remove any Councillor of the Municipality for his disgraceful conduct. To safeguard that, Sir, I will suggest that a new provision be added to section 16 by which if a bare majority consider that the conduct of a Councillor is disgraceful, in that case the Councillor may be suspended for a number of meetings only. But if a majority of three-fourths of the Corporation are of opinion that his conduct is disgraceful, then he may be permanently disqualified. Your Excellency, in the Municipalities everywhere there appears the party spirit and it will be so easy by a bare majority to remove any member under section 16, which involves such a drastic punishment that the man cannot re-enter the Municipality for life.

The next thing is the appointment of a Commissioner. Under the Act, the Municipalities do, not only the work of deliberation, but executive work also, and by the present change, in big towns having a population of 150,000, all the executive work is being transferred to the Commissioner. Looking to the largeness of business in these big towns, and the large area and the diversity of the population and the largeness of the interests involved, I welcome this change about the appointment of a Commissioner.

Your Excellency, before I take my seat, it will not be out of place for me, as the Municipal Bill is on the anvil, to bring to Your Excellency's notice that the Mahommedan

population of Sind is not adequately represented by elections in the Municipalities. There are Municipalities in which there is a Mahomedan population of 25,000 people, and out of 16 elected members there is not a single Mahomedan. I do not want to suggest, Your Excellency, that Your Excellency should give us communal representation, because I would simply evoke a storm of protest from some of my friends. All that I wish is that Your Excellency be pleased to extend to the Mahomedans of Sind that principle which was so ardently advocated two or three days back in this Council, to give a Deputy to the seats that are given to the Mahomedans of Sind by nomination, in order to make myself very clear to Your Excellency, I will say that I have no legitimate duties of City Survey and Town number of seats in the gift of the Government. Even after nomination, there remain a fair number in the hands of Government. I wish to be appointed most of these places in Sind may be given by election to the Mahomedans. It is proper it is essential for Your Excellency that instead of nomination let those seats be given to the Mahomedans. I would not be lower in rank than the other members.

His Excellency the PRESIDENT:—I really hardly think that the question of the capacity or election of Mahomedans or any other section of the community is relevant to this Bill at all. I do not think the honourable member can raise the question. It is a very interesting question, but it has no reference to this Bill.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATTALLAH:—The Bill cannot be amended here, and Your Excellency has power under section 11 to give effect to the Bill by election.

His Excellency the PRESIDENT:—The honourable member must remember that we are not dealing with the original Act. We are now dealing with the Bill before the House.

The Honourable SHEIKH GHULAM HUSSEIN:—That means I cannot discuss anything beyond the amendments that are contained in the Bill.

The Honourable Mr. PATTANI:—The honourable member can only speak on clauses that are included in the Bill, and if he has any more new amendments to make, I think the proper course would be to suggest them in writing to Government so that when another opportunity arises for the amendment of the Act, those suggestions may be considered and incorporated, if found advisable.

The Honourable SHEIKH GHULAM HUSSEIN:—With these remarks, Your Excellency, I support the first reading.

The Honourable Sir CHINUBHAI MADHAVLAL read the following speech:—The main feature of this bill is the provision made for the appointment of a Municipal Commissioner on lines nearly analogous to the Municipal Commissioner of the Municipality of Bombay, in place of the Chief Officer to administer the affairs of Municipalities having a population of not less than one lakh and fifty thousand and the reason advanced for making this amendment is to provide suitable administrative machinery capable of coping effectively with the growing volume and complexity of work in Municipalities of the largest towns of this presidency that have by their development outgrown the limits of existing administrative agency. Such town for the present is Ahmedabad and perhaps Karachi may come in later on and consequently this bill affects Ahmedabad only. The remarks that I am making therefore are based upon the study of the means and

resources of Ahmedabad and apply to the conditions and circumstances of the Municipality of this town. That the work of Municipal Administration will be done more effectively

The appointment of a Municipal Commissioner will be readily admitted by all who have resigned the working of Municipal management of cities of large populations where but accounts working of the executive authorities becomes much more imperative than in not amounting. Secondly it is equally essential for the success of Municipal administration in large population towns that there should be a steady and unflagging continuity. According to the maintenance of a settled policy once laid down after mature consideration by the Corporation. All these can be satisfactorily attained by vesting large powers in the Corporation. One of the main reasons for these changes is that the truth of this statement is best brought home by the administrative behaviour in the Corporation inasmuch as its constitution has become an ideal in the Corporation by section 16. But I proposed amendment of the constitution of the Municipality of Bombay for them. Now if after no question that by the appointment of a Municipal Commissioner what are the troubles of the Municipality of Bombay the administration of Bombay and his constituents feel towns of this presidency will be improved. The only points they will not vote are the question of cost and the ability of the Municipalities. It is a retrograde step. To realize fully the extent of the liability, these Municipalities

If this is to be done by having Municipal Commissioners, it is necessary first to select a class of officials from which the choice of such an executive head should be made and also the nature of his work. Unlike the Municipal Commissioner of Bombay Municipality the administrative head of these larger district municipalities will have to divide his time between three duties, viz., first the duties proper of a Municipal Commissioner, second the work of city survey and third town planning work; and as the last two duties are of a very important and onerous nature they will absorb at least half if not more of that officer's time. As the bill now stands the appointment of the Chief Officer must cease on the appointment of the Municipal Commissioner into whose hands the control of all Municipal matters must necessarily go. Now this officer with his multifarious municipal city survey and town planning duties will not be able to look minutely into the details of each of the departments placed under his charge and the result will be delegation of powers and duties to subordinates. Under the existing law this delegation by the Chief Officer is subject to the approval of the General Board of Municipal Councillors, but under the bill before our consideration such delegation will proceed from the Commissioner without the approval of the General Board and the powers to be so delegated are considerably wider than those of the Chief Officer, because much greater powers are proposed to be granted to the Municipal Commissioner in this bill. It is a matter for serious consideration as to how and to whom such wholesale delegation of power should be allowed, whether according to existing arrangement of the bill such delegation should in the natural course of things be allowed to go to such persons who may be immediately under the Municipal Commissioner or be restricted to some class of officers specially selected for the purpose. I have already said that the powers contemplated to be given to the Municipal Commissioner are considerably wider and greater than the maximum of powers that can be enjoyed by the Chief Officer by the existing Act, and I need not state that such powers require very tactful and delicate handling and for this reason a tried officer from the provincial service of the grade of a Deputy Collector is generally selected. I consider therefore that no officer of a grade lower than a Deputy Collector to be distinctly specified in this

bill for such delegation of the powers of the Municipal Commissioner and he may be styled as Deputy Municipal Commissioner if it be considered necessary to distinguish him from the Chief Officers that are provided for in the existing Act for Municipalities. I understand that there is a Deputy Municipal Commissioner in the Bombay Municipality where the Municipal Commissioner devotes his whole time solely to the affairs of this Municipality. If this be true how much more necessary is it to give a Deputy to Commissioners of Municipalities who have, in addition to their legitimate duties of Municipal affairs, the onerous and time-absorbing duties of City Survey and Town Planning. I consider therefore that if a Municipal Commissioner is at all to be appointed and if it be contemplated to entrust him with the duties of City Survey and Town Planning in addition to his duties as a Municipal Commissioner proper it is essential for the success of this experiment to give him a Deputy who should not be lower in rank than a Chief Officer as provided in the existing Act for Municipalities.

I now come to the cost of this scheme. The Municipal Commissioner of the capacity to control three important works, *viz.*, Municipal Administration, City Survey and Town Planning, will in all probability be a member of the Civil Service of at least 6 to 8 years' standing and such an officer I understand cannot be had under a salary of about Rs. 1,500 per mensem and his Deputy of the qualifications already described cannot be had much under Rs. 500 per mensem. Thus it will be an expenditure of about Rs. 2,000 per month or nearly Rs. 25,000 per year. I now come to the main question of cost, *viz.*, whether the Municipalities, that will come under the operation of this bill, will be in a position to bear, this annual expenditure of Rs. 25,000 which I may incidentally remark is reckoned without any pension contribution and leave allowances, and will they be justified to incur such a heavy burden situated as they are at present? I think the Officers that have advocated a Municipal Commissioner for the Municipality of Ahmedabad have had some misgivings on this point and Mr. Painter, the Collector of Ahmedabad, with a view to help the Municipality in this matter when recommending to Government for favourable consideration his scheme for granting to the Ahmedabad Municipality made certain concessions when he formulated his scheme for a Municipal Commissioner for the Municipality of Ahmedabad in his letter to the Commissioner, Northern Division, dated 9th June 1911; and the present committee of management passed the following resolution in a meeting of the General Board held on July 28th, 1911, on the strength of this letter: "As to the proposal made by the Collector to place the executive administration of the Municipality in the hands of an officer who should also be in charge of City Survey and Town Planning work, this committee is of opinion that in view of the heavy work with which that officer would have to cope, it would be necessary to retain the present post of the Chief Officer to help him in the discharge of Municipal duties. In view of the proposed extension of limits and the increased responsibilities of the Municipality, this committee as at present advised would entertain favourably the Collector's proposal that the officer contemplated should have a position analogous to that of the Municipal Commissioner of Bombay. The scheme of the City of Bombay Municipal Act being different from that of the Bombay District Municipal Act, it would be necessary to recast the latter Act in order to create a Municipal authority in the shape of a Municipal Commissioner. It would be possible for the committee to define the exact position and the salary of the Municipal Commissioner after they knew on what lines Government were prepared to amend the Act, how many of the revenue

concessions recommended by the Collector, Government were prepared to give and what part of the salary (of the proposed Municipal Commissioner) Government were prepared to contribute.”

The concessions referred to in the foregoing resolution as mentioned by the Collector in his letter to the Commissioner, Northern Division, are briefly as follows :—

- (a) The grant of the sale proceeds of land in the suburban area.
- (b) The local fund revenue from sand, kankara, etc., taken from the river bed.
- (c) Partial relief from the charges of the upkeep of the provincial roads in the Shahibag area and between that area and the Railway Station, all of which will be brought within Municipal limits.
- (d) The ownership of road and side trees.

Mr. Sladen, the then Commissioner, Northern Division, also must have realised the financial position of the Municipality and the heavy liability that it was called upon to incur in having a Municipal Commissioner, because he has recommended to Government in his letter of 23rd September 1911 that the Collector's proposals be accepted while the present Commissioner, Northern Division, the Honourable Mr. BARROW, is quite outspoken in his letter of the 7th March 1912 to Government on these misgivings about the ability of the Municipality to bear the increased cost.

It will thus be seen that while admitting the desirability of giving to the Municipality of Ahmedabad a Municipal Commissioner three important officers of Government appear to be sceptical as regards its ability to bear the extra burden of cost and I think I will not be wrong in assuming the Government also realising the strain to which the resources of the Municipalities concerned will be put by the introduction of this measure has tried to tide over the difficulty by proposing to share this burden by assigning to this Commissioner the combined duties of City Survey and Town Planning and thereby relieving considerably such Municipalities of their liabilities. If I am right in this conjecture I fully appreciate the consideration that has led Government to make this combination of duties in the proposed Municipal Commissioner and I would urge that instead of leaving to the discretion of the executive officers the apportionment of the cost of the salary of this officer between Government and these Municipalities it is much better to clearly specify in the bill itself this share which I would suggest should be in the ratio of 2 to 1, that is to say Government to bear two-thirds and the Municipalities one-third the salary of the Municipal Commissioner and that no pension contribution and leave allowances to be demanded from the latter. Such a course in my humble opinion will remove for ever charges of misapprehension or misinterpretation at any future time. I would also request that the concessions recommended by the Collector of Ahmedabad in his letter of 9th June 1911 may be accepted and granted as these will go to help the Municipality of Ahmedabad to meet its extra liability of entertaining a Deputy Commissioner as already described. It may perhaps be argued that after the recent enhancement in the water rates the Ahmedabad Municipality should no longer be in need of such concessions. My reply to this is that the income calculated to be derived from these enhanced water rates are more less earmarked for loans contemplated by the Municipality to be raised for drainage extension and other improvements and consequently are not likely to come to

the help of the Municipality for this purpose. Government having recognised the necessity of mending the existing machinery of Municipal executive administration pronounced to be ill suited to the proportions and extent of a growing town like Ahmedabad has come forward with a tried scheme for this purpose and has been generous enough to volunteer to share with the Municipality the salary of the Municipal Commissioner. I humbly request our sympathetic Government to extend and to make its generosity complete by giving to the Municipality of Ahmedabad some sort of an assurance for these concessions. As regards the details of the bill like the defining of the powers of the Municipal Commissioner, etc., the present is not the right time to say. They can best be left to the Select Committee to which this bill will assuredly be referred, and may be discussed, after the second reading.

With these remarks, my Lord, I support the first reading of the bill.

The Honourable Sir PHEROZESHAH MERWANJI MEHTA spoke as follows :—Your Excellency, an amended Bill of the sort of the District Municipal Bill is not one which can only be discussed or debated upon the principles running through it. Each amendment really stands on its own merits and its own footing, and has to be discussed on its own account. But there are only two points included in these amendments on which I shall wish to offer a few observations to the Council. The first is about the attempt which has been made for the first time to introduce the system of the Bombay Municipality and to apply it to the largest towns in the mofussil. I have always held that that is the procedure which Government were bound to come to at some time or other. The only question is whether the Municipality is one to which the system can be profitably applied and that depends upon the position and the resources of the Municipality whether its resources are of a character which would enable it to employ a Municipal Commissioner of that sort through whom alone a system, like the system of the Bombay Municipality, could be properly worked. In the Bombay Municipality the system has worked well, because, the resources of the City are capable of engaging the services of an officer of high standing, experience and reputation. It is absolutely necessary for working a system like that in which the executive power is placed in the hands of one responsible officer called the Municipal Commissioner that he should be a man of great probity, knowledge and experience. If that were not so the experiment is bound to prove a worse failure than the present system in the mofussil. Therefore it is necessary to see in the case of these Municipalities in which it is proposed to apply the provisions, whether the Municipality has adequate resources for the purpose. Of course it is for those who are conversant with the conditions and circumstances of the mofussil Municipalities, to point out whether such provisions could be made applicable to them. I suppose, that is a point which will be carefully considered in the Select Committee, whether there is any town in the mofussil which has arrived at that stage of financial capacity under which it can have the new system applied to it.

The other point to which I should like to refer is that which is referred to in the Statement of Objects and Reasons and it is this. With regard to the amendment of section 15A, the Statement of Objects and Reasons says—(reads).

Now, Your Excellency, section 16 of the District Municipal Act says—(reads).

Now it seems to me that the statement which is given in the Statement of Objects and Reasons with regard to the amendment of section 16 misconceives altogether the

scope and object of section 16. Section 15 was not introduced for the purpose of placing a penalty upon an erring Councillor, but for the purpose of getting rid from the Municipality of a person who has proved himself of the character which is described in section 16. In case he was not there, in case he had resigned, it was not intended that that section should be applied for the purpose of putting a stigma upon him. That being so, it seems to me that the object which is sought to be gained is not an object which is in consonance with the purpose described in section 16 which is really put upon the Statute Book. The object was that if a Councillor was considered as having misbehaved himself in that Municipality, there should be some way of getting rid of him under the District Municipal Act, applying the remedy of putting the responsibility upon the Governor in Council of removing that erring Councillor. It was not, as I said, for the purpose of placing the penalty upon him and, your Lordship will see that that must be so. Because, this is done without any judicial trial. If it was ever intended that that section was to be used for the purpose of placing a stigma upon the erring Councillor of having been guilty of misconduct or incapable of performing his duties, I am perfectly certain that even *Indian* Legislation would not have allowed that to be done without giving an opportunity for a man to be placed upon his trial and defending himself in an open judicial manner. It was because that was not so, that a certain executive power is given to the Governor in Council for the purpose of ridding the Municipal body of a person of that character. Therefore, I must strongly protest against the attempt which is made to shackle individual liberty of a person to resign any place which he has entered. If he chooses to resign it at any time I submit that he ought to be at liberty to do so. The resignation is open to him at his own will. I can well imagine cases, I have had large experience in Municipal affairs—in which a Councillor has erred, and his action required that something should be done as to his conduct, but the way is open to the Municipality for the purpose of attaining that object. And I have once or twice seen it done in the Municipality of Bombay, that is, by passing a resolution, that such a person who has acted in a particular manner, has acted in a manner which according to the opinion of the Municipality is liable to grave censure or such just description as might occur to the Municipal body as necessary or desirable. That object can be gained in that manner. But if a section is introduced like the one preventing his resignation as it were and putting an indirect stigma by saying that he is expelled from the Municipality, I submit that course is not in consonance with the right of individual liberty or of justice or in the interests of the Municipalities themselves. If a person is to be prevented from resigning, we in popular parlance very often say that the resignation does not take effect till it is accepted. But your Lordship will find that when we come to concrete instances there is nothing of that sort. A man has the fullest right of resigning his functions which he has for himself undertaken. It seems to me, as I say, if he has done anything which is wrong or which is reprehensible, steps should be taken for the purpose of marking the sense of the body and to pass a resolution to that effect. I should have no objection to such a course, for in the Bombay Municipality there have been a few instances where such a course was resorted to. But I have never seen that a Member could be prevented as it were from resigning whenever he chose to do so. I will ask my Honourable friend in charge of the Bill to consider this question very carefully and very seriously in the Select Committee. I do not think we ought to make it harder for a Councillor—whether

official or non-official, elected or nominated—to do his duty according to the best light, on these Municipal bodies, by placing him at the mercy of an indirect stigma of that character. I am quite ready to admit that if a man deserves it in proper circumstances—that a stigma should be placed upon him—he must have the right of an open judicial trial before you place a direct stigma of that sort upon him. I only throw this suggestion out for the purpose of enabling the Honourable Member in charge of the Bill and the Members of the Select Committee to devote their attention—very careful attention—to the amendment which is proposed in that part of the Act.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE spoke as follows:—Your Excellency, at this late hour of the day I do not think I will be justified in detaining this Council for a longer time than is really necessary to place before the Council my own views on three or four sections.

First, as regards the change that is introduced by section 186A by the creation of the appointment of a Municipal Commissioner for towns having a population of over a lách and fifty thousand, I have to make a few observations, but I must say that I am doing so, not because that clause at present applies to any other Municipalities having less than that population, but, as this is the time when one can speak of principles, I think, I should not allow that opportunity to slip. It is a fact, at least I can say for myself by some experience gained, that it is necessary for better advancement of efficient local self-government, that we should have a good executive officer to perform all executive functions, and particularly for large towns it becomes more necessary. And though I am in favour of the principle of having some officer, call him by any name, whether a chief officer or a Municipal Commissioner, the question is not whether he is wanted or not, but the question is whether the Municipality can afford to retain him. If I rightly understood one of the sections of the present amending Bill, I find that the appointment of the Municipal Commissioner solely rests with the Governor in Council, and my submission is that unless the Municipality for the administration of which he is to be appointed is consulted on that point, the apprehension is,—and I feel that there is some room for that apprehension,—that Government will be thrusting upon the Municipality an officer of a pay and grade which would not be within the means of that Municipality, and it is fair that if he is to do the work of a body for whose interest he is appointed in the main, that body should have a voice in the appointment to be made, and my suggestion on that point is that in determining the pay that body should have perfectly free voice. It is said in the Statement of Objects and Reasons that that clause has been taken from the Bombay City Municipal Act. The circumstances of Bombay differ from the Mofussil. The Act relates only to one town and there the maximum and minimum pay could be determined in relation to the finances or to the income of that Municipality. But in the present case, that is in the case of Mofussil Municipal towns, I think, it would be in the interests of the Municipalities if the settlement of those questions as to the grade from which that officer is to be recruited is left to be determined by the Municipality. If they do not exercise that right in a reasonable spirit Government have their power under their controlling authority to bring to their notice that their action was not justifiable. These are the only few remarks which I have to make about the appointment of a Municipal Commissioner. My own suggestion was that it would do even if we reduce the amount of the pay to be given to the Municipal Commis-

sioner to that of District Deputy's grade. The question of population of one lách instead of one lách fifty thousand is a minor detail about which I need not speak anything.

Another point which is one of principle has already been sufficiently discussed by Honourable Sir PHEBOZESHAH MEHTA. While endorsing all that has been said by him, I will only add two words. Disqualification, if it arises under section 16, becomes permanent disqualification under section 15, and I think, it is really very hard that a Councillor who misbehaves or misconducts himself during a heated discussion of a meeting should be mulcted with a punishment of that character, and is it not enough punishment for him if he takes into consideration the sense of the meeting and voluntarily goes out of the corporation. I think that ought to be considered a sufficient punishment for a Councillor who according to the sense of the meeting has misbehaved or misconducted himself, and the way in which that section has been put in really means that you are inviting the rest of the corporation to hold proceedings under section 15, and my submission is that such a kind of temptation ought not to be placed before Councillors and before the Municipality where feeling sometimes runs very high and things are done sometimes out of personal spite. So my submission is that that section ought to be deleted.

The third point to which I would refer is the checking of corrupt practices. From the last year's Administration Report of the Municipalities we have known that there were very sad cases in election matters arising out of these corrupt practices, and it is very desirable that such practices should be checked.

(His Excellency the PRESIDENT at this stage withdrew and the Honourable Vice President (Sir RICHARD LAMB) took the chair.)

The Honourable Mr. SATHE (continuing): But at the same time care must be taken to bring the penal clause in a line with the civil remedy that has been already on the Statue Book under section 221.

Another clause to which I have to raise an objection is the power given to the Collector to step in to challenge an election. Experience shows that the voters and the rival candidates are always careful enough to guard their interests and they do not allow a single opportunity to slip if they find that there is any real grievance to go to the District Judge and get the election set aside on account of corrupt practices. It is an every day experience that at election times, feeling runs very high and we will be simply supplying unscrupulous men or busy bodies opportunities to send in anonymous petitions to the Collector, so that he may take action under the amended clause. I know he will use his discretion and he will make every endeavour to investigate before he launches into a case in the District Court, but when there are rival candidates all of whom are best able to look after themselves it seems to me a superfluous provision in the law.

Another point that I wanted to touch was about section 96 of the Act. That is my own amendment but I will not give any details about that section. I will only say that that section requires further amendment in the light of the recent rulings that have been given by the Bombay High Court.

Then, Sir, there is another point which I wanted to bring to the notice of this Council at the first reading and that was whether it would not be desirable to send this Bill to the several Municipalities requesting them to send their observations or remarks by the time the Select Committee sits to work, so that the Select Committee will be in a position

to know the views which the Municipalities that are likely to be affected by these amendments hold on certain points. This is only a suggestion that I throw out. Such a course will not only facilitate the consideration in the Select Committee but it will enable the Select Committee to incorporate any new suggestions that might be made by the several Municipalities.

With these remarks I support the first reading of the Bill.

The Honourable RÁO SÁHEB VENKATESH SHEENIWAS NAIK read the following speech:—
May it please Your Excellency, I have very great pleasure in giving my approval to the principles involved in the amending Bill now before the Council. It has been the outcome of difficulties and inconveniences arising out of the working of the Act. Since the passing of the Act in 1901, about 5 amendments have been made. The administration of the Municipalities is in the hands of different bodies living under different circumstances, and though the Act is framed so as to suit the general condition of all these administrations, certain circumstances give rise to some difficulties, which cannot be solved by rules to be made under the Act. The several amendments that have been embodied into the present Bill, have, it seems, been suggested to Government by the executive and other officers, as they occurred to them, in their routine work of control, as well as by a few Municipal administrators. There seems to be some reason to think that some more changes deserve to be considered. I expected that before this amendment was taken on hand Government would call for the difficulty felt by different bodies in the working of the Act and consider all the proposals together, as we do not often get the Act amended. I fear that any new suggestion cannot now be introduced in the Select Committee, and I submit that the different Municipalities in the Presidency, may be invited to send in the difficulties they may feel in the working of the Act, and any other amendment embodying them all, if they deserve, may soon be brought.

The safeguards now provided in the Act to prevent corrupt practice, at the time of elections were insufficient, and the penal clause now introduced is a commendable one, and tends to mitigate the evil, which in the absence of any penal responsibilities of the voters and the candidates, was often practised. The addition of a sub-clause, empowering the Collector, to question the validity of an election, is also a welcome one. As the law now stands, though the Collector was assured of an invalid election, on the grounds of corrupt practice, he had no power to question it or take action upon it, except through a member of the body itself; thus affording opportunities to the person possibly to again resort to illegal means, to see that his election is not questioned or challenged.

It seems that legislature intends an actual payment, in prescribing the payment of a certain amount of tax, to qualify a person as voter or candidate, and the wordings of the Act as they are, even in the amended section, are not clear enough. I suggest that the Select Committee before whom the amending Bill will pass, will consider this and make the words more clear.

This amending Bill further legalises the system of farming out the tolls. In the case of the Municipalities levying the toll alone it was often found that the cost of entertaining a separate staff to collect the tax, exceeded the maximum percentage of the tax, allowed for such establishment, and consequently many Boards found it convenient to have recourse to farming. The system which is in practice and works smoothly in

some Municipalities, was often being objected to, by the Examiner of Local Accounts, as the system is not permissible by the Act. The legalisation of this system has removed the cause of objection. It further remedies the great inconvenience often felt by the Municipalities, of undergoing the dilatory proceedings of the civil courts, in order to recover the dues from defaulting contractors, as well as the difficulty the contractor or his agent often meets in collecting the toll from travellers who refuse to pay the same. In the latter case the contractor has no other recourse left to him but to go to the criminal courts. The present amendment when it becomes law saves the trouble and gives facility to the contractor to collect the tax, and induces him to bid at a higher rate than what he used to do, under the existing unfavourable provisions of the Act.

Amendment of section 83 and the addition of section 84A provide for the seriously felt inconvenience on account of want of provisions for collecting dues from defaulters, living outside the Municipal limits. As there were no provisions in the Act for collecting such dues, there was probability of such Municipal revenue falling in arrears, though as a matter of fact such arrears were recovered in some cases by brother authorities simply as a matter of obligation.

The provisions for the appointment of a Municipal Commissioner for big towns with special executive powers, as has been stated in the Statement of Objects and Reasons, tends to improve greatly the administration of these places. The limit of population required for these privileges has been fixed to a lách and a half. Looking to statement No. 1 of the Municipal taxation report issued in August last only Ahmedabad will be entitled to the benefits of these provisions. In the last Council meeting a motion was brought by my Honourable friend Mr. KOTHARE recommending Your Excellency to consider the desirability of appointing a Municipal Commissioner for the port of Karachi,

(His Excellency the PRESIDENT returned at this stage and occupied the chair) and the proposal was withdrawn on some hopes being given that the matter would be embodied into this amendment.

The population of Karachi according to the statement above referred to falls short by about a couple of thousand souls, and I suggest that when the Bill passes to the Select Committee, either the limit may be reduced or His Excellency the Governor in Council may be empowered to use his discretion in extending the privileges on application by local bodies, even if their population falls short of the prescribed limit.

With these remarks I support the first reading of the Bill.

The Honourable Ráo Bahádur SHRINIVAS KONHER RODDA spoke as follows :—Your Excellency, at this hour of the day I do not want to take up much time of the Council, but I shall content myself with a few remarks. The Act is one which requires repeated amendments, so whatever amendments are now before the Council should be passed, and I think the Bill is welcome and therefore that it be referred to the Select Committee.

According to one of the sections every person who has paid taxes is entitled to give a vote. But at the time of election it is sometimes found that some of the voters have not actually paid taxes. Your Excellency will see that there is nothing in the law to prevent such people taking part in electioneering matters. So it seems to me that the law requires to be amended to that extent. Towards this end one of the remedies that I

would suggest is that those alone who have paid the taxes for the whole year should be allowed to vote at the time of the elections.

With regard to the sales, they affect smaller Municipalities as well as larger Municipalities who have to spend much more than Rs. 600 or even Rs. 1,000, there is every danger of the Municipal Commissioners monopolising the purchase of the articles. Therefore this section should be so cautiously dealt with that no Municipal Commissioner will have any hand in the transaction. I also endorse my Honourable friend Mr. SATHE's suggestion that the Bill should be referred to the several Municipalities for their opinions, to facilitate the Select Committee's work.

With these remarks I entirely support the Bill.

The Honourable Mr. HARCHANDEAI VISHINDAS :—Might I inquire how long Your Excellency propose to sit today ?

His Excellency the PRESIDENT :—I am very anxious if possible to get through the first reading of this Bill today, but of course I am entirely in the hands of the Honourable Members. If many Honourable Members now wish to make speeches on the first reading or if it is the wish of Honourable Members that we should adjourn, I am quite ready to do so. But I should like if possible to get through the first reading today.

The Honourable Mr. HARCHANDEAI VISHINDAS spoke as follows :—Your Excellency, I have to offer some few remarks. Considering, that we have only to discuss the general principles of the Bill for the purpose of the first reading and there is no question of any amendment, with Your Excellency's permission I shall offer my observations on the three points that call for attention. One is the provision about the appointment of the Municipal Commissioner, another is the amendment or rather the insertion of section 15-A, referred to by the Honourable Sir PHEROZESHAH MEHTA, and the third is the power given to the Collector to file a petition against an election.

Now as regards the first, the appointment of the Municipal Commissioner, it will be recognized on all hands that that is the most important provision of the Bill which will require most careful consideration. And as my Honourable friend Sir PHEROZESHAH MEHTA remarked it concerns individual Municipalities which are going to be affected more than it concerns other people. Whilst we have heard from several members that the appointment of a Municipal Commissioner is a very good and desirable thing and one of the speakers went so far, without asking us, as to propose a Municipal Commissioner for Karachi, he ignored the exhortation that was held out by Sir PHEROZESHAH MEHTA that the question as to whether a Municipal Commissioner is fit for any particular Municipality should be decided by that Municipality itself. And I want to put it before Your Excellency's Council that from the point of view of the Karachi Municipality as also from the opinion I hold with regard to this question it is not desirable that such a provision should exist on the Statute Book. My principal reason is this that whilst the appointment of the Municipal Commissioner is not only desirable for a large city like Bombay but absolutely necessary for reasons which I will unfold later on, it is undesirable as well as unnecessary for any small city like Karachi with a population of not only one lakh and fifty thousand but even of two lakhs. Now I do not think I can better argue the point than by quoting a passage from the speech of the Honourable Mr. GOKHALE at the time of the passing of the Bill which became Act III of 1901, the

present District Municipal Act, because that gives exactly the reasons why a Municipal Commissioner should not be appointed in Municipalities other than big cities. (Reads.)

So, Your Excellency, on that occasion when the District Municipal Act was going to be passed the original framer of the Bill, I think it was Sir EVAN JAMES, in assimilating the District Municipal Act in this regard, inserted a provision similar to the one given in the City of Bombay Municipal Act in other words, a provision for the appointment of a Municipal Commissioner for the mofussil Municipalities. There was a protest from non-official Members like the Honourable Mr. GOKHALE and others and eventually in the Select Committee that clause was abandoned. That is precisely the reason why that was abandoned, namely, that as a matter of fact the appointment of a Municipal Commissioner was almost a curtailment of local self-government. Now why it is a curtailment of local self-government is plain from this fact. If any Municipality has shown a good record, if from the work that it has done, it would appear that it has performed its duties properly and with integrity, then I think, it would be a slur upon that Municipality to withdraw all these executive powers from it and to appoint a highly paid Municipal Commissioner to exercise those powers. The Honourable the Mover of the Bill said in his opening remarks that practically it would be a kind of compliment to the Municipality to which this appointment is made, because it will be placing that Municipality on the same level as the Bombay Municipality. But I do not think that is a compliment to any Municipality, and I would certainly decline that compliment with thanks for the consideration I have just now put that instead of its being a recognition of the advanced state of the Municipality, it is rather a condemnation of its backward state, and I need not elucidate my point better than quote the example of Ahmedabad. It has become necessary to appoint a Municipal Commissioner for Ahmedabad because the Ahmedabad Municipality was suspended. Thus instead of the appointment of a Municipal Commissioner being a compliment it is only a remedy for those Municipalities which have been degraded by suspension. I hope I am not giving offence to any body but only stating facts. So, Your Excellency, in my opinion this is rather a retrograde measure and we are going back upon local self-government by the appointment of a Municipal Commissioner. Then there is another consideration which has been already suggested and that is the question of costs. I do not know whether I would be justified in dabbling in other people's affairs, but still as the Honourable Sir CHINUBHAI told the Council that it is rather difficult for the Ahmedabad Municipality's means to afford the cost of a Municipal Commissioner, you cannot help considering the question. I understood from the Vice-Chairman of the same Municipality that its income is only eight lakhs of rupees. If the income is Rs. 8,00,000, I do not know whether it will be possible to appoint an efficient Municipal Commissioner. Now coming to the question of his status I am forced to observe that you cannot have an efficient Municipal Commissioner unless he is very highly paid and unless he is of the grade of a Collector. Being of the grade of a Collector, you must at least pay him Rs. 2,000. That amounts to about Rs. 25,000 a year; but apart from that there are other things. If you appoint a Municipal Commissioner you must have attached to him several heads of departments to advise him. It has been the practice to recruit a Municipal Commissioner from the Members of the Indian Civil Service. No doubt that service is the most distinguished service in the world as described by Lord Dufferin, but still I venture to submit that if a Municipal Commissioner on a small pay, say on the pay of an Assistant Collector, is

appointed to a Municipality like that of Karachi,—I do not know about Ahmedabad,—then it will be assuredly going back, because, we have got an officer who is Chief Officer and Chief Engineer combined, and I certainly do not imagine that any Member of the Civil Service of the grade of an Assistant Collector would be able to perform his duties so well and so efficiently as he is doing. I was now addressing myself to the question of costs and that was the question which the Honourable Sir PHEROZESHAH MEHTA laid stress upon. It all depends upon the financial resources of a Municipality to be able to afford a Municipal Commissioner.

Then it must be remembered that up to now Bombay is the only city which has had a Municipal Commissioner. Even Madras and Calcutta have not got a Municipal Commissioner. The reason why the Bombay Municipality has got a Municipal Commissioner is because the Bombay Municipality from its very inception has had by Act II of 1865, which first gave Municipal Administration to Bombay, a tripartite government consisting of the Corporation, the Standing Committee, and the Municipal Commissioner. These are the three authorities which govern and the Municipal Commissioner from that time onwards has been always keeping the status of the chief executive officer. Therefore, it cannot be said that the Bombay Municipality is going back upon its system of local self-government. But that cannot be said of the Municipalities on whom the Municipal Commissioner is going to be imposed for the first time and who have hitherto enjoyed the system of government under the District Municipal Act.

The chief reason why a Municipal Commissioner should be appointed to a Municipality is the largeness of the population. Bombay has got 979,000. It can very easily afford to have a very highly paid officer. A city whose income is up to eight lakhs can certainly not afford to have a Municipal Commissioner. I think that having regard to the remarks made by the Honourable Mr. SARHE that whether you call him a Municipal Commissioner or a Chief Officer, he should be the head executive officer, I would prefer, if the Bill is referred to a Select Committee and if they come to the opinion that any such high officer should be appointed,—that the designation Municipal Commissioner be deleted and that of the Chief Officer retained for the simple reason that as the Bill is now framed containing the provision that a Municipal Commissioner shall be deemed to have been lent to foreign service, it is clear that the intention of the framers of the Bill is to appoint a Member of the Indian Civil Service. But I would submit that in some cases, if you want to have a head executive officer, it will be to the advantage of the Municipality that you should not have a Member of the Civil Service, but a man like a person who has already won his laurels. For instance in Karachi we have had a succession of able Chief Officers who have left their mark on the history of the Karachi Municipality. You can easily invest such an officer with all the executive powers you now propose to confer on the Municipal Commissioner or such reduced powers as may eventually be decided upon, instead of tying yourself down to the appointment of a Municipal Commissioner from the Indian Civil Service and from nowhere else. Of course, I simply throw out these suggestions. I say it is for the Select Committee to give their best consideration to the matter.

I shall now proceed to the second point, namely, section 15-A. I entirely endorse the remarks which the Honourable Sir PHEROZESHAH made, but at the same time if he were present, I should have reminded him that he omitted one point which was

supplied by Mr. SATHE, and that was section 15, which says that, in the event of a disqualification arising under section 16, you put a permanent bar upon the offender. Now one should separate any personal element on this question from the general principle which underlies the provisions in the Bill. There is no doubt that the necessity of making this legislation has arisen from certain instances, one recent instance and another perhaps remote. I cannot say whether these instances are the only instances that necessitate this legislation. But the legislation can be modified or put entirely on different lines. Section 15-A as now framed, should not be passed for the reason, as the Honourable Sir PHEROZESHAH MEHTA stated and the Honourable Mr. GHULAM HUSEIN put it, that Municipal Councillors are voluntary workers and you would not be justified in saying that their resignations would not be operative until they were accepted. Of course there will be advanced an argument on the part of Government that supposing it is admitted a man's conduct is really disgraceful, is he to be allowed to defeat the punishment he has really deserved by his resignation. But there is a distinct answer to that that a provision can very easily be made to meet cases of that kind. And there is a certain defect in the existing law which requires to be remedied. For instance the section says a man may be removed from a Municipal office who is guilty of disgraceful conduct or misconducts himself in the discharge of duty. But as the removal necessarily implies that he is a member and if he has already resigned he is not a member and therefore cannot be removed, a clause should be added that if he has resigned, he can be declared disqualified.

The third point that I said I would refer to is the power given to the Collector to challenge any election. I think it is highly objectionable that a Government officer like the Collector should have anything to do with petitions for invalidating elections, because, as the Honourable Mr. SATHE pointed out, it would give a handle to people who have any spite against successful candidates to move the Collector by putting in anonymous petitions to set aside the election. As it is, I do not know of any instance in which it has come to the knowledge of Government that after election defeated candidates have failed to sue for the unseating of elected members by negligence or collusion with the opponent. My experience is, as the Honourable Mr. SATHE has pointed out, that whenever there is the slightest cause, the defeated candidate comes forward and makes a petition and is always ready with all the resources at his command to get the election set aside. He can adduce all the evidence that he has and only 10 days' time is allowed for such a petition. It is not right that this period of limitation should be extended and the sword of Damocles be kept hanging over the head of every elected member for such a long time as two months as provided in the case of the Collector. So, your Excellency I suggest to the Select Committee to carefully consider this provision and I am certainly entirely in favour of the provisions which go towards the purification of elections.

The additional provisions which provide some kind of punishment or penalty beyond those for whom provision already exists, I am entirely in sympathy with.

Before concluding I should join with the Honourable Mr. SATHE in the request to the Government that it is very desirable that this Bill should be sent to the various Municipalities for suggestions, because, I should not be surprised if that step would not result in some profit, and I should not be surprised if the several Municipalities quote instances from their experience where the present Act has been defective and point

out to the Select Committee the directions in which the Bill should be amended. That is a very valuable suggestion given by the Honourable Mr. SATHE and I join with him heartily because, in addition to the amendments that have already been proposed, there are one or two which have suggested themselves to me and which I would be very glad to suggest to the Select Committee. There are some points in which the working of the District Municipal Act has been found to be defective in Karáchi as was lately pointed out by Mr. CADELL in his review of the Municipal Administration Report. There may be similar points in the case of other Municipalities and now that we are going to amend the Bill it would be much better if we do it thoroughly.

His Excellency the PRESIDENT :—Order, Order. I think we had enough for the day. So we had better adjourn till to-morrow 11-30.

The Council then adjourned till 11-30 on Wednesday, the 18th March 1914.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,

Bombay, 17th March 1914.

Secretary to the Legislative Council.

Journal of the Proceedings of the Legislative Council of the Governor of
Bombay, assembled under the provisions of the Indian Councils Acts,
1861 to 1909.

The Council met at Bombay on Wednesday, the 18th March 1914, at 11-30 a.m.

P R E S E N T :

His Excellency The Right Honourable Lord WILLINGDON of RATON, G.C.I.E.,
Governor of Bombay.

The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S.

The Honourable Mr. CLAUDE HAMILTON ARCHER HILL, C.S.I., C.I.E., I. C. S.

The Honourable Mr. PRABHASHANKAR D. PATTANI, C.I.E.

The Honourable MOULVIE RAFIDDDIN AHMED, Bar.-at-Law.

The Honourable Mr. R. P. BARROW, I. C. S.

The Honourable Mr. GHULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD
BHURGRI, Bar.-at-Law.

The Honourable Mr. FAZALBHOY MEHERALLY CHINYOY.

The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.

The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (Lond.), L.M. & S.

The Honourable Mr. R. W. L. DUNLOP, C.I.E.

The Honourable Sardár SYED ALI EL EDROOS.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE.

The Honourable Mr. W. L. GRAHAM.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.

The Honourable Mr. J. E. C. JUKES, I. C. S.

The Honourable Mr. BALKRISHNA SITARAM KAMAT.

The Honourable Mr. NAVROJI DORABJI KHANDALAVALA, LL.B.

The Honourable Mr. JEHANGIR H. KOTHARI.

The Honourable Sardár BHALCHANDRABAO ANNASAHEB PATWARDHAN, Chief of
Kurundwád (Senior).

The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.

The Honourable Sardár Sir CHINUBHAI MADHAVLAL, BART., C.I.E.

The Honourable Mr. J. A. D. MCBAIN.

The Honourable Mr. LALUBHJI SAMALDAS MEHTA.

The Honourable Sir PHEKOZESHAH MERWANJEE MEHTA, K.C.I.E., Bar.-at-Law.

The Honourable Ráo Sáheb VENKATESH SHRINIVAS NAIK.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.

The Honourable Mr. J. P. ORR, C.S.I., I. C. S.

The Honourable Mr. RAGHUNATH PUBSHOTTAM PARANJPYE.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.

The Honourable Mr. ABDUL HUSSEIN ADAMJI PEERBHOY.

The Honourable Sir. HENRY E. E. PROCTER, Kt.

The Honourable Mr. MANMOHANDAS RAMJI.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD, LL.B.

The Honourable Mr. W. H. SHARP.

The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.

The Honourable Mr. F. L. SPROTT.

The Honourable Mr. E. G. TURNER, I. C. S.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.

The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S., Vice-President,
presiding.

The Honourable the VICE-PRESIDENT :—District Municipal Act Amendment Bill, first reading, debate resumed.

The Honourable Mr. GHULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD BHUGRI spoke as follows :—Sir, I beg to support the first reading of the Bill. In doing so I want to make one suggestion to the Honourable Mover of the Bill and I hope that suggestion will receive consideration from him. My suggestion is with regard to clause 5, amending section 15. Now, Sir, you will observe that, as the law stands now, under section 15, any Councillor who might be guilty of a grave offence like dishonesty, and any Councillor who may be guilty of discourtesy or passage at arms with another Councillor or with the President, stand on the same footing so far as the punishment is concerned under section 16, that is, that both these Councillors are liable to be debarred for ever. The anomaly is obvious. In a greater offence like dishonesty I can quite understand that debarring a Councillor from entering the Municipality for ever may be necessary. But I submit that a Councillor who through indiscretion may have been guilty of discourtesy as was the case recently in Hyderabad and so on, ought not to be punished by being debarred for ever. I am glad to hear from the Honourable Member in charge of the Bill that the case referred to in the Statement of Objects and Reasons was not a case of Hyderabad Municipal Councillors. Sir, as I have pointed out, that in cases of this nature in which offences of a similar kind are committed and not serious offences as dishonesty, etc., the punishment ought to be proportionate to the offence. I hope the Honourable Member, when he considers the Bill in the Select Committee, will take these matters into consideration.

The Honourable Mr. BALKRISHNA SITABAM KAMAT spoke as follows :—Sir,—It is with pleasure that I rise to support the first reading of this Bill. It seems to me that both the minor changes which are introduced by this measure as well as the important feature, namely, the appointment of a Municipal Commissioner for certain mofussil Municipalities, both these are of a very wholesome nature. In fact, I believe some of the minor changes which this measure now seeks to introduce were needed for a very long time. For instance, the clause regarding bribery in Municipal elections, so also the clause enabling the Collector to intervene by moving the District Court to set aside certain elections if he feels that there is something wrong regarding a Municipal election, I believe, these changes will introduce a very healthy and wholesome spirit in the elections and they will tend in the long run to improve the personnel, so to say, of the Municipal bodies, and

thereby they will help local self-government, because, I find from my little experience, that at present, Municipal administration is hampered and made dilatory, more or less, because of the nature of the qualifications of Municipal Councillors. So far as regards the minor changes in the Bill.

Now we come to the major feature, namely, the appointment of a Municipal Commissioner for certain mofussil Municipalities. I say the principle itself is quite acceptable, but I feel that there are certain modifications in the principle which are necessary. Before, however, I indicate what those modifications should be, I think, I might be permitted to allude to certain remarks which fell from my Honourable friend, Mr. SATHE, last night. With all due deference to Mr. SATHE, he is an authority almost in Municipal administration in the mofussil,—I think one or two points which he suggested, are to me, at any rate, not acceptable. The Honourable Mr. SATHE said that the option of having a Municipal Commissioner should be left to the Municipalities themselves, and secondly he pointed out that the salary of such a Municipal Commissioner should be fixed by the Municipality alone. I do not think either of these suggestions is desirable or feasible. And for the simple reason that if there is any necessity at all for the appointment of a Commissioner, it is because perhaps a certain Municipality may not be able to keep its house in order; and in some cases, at any rate, such a state of things may be due to the fact that the Municipality is generally run or is driven by Councillors who are more or less recalcitrant. Now it is very unlikely to my mind, at any rate, that a majority of such Councillors will agree to ask Government to give them a Municipal Commissioner and it is also very rarely perhaps that they will agree to the salary that may be found necessary for such an officer. I therefore think the suggestion made by my Honourable friend, Mr. SATHE, will practically defeat the very object of the Bill itself. The other modifications which I suggest, so far as the principle is concerned, are with reference to the population test which is provided. I cannot understand why an arbitrary test of population, namely, that a town must have a population of one lakh and fifty thousand, has been laid down. We are told in the Statement of Objects and Reasons that this Bill was necessitated by the growing importance of certain towns and the complex nature of their administration. Now the importance of towns to my mind does not necessarily depend on its population. A town may derive its importance from its population, but even supposing it falls short of the population, still it may be important enough, because, it may for instance be the seat of Government or it might be the seat of educational institutions or, it might be the seat of army headquarters such as Poona, or it might be in a state of transition so far as any improvements such as town extension, drainage, are concerned. I therefore think that on the ground of the importance of the towns or for some special reasons the necessity for a Municipal Commissioner might perhaps be as justifiable as the necessity for a Municipal Commissioner on the ground of population alone. The Honourable Mr. SATHE said that the numerical test of population might be reduced to one lakh. Even then, I think, it would be a sort of arbitrary test, because in cases of particular towns, although they may require the services of a special officer very urgently still they may not come up to the particular population test of one lakh. I therefore think that the principle ought to be modified and the whole question should be left open and whenever Government feels, that the circumstances of a town or its importance or any scheme that they may have in contemplation, require such an officer, he should be appointed. That is the first modification I would venture

to suggest. And, secondly, so far as the powers which this Bill contemplates to confer upon the Municipal Commissioner in district towns, I think some modification is necessary. Whereas the population basis on the one hand must be widened, on the other hand I believe the powers which this Bill proposes to confer on the Municipal Commissioner ought to be narrowed down in certain cases. However, that is a matter of detail and I trust when the question of the powers with which the Municipal Commissioner is to be vested comes to be discussed in the Select Committee, the whole of this question will be threshed out properly.

With regard to what has fallen from the various speakers regarding resignation and its acceptance, I quite agree with what the Honourable Sir PHEROZESHAH MEHTA pointed out yesterday, and I do not think that any Councillor, where his conduct has been called in question, or whether it is disgraceful or whatever it is, should be left entirely to the mercy of the President so far as the acceptance of his resignation is concerned. After all, as some of the speakers have said, it is voluntary duty that the Councillors are discharging and if the erring Councillor is left to the discretion or judgment of a single individual like the President of a Municipality, it would be very hard indeed, and I would suggest that such a discretionary judgment should not be left to the President alone.

With these remarks I have great pleasure in supporting the first reading of the Bill.

The Honourable Mr. KASHINATH RAMCHANDRA GODBOLE spoke as follows:—Sir, I also support the first reading of this Bill, and in giving my support I want to make a few remarks. I want to confine my remarks to the clauses relating to the appointment of a Municipal Commissioner. My experience of the mofussil Municipalities has convinced me that committee-government is not conducive to the permanent improvement of a municipal town. The entrusting of the execution of works to committees leads to want of continuity in the work. Committees are changed every year. One committee formulates a scheme; that scheme goes on for about a year; then another committee comes into power; it suggests some new method and that method is followed for some time; a third committee wants to revert to the old procedure again, and the consequence is that continuity of the work is not maintained, and major improvements that are desirable are not carried out. I therefore think that there should be at the head of municipal affairs a well-paid officer whose powers ought to be established by law and whose removal or appointment should not be in the hands of the Municipal Councillors. When the officer's appointment is in the hands of the Municipal Councillors, he is more or less at their mercy and has to study their wishes. Even if those wishes are in conflict with the interests of the city, he has to yield to the members to a certain extent. If he is not entirely dependent on the Municipality for his appointment, he will keep the rules of the Municipality before himself and do his best for carrying out those rules without being unduly influenced by Municipal Councillors. Besides, as a Government officer he will have his position and pension to secure and that will prevent him from any irregular practices. It will be a distinct advantage to the Municipalities, therefore, if a Municipal Commissioner is placed at the head of affairs as proposed in the Bill. At the same time there is a danger that this officer may get into the habits of an autocrat. He may disregard the wishes of the Municipal Councillors to an extent which he ought not to. And therefore the powers of the Municipal Commissioner ought to be hedged in by specified rules which he cannot contravene. In the case of Municipalities that have strong non-official Presidents

who can devote a considerable amount of time to Municipal affairs, the appointment of a Municipal Commissioner is unnecessary. I know of instances of Municipalities in this Presidency that have got Presidents of this description. Then as regards the position of this Municipal Commissioner and his status, the Bill contemplates the appointment of a very highly paid officer. In my opinion for our Municipal service, Mámlatdárs and Deputy Collectors would be quite competent as executive officers. And if we draw upon these ranks for the Municipal Commissioners contemplated in the Bill they will do very well indeed for smaller Municipalities. They are very capable and experienced Government servants and being in Government service they would not be at the mercy of the Municipal Councillors. They will carry on their duties for the good of the Municipalities and I think they will prove an admirable set of officers to fill the new position so far as the smaller Municipalities are concerned.

With these remarks, Sir, I beg to support the first reading of the Bill.

The Honourable Dr. D. A. D'MONTE read the following speech :—Your Excellency,—There is one small matter in regard to the Bill to amend the District Municipal Act, which I would like to bring to the notice of this Council at this stage. The Bandra Municipality of which I have the honour to be a Member, has raised this point which relates to the difficulty now experienced in collecting its dues from persons living in Bombay City. Under the present Act, provision is made for the execution of Warrants in Municipal and Non-Municipal Areas, but owing to the Bombay City not being included in the Schedule of City Municipalities appended to that Act, there is practically no means of executing such Warrants in Bombay City. This is felt to be a great inconvenience, as many Bandra rate-payers are residents of Bombay City. I see that the Bill before us contains some amendments to section 83 of the Act, which is the principal section on this subject, but this point is not covered by them. I suggest therefore that the present opportunity may be taken to rectify this omission by including Bombay City in the Schedule or in the body of the section itself. I am sure that the omission is due to oversight.

With these few words I beg to support the motion before the Council.

The Honourable MOULVIE RAFIUDDIN AHMAD spoke as follows :—Mr. PRESIDENT,—A few months ago when I sent a question regarding an amendment to the District Municipal Act, the Honourable member in charge of the present Bill assured me that the whole of the District Municipal Act would be soon considered by Government, and an amendment of the whole Bill practically will be placed before the Council. I think at the present time the amendment has been taken piecemeal, but if that were so, I hope, Sir, that the matter to which I drew attention would be placed before the Council at the earliest possible moment.

With regard to the present Bill, I am sorry to say that a strong opposition has been made by my Honourable friend Mr. HARCHANDRAI to the proposed appointment of a Commissioner in large Municipalities. I do not know, Sir, whether any valid arguments have been advanced in support of the opposition, but the Honourable member stated that Karáchi was opposed to this kind of amendment. But of late we have been familiar with sudden transformations of public opinion that take place on the banks of the Indus.

The Honourable Mr. HARCHANDRAI :—I rise to explain the point, Sir. I did not say that Karáchi was against this amendment.

The Honourable MOULVIE RAFIUDDIN continuing:—I am glad to hear that, but I hope, Sir, that the next time the Honourable member comes here perhaps he will be able to enlighten us upon the real opinion of Karáchi, and if I am not greatly mistaken, I think that opinion will be in favour of this measure. The Honourable member read out to us long extracts from an old speech of the Honourable Mr. GOKHALE, but I find that in that speech the Honourable Mr. GOKHALE has not committed himself to one side or the other, but if in this matter the opinion of any particular individual is to be cited as an authority I think the opinion of the Honourable Sir PHEROZESHAH MEHTA is much more valuable than the opinion of the Honourable Mr. GOKHALE considering that he has been the father of the Municipal Corporation of Bombay, that he has had a large share in the framing of the Municipal Act. We heard him yesterday with pleasure blessing the Bill, at least that part of it which dealt with the appointment of Municipal Commissioners.

The chief argument that has been advanced by my Honourable friend against the appointment of Commissioners is that it would be expensive, in other words he objects on the ground of economy. But, we all know that it really would be economy to have a very good officer on a decent salary in preference to many incompetent officers on a low salary as well as ignorant Municipal Councillors to manage our affairs. Much public money is wasted through incompetence and ignorance by Municipalities at the present time, and it would be really an economy to have a strong, able and competent officer and to pay him well. So I think, as far as the question of economy is concerned, it is exactly the other way.

Then, Sir, my Honourable friend in charge of the Bill very rightly pointed out that it would be a compliment to the large Municipalities that they should be asked to have such Commissioners. Why? because it is argued, on all occasions that the Municipality of Bombay is a model institution. If it is a model institution, then, any attempt to bring the other Municipalities to the level of the Bombay Municipality certainly is progress, and on that ground, Sir, it is certainly a compliment for any Municipality to be compared favourably with the Bombay Municipality.

Then as regards the Municipal Commissioner, it has been argued that he would be a kind of an autocrat. Every officer can become an autocrat, if you allow him to do so. If you have able Councillors, as Sir PHEROZESHAH pointed out, they would not allow him to become an autocrat. Even the President can be an autocrat.

My Honourable friend Mr. HARCHANDRAI says that the word Commissioner is rather repugnant to him, and he will prefer to have a Chief Officer and not a Commissioner; I do not think, Sir, there is anything in the word itself. On the contrary, I think "Commissioner" sounds better than "Chief Officer".

Apart from it, I am strongly of the opinion that the proposed appointment of a Commissioner is a great step in advance and it will be hailed with delight in all parts of this Presidency. No doubt, I for myself will be pleased to have a Commissioner for the City of Poona. My Honourable friend Mr. KAMAT pointed out that it is rather unwise to confine the appointment of a Commissioner to cities with a population of 150,000, and I entirely agree with him. I believe the importance of a town does not necessarily consist in having a very large population. There are other things to be taken into consideration. I am sure if there is a Municipality which requires a Commissioner, it is

the Municipality of Poona. I would respectfully request the Honourable Mover of the Bill to modify this part of the Bill to enable us to include the Municipality of Poona in the list of those for whose benefit Commissioners are to be appointed.

Then, Sir, there is a very good and necessary provision with regard to the stopping of corruptions. My Honourable friend Mr. CURRIS will testify to the fact that under the very eyes of officials in Poona during the last elections corruptions took place, and there was nothing in the Act to give any power to the Collector or to any Government officers to stop them, and I think it is time that provision for stopping corruptions in the Municipal elections, both on the part of the voters and their agents, should be introduced. The only thing that I object to is the extension of the time given to the Collector. I think two months is a very long time to be given to the Collector, and it seems to me that the same time should be given to the Collector as is given to the candidate interested in the elections. I think a month would be reasonable enough. My own experience is that the intervention of the Collector is very necessary in this matter, and there was a case very recently in the District Court of Poona, which caused a sensation among the people, and afforded additional reason for increasing the power of the Collector in this matter.

But, Sir, whilst supporting this amendment, I am inclined to believe that the amendment of section 15A in the new section is not wise. I take a very strong view of the affair, because it discourages respectable persons from coming forward and standing as candidates in the Municipality, because when people consider it an honour to do voluntarily a public service, you compel them and perhaps put them in a worse position than salaried servants. It will be a very bad day indeed for the independent administration of local self-government if the change were adopted. No respectable gentleman would like that his choice in the matter of serving the community should be so much fettered as it is here. It is not only fettered, but there is a kind of stigma attached to it.

Section 16 of the Act is quite enough for all practical purposes. I do not know whether any case of that kind has arisen so far, but I think the consensus of opinion is that this is a very strong and unnecessary amendment to the section, and I hope the Honourable Member in charge of the Bill will see his way to delete it.

As regards the other sections, I think the amendment of section 15A is rather wise, and I think it is time that it should be introduced. Although in the original Act section 15 was also quite strong enough, I think this particular proviso will do good. With these few words I have great pleasure in supporting the first reading of the Bill.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows:—Mr. PRESIDENT, I support the motion for the first reading of the Bill and like to make a few observations in connection with some points which I consider to be of very great importance.

The first point upon which I wish to draw the Council's attention is in connection with clause 3 whereby an amendment is sought to be made in the provisions of section 12 of the Municipal Act. The present Act provides that where a person pays to a Municipality any tax other than toll or octroi, he would be entitled to be a candidate for its membership, if he has been a taxpayer for six months. There is under the present law in reference to such person no residential qualification required; but the present Bill introduces a residential qualification and requires that for the purpose of being qualified to be a candidate, the man, besides being a rate-payer of the necessary amount, should also

be a resident within the limits of the Municipal area or within two miles outside its limits. I should consider this amendment of the law open to objection. There may be various circumstances under which the interests of the Municipality may be best served by persons who are not actual residents of the Municipal town being elected its members. So far as the question of two miles distance is concerned I really cannot understand that there can be any magic in the two miles. If one considers concrete cases he will find it difficult to understand why the two miles provision should be fixed. A man, for instance, can be a member of the Bandra Municipality if he resides at Mahim, but he would be prevented from doing so if he resides at Grant Road, or in the same way, a man can be a member of the Kurla Municipality if he resides at Sion, but he would not be able to become a member of that Municipality if he resides at Mazagaon. So far as distance is concerned, I do not think it matters much in these times of easy railway travelling, whether a man resides within two miles or within twenty or thirty miles of the Municipal area. Then there is another circumstance in favour of a person staying at a longer distance, namely, that such a man when he becomes a member of a Municipality undertakes to suffer a greater sacrifice of money, time and trouble and this shows more earnestness on his part than would be evinced in the case of people who are residents within the Municipal limits. If a man has a large estate, for instance a man in Ahmedabad having a big estate in Broach, or a man in Bombay having a big estate in Surat or a person like my honourable friend Mr. ABDUL HUSEIN who has a large estate in Matheran, I should submit that the interests of the Municipality would be better attended to by such people being qualified for than by their being excluded from seats in the Municipalities. There is another reason why I should consider such exclusion considerably disadvantageous to Municipal interests. There are several instances where people who are trained in public business, who are high in their profession and of considerable education, desire to be members of Municipalities of places in which they are not resident. My friend Mr. D. A. KHAN, my friend Mr. B. J. DESAI and my friend Mr. PATEL who are residents of one place and serve as Municipal councillors at places either of their birth or places in which they have considerable interests. It would be, I submit, not at all in the interest of the Municipality but rather a disadvantage to it, if persons who are capable of giving valuable help to the Municipality are merely for want of residence to be prevented from becoming its members—such persons should not be prevented from serving on Municipalities by the creation of a statutory disqualification, but it should be left to the electors to determine whether they would be useful or not to the Municipality.

There may be questions about the result and effect of a man's going upon a Municipality and serving there for a certain length of time, but so far as elections are concerned, I do not think that it is at all the business of this Council to consider them. That is a matter for the consideration of other bodies. So far as this Council is concerned what it has to look to is only in what manner the efficiency of the Municipality would be best secured, and I should submit that a measure whereby people of ability and education, people who are able to give advice on legal, medical and sanitary questions to a Municipality are sought to be excluded from being members of a Municipality, should receive no support from this Council. I should therefore think that this amendment requires considerable consideration and I trust it will receive it in the Select Committee.

Another point to which I wish to draw the Council's attention is in connection with the amendment proposed in section 15 of the Municipal Act. The provision now is that

a man who has been dismissed from Government service and in reference to whom it is notified that he should not be re-employed would be disqualified to be a Municipal councillor. I was on the Select Committee when this ground of disqualification was introduced in the present Municipal Act, and it was the experience of Sir Charles Ollivant who had the conduct of that measure that suggested this provision. And, I think, there ought not to be any change so far as this ground of disqualification is concerned. A man may be liable to dismissal from Government service on various grounds some of which may indicate moral turpitude and some not at all. It may be merely for a breach of a departmental rule, it may be for not attending office within proper time at the expiration of one's leave, and there may be many other reasons under which dismissal from service may result. But such dismissal would not necessarily mean such a taint on his character as to disqualify him for Municipal duties for ever. If notwithstanding the dismissal it would be open for Government to re-employ him, I should submit that there may be no reason why that man should be disqualified from serving as a Municipal councillor. That is a provision in reference to which I submit the Select Committee should bestow a very careful consideration.

The third ground which has already been referred to is in connection with section 15A, and as regards this several reasons have been suggested why the alteration ought not to be allowed. I may submit one additional ground for not accepting this provision. It may be a very unfortunate thing but we cannot ignore the fact that in several Municipalities there are parties and factions and it is not at all unusual that in some cases the President himself belongs to one party, and I should not think therefore that where two parties are concerned subject to the same liabilities, it should be within the power of the President to accept one man's resignation and not to accept the others. In the case of the one man towards whom he is inclined to do a favour, the President may accept the resignation, while in the case of the other, he may put a stigma upon him. I think the best course would be that the resignations in any case should be allowed to take effect from the time they are tendered. It would be improper that a man's name should be kept on the membership only for the purpose of giving other members an opportunity to place a stigma upon him. Therefore I should think the amendment that is proposed should not be accepted by the Select Committee.

Another point on which I should propose to say a few words is in connection with the amendment of section 22. Now in connection with this section there has been some difference of opinion, but the main view in this matter is that where there is not much keenness in competition there is hardly likely to be any corrupt practice. In cases where the competition is keen I submit, Sir, the parties who themselves are interested will do their best to undo any improper advantage that has been obtained at the election, and therefore it would not be right to help any party when that party does not take any steps within the time that is fixed by law or does not like to incur the expense of fighting out the legality of the election. I submit, Sir, that it would lead to a considerable amount of intrigue if a provision like the proposed one is left in an Act of Legislature. I think this is a provision which also should receive careful consideration in the Select Committee.

The next point upon which I would dwell is in connection with the question of the appointment of a Municipal Commissioner which has met with a certain amount of

opposition. Arguments have been urged before the Council on both sides. The result of these arguments appears to me to be that in cases where a Municipality is found incompetent to carry on its affairs, probably, there may be some ground for interference and the appointment of a Municipal Commissioner may be insisted on. But where a Municipality is doing its work fairly well and not in any improper or a dilatory manner, I submit that, except upon the recommendation of the Municipality, an appointment of the kind should not be forced on it.

With these remarks I support the first reading of the Bill.

The Honourable Mr. RAGHUNATH PARANJPYE spoke as follows:—Mr. President, I wish to offer a few remarks on this Bill. But in the beginning I must say that I labour under the disadvantage of being always charged with raising an academic point of view. Now I do not think that an academic point of view is not worthy of consideration. It is indeed necessary to consider it; and I rise to put before the Council some general points although they may not commend themselves to those apostles of efficiency whom we have been so often hearing.

The main point in connection with this Bill is the appointment of the Municipal Commissioner, and we are told that by the appointment of such a Municipal Commissioner the Municipalities will be able to perform all the duties very efficiently; but I think a very important point is missed in this matter. Well, Sir, the question is not always what has to be done but it also often is how it is to be done; and even if you get the utmost possible efficiency by appointing a Municipal Commissioner, I think that by such an appointment the work that is likely to be left over to be done by the people would be seriously diminished. I do not therefore think that this change would be always welcomed by us. Even looking to the efficiency, although of course every one knows that there are abuses in every Municipality which require amending, still it is admitted on all hands that the general Municipal efficiency is increasing since they were first introduced and I am inclined to think that this increased efficiency is due to a great extent to the wider education that people are getting in the management of their own affairs and that a still greater efficiency in a better manner can only be secured by continuing to give to the people the management of their own affairs so far as it is possible. Of course when there are unusual cases of inefficiency, there are several measures that Government can take like warning or even suspension. But in ordinary circumstances when the affairs of a Municipality are being managed in a tolerably good way, the best way for improving it is not to appoint an outsider who is to a great extent independent of Municipal control, as a highly placed Government official is bound to be, whatever we may say; but it is by encouraging the Municipality to improve itself, sometimes by giving warnings, sometimes by giving advice, and in this way, it is that we shall secure more lasting improvement in the management of local affairs. We are told that in the government of Municipalities by committees the work is discontinuous and therefore schemes are not always followed to their legitimate end, and there is waste of money. Well, I admit there is some sense in these remarks, yet I believe that the proper remedy for it is to concert measures which will secure a better class of representatives on the several Municipalities rather than take away the power that they have. One way would be for instance of raising the standard of the qualifications of the candidates that are to be elected to the Municipalities but keeping the qualifications of the voters as they are.

We often find in Municipalities people standing for election and getting elected not on account of any desire to do public work in the Municipalities, but on account of certain collateral advantages, such as social position, which they want to get. Therefore, the proper way of getting better committees and Municipal bodies would be to raise the standard of qualifications for members of Municipalities. In this connection I heartily welcome the provisions about corrupt practices which are embodied in this Bill, and I think that the powers that are given to the Collector to take cognizance of such corrupt practices should be welcome on all hands. The more power the Collector has for checking the corrupt practices, the better it would be for the proper conduct of Municipal administration, for in this connection we are not likely to get complaints from the various candidates. Both sides are often tarred with the same brush.

Coming back to the consideration of the question of a Municipal Commissioner's appointment, I think that whatever advantage it is proposed to gain by the appointment of a Municipal Commissioner, can only be obtained if he is of a high standing. It will hardly do any good if the Commissioner is of a lower standard. A Mamlatdar or Deputy Collector will probably soon get into the swing of local sentiment and any advantage that we are likely to get from an independent point of view is likely to be lost, and the only thing that is likely to happen is that the Municipality will soon degenerate into a mere Government Department; consequently if at all a Municipal Commissioner is required, he ought to be an official of a very high standing—I am inclined to think of the standing of a Collector,—and the expense of such an officer will be almost too great for any but one or two Municipalities in this Presidency to bear. The Karachi Municipality I am told has an income of something like thirty lakhs a year.

The Honourable Mr. HARCHANDRAI : It is only twelve lakhs.

The Honourable Mr. PARANJPYE (continuing) : Ahmedabad Municipality, the next biggest, has about eight lakhs and the Poona Municipality has about four lakhs. And if we are thinking of appointing a high official of this stamp to be a Municipal Commissioner of those Municipalities, then he will be much too costly an instrument for the purposes of these Municipalities. In Bombay, where we are told that the Municipal Commissioner has proved a success, there are various activities with which the Municipalities have to deal, and the Commissioner may be required to co-ordinate them. But in smaller towns I do not think that the work which the Municipality has got to do is of such an intricate nature that it requires very expert management of that sort. And what we people in fact want to attain is to teach the people to learn to manage their affairs properly, and I think the appointment of even the best Municipal Commissioner will only secure the utmost efficiency possible for the moment but will not do any lasting good. After all what are the works that the Municipalities have to manage, except looking after the roads, sanitation, and possibly taking care of schools, and so on? These are matters of a comparatively elementary nature and any Municipality with a fair number of public spirited citizens ought to be able to manage these things tolerably well. I have no objection to any amount of supervision which Government may exercise over these Municipalities. Have the best possible supervision by all means, but get things done by the Municipal Committees themselves instead of putting very highly placed officials who will be independent and who are often likely to become autocrats, a fear which has already been expressed by several members.

With these few remarks, and apologising for their academic nature, I wish to resume my seat.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH spoke as follows :— Sir, I beg to add my support to the first reading of this Bill. The main feature of the Bill is the provision for the appointment of a Municipal Commissioner. To me it seems that the Municipal administration in large and growing towns has arrived at a stage to require the appointment of an officer with a position somewhat analogous to that of the Municipal Commissioner at Bombay. The area over which Municipal problems range has become so wide that it is eminently necessary that there should be at the head of the executive a high authority who would carry efficiency to a high standard. The Honourable Mr. PARANJPYE suggested that efficiency may be put at a discount. I admit that there may be matters in which it is possible to subordinate efficiency to other things, but, in matters relating to the promotion of public health and the construction and maintenance of public works it is essential that efficiency of the highest standard attainable should be achieved. There is another advantage which would be gained by the appointment of a Municipal Commissioner. It would bring on the field an authority on whom would rest the responsibility of taking the initiative in furthering the progress of Municipal administration. It will be for him to formulate and place before the Municipality schemes for pushing forward progress in various directions and thus prevent the Municipal administration from degenerating into a state of drift. And now that we are considering legislative provisions for town planning, it is necessary that the Municipal administration should have the assistance of a capable officer to carry forward town-planning work, as the ordinary machinery which carries on the routine work, would not be equal to the task. Again, this Bill enables the Municipal Commissioner to be placed in charge of the City Survey Office. This too would be an advantage. For instance, at Ahmedabad the City Survey Office is in charge of an Assistant Collector. The Municipality pays a moiety of the cost of that office, and the Municipality also contributes to the cost of carrying out the City Survey, for it is to the advantage of Municipal administration that roads and plots should be carefully measured. But the dual control over public lands which is thus brought into action very often causes friction between the Municipality and the City Survey Officer as regards the disposal of lands, and this can be removed by placing the Municipal Commissioner in charge of the City Survey, for he would be able to safeguard the interests of the Municipality and look at questions from both sides. I may also point out that the appointment of a Municipal Commissioner may sometimes avert the disaster of suspension, for his presence is a guarantee that at any rate the executive work of the Municipality would go on unhampered by party strifes.

The Honourable Mr. HARCHANDRAI objected to the appointment of a Municipal Commissioner on the ground that it would be an encroachment on local self-government. But it must be borne in mind that local self-government means not only the machinery by which it is carried on but also an efficient and sufficient administration of local matters. The well-being of those who are governed requires that the Government should be conducive to their good. Mr. HARCHANDRAI proposed as an alternative that the Chief Officer should be invested with greater powers. But this would only be a makeshift. A glorified Chief Officer would not be the same as a Municipal Commissioner.

The Honourable Mr. PARANJPYE suggested as a remedy that the qualifications of Municipal Councillors may be raised. I do not know what this exactly means, but if it means that men of the labouring classes and men of humbler positions should not be allowed to enter the Municipalities, such a proposal would hardly be in consonance with democratic ideas.

I associate myself fully with all that has been said by the Honourable Sir CHINUBHAI about determining the financial responsibility of a Municipality when a Municipal Commissioner is appointed. A Municipal Commissioner would be an officer of high position and his pay must be high. A mofassil Municipality would not be able to bear the whole cost of his pay. For instance the Ahmedabad Municipality could pay only about Rs. 500 or Rs. 700 per month for the purpose. It is therefore necessary that the Municipality should receive financial help from the Government to meet this cost, and that the share of the Municipality in this expenditure should be determined by the Act. I also agree with Sir CHINUBHAI that there should be statutory provision requiring that the Municipal Commissioner shall be assisted by an officer with the position of a Deputy or Assistant, so that the authority next to the Municipal Commissioner may not simply be a Superintendent or Head Clerk.

Most of the honourable members who have discussed the Bill have referred to the provisions of clause 5 which proposes to insert a new section numbered 15A. This section provides for the resignation of Municipal Councillors. At present the Municipal Act contains no provision enabling a Councillor to resign, and it is only by implication that the resignation of a Councillor has legal effect. It is therefore necessary to provide that a Councillor may resign his position. The proposed section also provides for the period from which such resignation should take effect and on this point there has been considerable discussion. The proposed section would have the effect of preventing a Councillor who is removed from Municipality under section 16 of the Act from resigning and it has been pointed out that where party strifes prevail action under section 16 may be taken where it is totally unjustifiable. But it must be remembered that removal under section 16 rests with Government and that Government are not likely to accept a recommendation for removal proceeding from party quarrels. Of course a removal under section 16 disqualifies a Councillor for re-election and it may be possible to allow resignations to be unhampered and at the same time to provide that the order for removal shall operate to prevent re-election of a Councillor even if he resigns at the same time.

With these remarks I beg to support the first reading of the Bill.

The Honourable Mr. VITHALBHAI JAVERBHAI PATEL spoke as follows :—Mr. President, I should like to say a word or two on this Bill. Of course I shall confine myself strictly to new points that have not been referred to by any of the previous speakers on this Bill. Enough has been said on the appointment of a Municipal Commissioner in big towns in this Presidency, and I have nothing more to say thereon as the matter certainly will be gone into very carefully in the Select Committee. We have heard from some of the staunch advocates of local self-government that the appointment of a Municipal Commissioner will interfere with the principles of local self-government. That may be so. There is another view which other honourable members have submitted to this Council,

namely, that if we are going to have a Municipal Commissioner let us have some contribution towards their expenses from Government and let us have an officer of the position of a Collector. All these things, I have no doubt, will be fully gone into by the Select Committee.

The point really which I want to draw your attention to is with regard to clause 3 of the Bill. Clause 3 includes amongst the list of voters and amongst the list of candidates people who reside not only in the Municipal District but also those within two miles of that District. By the clause it appears that every Honorary Magistrate, every graduate of the University, every Advocate of the High Court and every juror or assessor who has been residing in a Municipal District or within two miles of the limits thereof is entitled not only to vote but to be a candidate in that Municipal District. That certainly is a clause to which I should object. Take the case of Bandra. Within two miles of the Municipal limits of Bandra you have Mahim. You have also Santa Cruz and also Kurla and if you include all the assessors and jurors and pleaders and Advocates, and all the Fellows residing within two miles of the Municipal District of Bandra, certainly you will have a very big lot of people who have no interest at stake in that particular Municipal District who will be entitled not only to vote but to come in as candidates for election in that District. I think my honourable friend Mr. TURNER will bear me out that if the clause passes into law people who do not pay a single pie as Municipal taxes in Bandra, will have a right to be voters and candidates in that Municipal District.

(His Excellency the President arrived at this stage and occupied the Chair.)

The Honourable Mr. PATEL continuing :—With regard to clause 2, I certainly have my sympathy with what has fallen from my honourable friend Mr. PAREKH. I myself am one of the members of the Municipality of Borsad in the Northern Division and although I am now residing in Bandra I have been attending nearly all general meetings.

With regard to the corrupt practices clauses which are embodied in this Bill I have only one remark to offer. We have taken that clause from the Madras Municipal Act. In the Madras Municipal Act, the Council will see, we do not find any other definition of corrupt practices at all. While in the Bombay District Municipal Act, in section 22 we have already got a definition regarding corrupt practices. So when we have already got a definition of corrupt practices in the existing Act, then why should there be this differentiation in the description of corrupt practices so far as regards criminal law is concerned, and so far as petitions for the purpose of setting aside elections are concerned. I therefore think that for the purpose of consistency it is better that we should have one consistent definition of the words corrupt practices in this new Bill by adopting the phraseology similar to section 22 (4).

With regard to this new definition it may be said with some advantage that the word 'gratification' which is now being introduced into this new clause 6 was the word which was dropped after some discussion at the time of passing the Act of 1901. The word is a very wide one and one does not know what gratification would really mean and therefore the attempt to include the word 'gratification' was negatived in the Select Committee in 1901. I, therefore, submit that we should so carefully frame the definition of corrupt practices as to leave no room for doubt as to its meaning for civil petitions as well as for criminal complaints. I do not think I can usefully add anything more to what has already fallen from so many friends of mine and I will therefore resume my seat.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD spoke as follows:—Your Excellency, with regard to this Bill I heartily commend the provisions contained therein for the appointment of a Municipal Commissioner for towns in the mofussil where the importance of the town makes it advisable to make such appointment and any one with experience of the system in the Bombay Municipality and any one who has watched its successful administration cannot possibly hold any other view. Certain Honourable Members, notably my Honourable friend Mr. PARANJPYE and I believe the Honourable Mr. HARCHANDBAI too, are opposed to this measure and do not like the proposed system of appointing a Municipal Commissioner for the mofussil towns. As my Honourable friend Mr. PARANJPYE himself said his objection was of an academic character. Now this objection to the appointment of a Municipal Commissioner instead of allowing the present system of the Municipality carrying out executive functions by means of committees is a very old one indeed. That objection was urged in those days when the Bombay Municipal constitution was settled in the early seventies, and was repeated at the time the Act of 1888 was before the Council and the same arguments were brought forward on that occasion that have been brought forward by the Honourable Mr. PARANJPYE. One feels now, seeing the result, that it is really very fortunate for Bombay that that objection did not prevail on that occasion and the present constitution vesting the Municipal executive works in the Municipal Commissioner was adopted. My Honourable friend Mr. PARANJPYE seems to think that it is discouraging local self-government to take away executive functions from the Municipality and vest them in an officer like the Municipal Commissioner. He says, oh, we must make people learn the business of exercising executive functions and must make them learn to manage their own affairs and so on. Now that to my mind is an entire misconception as to what is possible to be done in the way of local self-government. It is no use vesting bodies like Municipalities which are really not fitted for executive functions with such duties. The result must be, as it has been in several Municipalities, that the whole thing has ended in failure. The elected Municipal bodies, like the Municipalities we have in Bombay and in other places, are very good indeed as deliberative bodies in whom the municipal government can be vested with absolute control of the finances and matters of policy, but when it comes to the actual carrying out of the work, you cannot for that purpose conceive a worse body—people who are doing honorary work and who can devote only a limited time for the disposal of that work. And therefore if the Honourable Mr. PARANJPYE's system is followed, that to my mind will be really doing incalculable harm to real local self-government. You will be really hampering the bringing out of the best in local self-government by bodies of that character. Although in Bombay we have a Municipal Commissioner to carry out executive functions, local self-government is not affected. On the contrary we feel proud for what has been done in Bombay and we have had the best example of what really good local self-government can do. We have a Municipality in whom is vested the municipal government of the city, having its financial control, and determining questions of policy and principle and framing by-laws, but all the executive functions are vested in the Municipal Commissioner who carries them out, and those executive functions in the very nature of things are unsuited to be carried out by deliberative bodies and are best carried out by an executive officer. In that view, Sir, I entirely support the provisions of this Bill about the introduction of the Bombay system of appointing a Municipal Commissioner in the mofussil. As Honourable

Members have pointed out it is a question of ways and means and it is only some Municipalities that can afford the cost of the appointment of a Commissioner, and that it is why such an appointment is to be restricted to municipal areas where the population is over one lakh and fifty thousand. Much also will depend in actual practice as to how the appointment is made. Bombay has been singularly fortunate in that way as Government from time to time have placed at the disposal of the Municipality the services of their best officers available. This has contributed in no small degree to successful municipal government in Bombay and I trust when the time comes to make successful appointments of Municipal Commissioners they will be equally fortunate in getting really efficient officers from Government for that purpose.

There are certain other sections, Your Excellency, about which I want to say a few words, particularly about one provision proposed to be introduced in section 22 about the questioning of the validity of elections. Power is proposed to be given under sub-clause (b) to the Collector to question the validity of the election of a councillor and he can apply to the District Judge, *i.e.*, within two months. I venture to think, your Excellency, that that provision is not needed at all. As the Act stands at present any person interested in the election either a candidate or a voter is entitled to go to the District Judge and ask for a declaration that the election is invalid and have it set aside. There is no reason why the Collector should be given the power to intervene in this affair. There I quite agree with the Honourable Mr. PARANJPE that it would be an unnecessary interference with local self-government. Those who are affected should be left to seek the remedy in such matters. There is no reason shown by past experience why any such change is rendered necessary. But while the Government are amending this section, I am sorry that they are not undertaking the amendment of it in one particular which would have been a very desirable one, and I throw the suggestion out for the consideration of the Select Committee. Your Excellency is aware and the Council is also aware I believe that the decision of the District Judge on any election petition under this section is under the Act conclusive. And it has been held that it is not open to the High Court to hear any appeal against the decision of a District Judge or even to entertain an application in revision. The way in which the section has been interpreted by the High Court is this, that because the section names the District Judge, he is merely the person designated under the section who decides the matter as an outside referee or outside arbitrator and not as a Court, and that being so, the High Court has no power to interfere. Now it often happens that questions of law—sometimes very complicated and very difficult questions—arise with regard to these elections, and though the decision of the District Judge may be obviously wrong in some cases you cannot get it altered as the High Court cannot interfere with it, because of this ruling of the High Court. Therefore to my mind the section requires to be amended in such a manner as to vest the power in the High Court to interfere on a matter of law by a suitable provision. Your Excellency's Government must be aware of a very recent instance where Government themselves, I believe, felt the difficulty created by the present provision. I refer to the last Municipal elections at Matheran where certain elections took place and an application was made to the District Judge of Thana; the District Judge on that application, I believe, set aside the election. Now Government themselves felt, if I am rightly informed, that the decision of the District Judge was not correct and issued a resolution to that effect expressing their opinion that that decision was not correct and that that decision, which

was on a point of law, should not be followed on future occasions by the Municipality. That in itself illustrates the necessity for amendment of the section. When you have an obviously wrong decision by a District Judge, so much so that Government thought it necessary to issue this resolution and lay down that it should not be followed on future occasions, a very strong case is made out for amendment. What happened in that particular instance was, that though the decision was wrong, it had to be accepted by the Municipality in that particular instance. It is obvious, your Excellency, that it is very desirable in these circumstances so to amend the section in the Select Committee as to leave room for correcting any errors of law that may be committed by the District Judge.

Then with regard to the qualifications for election of members, I quite agree with what has fallen from my Honourable friend Mr. PABEKH that the proposed amendment contains provisions which are undesirable and which exclude from the Municipality members whose presence may be very desirable. Therefore I trust that in the Select Committee the matter will be considered carefully, and the defect obviated.

Then I also agree with what has fallen from various Honourable members with regard to the amendment of section 15A about resignation by a Municipal Commissioner. The proposal is that such resignation should not take effect from the date it is tendered but is to operate only after its acceptance by the President or the Commissioner. There is no reason whatever, Your Excellency, why, if a member who is giving his services honorary to the Municipality, chooses to say, from tomorrow I do not want to render any further service of that character you should insist on his continuing to render such services until his resignation is accepted by the President or the Commissioner.

Then with regard to the section which provides for delegation of powers by the Municipal Commissioner, I am afraid that that section is worded rather widely (reads new section 186H). That entirely leaves the complete power to the Municipal Commissioner without any further reference to the Municipality to delegate all his powers to any Municipal servants whom he empowers in that behalf. Now that section, worded as it is, is much wider than the corresponding provisions of the Bombay Municipal Act. In the Bombay Municipal Act there are only certain powers which it is open to the Municipal Commissioner to delegate at all. With regard to such powers the Bombay Act lays down restrictions as to the officer to whom alone such powers can be delegated, and I trust the Select Committee will consider more carefully whether the limitations laid down as to the delegation of power in Bombay are not also desirable in the case of mofussil Municipalities. These are the few observations I have to offer, your Excellency, and I hope that in the Select Committee, the various matters that have been discussed will be properly threshed out, but that the main principle of the Bill with regard to the appointment of the Municipal Commissioner, in spite of what has fallen from the Honourable Mr. PARANJPE and the Honourable Mr. HARCHANDRAI will be retained in the real interests of local self-government.

The Honourable Mr. MANMOHANDAS RAMJI spoke as follows:—Your Excellency, I rise to support this Bill and in doing so I wish to make a few remarks. Before the proposal of the appointment of Municipal Commissioner to mofussil Municipalities is considered, I think it is quite necessary to invite opinions from the Municipalities who are to be given this appointment of Municipal Commissioner. Of course Government have good grounds to make this appointment, but still it would throw a good deal of light and

it will help Government to come to a decision if they give opportunity to the Municipalities concerned of considering the *pros* and *cons* in reference to this appointment. I trust that point will be considered in the Select Committee very carefully.

There is another thing and that is that the salary of the Commissioner is not specified. Both the minimum and the maximum salary of the proposed appointment should be distinctly laid down in the Act. It is laid down in the Bombay Municipal Act and there is no reason why it should not be done so in the District Municipal Act.

With these few remarks I beg to support the first reading.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency, considering that this Bill came before the Council late in the Session and considering also that it was somewhat of a non-contentious character, I had expected that we should be able to finish the first reading in a shorter period of time.

Almost the whole of the house has spoken on this Bill and it is gratifying to note that there has been growing wider and wider interest in the cause of local self-government.

Several Honourable Members who are eminent Municipal Councillors—some of them Chairmen of important mofussil Municipalities—have spoken, and spoken eloquently, on the first reading of this Bill. But if we minutely examine the speeches and clinch the arguments advanced we shall find that the discussion is centred round four points only. These points are—(1) provisions authorizing the appointment of Municipal Commissioners for large district towns whose growing importance requires more efficient and closer management of Municipal affairs; (2) provisions dealing with the residential qualifications of Municipal candidates; (3) clause 4 (i) which amends section 15 of the Act so as to debar all dismissed Government servants from eligibility for a Municipal Commissionership; and (4) clause 5 which provides for a new section 15A in the Act and which deals with the acceptance of the resignations of Municipal Councillors.

There are one or two minor points in the discussion but to them I shall refer after I have disposed of the most important points which I have detailed above. I shall not attempt to reply to each individual Member's observations for I believe it would be more convenient to deal with points raised than with Honourable Member's raising them.

I shall take these points in order.

The first point is regarding the appointment of Municipal Commissioners. The growing importance of certain mofussil cities makes it imperative that if their Municipal administration is to be conducted with efficiency and well, they should have a full time, well paid and a responsible executive officer with wider powers than are allowed to Chief Officers. After the extension of elective principles to District Municipalities the most important of the Municipalities have succeeded in electing by a majority of two-thirds of their members, their own non-official President. He is generally a man of great influence which he has derived either from extensive private business or from his other activities in public life. I may quote the instances of the Honourable Mr. HARCHANDRAI and the Honourable Mr. SATHE who have been most successful Chairmen of the Municipalities of

Karachi and Sholapur. This means that the Chairman has many other irons in the fire and with all his earnestness for civic life it is physically impossible for him to devote the whole of his time and attention to Municipal work. Mr. SATHE and Mr. HARCHANDEAI are honourable exceptions. They have been exceptional Presidents. But we cannot always and everywhere have such self-sacrificing non-official gentlemen. I would ask those Honourable Members whether they have come across in Karachi and Sholapur men on whose shoulders their mantle might suitably fall. With the increasing importance of the town the work also increases and unless you have a full time and responsible executive officer to cope with it, it is impossible to expect that the constantly increasing needs of the town could be satisfactorily met.

Again, we are not going to try a new experiment when we propose Municipal Commissioners for big district towns. Bombay has benefited by the experiment. You will all remember the inauguration of the system in Bombay which mainly owes its continued and unbroken existence to the rigorous advocacy of the Honourable Sir PHEROZESHAH MEHTA, and I really cannot understand why the mofussil cities which in other respects try to emulate and in certain cases even strive to rival this great city, should not incorporate in their administration, methods which have been the source of the triumph of Municipal life in this great city. It has been hinted that the Commissioner may turn out to be too powerful a man for the managing committee to control. The experience of Bombay has shown that it has not been so. Under the Act it is competent for the Municipality by a substantial majority to get him transferred. Some may argue that it would be a very bold Municipality which could think of taking such a step, but, Your Excellency, I should like to ask if a Municipality that has not the courage to keep their officer straight or to otherwise mend the situation can be trusted adequately to carry on by themselves the complete and most exacting duties of a growing town. Of course the Commissioner will be somewhat of an independent chief—but only within his own sphere of influence—within his own powers which have been definitely prescribed in the Act. Beyond that he will be subject to the guidance and even the orders of the Municipality.

Points have been raised in connection with the Municipal Commissioner's salary. It has been suggested that Government should bear two-thirds of the salary of such an officer in consideration of survey or other work that Government may entrust to him. The Act provides for such sharing of costs, but the proportion of such share must depend upon the nature of the extra work given to him and also on the amount of time which such work would take him out of his legitimate Municipal work. I do hope that Honourable Members can well trust Government in the determination of the relative portions of the salary to be borne by the Municipality and the Government.

I do trust that after this explanation the Council will agree that the appointment of a Commissioner is more a help than an imposition, and that it will further the course of local self-government as it has done in Bombay.

Coming to the provisions prescribing residential qualifications I may say at once that they have been borrowed from the Madras Act and it has not been known that they have worked to the detriment of any sentiment of local self-government there. As I have already said in my opening speech it is anticipated that this provision will foster healthy local self-government.

It must be admitted that non-resident councillors cannot, in spite of their good intentions, give as close attention to municipal work as is possible to be given by local councillors and it is in the interest of municipal affairs of the place concerned that this provision has been thought to be necessary.

Besides it is only the non-resident members mostly that have raised this point and it would be interesting to know what the local representatives of the several Municipalities have to say on the subject.

The Honourable Mr. PABERH has suggested that it would be very hard for a capitalist who may have some interest in a mofussil town to be so debarred from election to that Municipality. But in the first place it may be remembered that a Municipal Councillor is primarily on the Municipality to look after the municipal affairs of that place more than after his own personal interest and he has, I think, no business to be on the town council if he can only run down for a day to the place when there is a motion that would affect his vested interests in that town. In the second place the fact that his interest in the place does not require his continuous stay there means that he has a far more preponderating interest in the place of his permanent residence and just as he can entrust his financial interest in the mofussil to a deputy of his, he can as well, if he so chooses, leave his municipal interest to his aforesaid deputy. I submit strongly, Sir, that it is in the best interests of District Municipalities that the clause prescribing residential qualifications should not be disturbed at all.

Clause 4 (i) of the Bill has come in for a somewhat heated discussion. It provides that all dismissed Government servants—no matter how and under what circumstances dismissed—would be debarred from standing as candidates for municipal election. Dismissal from Government service has a stigma attached to it. And at first sight it may appear that a dismissed servant should not be considered competent to hold the honourable position of a Municipal Councillor. There is much to be said in favour of this view, but it is not that there is no force in the opposite view expressed here that there are dismissals and dismissals and that an exit from a Government office should not permanently bar otherwise capable and willing workers from the only public life open to them. Without committing myself to either view I promise on behalf of Government a full consideration of this question in the Select Committee.

Now as to the last and the 4th point raised in the discussion. It has arisen in connection with the inclusion in this Bill of—to some Honourable Members—the somewhat frightening looking clause, viz., clause 5, which provides for the insertion in the Act of a new section 15A. That section deals with the question as to when a Councillor should have been taken to have resigned his seat on the Municipality. On this question I am inclined to think that the arguments put forward by some Honourable Members would appear to be somewhat weighty. It has been argued with some acceptable force that his services to the Municipality are voluntary. It is arguable also that a public man's acceptance of the duties of a Municipal Councillor should be considered a personal sacrifice on his part made willingly out of public spirit without expecting any remuneration whatever. It is suggested that he should be allowed to relinquish his duties just as freely as he accepted them and simply because there have occurred instances, not many, in the history of the long life of municipal self-government in which members, who

should have got dismissed for reasons more serious, have escaped that punishment, that all Municipal Councillors should be placed in a condition of constant suspense as to what may happen to their resignations, is a position of a rather inconvenient restriction on individual liberty. But then there is the opposite view that if no provision is made to deal with recalcitrant and objectionable members, however few they may be, it would be equivalent to granting a license for obstruction and an immunity from punishment to people whom it would be well to see out of municipal halls altogether. While I sympathise with the views expressed by the Honourable Sir PHEROZESHAH MEHTA and those who followed him, I am not prepared at once to accept the view that the clause should go out altogether. What I mean to indicate is that the point will be carefully gone into in the Select Committee, and I shall undertake to give that sympathetic consideration to it which must have been discerned from the words I expressed on behalf of Government in the beginning of my remarks on this point. I may add that the compromise suggested by the Honourable Member for Sind (the Honourable Mr. HARCHANDRAI) has merits of a very good *via media*.

I shall now refer to a few minor suggestions that have been thrown out during the course of the debate. Sir CHINUBHAI wants to engage a Deputy to the Commissioner. I may say at once that there is nothing in the Bill to prevent employment of such an officer if the needs of a Municipality require such an extra official and if the funds permit. In fact in Bombay we had one some months back.

Sir CHINUBHAI has asked that Government should make certain concessions of a financial nature to the Ahmedabad Municipality. But such matters are admittedly out of the province of such a Bill. I think, however, that it is open to the Municipality to approach Government in the ordinary way of making a representation. Another of Sir CHINUBHAI's suggestions was with regard to Government sharing the Commissioner's salary, but that point has been already dealt with. The Honourable Mr. SATHE and the Honourable Mr. HARCHANDRAI have suggested that all the District Municipalities should be sent copies of the Bill and that they should be invited to send in what suggestions they may have to advance. I understand that while Mr. SATHE restricted the scope of that inquiry to the Bill, Mr. HARCHANDRAI wished for a general revision of the whole Act. To me the proposal of the Honourable Mr. HARCHANDRAI appears rather a big order. You cannot sit down on a whole Act and consider alterations and additions. These can only arise out of difficulties experienced during the practical working of the Act. All Acts have come to be so amended. I am sorry therefore that the proposal cannot be supported.

The Honourable Mr. SATHE's suggestion is a great deal less ambitious but as it is proposed to have on the Select Committee leading representatives of the most important of the District Municipalities no useful purpose is likely to be served by referring the Bill at this stage to the several Municipalities. Besides I propose with the concurrence of my colleagues on the Select Committee that we should meet at Mahabaleshwar as early as is convenient to the Honourable Members, say the 20th April, so that we can finish the report of the Select Committee if possible by the end of April, thus leaving more than two months to the Municipalities in which to consider the amended Bill and suggest amendments if any in writing or through their representatives on the Council.

Ráo Bahádur SATHE's other point is that the Collector should not have a wider margin of time in which to question the validity of an election. This is a matter of

detail and can be considered in the Select Committee. On the first reading it must be remembered we only take all the principles involved and not all the provisions included in the Bill.

With these remarks, Your Excellency, I would move that the Bill be read the first time.

His Excellency the PRESIDENT:—After the very full and clear statement that we have just heard from my Honourable colleague in answer to the various suggestions made by many Honourable Members, I only wish to say that—though it is true we have had a somewhat long debate, it has been an extremely useful and instructive one on this most important Bill. I think it has been particularly instructive owing to the fact that we have had businesslike and serious speeches from many Honourable Members, who have been for many years in close touch with Municipal life. They have made many suggestions to us with regard to the amendments and alteration of certain details of this Bill; but I think my Honourable Colleague may be satisfied that on the whole his Bill has been received with general favour, and I firmly trust that when it becomes a measure of law, it will prove another step forward in the matter of local self-government in this part of India.

District Municipal Amendment
Bill read a first time.

The motion for the first reading of the Bill was then
put to the vote and carried.

The Honourable Mr. PRABHASHANKAR D. PATTANI:—Your Excellency, the first reading of the Bill having been passed, I venture to suggest that it be referred to a Select Committee consisting of the following Honourable Members:—

The Honourable Mr. BARROW, the Honourable Mr. CURTIS, the Honourable Mr. HARCHANDRAI from Sind, the Honourable Sir CHINUBHAI and the Honourable Mr. PATEL, from N. D., the Honourable Mr. SATHE and the Honourable MOULVI RAFIUDDIN AHMAD from C. D., the Honourable Mr. RODDA from S. D., and myself.

It is proposed to sit at Mahabaleshwar from the 20th of April. The Select Committee may have instructions to submit their report by the middle of May.

His Excellency the PRESIDENT:—Honourable Members have heard the names suggested by my Honourable colleague for the Select Committee.

Bill referred to a Select Committee. The motion was then put to the vote and carried.

The Honourable Mr. CLAUDE HILL:—With your Excellency's permission, I should like to move that on the Select Committee for the Town Planning Bill, there be substituted for the name of the Honourable Mr. CURTIS the name of the Honourable Mr. SHEPPARD, the reason being that the Honourable Mr. CURTIS is already very fully occupied on Select Committees and the Honourable Mr. SHEPPARD has very kindly expressed willingness to serve in Mr. CURTIS' place.

The motion was then put to the vote and carried.

The Honourable Sir RICHARD LAMB:—Your Excellency, I ask permission to nominate the Members of a Select Committee which it has been decided at this meeting of the Council to appoint, to inquire into the question of a Panchayat Bill on the lines of the Mysore Panchayat Regulation, and after consultation with my Honourable friend Mr. GODBOLE, I propose that the Committee do consist of the Honourable Mr. GODBOLE, the Honourable Mr. PABEKH, the Honourable Mr. BARROW, the Honourable Mr. CURTIS,

the Honourable Ráo Bahádur SATHE, the Honourable Ráo Sáheb NAIK, and myself, with instructions to report by the 15th November.

The motion was then put to the vote and carried.

The Honourable Mr. CLAUDE HILL :—With Your Excellency's permission, I propose to make a statement in regard to a resolution on a matter of public interest which was moved by the Honourable Mr. GODBOLE at the last meeting of this Council. It will be within the recollection of Honourable Members that the Honourable Mr. GODBOLE raised in the form of a question a year ago the question whether Government might not modify the arrangements in the College of Engineering in Poona with a view to the exclusion of students from other parts of India. Reasons were given in reply for not accepting the suggestion. But the Honourable Member, not being entirely satisfied, moved a resolution at the last meeting in December raising two questions and suggesting the reduction of outsiders from other Presidencies from the College of Engineering if and so long as the College could be filled by local candidates, and that in any case the scholarships and special facilities should be reserved to the students from this Presidency. There was a very interesting discussion on the subject and the motion was eventually defeated by a very large majority after a considerable number of Honourable Members had expressed the opinion that to accept the Honourable Member's proposal was rather a parochial step to take and that it was not justified by the circumstances of the case.

The view I suggested on behalf of Government at that time was that the College of Engineering was very largely established in the interests of the public works services of this Presidency and we were therefore interested in securing the best possible material; also that, since all but sixteen per cent. of the pupils who are admitted are very carefully selected in the first instance, and since in spite of that very careful selection a considerable proportion of the local product failed in the examination, it was not likely that by admitting less qualified pupils, to the exclusion of the strangers, those less qualified pupils would individually qualify for the services.

However, I undertook on behalf of your Excellency's Government that we should see whether there was a case for reference to other Local Governments on the subject especially with a view to ascertaining the action or attitude of other Local Governments in relation to this matter. We have made inquiries and as a result of this we find that as a matter of fact at Sibpore or in Madras there is no exclusion of outside students. The Sibpore College of Engineering admits 8 outsiders out of a total of 40, a higher proportion than is now admitted in Poona. The Madras College imposes no restriction at all. Even in the Roorkee College the bar only extends to pupils coming from parts of India other than the United Provinces, the Punjab and Burma. Therefore, that college serves a considerably wider area than is served by our college. The only point that remained, therefore, was the question of reserving prizes and scholarships and appointments to students of our Presidency only, and as I have already explained in the previous debate, and will reiterate now, Government feel that to make such a reservation would not be conducive to the best interests of the service, for the promotion of which this college primarily exists, and moreover it would not secure the admission and passing out of an appreciably larger number of qualified students from this Presidency. In such circumstances, Sir, Government have come to the conclusion that there does not exist a case for reference to the other Governments with a proposal that they should regulate admissions to their colleges precisely in the same manner in which we do.

The Honourable Mr. VITHALBHAI JAVERBHAI PATEL spoke as follows:—Your Excellency, the resolution that stands in my name reads thus:—That this Council recommends to the Governor in Council to rescind the notifications from time to time issued under Section 8 of the Bombay Local Boards Act, 1884, whereby an exceptional constitution has been given to the various Local Boards in the Panch Mahals.

I should, with your Excellency's permission, like to explain to the Council in a word or two what the resolution means. It merely means the substitution of election for nomination in the constitution of the Táluka and District Boards of the Panch Mahals District of the Northern Division. All the other districts of the Division have got since Act I of 1884 the franchise of election, and since the reforms of Lord Minto, all the District Boards of those districts, including the Panch Mahals, have a right to collectively return one Member to this Council.

I shall now proceed to state briefly the history of legislation on the subject of elections and nominations of these Boards in the Presidency. Before 1884, local control over certain branches of administration in the Presidency was secured by Local Fund Committees. The origin of these Committees dates from 1863 when our Government sanctioned the institution of Local Funds for the promotion of education in rural districts and the construction and repairs of local roads. The District Committees were to consist of the principal Government officers of the district and other members to be nominated by the Government. Táluka Committees were to consist of the Collector, the Sub-divisional officer, the Mámlatdár and three or more members nominated by the Collector. This system was carried on for a few years without the aid of legislation but difficulties arose as to the legality of the levy of the local cess. The Bombay Act III of 1869 was therefore passed legalising such levy. A few years later these Committees were placed in 1884 on a more popular basis by the District Local Boards Act which by Section 5 provided that every District and Táluka Local Board should thenceforth consist of an equal number of elected and nominated members, excluding the President. Section 6 of the Act laid down provisions as to the persons or bodies entitled to elect members on the Táluka Board and section 7 of the Act made similar provisions for election on the District Board. Section 8 of the Act gave power to Government by Notification in the *Bombay Government Gazette* to direct that the provisions of sections 5, 6 and 7 and the subsequent provisions of that Act which refer to those sections shall not apply to the Local Board of any district or taluka to which for exceptional reasons which shall be set forth in the said notification the Government shall deem such provisions to be unsuitable. The second paragraph of that section authorizes the Government to substitute such provision or provisions as it deems fit for the provision or provisions declared inapplicable to any local Board by any notification under the first part of the section.

The Honourable Members will see that the notification which I now ask the Government to rescind was issued in virtue of the powers vested in Government under this section. The Government then thought that the district of the Panch Mahals was not sufficiently advanced in certain respects and therefore they made use of the powers which they are entitled to use under exceptional circumstances. The notification says: "The Panch Mahals District having been as yet only a few years under British administration and being behind other districts in social development is not in the opinion of the

Governor in Council sufficiently advanced for the introduction of the franchise in the manner or to the extent contemplated in Sections 5, 6 and 7 of the Bombay Local Boards Act, 1884. It is therefore directed that the provisions of those sections and the subsequent provisions of the said Act which refer to those sections shall not apply to the Local Boards of the Panch Maháls District, etc." The last paragraph of Section 8 of the Act authorizes this Government to rescind any such notification, and I respectfully submit that it is not too much to ask the Government to do so after 30 years since the issue of that notification.

About the year of the notification, the population of the District was 225,479 according to the Census of 1881. The population according to the last Census is over 320,000.

The District was taken over by our Government in 1861 and since then the history of the trade of the District is one of rapid development. Education has made fairly good progress and the District stands very high among the Districts of the Presidency in the literacy of its population. The communications have been made very easy. Roads and Railways have been opened in the furthestmost parts of the District.

The Honourable Members will also bear in mind that, since the recent reforms, the District Board of the Panch Maháls, being one of the District Boards in the Northern Division, has a right to elect its delegates to vote for candidates seeking for a seat in the Legislative Council and strange to say a District Board having a right along with the other Districts of the Division to elect a representative on this Council is itself a nominated body. If the District is not considered backward for the purposes of representation on the Council, surely it is not backward for the franchise of election for the Táluka and District Boards. If the notification is cancelled, that is, if my resolution is accepted, the sections of the Local Boards Act, 1884, granting the franchise to the Táluka and District Local Boards of the Presidency will apply to the District.

The resolution is so simple and the demand is so modest and reasonable that the Government, I have no doubt, will accept it in its entirety.

The Honourable Mr. PATTANI spoke as follows:—Your Excellency,—It would appear that there is a *prima facie* case for extending the elective principle to the Panch Maháls District. The original decision not to do so dates back 30 years and presumably circumstances have greatly changed in that time. Government would therefore be willing to undertake the examination of the question and, if satisfied that the elective principle may be extended to the Panch Maháls with advantage, steps will be taken to that end. If therefore in the light of this assurance the Honourable Member is prepared to accept a small verbal alteration in his resolution I would accept it on behalf your Excellency's Government in that modified form. I suggest that the words "to consider whether the time has now arrived" be added after that words "Governor in Council" in the first line of the resolution as printed on the agenda.

The Honourable Mr. PATEL :—With the greatest pleasure I accept the modification suggested by the Honourable Member. I know the time has come and that Government will consider the matter, and on the assurance that my Honourable friend has given have nothing more to add but to accept it.

His Excellency the PRESIDENT :—I will only say that the Honourable Member must not take too much on trust.

The resolution as amended was then put to the vote and carried.

His Excellency the PRESIDENT :—Resolution by the Honourable Mr. Bhurgri : That this Council recommends to His Excellency the Governor of Bombay in Council to suspend the recovery of the increased rates of assessment sanctioned in July last for the Tando Sub-Division of the District of Hyderabad, Sind.

The Honourable Mr. GHULAM MUHAMMAD walad KHAN BAHADUR WALI MUHAMMAD BHURGRI spoke as follows :—My Lord,—Several Members of this Council have suggested to me that I should adjourn the discussion of this resolution to the next Council Meeting. The reason is that my Honourable friends who come from the Presidency proper have not had enough time to consider the matter. I therefore request Your Excellency's permission to postpone the Resolution to the next Council. I would only make one request and that is that I shall be obliged if the Honourable Member in charge will kindly see his way to arrange to order the general distribution of the copies of the Settlement Report among Honourable Members as soon as it is convenient.

The Honourable SIR RICHARD LAMB spoke as follows :—Your Excellency,—I am quite willing to assure the Honourable Member that the Settlement Report shall be printed in a Selection made in the usual way that is applicable to all Settlement Reports and copies of this Selection shall be supplied to Honourable Members. There is no objection on my part, Sir, to the resolution being withdrawn, although there are certain Members of this Council who are perfectly willing to discuss it now. But I have no objection whatever to its being withdrawn.

The Honourable Mr. BHURGRI :—It is only left to me to thank the Honourable Member in charge.

His Excellency the PRESIDENT :—Resolution withdrawn and postponed.

His Excellency the PRESIDENT :—Resolution by the Honourable Mr. J. A. D. McBAIN.

The Honourable Mr. J. A. D. McBAIN spoke as follows :—Your Excellency, I beg to move that this Council recommends to His Excellency the Governor in Council that a Committee be appointed to enquire into the prevalence of malaria in the compound of St. George's Hospital and to recommend measures to be adopted by the rendering of the buildings mosquito proof, or otherwise, whereby the possibility of the contraction of malaria in the Hospital may be eliminated or materially reduced.

The question of the prevalence of malaria in St. George's Hospital and neighbourhood is no new one. It has been prominently brought to notice by Dr. BENTLEY and other experts in past years, and that it still prevails in the Hospital is nothing short of a scandal.

In his Report on Malaria in Bombay, which was issued three years ago, Dr. BENTLEY states that the earliest complaints about malaria in the vicinity were made in 1907. In the same report I find it stated that in a paper by Major Liston, which was published in 1908, he recorded the fact that 80 per cent. of the children resident in Frere Road had enlarged spleens and 50 per cent. of those examined by him harboured malarial parasites in their blood. In the same report Dr. BENTLEY further states: "St. George's Hospital became the most malarious place in the City, the members of the Nursing Staff were frequently prostrated with malaria, and few of the

patients who entered the hospital escaped contracting the disease." That had reference to the year 1908, six years ago, and the operations in connection with the building of the new docks were blamed. But the new docks are completed, and the same unsatisfactory state of affairs continues. When an institution like an hospital becomes unpopular it loses much of its usefulness. St. George's Hospital has gained such a notoriety in late years that it is well known that many persons who would otherwise have gone there for treatment have avoided it for fear of contracting malaria in the hospital. It is a common saying that if you go into the hospital with a broken leg you will have it mended all right, but you will be killed by malaria. I do not know if there have been actual cases of death in the hospital of patients who have contracted malaria there, but the popular idea is that there have been such cases. Be that as it may there have undoubtedly been very many instances of patients who have entered the hospital for surgical treatment, and for other illnesses, contracting malignant malaria while in the hospital, and the stay of many patients is often prolonged, not because of the disease for which they were originally admitted but because of malaria contracted in the hospital. One does not require to be a medical man to realise that an attack of malaria as a complication to other diseases, such as enteric, must often result in the death of a patient who in healthier surroundings would have recovered.

But it is not only the patients who suffer. Bombay is fortunate in having attached to its hospitals a band of devoted women who do noble work in tending the sick in and out of the hospitals. These nurses deserve the best consideration of Government and of the public. Yet it is common knowledge that for years there have been almost continually several of the St. George's Hospital nurses incapacitated from work, and actually patients in the hospital from malaria contracted while on duty there. The lot of a sick nurse in a climate like that of Bombay is bad enough, but to have added to this the depressing effect of quinine which the St. George's Hospital nurses have continually to take to ward off infection from malaria, cannot make their lot any the happier.

I would like to say that I make no charge against the Hospital Medical Staff, and I am sure that no right thinking man in Bombay would do so. I feel sure that they are doing all in their power to minimise the evil, and that the trouble arises from circumstances beyond their control. It is for this reason that I have brought the matter before the notice of Your Excellency's Government, and I cannot too strongly urge upon Government the advisability of appointing a Committee such as I have suggested to go to the root of the matter.

As to the remedy, the best solution to my mind is the removal of St. George's Hospital, as soon as possible, to some other site, far away from its malarious and noisy surroundings, and if the finding of the Committee I now propose to be appointed is to that end, it will be a step in the right direction, and will be cordially endorsed by every European in the City. But even although Government were to decide at once to remove the Hospital, years must necessarily elapse before a new building could be erected. Something must, therefore, be done to the present Hospital, and probably the rendering of the buildings mosquito-proof by having wire gauze placed in all the doors and windows would solve the problem. This, however, might be objected to for two reasons, first, because it might render the buildings stuffy, and second on the ground of expense. But I believe the first objection might be met by placing exhaust fans in the

ceilings. Any how, I feel sure that patients and nurses would rather put up with a little inconvenience on account of stuffiness than succumb to malaria. As regards the second objection I sincerely hope that Government would not let the question of expense stand in the way of effectively dealing with this matter, which is of vital importance to the European community of this City and Presidency.

The Honourable Mr. CLAUDE HILL spoke as follows:—Your Excellency,—It may save the time of Your Excellency's Council if I say at once that Government are quite prepared to accede to the proposal contained in the resolution of my Honourable friend Mr. MCBAIN. Without of course my being understood as endorsing all that the Honourable Member has said in the course of his remarks, and without prejudice and without forming any judgment as to the merits of those statements, it is proposed to refer this question to a Committee consisting of the Surgeon-General, the Surgeon Superintendent, St. George's Hospital, Major Glen Liston, and (with the permission, which will be asked, of the Bombay Municipality) Dr. J. A. Turner, the Executive Engineer, Presidency, and a Member to be nominated by the visiting Committee of the Hospital. I think in these circumstances the Honourable Member will be satisfied with the action that we are prepared to take on his resolution.

The Honourable Mr. MCBAIN:—Your Excellency, I should like to say that I have much pleasure in accepting my Honourable friend's proposal.

The resolution was then put to the vote and carried.

The Honourable Mr. PRABHASHANKAR D. PATTANI:—With your Excellency's permission I have to make a small suggestion in connection with the Select Committee that has been appointed with regard to the District Municipal Amendment Bill. As that Bill concerns only the District Municipalities, I had in the first instance omitted to put any local Bombay Member on the Committee, but it has been suggested, and I think with effect, that there should be at least one Bombay gentleman on the Committee, and it is proposed that the Honourable Mr. SETALVAD (if he can come to Mahabaleshwar) should be appointed.

His Excellency the PRESIDENT:—Is it the wish of the Council that the Honourable Mr. SETALVAD should be appointed on the Select Committee?

The motion was then put to the vote and agreed to.

His Excellency the PRESIDENT:—Before I adjourn I should like to give expression as PRESIDENT of the Council my sincere thanks to Honourable Members for the assistance they have given me in the conduct of business during this Session, and to express the view that I think we may congratulate ourselves on the fact that our work has been conducted in a thoroughly businesslike manner; speeches have been for the most part not too long and much to the point and Honourable Members have, I think, made a real endeavour to inform Government of their views on the various important Bills which have been before us and of the various considerations that have arisen on those Bills during our discussion. It is quite true that the sitting has been a long one, but we have had many important questions to discuss; and I think that if important subjects do arise at sittings of the Council it is advisable that they should be thoroughly and well threshed out before we come to a final decision. We have had our differences of opinion and we have had one extremely interesting difference of vote. Honourable Members

will I am sure always realize that, while Government is always ready and anxious to hear the views of every Honourable Member in the Council, we cannot always accept their views; nevertheless, I hope you will find that we always shall be reasonable and fair in our judgment and action.

Let me make one further observation. I have been extremely struck—and I hope Honourable Members will allow me to say this—with the quality of the debates as they have gone on from day to day, and I trust, while I have the honour to preside over this Council, the relations that exist between Government and Honourable Members will always be as satisfactory as they have been during this past Session.

The Council will now adjourn.

The Council then adjourned *sine die*.

PAPERS PRESENTED TO THE COUNCIL :—

1. Report of the Select Committee appointed to consider Bill No. IV of 1913
Vide Appendix A. (a Bill further to amend the Bombay Irrigation Act, 1879).
2. Petition from Damodar Prabhakar Limaye and two others, residents of Tásgaon
Vide Appendix B. in the Sátára District, regarding the Bill further to amend the Bombay Irrigation Act, 1879.
3. Telegram, dated the 7th March 1914, from the President, Karáchi Municipality,
Vide Appendix C. communicating the Resolutions passed by the Karachi Municipality in connection with Bill No. III of 1913 (a Bill further to amend the Karachi Port Trust Act, 1886).

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,
Secretary to the Legislative Council.

APPENDICES

APPENDIX A.

REPORT OF THE SELECT COMMITTEE APPOINTED TO
CONSIDER BILL No. IV OF 1913.

(*A Bill further to amend the Bombay Irrigation Act, 1879.*)

We, the undersigned Members of the Select Committee appointed to consider the Bombay Irrigation Act Amendment Bill, IV of 1913, have carefully examined the Bill and have the honour to report as follows:—

In *clause 2* of the Bill we have amended sections 73, 74 and 81, on the lines suggested by the Honourable Mr. Godbole and the Honourable Ráo Bahádur Rodda, so as to make provision for an increased period for the submission of objections, and for more extensive publication of the notifications and the Record-of-rights, respectively.

2. *Section 73.*—The Honourable Mr. Godbole proposed that tanks used by a single irrigator only should be specifically excluded from the Bill. But the Committee held that their exclusion was unnecessary, as such “one-man tanks,” apart from any exceptional cases that might arise, will not in fact be notified under this Amending Act, and, if they were specifically excluded, it might lead to some difficulties in view of the joint family system in India.

3. In *section 75* some alterations in drafting have been made; and in particular we have provided, at the end of the section, as proposed by the Honourable Mr. Curtis, that an appeal shall lie to the Collector against any order of a Canal-officer passed under this Amending Act. The Honourable Ráo Bahádur Rodda and the Honourable Mr. Godbole proposed that offences in connection with Second-class Irrigation Works should be punishable under the Act with fine only and not with imprisonment. It was pointed out, however, by the Honourable the Chairman that ordinarily works of some considerable size only would be notified under the Act, and that there was no reason why the penalties should be less severe than in the case of First Class Irrigation Works. The proposal was therefore negatived.

4. *Sections 76 and 77.*—As proposed by the Honourable Mr. Godbole, it was decided that the “Canal-officer” should be a Revenue Officer not below the rank of a Mámílatdár.

5. The drafting of *section 79* (original section 78) regarding the commutation of rights, was defective, and we have accordingly recast the section.

Under this section, to take an instance that might arise, power is given to the Canal-officer to buy out the rights of any irrigator whose conduct or interests are likely seriously to conflict with the rights of the majority of the irrigators.

6. With reference to *section 81* the Honourable Mr. Godbole proposed that time should be given for revision of the Record-of-rights after it has been published under that section and before it is brought into operation; but the proposal was not approved by the Committee.

7. After discussion the proviso to *section 82* was retained, as it does not add to the powers of Government but serves merely to remove doubt and prevent unnecessary litigation.

8. The limitation period provided by *section 83 (3)* for suits with reference to entries in the Record-of-rights has been made to run from the date of the order passed by the final appellate authority, as in section 1 of Bom. Act XI of 1912 (An Act further to amend the Bombay Land Revenue Code, 1879).

9. *Section 84*.—In regard to the obligation imposed on the persons enjoying the use of the water to carry out petty repairs, the Honourable Mr. Godbole proposed that such obligation should be confined to the clearance of silt; the proposal, however, was not adopted by the Committee. A proposal by the Honourable the Thákore Sáheb of Kerwáda that “petty repairs” should be in some way defined was also not adopted; and section 84 was retained as originally drafted with a few slight changes, particularly in sub-section (5). In new section 85 the word “alienated” was altered to “all other” so as to cover the case of a tálukdár’s estate.

10. We have also made some drafting alterations in the Bill; and have changed the order of several of the sections. In several sections we have changed “Act” to “Part,” the reference being to Part X only.

11. We had received from the Honourable Ráo Sáheb Naik some proposed amendments to the Bill, which we have carefully considered.

12. We regret that, owing to illness, the Honourable Mr. Carmichael was unable to attend the Meetings of the Select Committee.

(Signed) R. A. LAMB.

(„) G. S. CURTIS.

(„) S. K. RODDA.

(„) K. R. GODBOLE

(subject to a minute of dissent).

(„) BHASAHEB *alias* DULABAWA
RAISINGJI, Thákore of Kerwáda
(subject to a minute of dissent).

Minute of dissent by the Honourable Mr. K. B. Godbole.

I may be permitted to make the following remarks regarding some of the alterations proposed by me which were not accepted by the Select Committee :—

Section 73 of Amended Bill.—I proposed adding the words “by more than one irrigator” in line 21 before the words “a second-class irrigation work”. The amendment was suggested with the object of excluding from the operation of the Bill, private irrigation works affecting single irrigators. There are likely to be no disputes in connection with such works, and Government intervention and control are therefore unnecessary in their case. If there are family disputes in rare cases of joint ownership, they can be settled as joint well-water disputes are, at present, under existing laws and regulations.

Section 75 of Amended Bill.—Myself and the Honourable Ráo Bahádur Rodda proposed that imprisonment should be taken away as punishment for offences in connection with second-class irrigation works. These works will necessarily be less efficiently maintained, watched and controlled than Government first-class irrigation works on which there are constant periodical repairs and costly establishment entertained for supervision and maintenance. Offences on the second-class irrigation works should therefore be less rigorously punished than those on first-class irrigation works.

Section 81 of Amended Bill.—I wanted the “Record-of-rights” to be published provisionally after its preparation and revision with the object of inviting objections, if any, from parties interested. I wanted that such objections should be duly considered, and then the Record-of-rights should be published as final record approved by Government. This procedure was suggested with the object of minimising complaints and appeals in connection with the “Record”.

Section 84 of the Amended Bill.—As Government get a considerable revenue from second-class irrigation works and do not spend heavily on their repairs in ordinary years, I consider that the irrigators should be relieved as far as practicable, of their responsibility sanctioned by long custom, of executing petty repairs. My idea is to appoint one or two patkaries or manegars for each important second-class irrigation work and make them responsible for executing all petty repairs, attending to water distribution and so on. The funds for the payment of these men should be the existing village funds supplemented by grants from Government. Such repairs as general periodical silt clearances, which cannot be executed and attended to by patkaries and manegars, should be made obligatory on the irrigators and the obligation enforced by law. Government should take into consideration the fact that all these second-class irrigation works were originally constructed from private and not from State funds, and the burdens on the irrigators under them should therefore be lightened as far as practicable.

(Signed) K. R. GODBOLE

*Minute of dissent by the Honourable Sardár Dulabawa Raisingji,
Thákore of Kerwáda.*

While agreeing with the principles of the Bill, I cannot conceive of an instance which could ever necessitate the declaration of a “one-man tank or well”, for the purpose contemplated by this Act. The bare assertion that “in fact such tank will not be notified” is not enough, when we do not recognise such exclusion while we legislate. I, therefore, submit that some safeguard is necessary, and I do apprehend that in the absence of a clear expression to that effect in the Act, difficulty may arise in case a tank or a well which is constructed by a Thákór or a tálukdár or any proprietor, is notified, for there is nothing in the Act to prevent such tank or well being notified.

(Signed) BHASÁHEB *alias* DULABAWA RAISINGJI
(Thákore of Kerwáda).

APPENDIX B.

To

HIS EXCELLENCY THE RIGHT HONOURABLE LORD WILLINGDON
OF RATTON, GOVERNOR AND PRESIDENT
OF THE LEGISLATIVE COUNCIL,
Bombay.

May it please Your Excellency,

This humble petition of Damodar Prabhakar Limaye, Shridhar Balwant Kale and Vyankatesh Balwant Kale, residents of Tásgaon in the Tásgaon Táluka of the Sátára District.

Most Respectfully Sheweth :—

That Your Excellency's humble petitioners have learnt with a degree of anxiety that a Bill (No. 4 of 1913) has been placed before Your Excellency's Legislative Council, for amending the Bombay Irrigation Act, 1879, with a view that Government may be empowered to take under their control and management what are called the "Second Class Irrigation Works" and that the Bill has passed through the first reading.

Your Excellency's humble petitioners respectfully beg leave to submit that the Bill as it has come to be framed requires certain modifications which without sacrificing the principle on which it is based, will make the operation of the Law more satisfactory and less exacting as far as those to whom it applies are concerned.

The petitioners humbly venture to suggest that Your Excellency's Council will be pleased to consider it reasonable and desirable, that,—

- (1) That the expression "*The Second Class Irrigation Works*" is clearly defined in the Act, in terms used by the Honourable Mover of the Bill so as to leave no doubt as to whom the provisions of the Bill apply.
- (2) That the issue of proclamation, etc., is made dependent not only on the report of the Village Officer but also on complaints lodged by the majority of the irrigators directly receiving the benefit of the Irrigation Work in question. So that from the information received through two independent sources, the Collector or the deciding Officer will have some ground to presume that the result of neglect or wrong is really felt and the condition of things is remediable; otherwise no reasonable complaint will be forthcoming.
- (3) That the cost of maintenance, upkeep and repairs in cases where these are found neglected is borne by Government, having regard to the fact that the irrigators from these water-supplies are already made to pay to Government excess water-cess which now forms an integral part of the revenue assessment levied on them. Further Your Excellency's Council will be pleased to see that such neglect will not be the effect of sheer wantonness for it is inconceivable that the irrigators will work against their self-interest unless they are forced to it by inability or causes over which they have no control. In such cases Government should think it their duty to relieve them rather than add to the irrigators' difficulties which the imposition of these charges will inevitably do; and

- (4) Irrigation Works which are solely private and in which one person or limited number of persons have a proprietary right in virtue of the Joint Family Systems or stipulated contract, should be excluded from the purview of this Act.

Your Excellency's humble petitioners beg leave to express that they are immediately concerned in this matter as they fear that their own private rights will be in danger of being forfeited at any time. They therefore submit for the favourable consideration of Your Excellency their own case in the hope that the circumstances under which Irrigation Works are held as private property will weigh with Your Excellency's Council and persuade them to exempt such private properties and peculiar individual rights from the application of this Act.

About a hundred and twenty-five (125) years ago, the ancestors of Your Excellency's petitioners constructed in stone and mortar at their own cost a strong aqueduct for carrying the water of a stream running by Mouze Koulge in the Tásgaon Taluka of the Sátára District for the purpose of irrigating their own lands. The families of the petitioners have since then held the ownership and enjoyed the right to the use of the water of this aqueduct and still continue to do so, without any legal hitch or hindrance exactly in the way Family Estates are enjoyed. The aqueduct was not constructed in the interest of a community or for the benefit of a number of irrigators all independent, nor had any irrigator ever since, a right created to it. The aqueduct has never been a matter of communal interest, nor is it likely to be such more than a *tenament* of a farmer can be, unless right to it is apportioned and sold away. In this case only Your Excellency's humble petitioners think that it will cease to have the character of a private property as a whole. There is little or no likelihood of any wrong being done wilfully or wantonly to the irrigators in the neighbourhood, since they have no claim to the use of water from this source. In cases where the owners of such private properties have occasionally helped the irrigators in the days of sore need, the Civil Courts have respected the right of private owners. No dispute which will be calculated to hamper the Revenue administration can, therefore, arise with respect to such Irrigation Works as the petitioners own.

Your Excellency's humble petitioners further beg leave to state that the Irrigation Works of this kind which are private in character and in which persons have vested interest will not suffer from neglect, disrepair and such other mismanagement as such a mismanagement is suicidal and will entail a heavy loss on the owners themselves. No man likes to work against his own interest. Such a state of things is possible only where an irrigation work is nobody's care.

Your Excellency's humble petitioners therefore respectfully pray that the provisions of this Amending Act should not be made applicable to Irrigation Works of private ownership for they are, the petitioners submit, free from the evils which this act aims at removing. Your Excellency's petitioners are alive to the fact and they are grateful for it that the mere passing of the Act will not deprive the owners of their proprietary rights and that great care will be taken before the provisions of the Act are made applicable, and Government takes up the control and management of any work. But Your Excellency will be graciously pleased to see that the prospect of a possible contingency that such a right may one day be deprived will disturb the sense of security and ease in the minds of owners. If Government wish to have a Record-of-Rights accurate and complete, they can, petitioners humbly submit, keep a separate record of such private rights without the help of Law.

In conclusion Your Excellency's humble petitioners respectfully pray that Government will be pleased to protect the rights of individual owners and that the feeling of the security is allowed to remain undisturbed.

And for this act of kindness, Your Excellency's humble petitioners will, in duty bound, ever pray.

Your Excellency's
Most obedient and humble servants,
दामोदर प्रभाकर लिमये,
i. e., Damodar Prabhakar Limaye,
श्रीधर बळवंत काळे,
i. e., Shridhar Balwant Kale,
व्यंकटेश बळवंत काळे,
i. e., Vyankatesh Balwant Kale.

Dated

तासगांव, ता. २०/३/१९१४.

APPENDIX C.

Telegram dated the 7th March 1914.

From—The President, Karáchi Municipality.

To—The Secretary, Legal Department, Bombay.

Karáchi Municipality passed Resolution in following terms on 6th March :—

I. Municipality have again heard with regret of amendment of Karáchi Port Trust Act providing that Municipality should be deprived of one of two seats on Trust and that strong representation be sent His Excellency's Council urging that privilege of Municipality which it has cherished for last twenty-seven years be not interfered with.

II. Municipality will be glad if similar electoral franchise is conferred upon the two Merchants' Associations in Karáchi by adding one or two more seats on Port Trust thus demonstrating clearly and in practical manner the intentions of framers of original Act VI of 1886. That minimum and not maximum number of Indians on Port Trust was to have been two.

III. Municipality further state that if found impossible to add to entire number of Port Trustees as suggested above the Act might make it a condition that one of two Members returned by Municipality shall be Indian merchant.

IV. Committee appointed to draft representation which will follow.

V. Municipality desire this telegram to be communicated to Council.

The following papers which were placed on the Council Table at the meeting of the Legislative Council of the Governor of Bombay held on the 27th July 1914 are published for general information:—

FINAL LIST OF BUSINESS TO BE BROUGHT FORWARD AT A MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD IN THE COUNCIL HALL, POONA, ON MONDAY, THE 27TH JULY 1914, AT 12 NOON.

I.—NEW MEMBERS —

New Additional Members will, under Regulation VII of the Regulations for the Nomination and Election of Members, make the oath or solemn affirmation before taking their seats.

II.—QUESTIONS ASKED BY THE HONOURABLE MEMBERS AND ANSWERS THERETO:—

(A list of Questions and Answers will be printed separately and placed on the Council Table.)

III.—PRESENTATION OF THE BUDGET OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1914-1915 AND DISCUSSION THEREON.

IV.—BILLS:—

1. A Bill further to amend the Bombay Tramways Act, 1874—*Second Reading* (*vide* item No. 3 under head VIII).
2. A Bill further to amend the Aden Port Trust Act, 1888—*First Reading*.
3. A Bill further to amend the Bombay Civil Courts Act, 1869—*First Reading*.
4. A Bill further to amend the Bombay District Municipal Act, 1901—*Second Reading* (*vide* item No. 1 under Head VIII).
 - (i) For notice of amendments by the Honourable Dewan Bahadur K. R. Godbole, *vide* items Nos. A21, 54, 58, 63, 72 and 76 under head V.
 - (ii) For notice of amendments by the Honourable Rao Bahadur G. K. Sahe, *vide* items Nos. A7, 18, 62 and 77 under head V.
 - (iii) For notice of amendments by the Honourable Rao Bahadur Ramanbhai Mahipatram Nilkanth, *vide* items Nos. 2, 17, 40, 43, 47, 66, 68, 70 and 78 under head V.
 - (iv) For notice of amendments by the Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law, *vide* items Nos. 4, 5, 11 and 79 under head V.
 - (v) For notice of amendments by the Honourable Mr. S. B. Upasani, *vide* items Nos. A1, 8, 12, 15, 19, 25, 29, 32, 33, 35, 37, 42, 45, 50, 53, 56, 57, 60, 64, 67, 69, 71, 80, 81 and 83 under head V.
 - (vi) For notice of amendments by the Honourable Mr. V. J. Patel, *vide* items Nos. A9, 13, 20, 23, 26, 27, 28, 30, 31, 34, 36, 41, 44, 46, 51, 52, 59, 61, 65 and 74 under head V.
 - (vii) For notice of amendments by the Honourable Mr. G. K. Parekh, *vide* items Nos. A3, 6, 14, 16, 22, 24, 39, 48, 49 and 55 under head V.
 - (viii) For notice of amendments by the Honourable Mr. B. S. Kamat *vide* items Nos. A73, 75 and 82 under head V.
 - (ix) For notice of amendments by the Honourable Rao Saheb V. S. Naik, *vide* items Nos. A70 and 38 under head V.

5. A Bill further to amend the Bombay Land Revenue Code, 1879—*Second Reading* (*vide* item No. 2 under head VIII).
 (i) *For notice of amendments by the Honourable Mr. G. K. Parekh, vide item No. B1, under head V.*
 (ii) *For notice of amendments by the Honourable Mr. S. B. Upasani, vide item No. B2, under head V.*
6. A Bill further to amend the Bombay Port Trust Act, 1879—*First Reading.*
For notice of amendments by the Honourable Mr. Manmohandas Ranji, vide item No. C under head V.

V.—MOTIONS OF AMENDMENTS OF WHICH NOTICES HAVE BEEN GIVEN.

(A)—Under sub-rule (4) of rule 35 of the Rules for the Conduct of Business, notice has been received of the following amendments to Bill No. I of 1914 (a Bill further to amend the Bombay District Municipal Act, 1901) as amended by the Select Committee.

Clause 2.

- (1) From the Honourable Mr. S. B. Upasani—

Clause 2.—Omit.

Clause 3.

- (2) From the Honourable Rao Bahadur Ramanbhai M. Nilkanth—

Section 12 (1) (d)—For “(d) every juror and assessor who, for a period” substitute—

“(d) every juror and assessor, who for a period”,

so that the sentence beginning with “who for a period” may apply to all the four clauses (a), (b), (c) and (d) of this sub-section.

- (3) From the Honourable Mr. G. K. Parekh—

In clause 3, section 12 (1), (a) should stop at the word “assessor” and (b) “who for a period”, etc., should commence with a new line.

- (4) From the Honourable Moulvie Rafiuddin Ahmad—

To sub-section (1), the following words shall be added, namely:—

“or within seven miles of the limits thereof provided that the place of his residence within seven miles of such limits is not in any other municipal district”.

- (5) From the Honourable Moulvie Rafiuddin Ahmad—

(a) *In sub-section (2) for the word “two” substitute the word “seven” and*

(b) *add at the end the words “provided that the place of his residence within seven miles of such limits is not in any other municipal district”.*

- (6) From the Honourable Mr. G. K. Parekh—

In section 12 (2) in the 3rd line after the word “qualified” (a) delete the word “to” and substitute for it the following words “to be a candidate and a voter and his name shall”.

Delete the last five lines commencing with “and he shall also”, etc.

- (7) From the Honourable Rao Bahadur G. K. Sathe—

New Clause 12 (2). After the words “shall be qualified” the following portion should appear in place of the remaining portion of the same sub-clause:—

“as a candidate, and to be entered in the list of voters for the said district”.

(8) From the Honourable Mr. S. B. Upasani—

Sub-clause (2)—Omit the last three lines from “If he has been resident” to “thereof”.

(9) From the Honourable Mr. V. J. Patel—

After section 12, sub-section (1), clause (d), and before the words “shall be qualified as a candidate” add the following:—

“and

(e) every person who for the like period has been paying the qualifying tax”.

Delete the word “and” which appears at the end of section 12, sub-section (1), clause (d), and also delete section 12, sub-section (2).

(10) From the Honourable Rao Saheb V. S. Naik—

In sub-section (2) of section 12 (clause 3 of the Bill) of the Bill as amended by the Select Committee for the words “has been paying” the words “has paid” shall be substituted.

(11) From the Honourable Moulvie Rafiuddin Ahmad—

In Explanation 1, for the word “two” in each of the two places where it occurs substitute the word “seven”.

(12) From the Honourable Mr. S. B. Upasani—

Omit Explanation 1 to sub-clause (2) of clause 3.

(13) From the Honourable Mr. V. J. Patel—

Omit Explanation 1 and substitute figure “1” for figure “2” in Explanation 2.

(14) From the Honourable Mr. G. K. Parekh—

Delete Explanation (1) to that clause. Number Explanation (2) as Explanation (1).

Clause 4.

(15) From the Honourable Mr. S. B. Upasani—

Omit “undivided family” in lines 3 and 4 of the last paragraph of the clause.

Clause 5.

(16) From the Honourable Mr. G. K. Parekh—

In clause 5, section 15, after the words “Bombay Government Gazette” add the words “as debaring him from re-employment”.

(17) From the Honourable Rao Bahadur Ramanbhai M. Nilkanth—

Section 15 (1), proviso (vi), to clause (f)—After “purchase” add “or hire”.

Clause 7.

(18) From the Honourable Rao Bahadur G. K. Sathe—

This clause should be deleted.

(19) From the Honourable Mr. S. B. Upasani—

Clause 7—Omit.

(20) From the Honourable Mr. V. J. Patel—

Delete clause 7 altogether.

(21) From the Honourable Dewan Bahadur K. R. Godbole—

Omit the insertion of the proposed sub-section (1A) below sub-section (1) of section 22 of the said Act

- (22) From the Honourable Mr. G. K. Parekh—
In clause 7, section 22, delete sub-clause (1A) that is proposed to be newly added.

Clause 8.

- (23) From the Honourable Mr. V. J. Patel—
In new section 22A, sub-section (2), substitute the words "money or valuable consideration" for the words "any gratification whatever other than legal remuneration".
- (24) From the Honourable Mr. G. K. Parekh—
In clause 8, section 22A (3), line 3, substitute "three" for "seven".

Clauses 9 and 10.

- (25) From the Honourable Mr. S. B. Upasani—
Clause 9—Omit.
Clause 10—Omit.

- (26) From the Honourable Mr. V. J. Patel—
Delete clauses 9 and 10.
(In the event of the above amendment being not carried or accepted, I propose to move the following further amendments) :—
In section 23A, sub-section (1), substitute the words "Notwithstanding anything contained in this Act" for the words "Except as in this Act otherwise expressly provided".
Delete clause 10 altogether.

Clauses 11 and 12.

- (27) From the Honourable Mr. V. J. Patel—
Delete clauses 11 and 12.
(In the event of the above amendment being not carried or accepted, I propose to move the following further amendments) :—
Clause 11—From section 26A, delete the following words :—
"A Municipal Commissioner shall have the same right of being present at a meeting of the Municipality and of taking part in the discussions thereat as a Councillor" and substitute the following words instead :
"With the permission of the President, a Municipal Commissioner may be present at a meeting of the Municipality and may take part in the discussions thereat."

Clause 12.

- (28) From the Honourable Mr. V. J. Patel—
Delete clause 12.

Clause 14.

- (29) From the Honourable Mr. S. B. Upasani—
Clause 14—Omit.
- (30) From the Honourable Mr. V. J. Patel—
Delete clause 14.

Clause 15.

- (31) From the Honourable Mr. V. J. Patel—
Delete clause 15.

Clause 16.

- (32) From the Honourable Mr. S. B. Upasani—
Clause 16—Omit.

Clause 18.

- (33) From the Honourable Mr. S. B. Upasani—
Clause 18—Omit.
- (34) From the Honourable Mr. V. J. Patel—
Delete clause 18.

Clause 19.

- (35) From the Honourable Mr. S. B. Upasani—
Clause 19—Omit.
- (36) From the Honourable Mr. V. J. Patel—
Delete clause 19.

Clause 21.

- (37) From the Honourable Mr. S. B. Upasani—
Clause 21 (1)—Omit.
- (38) From the Honourable Rao Saheb V. S. Naik—
In sub-clause (2) of clause 21 of the Bill as amended by the Select Committee the words "or Mahalkari" be added between the words "Mamlatdar" and "as the case may be".

Clause 23.

- (39) From the Honourable Mr. G. K. Parekh—
In clause 23, section 91A (1), delete the whole portion following the words "within the municipal District".
In proviso (a) of the said section delete the words "or such fresh line" in the two places where they occur.
Section 91 (2)—Delete the words "for the time being".
- (40) From the Honourable Rao Bahadur Ramanbhai M. Nilkanth—
Section 91A (3)—After "construct" add "or reconstruct".
- (41) From the Honourable Mr. V. J. Patel, Bar.-at-Law—
In sub-section (3) of section 91A, add at the end the following :—
"without the permission of the municipality under section 96; provided that such permission shall not be granted when the greater portion of the building falling within the regular line of the public street has been taken down or burnt down or has fallen down".
- (42) From the Honourable Mr. S. B. Upasani—
Add "to each house owner if known or occupier" between the words "thereof" and "in" in line 5 of proviso (a).
- (43) From the Honourable Rao Bahadur Ramanbhai M. Nilkanth—
Section 96—After clause 23 add as under :—
"23A. To section 96 of the said Act the following paragraph shall be added :—
"The word "building" throughout this chapter means a building as defined in section 3'".
- (44) From the Honourable Mr. V. J. Patel—
In section 96 (1), after the words "set-back" add the following :—
"or to construct or reconstruct a building or a part thereof falling within the regular line of the public street within the meaning of section 91A".

Clause 25.

(45) From the Honourable Mr. S. B. Upasani—

Clause 25—Omit.

(46) From the Honourable Mr. V. J. Patel—

Delete clause 25.

Clause 27.

(47) From the Honourable Rao Bahadur Ramanbhai M. Nilkanth—

Section 151.—In the marginal note for “trades” substitute “offensive or dangerous practices”.

Clause 28.

(48) From the Honourable Mr. G. K. Parekh—

In clause 28, section 160, add after the words “compensation, damages” wherever they occur, the words “costs or expenses”.

Clause 29.

(49) From the Honourable Mr. G. K. Parekh—

For section 160A substitute the following: “The amount of costs and expenses as determined under section 160 shall be recoverable as an amount claimed on account of any tax recoverable under Chapter VIII”.

Clause 31.

(50) From the Honourable Mr. S. B. Upasani—

Clause 31—Omit.

(51) From the Honourable Mr. V. J. Patel—

Delete clause 31.

Clause 32.

(52) From the Honourable Mr. V. J. Patel—

32 and consequential clauses.—Delete clause 32 and also delete the following consequential clauses:—

“9, 10, 11, 12, 14, 15, 16, 18, 19, 25 and 31”.

At the end of new section 186A, subsection (1), clause (b), add the following proviso:—

“Provided that the Governor in Council shall select a person for such appointment from a list of at least 3 persons prepared and submitted by the municipality in such manner and within such time as the Governor in Council may, by rules, determine.”

(53) From the Honourable Mr. S. B. Upasani—

Clause 32.—Omit Chapter XIII A and the heading.

For 186A (1) and (a) substitute the following:—

“Notwithstanding anything contained in the previous sections of this Act, the municipality in any municipal District which contains a population of not less than one hundred thousand inhabitants shall appoint a Chief Officer, a Health Officer and an Engineer, and the Chief Officer, in the case of these municipalities, shall, in addition to the powers mentioned in section 183 and those delegated to him by the municipality, exercise the powers mentioned in section 186G.

- (54) From the Honourable Dewan Bahadur K. R. Godbole—
Section 186A (1) (a).—Substitute “one hundred and fifty thousand” for “one hundred thousand”.
(b).—Substitute “two-thirds” for “one-half”.
- (55) From the Honourable Mr. G. K. Parekh—
 In section 186A (1) substitute for “one hundred thousand” “one hundred and fifty thousand” and delete section 186A (1) (b).
- (56) From the Honourable Mr. S. B. Upasani—
186A (1) (b).—Omit. If retained, substitute “three-fourth” for “one-half” in line 5 of this clause.
186A (4).—Omit.
186A (5).—Omit in view of provision contained in section 177 (ii).
- (57) From the Honourable Mr. S. B. Upasani—
186B.—Omit.
- (58) From the Honourable Dewan Bahadur K. R. Godbole—
Section 186B (3).—Substitute “two-thirds” for “three-fourths.”
- (59) From the Honourable Mr. V. J. Patel—
 In new section 186B, sub-section (3), substitute the word “five-eighths” for the word “three-fourths”.
- (60) From the Honourable Mr. S. B. Upasani—
186C (1).—Omit.
- (61) From the Honourable Mr. V. J. Patel—
 Substitute for new section 186C, sub-section (1), the following:—
 “A Municipal Commissioner shall receive such monthly salary as the Governor in Council shall, from time to time, determine, of which one half shall be paid by Government and the other half by the municipality.”
 Substitute for section 186C, sub-section (1), the following:—
 “A Municipal Commissioner shall receive from the municipal fund such monthly salary as the municipality in consultation with the Governor in Council shall, from time to time, determine.”
- (62) From the Honourable Rao Bahadur G. K. Sathe—
Section 186C (1).—After the word “salary” the following words be added in place of the portion now standing:—
 ‘As the municipality shall determine subject to the approval of the Governor in Council.’
- (63) From the Honourable Dewan Bahadur K. R. Godbole—
Section 186C (1).—Insert the words “between maximum and minimum limits prescribed by the municipality” between the words “salary” and “as”.
- (64) From the Honourable Mr. S. B. Upasani—
186C (2).—For the words “Municipal Commissioner” in line 1 substitute a “Chief Officer”.
186D.—Omit.
186E.—Omit.

(65) From the Honourable Mr. V. J. Patel—

Substitute the following for section 186E, sub-section (1) :—

“Notwithstanding anything contained in proviso (b) to section 46, no contribution for pension or leave allowance shall be payable by the municipality in respect of the Municipal Commissioner if he is a salaried servant of Government.”

(66) From the Honourable Ráo Bahádúr Ramanbhai M. Nilkanth—

For section 186E (1) as amended by the Select Committee, substitute the following :—

“Notwithstanding anything contained in proviso (b) to section 46, no contribution for pension or leave allowance shall be payable by the municipality in respect of the Municipal Commissioner if he is a salaried servant of Government.”

(67) From the Honourable Mr. S. B. Upasani—

186F (1).—Omit the words “Municipal Commissioner” in lines 2 and 3 and also in line 2 of sub-clause (2) and substitute “Chief Officer” in both places.

(68) From the Honourable Ráo Bahádúr Ramanbhai M. Nilkanth—

186G (1).—After “Act” add “or by rules and by-laws made under this Act and in force at the date of his appointment.”

(69) From the Honourable Mr. S. B. Upasani—

186G.—Omit first paragraph and sub-clause (1) and substitute :—

“In the case of the municipalities referred to in section 186A, the Chief Officer shall, in addition to the powers vested in him under section 183 and those delegated to him by the municipality, exercise the following powers, viz. :—”

186G (2).—Omit the following sections, viz. :—

65 (3), 66, 71, 90, 91, 91A, 92, 93, 99, 113, 144 and 145.

186G (2), provisos (a), (b), (c) and (d).—Omit the words “Municipal Commissioner” and substitute “Chief Officer” wherever they occur in these provisos.

(70) From the Honourable Ráo Bahádúr Ramanbhai M. Nilkanth—

186G.—proviso (d).—Omit “sub-section (d) of section 91A”.

(71) From the Honourable Mr. S. B. Upasani—

186H.—Omit “Municipal Commissioner” and substitute “Chief Officer” where they occur in this section.

186I.—Substitute “Chief Officer” for “Municipal Commissioner” in this section.

186J.—Omit “Municipal Commissioner” and substitute “Chief Officer” wherever they occur.

At the beginning of paragraph 1 add “In the case of municipalities referred to in section 186A.”

In paragraph 2 omit “one hundred” and substitute “fifty”.

(72) From the Honourable Dewán Bahádúr K. R. Godbole—

Section 186J (1) (a).—Substitute “Rupees fifty” for “Rupees one hundred”.

(73) From the Honourable Mr. B. S. Kamat—

Section 186J (1) (a).—For the words “one hundred” substitute “fifty”.

(74) From the Honourable Mr. V. J. Patel—

In section 186J, sub-section (1), clause (c), substitute the following proviso for the proviso now appearing :—

“ Provided that in respect of any punishment other than a fine not exceeding two weeks' salary, his order shall be subject to an appeal to the municipality ” ;

or in the alternative delete proviso to clause (c), sub-section (1) of section 186J, and add at the end of section 186L—

“ and

(vii) clause (c) of sub-section (1) of section 186J where the punishment inflicted is other than a fine not exceeding two weeks' salary ” and drop the word “ and ” at the end of section 186L (v).

(75) From the Honourable Mr. B. S. Kamat—

Section 186F (1) (c).—For the word “ fifty ” substitute “ thirty ”.

(76) From the Honourable Dewán Bahádur K. R. Godbole—

Section 186F (1) (c).—Substitute “ thirty ” for “ fifty ” in the proviso attached to this sub-section.

(77) From the Honourable Rao Bahadur G. K. Sathe—

186F (1) (c), proviso.—The following proviso should be substituted for the proviso now standing :—

“ Provided that every order of dismissal shall be subject to an appeal to the municipality or to such committee as might be appointed by the municipality in this behalf.”

(78) From the Honourable Rao Bahadur Ramanbhai M. Nilkanth—

Delete the whole section 186K.

(79) From the Honourable Moulvie Rafiuddin Ahmad—

Section 186K be deleted.

(80) From the Honourable Mr. S. B. Upasani—

186K.—Omit “ Municipal Commissioner ” and substitute “ Chief Officer ” where necessary.

(81) From the Honourable Mr. S. B. Upasani—

186L.—Omit.

(82) From the Honourable Mr. B. S. Kamat—

Section 186L.—After the word “ namely ” add “ sub-section (3) of section 65 ”.

(83) From the Honourable Mr. S. B. Upasani—

186M.—Omit.

186N.—Omit.

186O.—Omit.

186P.—Omit.

186Q.—Omit.

(B) Under sub-rule (4) of rule 35 of the Rules for the Conduct of Business notice has been received of the following amendments to Bill No. II of 1914 (A Bill further to amend the Bombay Land Revenue Code, 1879) as amended by the Select Committee :—

Clause 2.

(1) From the Honourable Mr. G. K. Parekh—

In clause 2 after the words “ to the contrary ” add the following :—

“ and unless the tenant has repudiated the landlord's title, in which event the tenancy terminates immediately.”

Clause 3.

(2) From the Honourable Mr. S. B. Upasani—

Clause 3.—Amend as follows :—

Paragraph 2.—Omit the portion from “Suspend” in line 10 to “which” at the end of the paragraph and substitute for it as follows :—“require the superior holder to allow the inferior holder such share in the amount suspended or remitted as the Collector may think fit.”

Sub-clause (a).—Omit the whole or at least the word “double” in line 4.

Sub-clause (b).—Omit the whole or at least the word “double” in line 4.

Sub-clause (2).—Omit the whole or at least the word “double” in line 16.

If sub-clauses (a), (b) and (2) are retained add the following as—

(2) “No order for suspension under this section shall be passed without actual inspection of the crop in the land with reference to which the suspension is to be allowed nor shall any order of remission be passed without actual individual inquiry as regards the inferior holders’ means to pay the amount to be remitted.

The inspection and inquiry in cases falling under sub-clauses (b) and (2) shall be made by a Divisional Officer and the superior holder as also the inferior holder shall be allowed an opportunity to be present at it to represent their respective sides and they shall have a right to appeal against any order which may be passed in the matter of the suspension or remission.”

Sub-clause (4).—Omit the portion from “whole” in line 9 to end of the paragraph and substitute “the inferior holder shall be entitled to recover from him double the rent collected unless he has paid the same voluntarily without any demand from the superior holder.”

Sub-clause (5).—After the word “remitted” in line 7 omit the word “or” and substitute for it “nor shall any assistance be given under sections 86 and 87 or a Civil Court decree be executed for recovery”.

In line 15 of this clause omit “from” and substitute “in computing”.

(C) Under sub-rule 2 of Rule 33 of the Rules for the conduct of business notice of following amendments to Bill No. V of 1914 (A Bill further to amend the Bombay Port Trust Act, 1879):—

From the Hon’ble Mr. Manmohandas Ramji—

Section 5—

(i) That the words “ten elective trustees, six nominee trustees and a Chairman” be read for “seven elective trustees, nine nominee trustees and a Chairman”, in sub-section (1) of section 5 of the Act further to amend the Bombay Port Trust Act, 1879, Bill No. V of 1914.

(ii) That the words “of the six nominee trustees one shall be a military officer serving in the Bombay Brigade” be read for “of the nine nominee trustees one shall be a military officer serving in the Bombay Brigade” in sub-section (2), section 5 of the proposed Act and that the latter portion of this sub-section beginning from “and not less than” deleted.

Section 6—

That the following be substituted for sub-section (1), section 6 of the Port Trust Act, 1879 :—

“Of the elective trustees five shall be elected by the members for the time being of the Bombay Chamber of Commerce and five by such body or bodies as Government shall from time to time select as best representing the interests of the Indian mercantile community of Bombay.”

VI --DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST—

Resolution by the Honourable Mr. G. M. Bhurgri, Bar.-at-Law—

1. “(a) That this Council recommends to His Excellency the Governor of Bombay in Council to suspend the recovery of the increased rates of assessment sanctioned in July last for the Tando Sub-division of the district of Hyderabad, Sind.
- (b) This Council further recommends that an enquiry be made into the representation of the Zamindars of the Tando Sub-division lately submitted to Government.
- (c) This Council further requests that the enquiry be conducted by a mixed commission of officials and non-officials and the rates revised after their report is considered by Government.”

Resolution by the Honourable Mr. R. P. Paranjpe—

2. “That this Council requests Government to move the Bombay High Court and the Home Government to take steps whereby High Court Pleaders in Bombay shall be put on an equal footing with Barristers who obtain their qualifications in the United Kingdom, as regards permission to practise on the Original Side of the High Court and eligibility for appointment to the High Court Bench.”

Resolution by the Honourable Mr. G. M. Bhurgri, Bar.-at-Law—

3. “That this Council recommends to His Excellency the Governor in Council to appoint a mixed commission of officials and non-officials to enquire into and report on the desirability of extending the period of settlement in Sind from ten to thirty years.”

Resolution by the Honourable Shaikh Ghulam Hussein Hidayatallah, LL.B.—

4. “That this Council recommends to His Excellency the Governor in Council that the term of land settlement in Sind be extended from ten years to at least thirty years as in other parts of the Presidency.”

Resolution by the Honourable Mr. V. F. Patel, Bar.-at-Law—

5. “This Council recommends to His Excellency the Governor in Council to consider the question of creating a Civil Court for the Town and Island of Bombay with jurisdiction to receive, try and dispose of all suits and other proceedings of a civil nature not exceeding Rs. 5,000 in value except suits or proceedings which are cognizable—

(a) by the High Court as a Court of Admiralty or Vice-Admiralty or as a Colonial Court of Admiralty, or as a Court having testamentary, intestate, or matrimonial jurisdiction, or

(b) by the Court for the relief of insolvent debtors, or

(c) by the Small Causes Court.”

Resolution by the Honourable Mr. D. V. Belvi, LL.B.—

6. "This Council respectfully recommends to Government that the ancient and hereditary right of service of Vatandar Kulkarnis (village Accountants) should not be commuted, at any rate, before an earnest and sustained effort at improving their efficiency is made by providing them with suitable educational facilities and by giving them adequate remuneration."

Resolution by the Honourable Rao Saheb V. S. Naik—

7. "This Council respectfully recommends to His Excellency the Governor in Council the desirability of granting takávi loans for the purpose of building houses on sanitary conditions in the town extension schemes undertaken by Municipalities and other Boards."

Resolution by the Honourable Rao Saheb V. S. Naik—

8. "This Council recommends to His Excellency the Governor in Council that the Government should prospect for artesian water-supply in the Deccan and Karnátick for irrigational purposes in view of frequent failures of rain and want of other irrigational facilities."

Resolution by the Honourable Rao Bahadur S. K. Rodda—

9. "That this Council respectfully recommends the Bombay Government to take such steps as may be necessary to connect Karwar with Hubli or other convenient station on the Madras and Southern Maratha Railway."

Resolution by the Honourable Mr. B. S. Kamat—

10. "This Council recommends to His Excellency the Governor in Council that the principle of appointing Advisory Excise Committees be now extended to smaller towns and rural areas in the Presidency."

VII.—ELECTIONS—

Election of the Finance Committee.

VIII.—PAPERS PRESENTED TO THE COUNCIL—

1. Report of the Select Committee appointed to consider Bill No. I of 1914 (A Bill further to amend the Bombay District Municipal Act, 1901).
2. Report of the Select Committee appointed to consider Bill No. II of 1914 (A Bill further to amend the Bombay Land Revenue Code, 1879).
3. Report of the Select Committee appointed to consider Bill No. IX of 1912 (A Bill further to amend the Bombay Tramways Act, 1874).
4. Letter from the Commissioner, N. D., [No. Confdl. 22, dated the 13th April 1914, regarding Bill No. XI of 1912 (A Bill to amend and consolidate the law relating to the Tálukdárs of Gujarát) together with Proceedings of the Darbárs of the Tálukdárs.
5. Government Memorandum in the Financial Department No. 2817, dated the 13th July 1914, regarding the statement showing figures of takávi transactions for the five years ending 1912-13.

6. Letter from the Government of India, Legislative Department, No. 2276, dated the 17th June 1914, returning with the assent of His Excellency the Governor General the authentic copy of the Karachi Port Trust (amendment) law, 1914.
7. Letter from the President, Sholapur Municipality, No. 485, dated the 6th July 1914, in connection with Bill No. I of 1914 (A Bill further to amend the Bombay District Municipal Act, 1914).
8. Substance of a petition, dated the 28th June 1914, from Sadashiv Narayan Vader and 40 other superior holders of land, inhabitants of mouze Kodni, taluka Chikodi, district Belgaum, regarding the Bombay Land Revenue Code Amendment Bill No. II of 1914.
9. Letter from the Government of India, Legislative Department, No. 2464, dated the 3rd July 1914—Returning, with the assent of His Excellency the Viceroy and Governor-General signified thereon, the authentic copy of the Bombay Irrigation Amendment Law, 1914.
10. Letter from the Honourable Mr. Shridhar Balkrishna Upasani, dated the 17th July 1914, in connection with Bill No. I of 1914 (a Bill further to amend the Bombay District Municipal Act, 1901).
11. Letter from the President, City Municipality, Surat, dated the 19th July 1914, in connection with Bill No. I of 1914 (a Bill further to amend the Bombay District Municipal Act, 1901).
12. Letter from the Chairman, Committee of Management, Ahmedabad Municipality, No. 1688, dated the 19th July 1914, in connection with Bill No. I of 1914 (a Bill further to amend the Bombay District Municipal Act, 1901).
13. Letter from Rao Saheb T. J. Pitre, Chief Officer, Sholapur Municipality, dated the 14th July 1914, in connection with Bill No. I of 1914 (a Bill further to amend the Bombay District Municipal Act, 1901).
14. Representation from the Honorary Joint Secretaries, Bombay Native Piece-goods Merchants' Association, Bombay, dated the 2nd July 1914, in connection with Bill No. V of 1914 (a Bill further to amend the Bombay Port Trust Act, 1879).
15. Representation from the Honorary Secretary, the Grain Merchants' Association, Bombay, dated the 3rd July 1914, in connection with Bill No. V of 1914 (a Bill further to amend the Bombay Port Trust Act, 1879).

LIST OF QUESTIONS AND ANSWERS.

*Questions.**Answers.*

THE HONOURABLE MOULVIE RAFIUDDIN AHMAD (Bar.-at-Law).

1. Will Government be pleased to state—

(a) If it is true that the Mahomedan stipendiary students in the Ahmedabad Training College

Training College at Ahmedabad—Mahomedan students.

for men who are bound to reside within the college are prohibited from taking animal food within the precincts?

(b) Whether the students had approached the Educational Inspector, N. D., with a prayer for the redress of the above grievance and whether that officer had asked them to apply to him through their Principal?

(c) Whether the Principal of the College had refused to forward both their collective and individual applications to the Inspector, N. D.?

(d) If the matter has been brought to their notice, are Government taking any steps to remove this anomalous prohibition?

1. Inquiries are being made as to the truth of the allegations contained in the question put by the Honourable Member. His attention is, however, invited to the answer given by Government to question No. 3 put by him on the same subject at the meeting of the Council held on the 13th March 1912. Since then proposals for providing a separate kitchen and dining room for Mahomedan students have been approved and detailed plans and estimates for the work are under preparation.

Supplementary Question.

The Honourable MOULVIE RAFIUDDIN AHMAD :—With regard to the latter part of the answer, I want to know whether, while permanent arrangements are being made, Government will make any temporary arrangements.

His Excellency the PRESIDENT :—Order, order. I am afraid the Honourable Member asks a question which I cannot admit as it suggests a course of action on the part of Government.

2. Will Government be pleased to state

Mahomedan Education—Utilization of gift of 8 lakhs.

if they have arrived at any decision with regard to the utilization of the handsome donation of 8 lakhs made, six months ago, by Mr. Mahomed Yusuf, towards the advancement of Mahomedan education in this Presidency?

2. The answer to the question is in the negative.

3. With reference to my question put at

Mahomedan Residential School, Poona.

the meeting of the Council in March last concerning the establishment of Sir Currimbhai Ebrahim Mahomedan residential school, Poona, will Government be pleased to

3. The detailed plans and estimates for the school which the Honourable Sir Fazulbhai Currimbhai Ebrahim has been invited to place before Government are still awaited. There are as yet no papers on the subject which would be of any interest to the Council.

Questions.

say what progress has been made in the matter during the interval and whether they will place any papers concerning the subject upon the table of the Council?

4. Will Government be pleased to state what steps have been taken by them to provide English teaching in first class Urdu Primary Schools in the Central Division?

Schools—Teaching of English in Urdu Primary Schools.

5. Is it a fact that there is not a single Mahomedan Head Master in any of the Government High Schools throughout the Presidency? If so, will Government be pleased to give the reasons for this?

Government High Schools and Mahomedan Head Masters.

6. Is the fact that at present there is not a single European Educational Inspector in any of the Divisions in the Presidency proper due to any change in the Educational policy of Government with regard to the wider employment of Indians in the Educational service?

European Educational Inspectors.

7. In connection with the recent Government Press Note on the subject of Municipalities and Communities, will Government be pleased to inquire and place on the Council Table a list of all the Municipalities in the Presidency proper in which no Mahomedan member has been elected since the enactment of the Local Self-Government Act of 1882 up to the year 1912?

Municipalities—Election of Mahomedans to—

8. Will Government be pleased to place on the Council Table a copy of their recent proposals to the Government of India in connection with the Mecca pilgrim traffic?

Pilgrim traffic to Mecca.

9. Will Government be pleased to give the following information:—

- (a) The number of Mahomedan students in each Government High School in the Presidency proper.

High Schools and Mahomedan students.

Answers.

4. Government have taken no steps.

5. Inquiries are being made.

6. The fact that all the three Inspectors in the Presidency proper are at present held by Indians is due to the exigencies of the service, the permanent European incumbents of two charges being absent on leave, and is not due to any change of policy.

7. The information is being called for.

8. The papers on the subject have been printed at pages 1549—1570 of the *Bombay Government Gazette*, Part I, dated the 16th instant, to which the attention of the Honourable Member is invited.

9. The information has been called for.

Questions.

- (b) Their percentage to the total number of students in each High School.
- (c) The number of Mahomedan free students in each of the High Schools.

Answers.

THE HONOURABLE MR. DATTATRAYA
VENKATESH BELVI, LL.B.

1. (a) Is it a fact that the two tanks to the south of the village of Parvati in the Badami Taluka of the Bijapur District which are intended for irrigational purposes have been out of repairs for years and yet the fields irrigated by them continue to be assessed as Tari lands?

1. The dam of one of the two tanks the Hirekeri tank with its masonry outlet is in good condition, but the tank has had no supply of water sufficient for irrigation for the last ten years owing to want of sufficient rains, though the catchment area is mostly hilly and there is one nalla feeding the tank. The dam of the other tank the Ganjikeri tank is an earthen one measuring about 650 feet in length. This tank has also had no supply of water for the last ten years for want of sufficient rains. There was one application in 1911 for the execution of repairs to the Ganjikeri tank. On its receipt the tank was inspected and reported upon by the Public Works Department Sub-divisional Officer. The dam is reported to be leaking throughout its length, and special survey is necessary before a repair estimate can be framed. The Executive Engineer, Bijapur, has therefore been authorized to carry out the necessary investigations. As regards the rates levied on the land under the two tanks, Tari assessment used to be levied up to about six years ago. Since then on application being made to the Collector, assessment is being levied according to the kind of crop grown, *i.e.*, Tari assessment when rice crops are raised and Jirayat in other cases.

- (b) Will Government be pleased to state if any petitions were submitted by the people of the said village for repairing the tanks during the last ten years, and whether any steps were taken to repair the tanks?

[This question was asked at the meeting held on the 16th December 1913 when an ad interim reply was given.]

Questions.

2. (a) Will Government be pleased to state the total number of accused persons tried by Mr. Y. V. Randive, since the date of his appointment as a Special Magistrate of the First Class in the Belgaum district to the end of February 1914?

Trial of criminal cases by the Special Magistrate at Gujnal in the Belgaum District.

(b) How many of those accused persons were convicted and how many of them confessed to their guilt? How many of the accused were defended?

(c) Will Government be pleased to state the largest number of prisoners in custody at one time in the hamlet of Gujnal in the Gokák taluka of the Belgaum district since the location of the office of the Special Magistrate there?

(d) What are the dimensions of the two houses in which the prisoners are kept in custody, and do the houses conform to the rules and regulations obtaining in ordinary jails in matters of ventilation and sanitation?

(e) Is the lock-up at Gujnal in the charge of any officer of the Jail Department or in charge of the Police?

(f) Is Government aware of the fact that the only two small Hindu Temples at Gujnal have been occupied for months together by non-Hindu Police Officers and Constables who are there to assist the Special Magistrate?

[This question was asked at the meeting held on the 13th March 1914, when an ad interim reply was given.]

3. Are the holders of alienated villages in the Bijapur District prohibited by Revenue Officers there from

Recovery of rents on sheri lands in alienated villages.

Answers.

2. (a) Mr. Randive has tried and disposed of the cases of 119 accused persons.

(b) 107 were convicted, and 14 confessed their guilt. Twenty were defended.

(c) The largest number of prisoners in custody at one time was 53.

(d) Of the two houses, the dimensions of one are 22 feet \times 23 feet \times 9 feet and of the other which has two compartments, 33 feet \times 37 feet \times 14 feet and 23 feet \times 17 feet \times 14 feet. For 26 days out of the 181 for which information is available the space accommodation and ventilation arrangements fell short of the requirements of jail rules and regulations, which are observed in this respect and in that of sanitation as far as circumstances will admit.

(e) The prisoners are in the charge of Mr. Randive, and they are guarded by 3 First Class Head Constables, assisted by the necessary number of armed Constables. The two houses are close to Mr. Randive's residence, and he visits them almost daily.

(f) The outer halls of the Ishwar and Lakshmi temples are occasionally made use of by the Hindu Police Sub-Inspectors of Murgod, Hukeri, and Yemkanmardi, but never by non-Hindu Sub-Inspectors. The outer hall of the temple of Maruti, the priest of which is a Berad, was used by a Mahomedan Police Inspector to hold his office in. He has, however, recently removed his office to a Dharamshala in the temple compound.

3. The practice regarding the levy of rents from sheri lands in the several talukas of the Bijapur District is not uniform. In the talukas of Indi, Sindgi, Bagewadi and Muddebihal, no

Questions.

recovering their rents from their tenants on their *sheri* lands independently of village officers?

- (b) What is the practice obtaining in the other Districts of the Bombay Presidency?

[This question was asked at the meeting held on the 13th March 1914 when an ad interim reply was given.]

4. Will Government be pleased to state—

- (a) The average number of pupils in the Government High School at Bijapur and the Municipal Anglo-Vernacular School at Bagalkot in each of the last 7 years?
- (b) The maximum number of pupils to whom the said High School is open at present?
- (c) The amount of money, if any, raised by public subscription and now lying in the hands of the Municipality at Bagalkot, for developing the said Anglo-Vernacular School into a High School, and
- (d) The conditions on which the said Anglo-Vernacular School will be permitted to be raised to the status of a High School?

5. (1) Will Government be graciously pleased to state the stage of progress that has been reached at present in the matter of—

- (a) The construction of a bridge over the river near the village of Kamatgi in the Bijapur District?

Works in the Southern Division.

Answers.

distinction is made between permanent tenants and tenants at will, including those of *sheri* lands, and rents due to the Inamdars are recovered through the agency of the hereditary village officers. In the other four talukas the rents due from the khaskamat (*sheri*) lands of the Inamdars are recovered by them direct.

- (b) The practice is not uniform. In the Northern Division there are no *sheri* lands, nor are there hereditary village accountants in any inam village. In two talukas only of the West Khandesh District and in all other districts of the Central Division, the holders of alienated villages recover from their tenants rents on *sheri* lands independently of village officers. In the remaining talukas of the West Khandesh District the rents are recovered through the village officers and paid to the holders.

4. Enquiries are being made.

5. (1) (a) Rough plans and estimate for the project have been approved and the Superintending Engineer, Southern Division, has been asked to submit fair plans and estimate. When these are

Questions.

Answers.

- (b) The construction of water-works for Uran in the Kolaba District?
- (c) The building of a Subordinate Judge's Court at Gokak and a Mamlatdar's Court at Hukeri in the Belgaum District?
- (d) The erection of buildings for an Arts College at Dharwar?
- (2) Will Government be graciously pleased to state the stage of progress that has been reached at present in the matter of the construction of water-works for Uran in the Kolaba District?
6. Will Government be pleased to state—
- (a) if the working of the proposed new distillery at Khanapur in the Belgaum District is likely to spoil the water of the river close by, and
- (b) if the inhabitants of Khanapur have submitted any petitions in the matter to the Collector of Belgaum and the Commissioner, Southern Division?
7. (a) Is it a fact that the Collector of Bijapur has issued orders that the official correspondence of the District shall be carried on in certain cases in the Balbodh script in lieu of Kanarese?
- (b) Did the Collector obtain the sanction of Government before issuing such orders?
- (c) Were the opinions of any non-official gentlemen in the District invited before the said orders were issued?
- (d) Was it ever published in the *Bombay Government Gazette* before the orders under consideration were issued that it was intended to change the script of
- received and approved by Government the work will be started. Under item 169 of the current year's Budget of Provincial Civil Works a provision of Rs. 20,000 has been made for this work.
- (b) Reference is invited to Press Note No. 5649, dated 18th July 1914.
- (c) Plans and estimate for the Subordinate Judge's Court at Gokak have been sanctioned and those for the Mamlatdar's Kacheri at Hukeri are under preparation. No provision for these works has been made in the current year's Budget of Provincial Civil Works.
- (d) The matter is under consideration.
- (2) The attention of the Honourable Member is invited to the Press Note No. 5649, dated the 18th July 1914, on the subject.
6. (a) In the working of the distillery, where the diffusion system will be adopted, all needful measures will be taken to prevent fouling the water of the river.
- (b) Government have no information.
7. (a) Inquiry will be made.
- (b) No.
- (c) Inquiry will be made.
- (d) Inquiry will be made.

Questions.

Answers.

the District and that it was open to the public to state their objections, if any, to the intended change within a prescribed period of time?

8. (a) Will Government be pleased to state the yield of salt in the Karwar District during the last 20 years and the quantity of salt imported into British India from Portuguese India *via* Castle Rock during the same period of time?

(b) Are any special measures under the consideration of Government at present for the revival and development of the salt industry in the Karwar District?

9. Will Government be pleased to state the rates charged now and before 1902 A.D. by the Madras and Southern Maratha Railway Company on goods sent to Bombay *via* Hotgi and *via* Mormugoa from the following Railway Stations:—

Gadag, Bijapur and Hubli?

10. Will Government be pleased to state whether the Karwar Port is open for direct foreign trade at present? If not, when was the privilege taken away and on what grounds?

11. (a) Has the Commissioner, Southern Division, ordered that ground-rent for building land in Kanara District at the rate of Rs. 40 per acre should be levied on *pôt-kharab* land used as building sites in the Kanara District?

(b) What is the area of the land so assessed?

(c) Will Government be pleased to lay on the Table of the Council a copy of the Commissioner's orders?

(d) Are the orders for the levy of ground-rent on *pôt-kharab* lands in conformity with the rules laid down in the Survey and Settlement Manual?

8. (a) The requisite information will be found in the tables at the end of the Reports on the Salt and Continental Customs Departments of the Bombay Presidency for the years 1893-94 to 1899-1900 and in the Reports on the Administration of the Salt Department of the Bombay Presidency for the years 1900-01 to 1912-13.

(b) The answer is in the negative.

9. Reference is invited to the Goods Tariffs and special rate circulars published by the Railway Administration.

10. The answer to the first sentence is in the affirmative.

11. Inquiry will be made.

Questions.

Answers.

12. (a) Have any orders been issued since the meeting of the Council in July 1913 as regards the question of *soppu* or manure of green leaves in the Karwar District?

Lands leased for manure of green leaves and revenue therefrom in Karwar District.

(b) if so, will Government be pleased to lay a copy of the orders on the table of the Council?

12. (a) Yes.

(b) It has been ordered that except where individual allotments of *hadi* have been made, or may in future be made in the manner described in paragraphs 8 and 9 of the Collector's report (copy* appended), the cultivators of rice and cocoanut gardens in the coast talukas of Kanara should be allowed to take *soppu* from the minor forests in which they exercise privileges subject to the prescriptions of any Working Plan sanctioned by Government, that Working Plans should accordingly be prepared, and that further demarcation of communal *hadis* should be discontinued and the special establishment should be dispensed with. It has also been directed that the same methods of teaching the people how to lop and preserve their tree-growth should be pursued in Kanara as in Thana, with due allowance for local conditions.

* [See Appendix P.]

(c) What is the total area of land let out for *soppu* and what is the amount of revenue realised from *soppu* lands from the 1st of August 1913 to the end of June 1914?

(c) Information will be called for.

13. Will Government be pleased to state the number of civil suits instituted for redemption of mortgaged lands. under the provisions of the Dekkhan Agriculturists' Relief Act during the year from the date of Notification No. 3545, dated the 14th May 1913, *Separate Revenue-Stamps Judicial*.

(b) What was the number of such suits instituted in each of the five years preceding the date of the said Government Notification?

13. It would involve great trouble to collect the statistics for which the Honourable Member asks, and Government are not prepared to order it to be undertaken.

If the object of the Honourable Member's question is to ascertain whether the number of suits for the redemption of land has increased or decreased since the issue of the Notification to which he refers, Government are advised that the period of time has been as yet too short to allow of a correct opinion being formed. The effect of the Notification will only really be seen two or three years hence when its provisions are generally known and understood.

Questions.

14. (a) Will Government be pleased to state the number of students from the Bombay Presidency now studying in the Forest School at Dehra Dun?

(b) Is it a fact that the Dehra Dun School authorities have intimated to the Bombay Government that they are unable to accommodate students from the Bombay Presidency?

(c) Are any proposals under consideration at present for establishing a Forest School in the Kaiwar District for this Presidency like the schools at Dehra Dun and at Coimbatore?

15. (a) Has the attention of Government been called to the Complaint against the C. I. D. correspondence over the signature of one K. D. Bhosekar in the issue of the "Kesari" newspaper in its issue of the 7th July 1914?

(b) Has any inquiry been made into the allegations made in the said correspondence?

THE HONOURABLE MR. G. M.
BHURGRI.

1. Are Government aware that the Settlement Record Office at Hyderabad is situated in the fort at Hyderabad, Sind, and that it is necessary for the public to obtain a military pass to secure admission?

[This question was asked at the meeting held on the 13th March 1914, when an ad interim reply was given.]

2. Has the attention of Government been drawn to the feeling prevailing among the Mahomedan population of Karachi and other places owing to the exhibition of the moving picture, called "Azim"?

Do Government intend to take action under the Press Act in respect of it?

3. Is it true that Government has abandoned the proposals regarding the improvement of the Baghar Canal?

If so, will Government be pleased to state the reasons for doing so?

Answers.

14. (a) There are at present eleven students from the Bombay Presidency attending the Forest School at Dehra Dun.

(b) No such intimation has been received from the school authorities.

(c) The reply is in the negative.

15. Yes.

No. The matter will receive attention.

1. It is a fact that the Head Record Office is situated inside the fort at Hyderabad and that it used to be necessary for those, desirous of obtaining admission into it, to get a pass from the Station Staff Officer, Hyderabad.

2. Government are aware that objection was taken to the exhibition of the film by certain Mahomedans of Karachi, and Government have arranged that it shall not be exhibited again.

The question of applying the Press Act is under consideration.

3. No. A portion of the improvements have already been carried out. The Honourable Member is referred to the answer given to a similar question of his at the last meeting of the Legislative Council.

Questions.

4. Is it a fact that there is a good deal of discontent in Sind regarding the working of section 110 of the Criminal Procedure Code?

Is it a fact that complaints have been made in various cases by Zamindárs of pressure being brought to bear on them by the Police and of their being forced to give evidence?

Is it true that Government have been lately making enquiries into the working of this section in Sind?

If so, have Government come to any decision in the matter?

If so, will Government be pleased to publish the results of such enquiry and their decisions thereon?

5. Will Government be pleased to state how many acres have been forfeited to Government under the Fallow Rules, and how much fallow assessment has been paid to Government during the last five years? How much of that land was flow and lift land respectively?

6. Will Government be pleased to lay on the Table a list of the powers conferred upon the Commissioner in Sind from time to time under the various Acts and Regulations of the Government of India and the Bombay Government by virtue of the provisions of Act V of 1868, and also a list of the powers which Government have not conferred upon the Commissioner but which Government have kept to themselves?

7. Will Government be pleased to state how much fine has been paid to Government under section 148 of the Land Revenue Code for the last three years?

Answers.

4. Government are enquiring into the working of Chapter VIII of the Code of Criminal Procedure. Their enquiries are not yet complete, and they have come to no decision in the matter.

5. The information will be called for.

6. The Honourable Member is referred to pages 7-10 of Part I and to pages 13-22 of Part II, Volume II, of the "Local Rules and Orders made under enactments applying to Bombay." Except the powers mentioned in these pages all other powers are reserved by Government.

7. The Honourable Member is referred to District Revenue Return No. 9 appended to the Land Revenue Administration Reports, Part I, of the Bombay Presidency for the years 1910-11 and 1911-12, which contains the information desired by him. Similar information for 1912-13 will be given in the report for that year, which will be published in due course.

Questions.

Answers.

THE HONOURABLE MR. FAZALBHOY
MEHERALLY CHINYOY.

1. (a) Has the attention of Government been drawn to the Water works at Uran. scarcity of pure drinking water, which the people of Uran have been experiencing for the last several years?
 - (b) Will Government be pleased to state what has become of a donation of one lakh of rupees given by Khan Bahadur Hormasji Bhiwandiwalla for the construction of water works at Uran?
 - (c) What are the reasons for the delay in the construction of the water works at Uran, the necessity of which was acknowledged by Lord Sydenham when he visited the place some four years back?
 2. (a) Has the attention of Government been drawn to the Muhammedan Girls' Orphanage in Bombay. excellent work which the Abdoola Dawood Bawala Mahommedan Girls' Orphanage is doing in Bombay?
 - (b) Has the attention of Government been drawn to the need of a suitable building for the Institution?
 - (c) If so, will Government be pleased to state whether it is eligible for a generous grant-in-aid towards the construction of the building?
 3. Have Government ascertained the feelings of Muhammedan boys towards Technical and Commercial Education? What is the proportion of Muhammedan students taking advantage of the Technical College in Bombay and the Engineering College at Poona?
 - (a) Has the attention of Government been drawn to the Mhowra refuse at Uran. nuisance and bad smell caused by the throwing of the mhowra refuse into the sea at Uran?
 4. Will Government be pleased to state what stage has been reached in regard to the proposal to establish a women's college in Bombay and when it will be definitely launched?
 - (a) Has the attention of Government been drawn to the Mhowra refuse at Uran. nuisance and bad smell caused by the throwing of the mhowra refuse into the sea at Uran?
 5. (a) Yes.
1. The attention of the Honourable Member is invited to Press Note No. 5649, dated the 18th July 1914, on the subject.
 2. (a) The Honourable Member is referred to Government Resolution in the Judicial Department, No. 1698, dated the 6th March 1914, which was forwarded to all Non-official members of the Legislative Council. In this Resolution, Government have recorded their appreciation of the work that is being done in this Institution.
 - (b) Yes.
 - (c) Government have not yet been approached in the matter.
 3. Government have taken no special steps to ascertain the attitude of Muhammedans with regard to technical and commercial education but are aware of its general character. The information asked for in the second part of the question is being obtained.
 4. Government are not prepared to make any statement on the subject at present.
 5. (a) Yes.

Questions.

(b) Will Government be pleased to state whether any steps have been taken to prevent the distillery owners from throwing mhowra refuse into the sea or to compel them to turn it into manure?

6. Has any representation been received from General Goringe or Colonel Dunlop as to the desirability of exempting volunteers from serving on the Jury?

If so, will Government be pleased to state what they propose to do in the matter?

THE HONOURABLE DR. D. A.
D'MONTE.

1. Is it a fact that the inhabitants of Bandra are much inconvenienced by having to depend on the Bombay Municipal Corporation for their water supply? Will Government be pleased to state if it is in contemplation to provide an independent source of water supply for Bandra and the Island of Salsette generally?
2. Is it a fact that the country liquor shop at Danda in Bandra was reported against by the Police Superintendent of the Thana District on the ground that it led to frequent disorder and that the Bandra Advisory Committee unanimously agreed, at a meeting held in August last year, that the shop should be closed, but that, at the instance of the Collector of the District, the Committee at a later date decided by a majority that the Danda shop might be continued?

Answers.

(b) The question is under consideration.

6. No.

1. Enquiries are being made.

2. The Danda shop was reported against by the Bandra City Inspector of Police and not by the District Superintendent of Police, Thana. In August 1913 the Bandra Advisory Committee recommended the closure of this shop on the grounds that it led to disorder in the village and was close to the Jhutara shop which was situated on an island cut off from Danda by a broad tidal creek. On the other hand, the Salsette Advisory Committee recommended the closing of the latter shop and the retention of the former. The Collector supported the recommendation of the Salsette Committee and ordered the continuance of the Danda shop, which is about a mile and a half distant from the nearest Bandra shop, and the closure of the Jhutara shop. At the same time the Bandra local Excise Committee was called upon to consider the question of the closure of one or more of the three Bandra Bazaar shops. The Committee thereupon recommended that one of the Bazaar shops should be closed and that, in view of the decision to close the Jhutara shop, the Danda shop should be retained. The Committee's recommendation was given effect to.

Questions.

Answers.

THE HONOURABLE SARDAR SYED ALI
EL EDROOS.

1. (a) With reference to my question No. 5 at the Council meeting on the 28th July last, regarding the existing night-soil depôt at Surat, will Government be pleased to state (a) whether the depôt is not also a nuisance to the inhabitants residing in the North-East direction of the City, and (b) to the residents of Gotalavadi, a hamlet of Katargam?

(c) Will Government be pleased to enquire how long will it take to remove the existing depôt nuisance?

(b) With reference to my questions (b) and (c) on the same subject, will Government be pleased to supply the information promised in their reply?

2. With reference to my question No. 7 at the Council meeting on the 28th July last, will Government be pleased to enquire whether copies of the following Acts in Gujarati were available at the Government Central Press, on or before April-May 1912 :—

(a) The Bombay Bhagdar's Act V of 1862.

(b) The Bombay Summary Settlement Act VII of 1863.

(c) The Indian Pensions Act 23 of 1871.

3. (a) With reference to my question No. 3 regarding the opening of Central Schools in the Northern Division, put at the Council meeting on the 13th March 1911, will Government be pleased to state the result of the enquiries promised in their reply?

(b) Will Government be pleased to state what has become of the proposal to open a Central School for Urdu teachers at Surat?

1. (a) Enquiries are being made.

(b) The further replies promised were laid on the Council Table at the meeting held on the 16th December 1913. They have been published in the *Bombay Government Gazette*, Part VII, dated the 20th January 1914.

2. Copies of these Acts in Gujarati were not available at the Government Central Press on or before April-May 1912. Steps will be taken to reprint them.

3. (a) and (b) The question of increasing the local supply of qualified Mahomedan teachers by the opening of a Central School in each district of the Presidency has been referred to the Committee on Mahomedan education appointed by Government Resolution No. 1788, dated the 23rd June 1913, of which the Honourable Member is a member.

Questions.

Answers.

THE HONOURABLE DEWAN BAHADUR
KASHINATH RAMCHANDRA GODBOLE.

1. (a) Are Government aware that the Travellers' bungalows at Medha and Wái in Sátára District have been abolished and that the Public Works Department Inspection bungalows have been provided at these places instead, which cannot be occupied by non-official gentleman without the permission of the Executive Engineer previously obtained?
- (b) Is it intended that certain portions of the above Public Works Department Inspection bungalows will be reserved for the use of the non-official public on payment of the usual rents?
2. Will Government be pleased to state what expenditure is budgetted for during 1914-15 as Sind Allowance to officers and establishments employed in Sind?

THE HONOURABLE SHAIKH GHULAM
HUSSAIN HIDAYATALLAH.

1. (a) Is it a fact that in consequence of the Rohri canal project various other schemes for the improvement of water-supply in Sind remain in abeyance?
- (b) If so, will Government be pleased to state what these schemes are?
- (c) Do Government propose to take them in hand?
- [*This Question was asked at the Meeting held on the 13th March 1914 when an ad interim reply was given.*]

1. (a) Enquiry is being made.

- (b) The reply is in the negative.

2. Sind allowance is granted only to certain gazetted officers serving in that Province and not to the establishments serving under them. The provision made in the current year's budget on that account amounts to Rs. 59,387, including Rs. 10,120 debit to Imperial Revenues.

1. (a) Government directed in 1906 that improvements on Sind canals should *not* be postponed pending the introduction of perennial irrigation on a large scale, and many schemes for the improvement of water-supply in Sind are being carried out such as the Ren distributary and improvements to the Jamrao canal.
- (b) The only project reported from Sind as in abeyance, due to the Rohri project having been proposed, is the Naulakhi Canal Remodelling Project.
- (c) There is no urgency at present for a Naulakhi Canal Remodelling Project, since there is still much land on adjoining canals awaiting extension of cultivation, and a great dearth of labour for cultivation exists. Besides, it is very doubtful if this scheme would be a remunerative one.

Questions.

THE HONOURABLE MR. BALKRISHNA
SITARAM KAMAT.

1. (a) Are Government aware that considerable inconvenience is caused to thousands of pilgrims for want of a high level platform at the Shelarwadi Station of the G. I. P. Railway Company, at the time of the annual fairs at Dehu and A'landi in the Poona District?
- (b) Will Government be pleased to call for the figures showing the number of pilgrims carried over this station on the occasion of these fairs during the last three years, and the total receipts from the fares of such pilgrims?

[This question was asked at the meeting held on the 13th March 1914, when an ad interim reply was given.]

2. (i) Are Government aware of considerable hardship being caused to sugarcane cultivators along the Mutha and Nira Canals this year owing to the promulgation, without adequate notice, of revised rules for water distribution by the Executive Engineer for Irrigation, Poona, whereby cultivators are practically prevented from planting new crop of cane until a corresponding area of the previous year's crop has been cut down?
- (ii) Do Government propose to modify these rules?
3. (i) Is it a fact that the community of Mangs belonging to the depressed classes is treated as a criminal tribe and compelled to attend the daily muster call in villages?
- (ii) Is it true that in certain districts like Satara the system of daily muster call for Mangs was kept in abeyance a few years ago and if so, with what results?

Answers.

1. (a) Already answered.

- (b) The Agent, Great Indian Peninsula Railway Company, reports that the statistics required are as under :—

	1911.	1912.	1913.
Number of pilgrims carried to and from Shelarwadi during 8 days of the fairs.	10,533	15,657	12,379
	Rs.	Rs.	Rs.
Receipts ...	6,640	11,124	10,261

2. (i) It is impossible to give notice before the result of the season's supply of water to the tanks is known.

Notice was given to the Mutha Canal in November and some complaints were received from this area.

Notice was given to the Nira Canal early in January—No complaints were received from this area.

The orders were a matter of necessity.

- (ii) It is impossible to modify orders, which are necessary to suit the season in each year.

3. Mangs in certain villages in the Nasik and Satara Districts have been declared a criminal tribe under section 3 of the Criminal Tribes Act, 1911. Section 10 (1) of the Act has

Questions.

(iii) Have Government considered the desirability of permanently exempting from this general disability such members of the Mang community as may be found to have settled, honest occupations in life?

(iv) Have Government also considered the practicability of granting disforested land, where possible, on favourable terms to any applicants from this community?

4. Will Government be pleased to place on the Council table a statement showing the number of cases in the several Districts of the Central Division of Inamdars refusing to remit to their inferior holders arrears of dues outstanding for six years and over, although requested to do so by officers while disposing of applications for assistance under section 87 of the Land Revenue Code?

Collection of land revenue arrears in Inam villages in the Central Division.

5. Will Government be pleased to state what progress has been made by Messrs. Cromptons of Bombay in the matter of their application to Government for a license for the electric light of Poona?

Electric Lighting in Poona.

THE HONOURABLE MR. NOWROJI
DORABJI KHANDALAVALA.

1. Will Government be pleased to state whether the Poona City Municipality, the Poona Cantonment Committee and the Poona Suburban Municipality have up to date steam or motor fire-engines, with means of quickly conveying them to the scene of a fire, and supplied with expert workers, kept in training, and available for immediate service and whether there is telephonic communication between the different fire-engine stations?

Fire Engine Stations at Poona.

2. Will Government be pleased to state whether there is any workable arrangement by which these three Municipal bodies may lend freely their fire-engines and staff quickly to each other in times of emergency to put out disastrous fires?

Answers.

been applied to them and under the rules framed under section 20 thereof those members of the tribe who are brought upon the register after inquiry have been required to report themselves daily to the police.

Government have no information on the subject but enquiries are being made.

4. Government regret that it is impossible to procure this information without the entertainment of a special establishment, and they do not consider that this course would be justified.

5. The objections and views, etc., of the public as well as those of the local officers and authorities concerned, on Messrs. Cromptons' application for the electric license, have now been received and are under the consideration of Government.

1 & 2. Inquiries are being made.

Questions.

Answers.

THE HONOURABLE MR. JEHANGIR
H. KOTHARI.

1. (a) Will Government be pleased to say whether any action is being taken in the direction of carrying out the recommendations of Dr. Mhaskar who was deputed on special duty to Karachi year before last in connection with the investigation of the cause of the abnormal amount of malaria prevailing in that City?
- (b) Will Government also be pleased to state whether the question of assisting the Municipality in filling up those low lying lands adjoining the thickly populated quarters of Karachi which were declared by the Special Medical Officer to be a prolific source of malarial infection has been considered by them?
2. With reference to the question put by me at the Karachi Public Offices Council Meeting of 16th December last, will Government be pleased to state by what date the work of erecting the public offices on the old jail site at Karachi is likely to begin?
3. Will Government be pleased to say what has been decided with reference to the matter of vacating the lands at Karachi occupied by the Royal Field Artillery, Arsenal, and Magazine in Karachi?

THE HONOURABLE SARDAR BHAL-
CHANDRARAO ANNASAHAB PAT-
WARDHAN, CHIEF OF KURUNDWAD
(SENIOR).

1. Is it a fact that the Public Works Department has refused to recognise the rights of Inámdárs in the Sátára District to the usufruct and timber of road-side trees planted and reared by Government in the Inámdár's soil?

If so, will Government take the necessary steps in the matter?

[This question was asked at the meeting held on the 16th December 1913, when an ad interim reply was given.]

1. (a) and (b) Government are consulting the Commissioner in Sind in regard to giving effect to the measures advocated by Dr. Mhaskar and to the question of the grant of financial assistance to the Municipality for undertaking such of them as it may be decided to carry into execution.
2. The design of these buildings is under consideration.
It is not possible at present to say when the work of construction will be begun.
3. The matter is still under the consideration of Government.

Questions.

2. Will Government be pleased to state whether there is scarcity of water at Islampur in the Satara District?
- Water-supply in Islampur.

If so, what measures have Government adopted in the matter?

3. Is it a fact that Government had made a survey for the construction of a canal from Patan in the Satara District where a reservoir of the water from the surrounding parts was to be made for the purpose of supplying water to Islampur and its adjoining villages?
- Water-storage at Patan.

If so, will Government be pleased to state whether the project is under consideration?

4. (i) Is it a fact that in several villages in the Satara District there are thick growths of the prickly pear in the surrounding parts of those villages?
- Prickly Pear in Satara District.
- (ii) Have Government issued any orders for its removal?

THE HONOURABLE SIR PHEROZESHAH M. MEHTA.

1. (i) In reference to the Resolution of Government No. 3983, dated the 20th May 1914, will Government be pleased to state if
- (a) any opportunity was given to the Vambori Municipality to explain or reply to the charges of incompetence, inefficiency and misconduct preferred against it, and
- (b) if the Chairman of the Managing Committee and the President of the Municipality — Suspension of Vambori — Municipality and the other members referred to in the paragraphs 4 and 5 of the said Resolution were called upon formally to meet the charges laid against them in the said paragraphs?
- (ii) Will Government be pleased to say in reference to the same Resolution, who was the officer on whose recommendation the six nominated members were appointed?

Answers.

2. There is a scarcity of drinking water at Islampur. A project for the supply of water to the town is under preparation.

3. No such canal scheme has been investigated.

4. (i) Government have no information.

- (ii) No.

1. (i) The Municipal Council as a whole was not asked to make a reply to the report which the Assistant Collector drew up regarding the administration of the Municipality after an examination of its records and personal investigation on the spot, but the President and the Chairman of the Managing Committee were called upon for their explanations in regard to specific points and these were considered.

- (ii) The nominated members were appointed by the Commissioner presumably on the recommendation of the local officers.

Questions.

THE HONOURABLE RAO SAHEB
VENKATESH SHRINIVAS NAIK.

1. Is Government aware that some of the small Municipalities do not receive professional advice from the Public Works Department in the matter of preparing schemes, plans and estimates in time, even though they are willing to pay or them?

The estimates of the school house at Ranebennur, though applied for on 31st August 1910, have not yet been received by the Municipality finally approved by the competent authorities.

[This question was asked at the meeting held on the 16th December 1913 when an ad interim reply was given.]

2. Will Government be pleased to supply the following information about the Judicial Subordinate Courts in the Dhárwár district for the last five years?

(a) The number of suits filed in the First Class Subordinate Judges' Courts.

(b) The number of original civil suits, both small cause and long cause, miscellaneous applications and *dar-khásts* filed in different Second Class Subordinate Judges' Courts.

(c) The number of these suits filed in different Subordinate Courts from each taluka.

(d) The period and number of Joint and Additional Subordinate Judges entertained in each of these Subordinate Courts.

Answers.

1. Enquiries have been made. They show that there has been no instance in which advice and assistance have been refused or unduly delayed to any Municipalities by officers of the Public Works Department.

It has been ascertained that after some preliminary correspondence, the official call for plans and estimate was made in October 1912. The preparation of the project was taken in hand in due course, but some delay occurred as modifications were required by the Sanitary authorities. The amended project is now receiving the consideration of Government.

(a) to (c) The information will be obtained.

(d) Joint Subordinate Judges were appointed in the following Subordinate Courts in the Dhárwár district for the periods specified against them:—

First Class Subordinate Judge's Court at Dhárwár. 10 months, from January 1913 to 4th November 1913.

Second Class Subordinate Judge's Court at Dhárwár. 5 years.

" " Hubli ... 5 years.

" " Gadag... 8 months, from July 1909 to the end of February 1910.

Questions.

Answers.

Second Class Subordinate Judge's Court at Dhárwár. 5 months, from 4th January 1911 to 31st May 1911.

„ „ Haveri . 3 years and 7 months from 31st May 1911 to 3rd January 1915.

The Joint Second Class Subordinate Judge at Gadag was deputed to Dhárwár by the High Court from December 1909 to 1st March 1910 when the period of the appointment expired.

The Joint Second Class Subordinate Judge at Haveri was appointed at Gadag in February 1912. In March 1912 he reverted to Haveri. He was again sent to Gadag in August 1913, and finally reverted to Haveri in November 1913. The period of that appointment expires on 3rd January 1915.

(e) The number of villages within the jurisdiction of different Courts which are more than 20 miles in distance from the seat of Courts and which have no railway communication direct from these villages.

(f) The longest distance from the seat of these Subordinate Courts to the villages over which they have jurisdiction.

(e) and (f) The information will be obtained.

3. Is it a fact that under the Gokák Canal the big varieties of groundnuts (Japanese and Pondichery) which ripen in four or five months only are charged at the same rate as the indigenous variety, which requires seven months to ripen and consequently more water?

4. Do Government intend to revise the rates for the big varieties of groundnut referred to so as to bring them to a level with the rates on crops grown in four or five months?

5. Is it a fact that menial Railway Servants often travel on the Madras and Southern Marátha Railway in the Intermediate Carriages.

3. Enquiry is being made.

4. Enquiry is being made (*vide* answer to question 3).

5. Government have no information on the subject. Enquiry is being made.

Questions.

6. Is it a fact that Intermediate Class Carriages are coloured in the same colour as Third Class and many illiterate passengers not knowing the Class get into the Intermediate Class Carriages and are required to pay additional fare at the destination or when the tickets are examined at intermediate stations by the Railway Authorities?

7. With reference to the remarks made by Government against item No. 236 of Statement B of the Draft Financial Statement for 1914-15 (as amended upto 4th February 1914), will Government be pleased to place on the Council Table the list of places where medical aid and facilities are specially required?

8. Will Government be pleased to state how many Dispensaries and Hospitals in the Mofussil have qualified Midwives attached to the institutions?

9. Has the attention of Government been drawn to the leader headed "Toddy in Ratnágiri" which was published in the *Times of India* of 25th March 1914, and will Government be pleased to state the reasons that necessitated them to stop distillation of liquor from palm toddy in Ratnágiri district?

THE HONOURABLE MR. RAGHUNATH PURSHOTTAM PARANJPYE.

1. Is it a fact that in the City of Poona public conveyances are licensed only twice during the year, that just before the time of issuing these licenses these conveyances become very scarce as their owners want to repair them or to rest their horses?

What difficulties are there in the way of having a permanent licensing officer who will be prepared to renew the licenses or issue new ones all through the year, and, in particular cannot the present inspector of these conveyances be asked to set apart one day every week for this purpose?

Answers.

6. Government have no information on the subject. Enquiry is being made.

7. The Honourable Member's attention is invited to the list of places appended to Press Note No. 5094, dated the 23rd August 1911, which was communicated to the Non-Official Members of the Legislative Council and placed in the reading room for the Members of the Council.

8. The information will be obtained.

9. The answer to the first part of the Honourable Member's question is in the affirmative. The answer to the second part is that distillation of palm juice has been restricted, not stopped. The reasons for this action were given in the reply to the question asked on the subject by the Honourable Mr. G. K. Parekh at the last meeting of this Council.

1. Government have no information on the subject, but enquiries are being made.

Questions.

Answers.

2. (a) Has the attention of Government been called to an advertisement appearing in the *Times of India* over the signature of Major J. B. Horton, Personal Assistant to the Surgeon General with the Government of Bombay, to the effect—"Wanted a Christian, Jew, Parsi or Mahomedan candidate for a permanent appointment, pay Rs. 25 a month, as clerk in the office of the Surgeon General with the Government of Bombay, Poona ..."?

Appointment in Surgeon General's office establishment.

Times of India

over the signature of Major J. B. Horton, Personal Assistant to the Surgeon General with the Government of Bombay, to the effect—"Wanted a Christian, Jew, Parsi or Mahomedan candidate for a permanent appointment, pay Rs. 25 a month, as clerk in the office of the Surgeon General with the Government of Bombay, Poona ..."?

- (b) Will Government be pleased to state what the disqualifications of a Hindu as such are for the purposes of this post?

- (c) Have directions been given to Heads of Offices to make racial distinctions to such posts, and, if they have, will Government be pleased to lay them on the Council Table?

3. Will Government be pleased to lay on the Council Table a list of posts under the Government of Bombay at present held by persons who, before such appointment, were natural-born or naturalised inhabitants of the self-governing colonies of the Empire like Canada, Australia, New Zealand or South Africa?

Appointments held by Colonials.

on the Council Table a list of posts under the

Government of Bombay at present held by persons who, before such appointment, were natural-born or naturalised inhabitants of the self-governing colonies of the Empire like Canada, Australia, New Zealand or South Africa?

4. With reference to the new liquor shop opened in 1913 at Ghoda in the Khed Taluka of the Poona District, will Government be pleased to give the following information?—

Liquor shop at Ghoda in Poona District.

opened in 1913 at Ghoda in the Khed Taluka of the

Poona District, will Government be pleased to give the following information?—

- (1) How many petitions were received in which the petitioners asked that a new shop should be opened there?
- (2) Was there a shop in this village some years ago? If so, how long was it in existence and what were the reasons for which it was then closed?
- (3) When and at what places were cases of illicit distillation found within a distance of ten miles of Ghoda during the last five years?

2. Government have from time to time issued orders for the maintenance of a due admixture of races in Government offices, and the advertisement in question is intended to give effect to these orders in the case of the Surgeon General's office in which the Hindu element at present very largely predominates.

3. The information asked for by the Honourable Member is not available.

4. (1) None.

- (2) There was a shop in the village some years ago. It is not known why it was closed.

- (3) No cases of illicit distillation were detected in the last five years within ten miles of Ghoda. In the last two years ten cases have been detected within sixteen miles.

Questions.

- (4) What is the amount of liquor consumed in this shop during the year 1913-14 and at the other four shops in the Táluka during the last five years?

Answers.

(4) The figures are attached—

Name o shop.	1909-10.	1910-11.	1911-12.	1912-13.	1913-14.
	G. d.	G. d.	G. d.	G. d.	₹. d.
Khed	1,100 0	1,324 16	1,359 34	1,011 24	1,182 40
Manchar	1,284 41	1,374 8	1,255 4	1,377 6	970 16
Wada	459 0	771 23	790 34	723 4	634 32
Chakan	615 27	615 37	630 32	620 1	574 0
Ghoda	...	...	...	...	1,026 46

THE HONOURABLE MR. GOKULDAS
KAHANDAS PAREKH.

1. Will Government be pleased to say—

- (1) Whether certain respectable gentlemen of the town of Modása made some serious complaints against the late Mahálkari to the Assistant Collector in charge of the Mahál and expressed their readiness to produce evidence in support of the same?

The recent Mahálkari of Modása.

- (2) Whether when the Assistant Collector was encamped at or near Modása they asked him to give them an interview and he granted one upon the condition that they would avoid referring to the Mahálkari's affair?

- (3) Whether any investigation of the complaints has been made, and, if so, what?

2. Will Government be pleased to say—

- (1) Whether the annual inspection or examination of the vernacular school at Simalia in the Broach Táluka of the Broach District during the year 1912 took place at the Simalia school house or at Pálej?

- (2) If it took place at Pálej what is the distance between Simalia and Pálej?

- (3) What was the month and date of such inspection or examination?
School at Simalia in the Broach Táluka.

- (4) At what hour were the Simalia students required to be at Pálej and when were they allowed to depart from Pálej to Simalia?

1. (1) Complaints were received by the Assistant Collector from certain residents of the town of Modása against the late Mahálkari and opportunity was given them to support the same.

- (2) The answer is in the affirmative.

- (3) Full investigation of the complaints was made both by the Assistant Collector and the Collector. There is no reason to hold that they were well founded.

2. (1) The annual examination of the Simalia school was held for the most part in the school house of that place. The pupils of standard VI were examined in certain subjects at Pálej.

- (2) About 2 miles.

- (3) The 14th, 16th and 20th March 1912.

- (4) The 6th standard boys were required to be at Pálej at 11 A. M. on the 16th March, and were allowed to go at 2 P. M. on the same day.

Questions.

- (5) What were the standards which the pupils of the Simalia school were studying and how many pupils were there in each standard?
- (6) Was the master of the Simalia school transferred from Simalia to Tánsa in the Gogha Mahal shortly after this examination or inspection on reduced pay?
- (7) What was the reason for the reduction of his salary and the transfer?
3. (1) Will Government be pleased to place on the Council Table a statement of schools in the Northern Division ceasing to teach the higher vernacular standards. in the 5 Districts of Gujarat which used to teach higher vernacular standards but have now been reduced to the position of inferior schools, giving the numbers of students in each school studying in each of the higher standards?
- (2) Will Government be pleased to say on what principle were schools teaching higher standards reduced to the position of inferior schools?
4. Will Government be pleased to say—
- (1) Whether they have sanctioned the levy of octroi on fuel at Ankleshvar. duty on coal and wood-fuel by the Municipality of Ankleshvar?
- (2) Whether they have considered the effect of this duty on the cotton ginning factories at Ankleshvar in their competition with similar factories in the neighbouring Baroda, Rájpipla and British villages?

Answers.

- (5) There were in all six standards. The number of pupils in each standard was as under :—

	Boys.	Girls.
Standard VI	7	...
Standard V	1	...
Standard IV ... ..	...	...
Standard III	1	1
Standard II	2	...
Standard I	3	2
Infant class	14	8
	28	11

- (6) The master was so transferred at the end of May 1912.

- (7) Insubordination and misconduct.

3. (1) The statement* called for by the Honourable Member has been placed on the Council Table.

* See Appendix H^(a).

- (2) The principles on which schools teaching the higher standards have been transformed into schools teaching only the first three standards are laid down in paragraph 2 of the Press Note No. 1405, dated the 5th June 1912, copies of which were supplied at the time to the non-official members of the Legislative Council.

4. (1) and (2) No octroi duty has as yet been imposed on coal and wood-fuel. The municipality are still considering the objections advanced against a proposal to impose such a duty.

Questions.

5. Are Government aware that the octroi duty on carts, the Octroi on carts at Ankleshvar. levy of which by the Ankleshvar Municipality is sanctioned by Government, falls mainly on cotton which is brought to Ankleshvar for being cleaned and exported?
6. Will Government be pleased to say—
(1) How many students were refused admissions into Colleges affiliated to the University of Bombay since the month of October last on account of insufficiency of accommodation?

Answers.

5. A toll tax is imposed on all laden carts entering the municipal district. It is not a fact that this tax falls mainly on carts laden with cotton. Such carts contribute only 45 per cent. of the total proceeds of the tax.
6. (1) The subjoined statement gives the information required by the Hon'ble Member. The numbers given, however, represent in most cases merely a rough estimate, since exact records are not kept. It must also be remembered that the same student may appear against more than one college, since, having been refused admission at one college, he will probably apply to another. So far as matriculates are concerned, therefore, no deductions can be drawn as to the actual total number of students who were unable to gain admission to a College:—

Name of College.	Number refused admission.	Remarks.	
(1) Elphinstone College, Bombay.	40	Roughly.	
(2) Deccan College, Poona ...	86		
(3) Wilson College, Bombay ...	50	Roughly.	
(4) St. Xavier's College, Bombay.	25 20 60-100	} For B. A. with Physics and Chemistry. } For Intermediate Science. } For want of room in hostel.	
(5) Gujarat College, Ahmedabad.	100		Roughly.
(6) Rajaram College, Kolhapur.	Nil.		
(7) Baroda College ...	50	Roughly.	
(8) Fergusson College, Poona...	50	Do.	
(9) Samaldas College, Bhavnagar.	24		
(10) D. J. Sind College, Karachi.	12-20 4-6	For Arts. For Engineering.	
(11) Bahauddin College, Junagadh.	21		
(12) Law School, Bombay ...	Nil.		
(13) Grant Medical College, Bombay.	Nil.		
(14) Agricultural College, Poona.	Nil.		
(15) College of Engineering, Poona.	198		
(16) Government College of Commerce.	Nil.		

7. Will Government be pleased to say—
(1) Whether the Collector of Surat had issued orders to his subordinates that notices of demand of the first instalment of the land revenue for the year 1912-13 should be issued

7. (1) The first rabi instalment was due on 15th February 1913; but on account of the lateness of the cotton crop, orders were given to the Mámlatdárs to postpone the issue of notices of demand from 15th February to 15th March 1913.

Questions.

- under section 152 of the Land Revenue Code on the 20th March 1913?
- (2) Whether after the issue of such orders notices were as a matter of fact issued some days previous to 20th March 1913?
- (3) Whether notice fees were charged from the revenue payers who paid their proper instalment on or before 20th March 1913?
8. Will Government be pleased to say—
- (1) Whether the usual date for the payment of the first instalment of the Government revenue according to standing orders for the group of villages comprising Umrachi of the Orpad Taluka is the first of March?
- (2) Whether the holders of lands at Umrachi petitioned to the Collector to transfer the day of the instalment ten days later on the ground that the produce of their lands does not ordinarily become fit for sale before 10th March?
- (3) Whether upon this petition the Collector ordered that the land-holders of Umrachi should pay their first instalment on 15th February instead of 1st March?
9. Will Government be pleased to say—
- (1) Whether, under the orders of Government, waste land in the Surat District were given for cultivation on the restricted tenure?
- (2) Whether these tenures are being converted into survey tenures on the payment of premiums?
- (3) What is the area of land in the Surat District originally granted on the restricted tenure which is now held on the survey tenure?
- (4) What is the amount of premiums that Government have realized from these lands?
- (2) Notices of demand began to issue from 15th March 1913.
- (3) No notice fees were charged to those who paid their first rabi instalment on or before 15th March 1913.
8. (1) The date of first instalment in these rabi villages is 5th February.
- (2) Yes.
- (3) The Collector's order was that the instalment should be postponed to 10th March and that no coercive process should be taken before that date.
9. (1) & (2) Yes.
- (3) 3,670 acres and 18 gunthas.
- (4) Rs. 30,620-11-6.

[These questions were asked at the meeting held on the 13th March 1914, when ad interim replies were given.]

Questions.

Answers.

10. Will Government be pleased to say—

(1) Whether the question of constituting Kaira Judicial District a separate Judicial District is again engaging their attention?

(2) If so, whether Government propose to place before the public the grounds for making an alteration in the present arrangements?

(3) Whether they propose to invite the opinions of the public before they arrive at a decision in the matter?

(4) Which town do they propose to make the head-quarters of the district for judicial purposes?

11. Will Government be pleased to say—

(i) Whether a special allowance has been attached to the office of the Professor of Physiology, Grant Medical College, on account of the fact that the incumbent of that office was not permitted to have any private practice?

(ii) Whether they have permitted the present holder of the office to have any "special consulting practice"?

(iii) What is intended by the expression "special Consulting Practice" in the case of a Professor of Physiology?

(iv) Whether on the officer being given permission to have private consulting

10. (1) Yes.

(2) The principal reasons in favour of the proposed alteration are as follows:—

(i) The proposed change would strengthen the judicial staff of the Ahmedabad and Kaira districts, viewed as a whole, by giving them two officers of the seniority and experience of District Judges instead of one.

(ii) It would ensure that the judicial head of the Kaira district became conversant with the peculiar features of crime and litigation in the Kaira district.

(iii) The establishment of a district and Sessions Court in the Kaira district would be a convenience to witnesses and others concerned in proceedings before it.

(3) Government will be glad to receive and will carefully consider any representation that may be received from any person or body interested in the question. Some representations have already been received, and these and such others, as may be received hereafter, will be considered carefully by Government before they arrive at a decision in the matter.

(4) Government have not decided what town should form the head-quarters of the new judicial district in the event of one being created for Kaira.

11. (i) The Professor of Physiology draws a local allowance of Rs. 300 a month sanctioned by the Secretary of State for the non-practising Professors of the Grant Medical College.

(ii) and (iii) The present incumbent of the post is permitted to undertake consulting work of a special nature in connection with serum therapy, having undergone a course of instruction in this subject under Sir Almroth Wright.

(iv) The local allowance has not been stopped or reduced.

Questions.

practice the special allowance has been stopped or has any reduction been made in it?

- (v) Whether the work of the Professor of Physiology has become lighter now than what it was about 25 years ago, when Government decided that the officer should have no private practice?

12. Will Government be pleased to say—

- (i) Which new medical appointments have been created under the Government of Bombay since the receipt of the Despatch No. 225 of 11th December 1908, from His Majesty's Secretary of State for India to the Government of India?

Appointments to medical posts recently created and to other posts.

the receipt of the Despatch No. 225 of 11th December 1908, from His Majesty's Secretary of State for India to the Government of India?

- (ii) Which of these appointments are held by members of the Indian Medical Service?

- (iii) What are the special grounds for selecting for these posts members of the Indian Medical Service?

- (iv) Are these posts intended to be attached permanently to the cadre of the Indian Medical Service?

- (v) Since the receipt of the above despatch how many posts that used ordinarily to be held by members of the Indian Medical Service have been thrown open to qualified Indians outside the Service?

3. Will Government be pleased to say—

- (i) What are the special qualifications required for the office of Police Surgeon in Bombay.

Police Surgeon in office of Police Surgeon in the City of Bombay?

- (ii) Whether persons duly qualified outside the Indian Medical Service were available on the two occasions when the office had to be filled?

- (iii) Whether it is proposed to attach permanently the post of the Police Surgeon to the cadre of the Indian Medical Service?

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Answers.

- (v) The work of the Professor of Physiology is no lighter now than it was twenty-five years ago.

12. (i) The whole-time Civil Surgeon of Jalgaon.

The Director of the Vaccine Institute at Belgaum.

The full-time Professors of Pathology and Anatomy at the Grant Medical College.

The assistants to the Professors of Pathology and Anatomy.

One Medical Registrar at the J. J. Hospital.

One Surgical Registrar at the J. J. Hospital.

- (ii) The Professorship of Pathology.

- (iii) The person considered most highly fitted for the post was a member of the Indian Medical Service.

- (iv) The question will be considered in due course.

- (v) All the five Deputy Sanitary Commissionerships.

13. (i) Beyond the possession of the requisite degrees, no special qualifications have been laid down, but, other things being equal, preference would be given to a medical man who had previous medico legal experience and who was accustomed to perform *post mortem* examinations.

- (ii) Yes.

- (iii) There is no such proposal before Government.

Questions.

Answers.

14. Will Government be pleased to say—

(i) Whether X-Ray installations at the various public Hospitals of Bombay are used by the Medical and Surgical staffs of the said institutions for examination and treatment of their private cases?

(ii) Do Government propose that certain fixed fees be levied for the use of these installations in connection with private practice?

(iii) Do Government propose to allow the use of the installations to private practitioners for the examination and treatment of their cases, subject to such rules and restrictions and the payment of such fees as Government may see fit to prescribe?

15. Will Government be pleased to say—

How many beds there are under the care of each of the Medical Officers (whether of the Indian Medical Service or Honorary) at the Jamsetji Jeejeebhoy, Gokuldas Tejpal and St. George's Hospitals, Bombay, and the Sassoon Hospital, Poona?

Hospitals—Number of beds in charge of each Medical Officer.

Medical Service or Honorary) at the Jamsetji Jeejeebhoy, Gokuldas Tejpal and St. George's Hospitals, Bombay, and the Sassoon Hospital, Poona?

16. Will Government be pleased to say—

(i) Whether Bava Benkatdas Jamnadas, inhabitant of Ahmedabad outside the Astodia Gate, is the occupant of Survey No. 91 of Laxmipur, South Daskroi Taluka?

(ii) Whether the said Benkatdas had received Tagavi from Government and an instalment of the said Tagavi advances had become due from the said Benkatdas before the 16th June 1913?

(iii) Whether the said Benkatdas was served with notice under section 152 of the Land Revenue Code, for the payment of the Tagavi instalment on 16th June 1913 and he on the same day paid the Tagavi instalment in full together with 8 annas on account of notice fee?

14. Enquiries are being made.

15. Enquiries are being made.

16. (i) Yes.

(ii) Yes; the said instalment fell due on 5th January 1913.

(iii) Yes, *i. e.*, the notice was served on 16th June and on that date, after service, Benkatdas paid the Tagavi instalment but not the demand, included in the notice, for one-quarter of the amount of the instalment as fine. The notice also included Land Revenue demands as per margin

	1912-13.	1911-12.
	Rs. a. p.	Rs. a. p.
Land Revenue ..	24 0 0	...
Local Fund ..	8 0 0	1 2 6
Tagavi ..	25 0 0	...
Total ..	50 8 0	1 2 6

Questions.

- (iv) Whether notwithstanding the payment on 16th June, $\frac{1}{4}$ th of the amount of the instalment was subsequently recovered from him as penalty?
- (v) Whether the payment made by Benkatdas included interest on the Tagavi instalment up to the date of payment, if not more?
17. Will Government be pleased to place on the Council Table a copy of the Resolution on the strength of which the Tálukdári Settlement Officer of Gujarát issued his notification of 20th February 1914, mentioning the classes of lands excluded from consideration in the fixing of the Tálukdárs future Jama and other classes of lands which ought to be assessed to Jama at the rate of 50 per cent. on the salami or other payments which the Tálukdárs may be receiving in respect thereof?
18. With reference to the answer of Government to my question No. 19, asked at the last meeting of this Council, will Government be pleased to say—
- (i) Whether the Excise Committee in paragraph 31 of their report recommend the continuance of the Dadar distillery for manufacture of Toddy spirit?
- (ii) How many persons have been convicted during the last 5 years of the offence of
- (A) illicit manufacture of Toddy spirit, and
- (B) of illicit sale of Toddy spirit
- (a) in the City of Bombay; and
- (b) in the táluka of Sálsette.
19. Will Government be pleased to say—
- (1) Whether the Sánand Estate is under the management of the Tálukdári Settlement Officer on account of the minority of the present Thakor?

Answers.

- and the total sum of Rs. 51-10-6 had been over due since 5th January.
- (iv) Yes, because as stated in (iii) it had already been demanded on 16th June but the defaulter did not pay it when he paid the overdue instalment on that day.
- (v) The interest collected was calculated according to the Tagavi Rules.
17. A copy of Government Resolution No. 938,* dated 29th January 1914, is placed on the Council Table.
- * See Appendix I.

18. (i) The Excise Committee contemplated the continuance of the Dadar Distillery in certain circumstances only. These circumstances do not exist.
- (ii) (A) None.
- (B) In Sálsette 8 persons were convicted of illicit sale; two of illicit manufacture during the last five years.
19. (1) The estate is under the management of the Tálukdári Settlement Officer as Court of Wards.

Questions.

Answers.

(2) Whether the Tálukdári Settlement Officer has advanced Rs. 2,000 belonging to the Sánand Estate to one Ramsing Madarsing of Lolya to enable him to file an appeal to the High Court against the Thakor of Utelia?

(3) Whether the estate of the said Ramsing is also under the management of the Tálukdári Settlement Officer?

(4) Whether the total income of Ramsing's estate for Samvat 1965 was Rs. 73, for Samvat 1966 Rs. 125, for Samvat 1967 Rs. 55 and for Samvat 1969 Rs. 141?

(5) What is the amount that Ramsing owes to Government on account of Tagávi and what is the total amount of debt which he owes to private individuals?

(6) What security if any has been taken from Ramsing for the repayment of this advance?

Information has been called for.

20. Will Government be pleased to say—

(1) Whether Vakhatsing Dadabhai was nominated for the office of Police Patel of Lolya removed by the Tálukdári Settlement Officer. Police Patel of Lolya by the Thakor of Utelia and appointed to the office on such nomination by the Tálukdári Settlement Officer and he was given a sánad for serving in that office till August or September 1914?

(2) Whether Survey No. 256 of Lolya was held on Tálukdári Tenure or was alienated land?

(3) Whether Ramsing Madarsing had brought a suit for the redemption of the number in the Court of the Second Class Subordinate Judge of Dholka and withdrew the suit without permission to bring a fresh suit from the court?

(4) Whether the said Vakhatsing had grown a crop of cotton and gram on the said land?

(5) Whether when the Tálukdári Settlement Officer was encamped at Lolya he called upon Vakhatsing to deliver over possession of the said land to Ramsing?

20. (1) Yes.

(2) to (5) Allegations to this effect were made in a petition presented to Government by Vakhatsing which was summarily rejected.

Questions.

- (6) Whether on his declining to do so he was at once summarily removed by him from the office of Police Patel of Lolya ?
21. Will Government be pleased to say—
- (1) Whether Sardár Udesanji, Thákore of Sarod, is a permanent resident of Sarod which is about 9 miles distant from the limits of the Jambusar Municipality ?
- (2) Whether the Thákore's own estate is under the management of the Tálukdári Settlement Officer of Gujarát ?
- (3) Whether the Governor in Council has appointed the Thákore President of the Jambusar Municipality ?
- (4) Whether a councillor of the Jambusar Municipality, who was permanent resident of Jambusar, was not available for the office ?
22. Will Government be pleased to say—
- (1) How many cases for taking securities under sectional Magistrates. Broach Sub-Divisions 107 and 110 of the Criminal Procedure Code were heard by Mr. N. M. Joshi, First Class Sub-Divisional Magistrate of Broach since 1st June 1912 ?
- (2) What was the interval of time between the commencement and conclusion of the proceeding in each case ?
23. Will Government be pleased to say—
- (1) Whether the First Class Sub-divisional Magisterial powers of Mámílatdár at Jambusar. Magistrate of Broach in charge of Jambusar and Amod táluka keeps his head-quarters during the rains at Broach or Jambusar ?
- (2) Does the practice of locating at Jambusar a Mámílatdár with powers of a First Class Magistrate continue or has been given up ? and
- (3) If it is given up, why ?

Answers.

- (6) No. The Patel was dismissed after enquiry for carelessness in his work and repeated failure to obey orders.

21. Inquiries are being made.

As the Jambusar Municipality failed to select a President by a majority of two-thirds of the members present at the meeting held on the 1st May 1914, the selection of the President rested with Government. The Governor in Council selected and appointed Sardár Udesanji, who had received the majority of votes, namely, 6 out of 10, to be the President of the Municipality.

22. The information will be obtained.

23. The information is being obtained.

Questions.

Answers.

24. Will Government be pleased to say—

(1) Whether the school at Chhipadi in the Kapadvanj taluka of the Kaira district used to teach up to the 6th Vernacular Standard ?

(2) Whether the school has been reduced to one teaching only the rural standards ?

(3) Whether some schools having the same or smaller attendance in the higher standards have been allowed to continue as ordinary schools without any reduction in the standards ?

24. (1) It taught up to the 7th Vernacular Standard.

(2) Yes.

(3) The school failed to conform to the prescribed standard in the matter of attendance and the passing of standards and was accordingly classed as a rural school. It is to be presumed that those schools which have been classed as full primary conformed to this standard.

25. Will Government be pleased to say—

(1) Whether the question about the prohibition of the use of side-walks in the Main Bázár in the Notified Area of Pálej, Broach district, by shopkeepers for the weighing of their goods, is still under their consideration and has not been finally disposed of ?

(2) Whether after the inhabitants of Pálej had submitted to Government their petition in which they complained against this prohibition, among other things, the Mámlatdár of Pálej instituted revenue proceedings against six of the shopkeepers for using the side-walks for weighing and imposed fines on them ?

25. (1) Yes.

(2) Inquiry is being made.

26. Will Government be pleased to say—

(1) Whether they propose to revise the salaries of the servants of the Revenue Department who are paid under Rs. 8 a month ?

(2) Of *pagis* who get Rs. 5 a month ?

(3) Will Government be pleased to say how many heads of village police get allowances not exceeding Rs. 60 a year ?

26. (1) and (2) Government do not contemplate any such revision at present.

(3) Government do not consider it necessary to undertake the laborious enquiry which would be necessary in order to supply this information.

Questions.

Answers.

THE HONOURABLE MR. VITHALBHAI
JHAVERBHAI PATEL, BAR-AT-LAW.

1. (a) Will Government be pleased to state in respect of Admissions to Colleges in the Presidency the number of admissions refused this year for want of accommodation?
 (b) Is it a fact that an attempt was made by the Kaira Revenue authorities in the year 1908 or thereabout to introduce such practice but on the question being pressed to the attention of the higher authorities by the Nadiád Pattidár Sabha, the old practice was allowed to continue?
 (c) Is it a fact that representations signed by Lallubhai Kashibhai Desai and others of Nadiád have been submitted in 1913 to the Collector of Kaira and the Commissioner of the Northern Division protesting against the introduction of such practice in Narvadari villages?
2. (a) Is it a fact that in some of the Narvadari villages of the Kaira and Surat Districts, the village accountants have, of late, adopted the practice of giving receipts on separate pieces of paper for the payment of the land-revenue in place of that of giving such receipts in receipt-books?
 (b) The facts are as stated in the question except in respect to Nadiád taluka.
 (c) Representations have been submitted to the Collector of Kaira but not to the Commissioner. As they did not disclose any serious drawbacks and as the grant of receipts on slips was introduced as a temporary and experimental measure, the petitioners' request was not granted. Out of 15 Narwadari villages in Nadiád taluka only the Chaklashi Pati Narvadars have raised objections; this does not suggest general dissatisfaction.
3. (a) Will Government be pleased to say whether the special grass frauds inquiry in the Kaira District is at an end?
 (b) How many cases of grass frauds were enquired into since the start of such inquiry?
 (c) How many cases were put on trial and how many convictions obtained?

1. The Honourable Member is referred to the reply given to question No. 9* (1) put by the Honourable Mr. Gokaldas Kahandas Parokh on the same subject at the last meeting of the Council.

2. (a) In Narvadari villages in the Surat District receipts on the printed counterfoils of village form No. 11 have been given since 1908-09 as in Khalsa villages.

In the Borsad, Anand and Mátar talukas of the Kaira District receipts are given in books and not on slips. In the Nadiád taluka alone they are being given on slips as an experimental measure.

(b) The facts are as stated in the question except in respect to Nadiád taluka.

(c) Representations have been submitted to the Collector of Kaira but not to the Commissioner. As they did not disclose any serious drawbacks and as the grant of receipts on slips was introduced as a temporary and experimental measure, the petitioners' request was not granted. Out of 15 Narwadari villages in Nadiád taluka only the Chaklashi Pati Narvadars have raised objections; this does not suggest general dissatisfaction.

3. (a) Yes.

(b) There were in all 12 prosecutions for offences connected directly or indirectly with grass frauds.

(c) In all 10 cases were put on trial. Of these, 1 case was withdrawn on the accused making voluntary confession and surrendering the stolen property and account books.

*Repeated as question No 6 1) at this meeting

Questions

Answers.

(d) What amount has Government spent in connection with this special enquiry?

4. (a) Will Government be pleased to say when the list required by section 4 of the Criminal Tribes Act, III of 1911, was first made with regard to the Dharalas and Wághris of the 55 villages in the Kaira District noted in Government Notification No. 5631, dated the 3rd October 1911, and when it was placed in the keeping of the Superintendent of Police as required by section 6 of the Act?

(b) Has the said list been, in any way, subsequently altered so far as the villages of Salol, Dehwan and Kathana are concerned, and have the provisions of notices mentioned in section 7 been followed as regards such alterations, if any?

(c) Will Government be pleased to say whether they have received any report from the District Magistrate requesting to notify the application of the Act to the Girassias of the said 55 villages and whether they have in fact extended its application to all or any of them by any subsequent notification or in any other manner?

[These questions were asked at the meeting held on the 13th March 1914, when ad interim replies were given.]

5. Will Government be pleased to say which of the municipalities in the Presidency—

In one case the accused were discharged and in another acquitted by the Magistrate.

In the other 7 cases the accused were convicted by the Magistrate. In appeal and revision the convictions in 2 cases were reversed and in the other 5 upheld by the High Court.

(d) The extra expenditure incurred by Government consists of 1 extra Awal Karkun appointed for 8 months, cost Rs. 400, Pleaders' fees about Rs. 9,400, witnesses' diet money and other expenses about Rs. 700; total about Rs. 10,500.

4. (a) The preparation of the lists required by section 4 of the Criminal Tribes Act was commenced in the month of January 1912 and completed in December 1913, and the lists on completion were placed in the keeping of the District Superintendent of Police at various periods between these dates.

(b) The list has not been altered so far as the villages of Salol, Dehwan and Kathana are concerned. The inhabitants of these villages claimed to be Girassias, but were proved to be Dharalas. It was due to the delay caused by enquiries into various petitions submitted by these people that complete registration was not completed till December 1913.

(c) No application has been received from the District Magistrate for the extension of the Act to Girassias in the Kaira District. The Criminal Tribes Act has nowhere in the 55 villages been applied to Girassias.

Questions.

Answers.

- (a) Have appointed Chief Officers under section 182 (1) of the Bombay District Municipal Act, Municipalities, Chief Officers and other matters.
- (b) have appointed Chief Officers on requisitions made by the Governor in Council under section 177 (1) (i) of the Act,
- (c) have appointed Government servants as their Chief Officers,
- (d) have delegated, of their own accord, some of their powers to their Chief Officers under section 37 of the Act,
- (e) have delegated some of their powers on requisition made under section 177 (1) (iii) of the Act,
- (f) have not appointed Chief Officers in spite of requisition made under section 177 (1) (i),
- (g) have not delegated their powers to their Chief Officers even after requisition made in this behalf under section 177 (1) (iii),
- (h) have taken action under section 182 (2) to remove their Chief Officer,
- (i) have represented to Government the necessity of legislation—
- (I) requiring a payer of a qualifying tax to be a resident within Municipal limits or within two miles thereof in order to be qualified as a candidate,
- (II) authorizing the Collector to move a Court of Law to set aside an election.
6. Will Government be pleased to state what reply, if any, has been received from the Director of Public Instruction to question No. 18, put by me at the meeting of this Council, held on 16th December 1913, and repeated as question No. 10 at the meeting of 13th March 1914?
7. Will Government be pleased to place on the Council Table a comparative statement of the receipts and expenditure during 1912-1913 and 1913-1914 at the School Final and Vernacular Final Examinations?

5. The information will be obtained.

6. The Honourable Member is referred to Government letter No. 1528-L., dated the 8th June 1914, addressed to him by the Secretary to the Legislative Council which contains the reply to his questions.

7. The receipts and expenditure of the School Final Examination are as given below:—

Year.	Receipts.			Expenditure.		
	Rs.	a.	p.	Rs.	a.	p.
1912 ..	17,088	0	0	15,589	9	6
1913 ..	19,236	0	0	17,003	0	9

Questions.

8. Will Government be pleased to say whether the Railway from Broach to Jambusar Branch line has yet been opened?

9. In reply to my question No. 18 (c) at the meeting of this Council, held on 28th July 1913, Government were pleased to say that they were disposed to consider the question of the appointment of full-time professors and principal to conduct the Government Law School.

Will Government be pleased to say whether they have arrived at any definite decision on the subject, and, if so, what?

If the matter is still under consideration, will Government be pleased to say when the public should expect their final decision?

10. Will Government be pleased to publish a comparative statement giving the names of Deputy Collectors and Mámlatdárs on the one hand and Subordinate Judges of the First and Second Class on the other, who retired within the last fifteen years, showing in each case the date of the appointment, the date of retirement, the age of retirement and the amount of salary drawn at the time of retirement?

11. (a) Will Government be pleased to say at what stage the consideration of the general question regarding the extension of the elective principle in the constitution of the Local Boards in the Presidency has reached?

Local Boards — Election to —
Will Government be pleased to say what action they have so far taken to grant the franchise of election to the Local Boards of the Panch Maháls District since my resolution on the subject at the last session of this Council?

Answers.

(2) The figures for the Vernacular Final Examination have been called for.

8. The opening of the line has had to be postponed owing to delay in the supply of rolling stock, due to congestion of work caused by labour troubles in England.

9. The question is still under consideration. Government are not yet in a position to make any statement on the subject.

10. The labour involved in preparing such a statement appears to Government to be greater than is warranted by the possible value of the statement when prepared.

11. (a) The orders of the Government of India are still awaited on the recommendations on the subject of the Decentralization Commission.

(b) Government have approved the proposal for the extension of the elective franchise to the Local Boards of the Panch Maháls District and have called for detailed proposals to give effect to it.

Questions.

12. Will Government be pleased to place on the Council Table a statement showing—
- Criminal cases tried by Jury.
- (a) the number of Jury cases tried by the Sessions Courts at Ahmedabad, Surat, Thána, Poona and Belgaum respectively within the last 5 years,
- (b) the number of such cases where the Judge differed from the Jury, and
- (c) the number of such cases in which the High Court upheld the verdict of the Jury?
13. (a) Will Government be pleased to say whether Proceedings—Supplies copies of proceedings of this Council are supplied to other Provincial Governments for the use of the Members of their Legislative Councils and if so, to which Government and at whose expense?
- (b) Will Government be pleased to say whether they have considered the question of supplying the Members of this Council with copies of Proceedings of other Provincial Legislative Councils?
14. (a) Is it a fact that Government authorised the Gujarat Talukdars' Bill—Local inquiries conducted by Commissioner, Northern Division, and the Talukdári Settlement Officer, Gujarat, to make the necessary inquiry in order to ascertain the views and wishes of the Talukdars regarding the provisions of Bill No. XI of 1912?
- (b) Will Government be pleased to say whether they issued any special instructions as to the manner in which the said inquiry was to be conducted by those officers?
- (c) Will Government be pleased to lay on the Council Table the papers of that inquiry and its report, if any?

Answers.

12. (a) to (c) The information will be obtained.
13. (a) Copies of such Proceedings are not supplied for the purpose to any Local Governments other than the Governments of Madras and the Punjab, who distribute them, free of charge, to the non-official Members of their Legislative Councils.
- (b) Government do not think it necessary to supply the Members of the Bombay Legislative Council with copies of such Proceedings, especially as copies can be purchased from any book-seller authorised to sell the publications of Government.
- Steps will be taken to have copies of such Proceedings placed in the Reading Room at the Secretariat.
14. (a) Yes.
- (b) No special instructions were issued.
- (c) The reports of the Commissioner, Northern Division, and of the Talukdári Settlement Officer together with copies of the Proceedings of the Darbars held by the Commissioner, Northern Division, will be placed on the Council Table.

Questions.

- (d) Is it a fact that the said inquiry is challenged on the ground that the officers conducting it have a decided opinion in favour of the Bill?
- (e) Will Government be pleased to say whether they have taken any further action on the report of this inquiry and if so, what?
- (f) Will Government be pleased to lay on the Council Table or supply the members of the Select Committee with the copies of petitions challenging the inquiry?
15. (1) With reference to Press Note No. 4179 of the 5th May 1914, regarding the abolition of the distillation and sale of toddy spirit in Bombay, will Government be pleased to state—
- (a) what the impurities are that have been alleged to exist in the same, and
- (b) when was the toddy spirit analysed and by whom?
- (2) Will Government be pleased to lay on the Council Table the report of such analysis?
- (3) Will Government be pleased to state why it was that nine of the toddy spirit shops have been converted into Mhowra-spirit shops and not pure toddy shops.
- (4) Will Government be pleased to state whether toddy spirit is more injurious than Mhowra liquor?
16. (a) Has the attention of Government been drawn to the Presidency Magistrate "leader" headed "The Presidency Magistrates" in the Bombay Chronicle of the 27th April 1914?
- (b) Will Government be pleased to state when the scale of salaries of the Presidency Magistrates was first fixed and what modifications in the scale were subsequently made?

Answers.

- (d) Some petitions to that effect have been received.
- (e) The Bombay Government are in correspondence with the Government of India on the subject.
- (f) Petitions which deal with the Gujarát Tálukdárs' Bill will be printed and placed on the Council Table.
15. (1) (a) Acidity, Fusel oil and Aldehydes.
- (b) By Major Bedford in 1906.
- (2) One result of many tests is furnished. (Vide Appendix H.)
- 3) To meet the local demand for spirit.
- (4) The answer is in the affirmative.
16. (a) Yes.
- (b) The salaries of the three Presidency Magistrates (1 Chief Presidency and two Presidency Magistrates) were fixed at Rs. 2,000, 1,200 and 1,000 per mensem, respectively, in 1846, when they were designated as Magistrates of Police. They were reduced to Rs. 1,800, 1,000 and 800 per mensem, respectively, in 1887, and further reduced to Rs. 1,600, 1,000, and 700 per mensem in 1892, when a Fourth Presidency Magistrate was appointed on Rs. 600 per mensem. The pay of the Chief

Questions.

Answers.

- (c) Is it a fact that, while the salary of the Chief Presidency Magistrate was raised a few years ago from Rs. 1,500 to Rs. 2,000 by an annual increment of Rs. 100 the salaries of the other Presidency Magistrates were not raised?
- (d) Will Government be pleased to state whether they are disposed to consider the question of revising the salaries originally fixed?
17. (a) Will Government be pleased to say whether their attention has been drawn to the correspondence that has been going on in the newspapers about the dealers in oils mixing mineral white oil with vegetable oils and selling the mixture for edible purposes as pure vegetable oil?
- (b) Whether Government intend to bring in a legislative measure to prevent such practices?
18. Will Government be pleased to say—
- (a) Whether Mr. Y. G. Pandit, who was appointed by them to investigate and report on the oil-seed crushing industry in the Bombay Presidency two years ago, has submitted his report about the work done by him?
- (b) Will they be pleased to publish his report for the information of the public?
19. Will Government be pleased to say—
- (a) Whether they intend to remove the District of Kaira from the jurisdiction of the Ahmedabad District Judge and create a new Judicial District?
- Presidency Magistrate was raised to Rs. 1,500-50-2,000 per mensem in 1904. Since that date no alteration has been made in the salaries.
- (c) The answer is in the affirmative.
- (d) No such proposal is at present under consideration.
17. (a) Government have seen the correspondence.
- (b) The question of the adequacy or otherwise of the existing legislation for the prevention of the adulteration of foods and drugs is under consideration, the views of this Government having been communicated to the Government of India.
18. Yes.
19. (a) to (c) The Honourable Member is referred to the reply given to question No. 10 put by the Honourable Mr. Parekh.

Questions.

Answers.

- (b) If so, where do they propose to locate the headquarters of the new Judicial District?
- (c) Whether they propose to invite the opinions of people concerned before the matter is finally settled?

THE HONOURABLE Mr. ABDUL
HUSSEIN ADAMJI PEERBHOY.

1. (a) What is the question at issue between the Municipality and the residents of Ahmedabad as to the removal of the Slaughter-House at Ahmedabad from its present site?
- (b) Will Government be pleased to make enquiry and state whether all the cattle slaughtered at the House at Ahmedabad are required for human consumption?
- (c) In the event of cattle being slaughtered there for other purposes as well, what is the number killed for each purpose in a year?

1. Inquiries are being made.

THE HONOURABLE SIR IBRAHIM
RAHIMTOOLA, KT., C.I.E.

1. Will Government be pleased to supply information in the following form for each of the last 5 years, showing the amount of expenditure incurred by Government on education under all heads:—

Year.	Bombay City.		Northern Division.		Central Division.		Southern Division.		Sind.	
	Recurring.	Non-recurring.	Recurring.	Non-recurring.	Recurring.	Non-recurring.	Recurring.	Non-recurring.	Recurring.	Non-recurring.

2. Will Government be pleased to state the total amount of expenditure incurred by the Municipalities and Local Boards of each of the Divisions of the Presidency on Primary Education out of their own revenues during each of the last five years?

1 & 2. The Director of Public Instruction will be consulted as to whether the information desired can be obtained without an undue expenditure of time and labour.

Questions.

THE HONOURABLE MR. MANMOHAN-
DAS RAMJI.

1. Will Government be pleased to state the amount of the realisations from the estates in the charge of the Official Assignee, and his commission thereon during the last quinquennium?

This question was asked at the meeting held on the 13th March 1914.

Answers.

1. Statements containing the information have been placed on the Council Table.

Realisations in the various Estates in the hands of the Official Assignee, Bombay, from 1st February 1909 to 31st January 1914.

Half years.	Amount.		
	Rs.	a.	p.
1st February to 31st July 1909 ...	3,01,762	5	4
1st August 1909 to 31st January 1910 ...	2,41,124	8	2
1st February to 31st July 1910 ...	3,90,500	11	0
1st August 1910 to 31st January 1911 ...	2,30,407	6	9
1st February to 31st July 1911 ...	5,34,762	6	10
1st August 1911 to 31st January 1912 ...	5,20,260	12	8
1st February to 31st July 1912 ...	1,35,151	1	6
1st August 1912 to 31st January 1913 ...	36,542	7	6
1st February to 31st July 1913 ...	1,73,684	8	3
1st August 1913 to 31st January 1914 ...	6,90,609	15	7
Total ...	31,94,806	3	7

Commission and Fee earned by the Official Assignee, Bombay, from 1st February 1909 to 1st January 1914.

Half years.	Commission.	Fees.	Mortgage account Commission.	Total.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1st February to 31st July 1909 ...	21,718 0 8	1,532 7 0	126 12 0	23,378 3 8
1st August 1909 to 31st January 1910 ...	6,500 0 0	1,732 0 0	10 8	8,243 4 0
1st February to 31st July 1910 ...	10,126 14 0	1,730 12 0	605 0 0	12,462 10 0
1st August 1910 to 31st January 1911 ...	23,771 7 4	1,500 15 0	...	22,272 6 4
1st February to 31st July 1911 ...	22,354 9 8	1,217 8 0	...	23,572 1 8
1st August 1911 to 31st January 1912 ...	30,001 13 9	1,884 1 0	...	31,885 14 9
1st February to 31st July 1912 ...	23,873 11 5	1,874 7 0	4,284 0 0	30,033 2 5
1st August 1912 to 31st January 1913 ...	9,705 13 3	2,120 7 3	...	11,826 4 6
1st February to 31st July 1913 ...	38,336 10 0	1,427 1 6	...	39,823 12 2
1st August 1913 to 31st January 1914 ...	9,000 0 0	1,704 8 0	144 0 0	10,848 8 0
Total ...	1,95,499 0 10	16,785 14 9	5,170 4 0	2,17,345 3 7

2. Will Government be pleased to present a return of

(1) The number of persons who applied for auditors certificates under the rules issued by the Government of Bombay in connection with the Indian Companies Act, stating also the number of applicants—

(a) who had more than ten years' experience,

Questions.

- (b) who had more than seven years' experience,
- (c) who had more than five years' experience,
- (d) who had more than three years' experience,
- (e) who were members of the Central Association of Accountants,
- (f) who were members of the Corporation of Accountants,
- (g) who were members of the London Association of Accountants,
- (h) who were members of the Institute of Certified Public Accountants,
- (i) who were residing outside of Bombay ; and
- (2) the number of persons from each of the classes (a) to (i) mentioned in (1) who have been granted—
- (i) Permanent Unrestricted,
- (ii) Provisional Unrestricted,
- (iii) Permanent Restricted, and
- (iv) Provisional Restricted Certificates, respectively?
3. Do Government intend to modify the rules so as to admit persons who appear to be otherwise eligible?
- Auditors' Certificates Rules.
4. Whether Government intend to prepare a register of persons, who are members of exempted Societies, practising in this Presidency and to subject them to all the rules prescribed for the profession of Auditors, particularly with regard to the removal of their names for misconduct?
- Auditors holding diplomas from exempted Societies.
5. Will Government be pleased to lay on the table for the information of the Council the rules framed by other Provincial Governments under the
- Auditors' Certificates Rules and fees in other Provinces.

Answers.

2. The return required by the Honourable Member is laid on the Council Table.

[See Appendix A.]

3. The matter is receiving consideration.
4. Government do not intend to prepare a register of persons, who are members of exempted Societies, practising in this Presidency. In the event of any member of an exempted Society being guilty of misconduct in the practice of his profession, steps will be taken to report his case, after due inquiry and establishment of his guilt, to the Council of the Institution to which he belongs, with a view to disciplinary action being taken.
5. Copies of the rules of the following Governments are laid on the Council Table:—
- (1) *Bengal*.—Notification No. 1032-Com., dated 24th March 1914.

[See Appendix B.]

Questions.

Indian Companies' Act for the granting of Certificates to Auditors and the scales of fees each might have prescribed for the same?

6. Will the Government be pleased to publish the annual income derived from Excise-duty on piece-goods manufactured in this Presidency from its commencement up to date?

7. Will Government be pleased to give the figures for the Import and Export Trade of the Ports of Kárwár, Kumpta and Marmagoa, for the decades 1875 to 1885 and 1903 to 1913?

8. (a) Will Government be pleased to inform whether the Karwar harbour is a suitable and convenient port for direct Import and Export trade, and, if not, what immediate expenditure is necessary to make it so?

(b) Will Government be pleased to state whether the improvements suggested by the Karwar Railway Committee regarding the Karwar Harbour have been carried out by Government?

Answers.

(2) *Madras.*—Notification No. 265, dated 31st March 1914.

[See Appendix C.]

(3) *The United Provinces of Agra and Oudh.*—Notification No. 860, VII-312, dated 25th June 1914.

[See Appendix D.]

(4) *Punjab.*—Notification No. 493, dated 9th April 1914.

[See Appendix E.]

(5) *Behar and Orissa.*—Notification No. 5188, 1,—J.—7—R., dated 15th June 1914.

[See Appendix F.]

(6) *Burma.*—Notification No. 51, dated 28th May 1914.

[See Appendix G.]

6. The revenue from the duty on piece-goods and hosiery manufactured in the Presidency for the years 1894-95 to 1898-99 is given in the reports on "Indian Cotton Duties", and from the year 1899-1900 onwards in the "Sea-borne Trade and Customs Administration Report of the Bombay Presidency." Copies of these reports can be purchased by the public at prices varying from 4 annas to 10 annas per copy. Since the year 1911 copies of the Sea-borne Trade and Customs Administration Report have been supplied annually to the Indian Merchants' Chamber and Bureau.

7. The information will be called for.

8. (a) At present Karwar is not a suitable and convenient port for direct Import and Export Trade, and no estimate has been prepared of the expenditure necessary to make it so.

(b) The Committee recommended some minor improvements to the port in the event of the Karwar Railway being decided upon. As the Railway project was dropped the Committee's suggestions were not carried out.

Questions.

(c) Will Government be pleased to state whether the Karwar Railway line is surveyed and, if so, to state whether they have bought any land for the construction of the same, and, if so, whether they have sold such land by auction or leased it for cultivation?

(d) Have Government considered the advisability of reviving the Karwar Railway question?

9. Have Government considered the advisability of appointing Honorary Physicians and Surgeons to Civil Hospitals in the mofussil?

THE HONOURABLE RAO BAHADUR
SHRINIVAS KONHER RODDA.

1. Whether the question of connecting Karwar with Hubli by Railway was ever before Government and if so why it was rejected?

2. Is it true that the Portuguese portion of the Goa line worked at a loss before the same was taken up by the Madras and Southern Maratha Railway for management?

3. How many copies of the *Jagad Vritta* are distributed in the Districts of Dhárwár, Belgaum, Bijápur and Kánara?

4. Will Government be pleased to state the average number of schools examined by each Assistant Deputy Educational Inspector in the districts of Southern Division?

Answers.

(c) A detailed survey for a line of Railway from Karwar to Hubli and on to Gadag was carried out in 1869-70. The question whether any land was acquired for the construction of the line and was disposed of in the manner described by the Honourable Member cannot be answered without an amount of laborious enquiry which would not be justified by the value of the result.

(d) Yes. Government are, however, of opinion that the construction of the Kárwár Railway is at present impracticable.

9. Yes.

1. Yes. The question of connecting Karwar with Hubli by Railway was under the consideration of Government between 1868 and 1879 but the project was dropped because, in the latter year, the Secretary of State entered into certain arrangements with the Portuguese Government under which they undertook to form a Harbour at Marmugao and to construct a Railway to the British frontier, and the British Government engaged to continue the line from thence to Hubli.

2. The reply is in the affirmative.

3. Dhárwár	...	...	154
Belgaum	...	...	200
Bijápur	...	...	261
Kánara	...	...	328

4. The information has been called for.

Questions.

5. Is it true that some Municipalities give special allowance to masters in excess of the maximum pay allowed by the Masters' Code?
- Teachers in Municipal Schools: Special allowances to —.
6. Will Government be pleased to state when they will take up the District Local Board Road "Pala-Badami" on the Provincial list?
- Roads—Provincialising Pala-Badami Road.

Answers.

5. Inquiries are being made.
6. Commissioners of Divisions in the Presidency proper were requested in September 1913 to submit proposals, after a comprehensive review of the requirements of each district, for the provincialisation of roads in their divisions, the list of roads being arranged in order of urgency.

THE HONOURABLE MR. CHIMANLAL HARILAL SETALVAD.

1. Will Government be pleased to state what arrangements they have made or propose to make to meet the difficulty created by the number of students attending the various classes at the Government Law School, Bombay, having greatly increased?
- Law School in Bombay—Increase of the number of students at.
2. Whether Government will be pleased to state when the erection of a hostel for the students of the Government Law School, Bombay, is likely to be undertaken?
- Law School in Bombay—Hostel for students.
3. Will Government be pleased to state whether it is contemplated to reconstitute the Judicial District of Ahmedabad so as to exclude from it the Kaira District?
- Judicial District of Ahmedabad—Proposed exclusion of Kaira District from.
4. Whether Government will be pleased to state the reasons and materials on which the decision of Government published in the *Government Gazette* of 9th January 1913 not to divide the present Judicial District of Ahmedabad is now proposed to be reconsidered?
- Judicial District of Ahmedabad—Proposed exclusion of Kaira District from.
1. Pending the consideration of the whole question of the reorganization of the School temporary arrangements have been made by which the first year class will be divided into two batches, the lectures being duplicated.
2. Government have nothing to add to the reply given to the question No. 4 put by the Honourable Member at the meeting of the Legislative Council held on the 13th March last.
3. Such a proposal is under consideration.
4. The Honourable Member is referred to the reply given to clause (2) of question No. 10 put by the Honourable Mr. Parekh.

Questions.

5. Whether Government will be pleased to lay on the Council Table the official correspondence, if any, subsequent to the 9th of January 1913 between the District officers and Government regarding the proposal to reconstitute the Judicial District of Ahmedabad?
- Judicial District of Ahmedabad—Proposed exclusion of Kaira District from.
6. Whether the Commissioner, N. D., and the Tálukdári Settlement Officer held, in January last, several meetings of Tálukdárs to ascertain their views regarding the Tálukdári Bill and whether the Commissioner, N. D., has submitted a report to Government about the said meetings?
- Gujarát Tálukdárs Bill—Meetings held by and report of Commissioner, N. D.
7. Whether Government will be pleased to lay on the Council Table a copy of the said report?
- Gujarát Tálukdárs Bill—Meetings held by and report of the Commissioner, N. D.
8. Whether Government have obtained the views of the High Court about various provisions of the Tálukdári Bill and, if so, whether Government will be pleased to lay a copy thereof on the Council Table?
- Gujarát Tálukdárs Bill—Views of High Court.

THE HONOURABLE MR. SHRIDHAR
BALKRISHNA UPASANI, LL.B.

1. Will Government be pleased to state if it is a fact that owing to continued deficiency in the rainfall since 1896 it has not been possible for the patasthal lands in the Dhulia, Sindkheda and Amalner talukas to get sufficient supply of water for Bagayat crops and that the owners of the lands have for several years stopped growing rice, sugarcane, plantain and other equally more valuable Bagayat crops and have been using the lands for the greater part for Jirayat cultivation, but that nevertheless they
- Patasthal assessment in Dhulia, Sindkheda and Amalner talukas.

Answers.

5. No such correspondence has taken place.
6. Yes.
7. Copies of the reports made to Government by the Commissioner, N. D., and the Tálukdári Settlement Officer together with copies of the proceedings of the darbárs held by the Commissioner, N. D., will be placed on the Council Table.
8. Government have obtained the views of the Honourable the Chief Justice and Judges of the High Court on the Bill. It is not intended to place copies thereof on the Council Table.

1. The figures showing areas irrigated and crops grown in the Dhulia and Sindkheda talukas are given in the attached statement A.* The remissions granted during the past three years are shown in statement B.† In Amalner it is reported that wheat, groundnut, and chillies have taken the place of sugarcane and plantains.

No reduction of the Bagayat assessment is proposed.

*[See Appendix N.]

†[See Appendix O.]

Questions.

Answers.

are charged the higher Bagayat rates? If so, will Government be pleased to state if any enquiry has been made in this matter with a view to reduce the Bagayat rate or remit part of it and the extent to which remissions of assessment have been allowed, if any, on these lands during the last three years?

[This question was asked at the meeting held on the 16th December 1913, when an ad interim reply was given.]

2. (a) Will Government be pleased to place on the table a list of the second class irrigation works in the several districts in the Presidency proper?

(b) How many of these works have been improved and extended by the British Government and as regards which of them have any disputes or difficulties actually arisen to require their control being taken up by Government from the hands of the irrigators?

(c) What was the area under *bagáyat* cultivation in the villages of Dábhadi and Pátna in the Násik district before the Chankápur tank was opened and what increase in area of *bagáyat* cultivation has taken place in the said villages since the tank was opened?

(d) Is the water of the Chankápur tank used for the Girna Left Bank Canal and for supplementing the supply for the Jamda Canal in East Khándesh, and, if so, will Government be pleased to state the area of land irrigated last year from these two canals and the assessment realized for the same?

(e) Will Government be pleased to state the area of the *kadim pátasthal* lands on the Lower Pánjra Bhandhára irrigation and the increased area brought under *bagáyat* cultivation after the Mukti tank was opened.

2. (a) and (b) The replies to parts (a) and (b) of the question will be furnished as soon as the list of second class irrigation works now under preparation is complete.

(c) The area under *bagáyat* cultivation in the villages of Dábhadi and Pátna in the Násik district before the opening of the Chankápur tank was 432 acres 39½ gunthás and 680 acres 39 gunthás respectively. No increase in this area has taken place since the opening of the tank.

(d) First sentence.—Yes.

Second sentence.—The area irrigated and the revenue realized by the Chankápur tank (Girna Left Bank Canal) and the Jamda Canal during the year 1912-1913 were as follows:—

	Area.	Revenue.
	Acres.	Rs.
Chankápur tank ...	3,247	11,176
Jamda Canal ...	4,855	14,646

(e) The *kadim pátasthal* area under the Lower Pánjra river works is 1,473 acres 36 gunthás in West Khándesh and 556 acres 35 gunthás in the Amalner táluka of East Khándesh. The Mukti tank came into operation in 1873, and the new area irrigated there from 1872-1873 to 1913-1914 averages 851 acres per annum.

Questions.

3. (a) Will Government be pleased to state what action it contemplates taking in connection with the Resolution adopted in the Imperial Legislative Council on the subject of Advisory Boards for Income-tax assessment?

(b) Was the experiment successfully tried at Dhulia in the West Khándesh District?

4. (a) Is it true that a number of lands in the Inam village of Malsiras in the Pooa District were resumed by the Inamdar's agent under forfeiture notices in 1912 and 1913 for arrears due since 1900-01, and that in some of those cases the notices of forfeiture were not served on the tenants personally nor even on their houses which were in the neighbouring villages where they lived?

(b) If so, what action does Government propose to take in the matter?

5. (a) Is it true that the charitable dispensary which the Jalgaon Municipality maintained in that town was closed in April last because a new Civil Hospital was opened there outside the town?

(b) Will Government be pleased to state the average daily attendance in the Charitable Dispensary during the three years before it was closed and the average daily attendance in the Civil Hospital since April last?

Answers.

3. (a) The matter is still receiving consideration.

(b) The experiment was tried at Dhulia. In the opinion of Government it was not a success.

4. (a) In 18 cases lands in Malsiras were forfeited and given into the possession of the inamdar for arrears due since 1896-97, for which assistance had been granted under section 87 of the Land Revenue Code. In all these cases notices were properly served. In 10 cases the inamdar restored the forfeited land to the tenants.

(b) Government do not propose to take any action in this case. As regards suspensions and remissions of dues payable to inamdars, the Honourable Member is referred to the Bill to amend the Land Revenue Code now under the consideration of the Council.

5. (a) Yes. The Civil Hospital is inside municipal limits.

(b) Statements A and B are appended which show the average daily attendance (1) at the charitable dispensary during the years 1910-1911, 1911-1912 and 1912-1913 and (2) at the Civil Hospital for the months of February to December 1913.

Questions.

Answers.

Average daily attendance of out-door patients in the Charitable Dispensary at Jalgaon.

Month.	1910-11.	1911-12.	1912-13.	Remarks
April ...	135.06	102.9	141.7	
May ...	138.09	124.2	124	
June ...	142.6	138.9	119.9	
July ...	196.3	174.9	177.3	
August ...	174.3	180.09	215.7	
September ...	215.3	207.00	185.8	
October ...	195.06	157.7	146.8	
November ...	144.5	146.9	110.9	
December ...	144.3	145.6	105.7	
January ...	138.8	131.5	111.8	
February ...	156.4	127.0	Dispensary closed on 15th February 1913.	
March ...	142.3	122.3		

B.

Statement showing the average daily attendance in the Civil Hospital at Jalgaon.

Month 1913.	Average daily attendance.	Remarks.
February ...	83	
March ...	84.7	
April ...	86.7	
May ...	92.5	
June ...	85.6	
July ...	107.7	
August ...	118.7	
September ...	118.6	
October ...	108.7	
November ...	98.8	
December ...	86	

(c) What was the annual expenditure which the Municipality was required to incur for maintaining the dispensary and what amount is it now asked to contribute for the upkeep of the Hospital?

(c) The annual expenditure of the Municipality was—

1910-1911 ...	Rs. 3,407
1911-1912 ...	„ 4,289
1912-1913 ...	„ 3,838

The Municipality contributed Rs. 1,500 to the Civil Hospital last year, and intends to contribute Rs. 2,500 this year.

(d) Have the residents of the town petitioned the Municipality and the Local Authorities for continuance of the Charitable Dispensary in the town?

(d) It is believed that an application on this subject was made to the Municipality, but none has been made to the local officers of Government.

6. (a) Is it true that collections for Popular contributions for educational purposes in the East Khândesh District. Chopada and Erandol talukas in East Khândesh

6. (a) Collections for educational purposes have been made in the talukas referred to. The funds are now held by specially constituted Taluka Associations and are deposited in the Post Office Savings Bank or with private

Questions.

during the last two years and that the amounts collected are held in the Government Treasury in that District? If so, what is the total amount raised?

(b) Is it true that similar collections are being made in the Amalner, Chálisgaon and other tálukas of East Khándesh?

(c) Have any official instructions been issued with reference to these contributions and, if so, will Government be pleased to place them on the Council Table?

7. Is it true that in the village of Mission Institution at Kukurmunda, táluka Taloda in West Khándesh a site has been granted for a Christian Mission Institution close to Hindu temples and a Muhammadan mosque and if so do Government propose to allot another convenient site?

8. (a) Has Government's attention been drawn to the correspondence published on page 2 of the "Kesari" newspaper of the 16th December 1913 with reference to the condition of the crops and the coercive measures adopted in the Ahmednagar District for the early collection of the kharif and rabi instalments of land revenue in that district?

(b) Will Government be pleased to state how far the facts stated in that correspondence are true or otherwise?

(c) Is it true that orders to the effect referred to in paragraph 6 of the said correspondence for collecting double the

Answers.

firms. The collections for Chopada amount to Rs. 59,862 and those for Erandol Rs. 22,473.

(c) No official instructions appear to have been issued either by the Collector or by the Pránt Officers. The Mámlatdár of Erandol addressed a circular to his subordinates asking them to invite voluntary contributions for the building of school-houses in the táluka.

8. (a) & (b) It will be seen from the appended statement that collections of instalments were ordered by the Collector of Ahmednagar in consideration of the state of the crops in each village of a táluka. No orders for the collection of four instalments throughout the district were issued. The accepted annewaris were given the usual publicity. No orders were issued as alleged to collect all dues in one instalment from any person. As regards the early collection of land revenue instalments the attention of the Honourable Member is invited to the reply given to his question No. 7 placed at the meeting of the Legislative Council held on 16th December 1913, from which it will be seen that collection was ordered one month earlier in the case of one kharif instalment only. These changes in the dates of instalment were made with the Commissioner's previous sanction owing to the earliness of the season.

(c) The paragraph 6 appears to be a mistake for paragraph 5. No orders were issued as alleged to collect four

Questions.

current year's demand were issued by the authorities in the district? If so, will Government be pleased to place a copy of the same on the table?

Answers.

instalments of revenue throughout the district; but collections were ordered to be made according to the state of the crops in each village. In order to impose a limit to individual collection and to allow cultivators to recover from the effects of famine, it was directed that combined collection of land revenue plus tagái should in no case exceed twice the current year's demand.

Statement showing the collections of instalments finally ordered.

Táluka or Mahál.	Number of villages.	Number of instalments ordered to be collected.	Remarks.
<i>Three instalments.</i>			
Jámkhed Mahál ...	38 villages in the south	3	
Shrigonda ...	12 villages in the south	3	
Karjat ...	24 villages to the south of Shrigonda-Jámkhed Road.	3	
Párner ...	3	3	
Nerasa ...	2	3	
<i>Two instalments.</i>			
Shrigonda ...	11	2	
Karjat ...	12	2	
<i>Four instalments.</i>			
In all the remaining villages in the district.			

9. (a) Will Government be pleased to state the Income Tax assessment in the Central Division. District towns in the Central Division for the year 1913-14 and for the preceding two years? In how many towns in this Division have supplementary lists been issued this year and what is the total increase secured under them?

9. (a) A statement containing the information required is given below:—

District.	Town.	Income Tax assessment for			Supplementary assessment for 1913-14 in these towns.
		1911-12.	1912-13.	1913-14.	
1	2	3	4	5	6
		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
East Khándesh.	Jalgaon...	4,715 6 8	5,425 5 5	5,150 0 10	Nil.
West Khándesh.	Dhulia ...	17,186 0 11	10,886 10 5	10,136 10 4	6,362 2 10
Násik ...	Násik ...	4,294 0 0	5,555 13 8	7,972 1 6	Nil.
A h m e d - nagar.	A h m e d - nagar.	14,600 4 4	14,046 14 11	13,974 1 5	*521 0 0
Pocna ...	Pocna ...	96,565 5 9	1,01,644 5 8	1,15,488 3 5	21,276 0 4
Sátára ..	Sátára ...	3,601 6 7	3,588 2 9	3,643 11 3	40 2 11
Sholápur ...	Sholápur.	40,012 5 7	58,802 15 7	55,880 6 3	2,051 8 8
	Tot 1 ...	1,80,974 13 10	1,99,950 4 5	2,12,251 12 0	30,250 14 9

* Supplementary lists were also issued in Ráhuri, Kopargan and Sangamner Tálukas and the total increase secured under them amounted to Rs. 4,266.

- (b) In the supplementary lists issued for Vambori in Ráhuri Táluka in Ahmed-
R 41—111

- (b) In Vambori the tax according to the list was raised from Rs. 1,003 to

Questions.

nagar District, has the assessment of 30 people been raised from Rs. 900 to Rs. 2,500?

(c) In the supplementary list issued for the Municipal town of Sangamner in the same District have some of the assesseees been charged for this year the amounts which had been remitted in appeal for this very year?

(d) Has this been done in the case among others of Balaji Hari Nirhali of that town and has he been served with a notice that if he did not pay the amount charged within two months, double the amount would be recovered from him?

10. (b) What was the total number of applications pending on the 30th May 1913 before conciliators in the several districts in which their appointments were cancelled by Government Notification No. 3478, dated the 10th May 1913, and do they still remain undisposed of?

(c) Are there any cases where claims which were within time when the applications were filed and which would have been kept within time by the conciliators' certificates, if granted, have become barred by reason of want of provision to grant the certificates before the appointments were cancelled, and are there any such cases where, suits having been filed in Court without the certificates, the claims have actually been dismissed as barred by limitation?

11. Has Government's attention been drawn to a petition Pilgrim tax at Alandi, submitted by a number of leading gentlemen of Poona and other stations in the mofussil on behalf of the Varkaris and the general public protesting against the imposition of a new monthly pilgrim tax by the Alandi Municipality?

Has Government taken any action on that petition?

Answers.

Rs. 2,399 and 37 assesseees were concerned.

(c) and (d) As regards the supplementary list for Sangamner, the assessment of Balaji Hari Nirhali was originally reduced from Rs. 55-4-2 to Rs. 28 and on further inquiry raised again to Rs. 78-12-4. The reduction was based on the badness of the previous season; the subsequent alteration on the fact that the effects of that season had been found after careful inquiry to have ceased to operate. There are no cases in the Sangamner Taluka similar to that of Balaji Hari Nirhali.

10. (b) There were 9,453 applications pending before conciliators on the 30th May 1913. Of these 8,669 were reported as still remaining undisposed of at the time when these statistics were called for.

(c) In view of the decision dated the 7th April 1914, of the Bombay High Court in reference No. 2 of 1913 in the case of Satyabhamabai kom Janardan Bhikaji Khare vs. Govind alias Babu bin Janku Bade, there do not appear to be any such cases as are referred to in the first part of the question.

In 24 cases suits filed without conciliators' certificates have been dismissed as time-barred. In view of the above decision of the High Court, these dismissals, if they were based solely on the want of these certificates, would appear *prima facie* to have been erroneous.

11. As Alandi is not a city municipality, the Commissioner, Central Division, and not Government, is the authority whose sanction is required under section 61 of the Bombay District Municipal Act, 1901, to the imposition of taxes in that municipal district. A copy of the Commissioner's report* containing the information required by the Honourable Member is laid on the Table.

* [See Appendix M.]

Questions.

Is it true that the Municipality is already levying a pilgrim tax on the Kartik Ekadashi day, which has been raised from 2 to 4 annas per head and yields Rs. 12,000 as against the Municipality's own local income of about Rs. 600 a year?

Is it true that the Municipality makes a saving of over Rs. 5,000 out of the income from the Kartiki tax and that it is not necessary to impose a new tax for any arrangement required for the pilgrims?

Is it true that the new tax is proposed to be imposed for a bund to be put up on the Indrayani river at a cost of Rs. 1,00,000? Is the bund wanted for this small town with a population of 1,600 and is the bund desirable from the sanitary point of view?

12. Will Government be pleased to state what amount was spent during the last five years for rewards in high proficiency in the Oriental languages and for what languages the rewards given?

[These questions were asked at the meeting held on the 13th March 1914, when ad interim replies were given.]

13. (a) Will Government be pleased to state whether the information required in connection with the proposed replacement of Watandar by Stipendiary Kulkarnis has been completed? If so, will the same be laid on the table along with the reports submitted by the several Government officers in favour of and against the proposed replacement and as regards the scales of compensation to be allowed as also the scheme, if any, which Government may have formulated with reference to the same?

(b) Has non-official opinion been consulted in this matter and have any suggestions been invited for improvement of the Watandar Kulkarnis' service as

Answers.

12. The following statement furnishes the information required by the Honourable Member :—

Year.	Language.	Reward.
		Rs.
1910	Maráthi	1,000
1910	Kánarese	1,000
1910	Gujaráti	1,000
1911	Maráthi	2,000
1914	Do.	1,500

13. (a) The following preliminary rough estimate of the cost of replacing hereditary by stipendiary accountants has been received. In this no allowance is made for leave and pension charges.

[See Appendices J, K, L.]

Government are not prepared to place on the table the reports which have been received in the matter.

(b) The answer is in the negative.

Questions.

it stands and, if so, will Government be pleased to lay on the table any proposals submitted on this subject?

- (c) Is it true that Government have made inquiries whether the Watandar Kulkarnis would consent to commute their Watans on certain terms and, if so, will Government be pleased to lay on the table a copy of the terms offered them?

14. (a) Will Government be pleased to say whether in certain 55 villages of Nandurbar, Sakri and Taloda talukas. and Taloda talukas in the West Khandesh District there

Answers.

- (c) There is no question of commuting the watans. The commutation is to be that of the right of service only. The terms offered and largely accepted are—

- (1) The payment in perpetuity to the representative watandars, their heirs, lineal, collateral, and adopted, of cash allowances equal to one-third of the Akarni (remuneration for collecting land revenue), and Potgi (maintenance allowance) paid for the year 1913-14;
- (2) The continuance to their present holders and their heirs, lineal, collateral and adopted of all watan lands, subject to the payment of full assessment. These lands will remain liable to the provisions of sections 10, 11, 11 (A) and 12 of the Bombay Hereditary Offices Act;
- (3) Permission to adopt according to Hindu law from outside the watan family without payment of nazarana as is done in the case of watandar kulkarnis under section 34 of the Watan Act;
- (4) Fractional parts of a rupee only to be purchased compulsorily on the payment of 20 times the amount. If the fractional part equals fourteen annas or exceeds that amount the recipient is to be permitted to purchase it;
- (5) The Collector to give the first appointments of talatis to watandars who are or have been officiating and who have shown themselves to be efficient, and thereafter the fact that a candidate is a member of a watan family to be taken into account when weighing his claims to appointments with those of non-watandar candidates.

14. (a) The families in question did not hold the office of kulkarni; the kulkarni watans vested in Government. Government appointed as its deputies members of these families; and so long as it continued to appoint deputies, it under-

Questions.

are certain families who have held the office of kulkarni hereditarily for a long time, whether these families were held to be wahiwatdar not watandar kulkarnis, and whether in consideration of their long enjoyment, their right to continue to serve so long as there were any members in their family fit and willing to serve was recognised in 1895?

(b) Is it a fact that this concession made in their favour was withdrawn in 1908, and an allowance of five annas in the rupee of their remuneration was sanctioned for them by way of compensation, but this also was not given to those who took legal action to establish their hereditary right?

(c) Is it a fact that of these kulkarnis one Tukaram Laxman whose family had enjoyed the wahiwat of nine villages in the Nandurbar taluka has not been given the compensation sanctioned?

15. (a) Is it a fact that old Pratbandi No. 147 (present Nos. 209 and 210) measuring 100 acres and 24 gunthas assessed at Rs. 29 in Sholapur was given to one Shankarbhat *bin* Anantbhat Ambalgi- kar in 1841 for cultivation and for putting up a new Peth (Street) of 20 houses in it?

(b) (1) Is it a fact that he sublet portions of the land and got 20 houses put up therein as desired, and after they were put up the question of charging fine and non-agricultural assessment under the Land Revenue Code on the land covered by the houses was raised in 1887?

(2) Did the Collector and Commissioner decide in 1887 that no fine and non-agricultural assessment should be levied on the houses erected?

(3) Were similar orders given in 1894?

(c) Is it a fact that notwithstanding these orders the Collector has now charged

Answers.

took to continue to appoint them from these families.

(b) When Government as owner of the watans ceased to appoint deputies and appointed stipendiary accountants to the villages it granted, as an act of grace, to the families from which it had appointed deputies, an allowance calculated at five annas in the rupee of the remuneration paid to the deputies. To those who refused this act of grace the allowance was not paid.

(c) Yes.

15. (a), (b) and (c) It appears from a petition to Government which was summarily rejected in April 1914 that the facts alleged in the question are substantially the same as those put forward by the petitioner.

Questions.

Answers.

the whole portion, i.e., 20 acres 26 gunthas out of this land in which the houses stand with non-agricultural assessment at Rs. 40 a year and has recovered the amount due at that rate from the year 1912-13 ?

16. (a) Is it a fact that the owners of Non-agricultural assessment levied from owners of ginning and press factories at Nandurbar had taken up lands required for their factories on payment of fine from Rs. 250 to Rs. 500 an acre and on assessment at Rs. 5 an acre ?

(b) Are the factory owners now charged on the same land at Rs. 15 an acre ?

(c) If so, will Government be pleased to place on the table the orders under which this has been done ?

17. (a) Is it a fact that the forest in the village of Kanherwadi in the Taluka of Khed. in the Poona District belongs to the Inamdars of the village ;

(b) is it a fact that they are entitled to its income and that the Inam Judi which the Inamdars have to pay is calculated on the whole revenue of the village including the income which they enjoyed from the forest ;

(c) is it a fact that the authorities of the Forest Department do not allow them for the last few years to enjoy the produce of the Forest ?

18. Is it a fact, as stated on page 9 of the Excise Administration Report for the year 1912-13, that out of the 19 local Liquor shops—Local Committees on location of—Advisory Committees in Municipal Areas only 8 were consulted during the year ?

If so, will Government be pleased to state why the other Committees were not consulted ?

19. (a) Is it true that the request for the removal of the Liquor Shop at Sangamner. Sangamner was made at a Collector's Durbar held at

16. (a), (b) and (c) Information will be called for.

17. (a) The Inamdars of the village of Kanherwadi held proprietary right over the lands covered by forest within the village limits.

(b) The Inam Judi payable by the Inamdars to Government is calculated on a revenue which includes certain items of forest produce, but Government have always claimed forest rights over the trees growing on the land.

(c) The trees on the land have been under forest protection since the year 1865-66.

18. Yes.

The reason is given in paragraph 20 of the report.

19. (a) and (b) Government have received

Questions.

- Ahmednagar and again when the Collector visited Sangamner ?
- (b) Has the shop been removed ?
20. (a) Will Government be pleased to state how far the Pandharpur drainage. Pandharpur drainage scheme has progressed and how long it will take to execute it ?
- (b) Is it true that the Municipality of Pandharpur has offered to pay Rs. 3,00,000 for a separate bridge for cart and passenger traffic? If so, will Government be pleased to state if the work will be undertaken early ?
- (c) Is it true that there was no provision for drinking water for third class passengers at the Pandharpur Railway station at the time of the last Chaitri fair and that also the pilgrims were not allowed to use the river water ?
21. Is it true that there is no proper provision for drinking water on the Southern Marátha Railway stations.
- Railway drinking water at stations of Madras and Southern Marátha Railway.
22. Has Government's attention been drawn to the railway complaints referred to in the *Khándesh Vaibháv* newspaper of the 22nd June 1914? If so, will Government be pleased to state what action is proposed to be taken to remove the alleged inconveniences suffered by the third class passengers ?
23. Is it true that cattle pounds are generally not provided with any roof for shelter and that during the rains and summer the animals impounded are exposed to the weather ?
24. Will Government be pleased to state whether the scheme for the re-organization and recruitment of the High School teachers has been sanctioned ?
- Teachers at High Schools.

Answers.

- no information, but inquiry will be made.
20. (a) Government has no information in the matter but an enquiry is being made.
- (b) No such offer has been received from the Municipality.
- (c) Government have no information on the subject. Enquiry is being made.
21. No. The Honourable Member is referred to para. 2 of the letter No. ^{2235/19,} W dated 1st December 1911, from the Agent, Madras and Southern Marátha Railway Company, copy of which was placed on the table in reply to questions Nos. 1 and 2 put by the Honourable Mr. Abdul Husein Adamjee Peerbhoy at the Council Meeting held on 13th March 1912.
22. Attention is invited to letter No. 19-Q/2 from the Agent, Great Indian Peninsula Railway Company, dated 18th September 1913, a copy of which was placed on the Council Table in reply to the question No. 16 put by the Honourable Member at the Council meeting held on 28th January 1913.
23. Yes.
24. If the Honourable Member refers to the proposals for the revision of the salaries of assistant teachers in Government secondary schools and training institutions, the answer to the question is in the affirmative.

*Questions.**Answers.*

THE HONOURABLE MR. HARCHAND-
RAI VISHINDAS, LL.B.

1. (a) Will Government be pleased to state whether it is a fact that the Land Record Office in Hyderabad. Settlement Record Office for the Province of Sind is situate in the Fort of Hyderabad where no admission can be had without a permit from the Military authorities?
- (b) If so, is it a fact that ordinary rayats having business there experience difficulty in obtaining access?
- [*This question was asked at the meeting held on the 13th March 1914, when an ad interim reply was given.*]
2. (a) Will Government be pleased to state whether they have received any proposal for the construction of minors on the Mithrao Canal?
- (b) If so, will Government be pleased to state the estimated cost of construction and the expected revenue?
- (c) Will Government be pleased to place on the Table the correspondence that may have passed between them and the zamindárs, if any complaints have been received on the subject?
1. (a) It is a fact that the Head Record Office is situated inside the Fort at Hyderabad and that it used to be necessary for those, desirous of obtaining admission into it, to get a pass from the Station Staff Officer, Hyderabad.
- (b) In view of the fact that the Fort has recently been relinquished by the Military to the Civil authorities, no inconvenience will be felt in future by people having business at the Head Record Office.
2. (a) Proposals have been received for the construction of distributaries on the Mithrao Canal.
- (b) They are under scrutiny and the figures cannot yet be given.
- (c) A petition has been received and is under consideration.

"N. B.—Where the Answer to a Question is a blank, the Question will be repeated and the answer given at the next meeting of the Legislative Council."

APPENDIX A.

Return giving the information asked for in question No. 2 put by the Honourable Mr. Manmohandas Ramji.

	Total number of applicants.	Certificates granted.	Classes of Certificates.
1. Total number of applicants ...	136	32 3	Temporary Restricted. Do. Unrestricted.
		35	
(a) Who had more than 10 years' experience.	41	{ 26 3	Temporary Restricted. Do. Unrestricted.
(b) Who had more than 7 years' experience.	16	4	Temporary Restricted.
(c) Who had more than 5 years' experience.	18	2	Do. do.
(d) Who had more than 3 years' experience.	14	Nil.	.....
(e) Who were members of the Central Association of Accountants.	15	9	Temporary Restricted.
(f) Who were members of the Corporation of Accountants.	30	{ 9 2	Temporary Restricted. Do. Unrestricted.
(g) Who were members of the London Association of Accountants.	19	3	Temporary Restricted.
(h) Who were members of the Institute of Certified Public Accountants.	1	1	Temporary Unrestricted.
(i) Who were residing outside of Bombay.	46	{ 1 1	Temporary Restricted. Do. Unrestricted.

Note (1).—There were eight applicants who were members of more than one of the above Institutions. They have therefore been included in each classification.

Note (2).—As the question of charging fees for certificates was not settled, all the certificates issued prior to Government Notification No. 5615, dated 18th June 1914, were temporary certificates for one year only. On payment of the requisite fees, steps will be taken to issue permanent certificates, or temporary certificates for a longer period than one year, in those cases in which the issue of such certificates has been recommended by the Auditors Council, and those recommendations are accepted.

APPENDIX B.

Notn. No. 1032 Com., dated 24th March 1914.

In pursuance of sub-section (2) of section 144 of the Indian Companies Act, 1913 (VII of 1913), the Governor in Council is pleased to make the following rules providing for the grant of certificates entitling the holders thereof to act as auditors of companies, and the conditions and restrictions on and subject to which such certificates shall be granted.

H. L. STEPHENSON,
Secretary to the Government of Bengal.

Rules.

1. (1) The Local Government shall, upon receipt of an application in this behalf from—
 - (a) any member of—
 - (i) the Central Association of Accountants, Limited,
 - (ii) the London Association of Accountants, Limited,
 - (iii) the Institution of Certified Public Accountants, or
 - (iv) the Corporation of Accountants, Limited,
 who has had at least five years' practical experience in auditing accounts, or
 - (b) any other person who has had at least five years' practical experience in auditing accounts and who can satisfy the Local Government as to his competency,
 grant to any such member or person a certificate, entitling the holder thereof to act as an auditor of Companies.
- (2) Every such certificate shall remain in force for a period of two years from the date thereof unless it is previously cancelled under these rules:

Provided that, subject to cancellation under these rules, the Local Government may, in exceptional cases, issue such a certificate without limiting the period for which it is to remain in force.
2. (1) Every application for such a certificate shall be made through the Registrar of Companies, and must be accompanied by proof of practical experience in auditing for five years.

(2) An applicant under clause (b) of rule 1 must also furnish in addition satisfactory references of character.
3. An application on behalf of a firm of accountants consisting of more than one member must be made in the name of the firm, and must state the name and qualifications of each member of the firm.
4. The Local Government may refuse to grant a certificate to, or, after a certificate has been granted, may cancel the certificate of, any person—
 - (1) who has been convicted of a non-bailable offence by a competent Court,
 - (2) whom the Local Government after due inquiry considers to have been guilty of unprofessional conduct, or
 - (3) who has been adjudged bankrupt, or has made an assignment for the benefit of his creditors.
5. (1) The Local Government shall maintain a register in which shall be entered the name and address of each person or firm to whom a certificate has been granted under these rules.

(2) When a certificate is cancelled, the name of the person or firm to whom it was granted shall be removed from the said register.

APPENDIX C.

Notn. No. 265, dated Fort St. George, March 31, 1914.

In exercise of the powers conferred on him by section 144 (2) of the Indian Companies Act, 1913, His Excellency the Governor in Council is pleased to make the following rules providing for the grant of certificates entitling the holders thereof to act as auditors of companies :—

Rules.

I. In these rules—

- (1) "Restricted certificate" means a certificate entitling the holder to act as an auditor of companies within the limits of the Presidency of Madras only.
- (2) "Unrestricted certificate" means a certificate entitling the holder to act as an auditor of companies throughout British India.

II. The Local Government may grant to any person, other than a member of an institution or association specified by notification of the Governor-General in Council under the proviso to section 144 (1) of the Act, but who has had not less than five years' practical experience of auditing accounts, a certificate authorizing him to audit the accounts of companies. Such certificates shall be valid for two years from date of issue and may from time to time be renewed for any period not exceeding two years: provided that permanent certificates may be granted in exceptional cases.

III. A certificate granted under rule II shall be either restricted or unrestricted and shall be in Form A or Form B in the schedule hereto annexed.

IV. A restricted certificate shall specify the language or languages, accounts in which the holder shall be entitled to audit, and the holder thereof shall be entitled to audit accounts in such language or languages only.

V. Applications for certificates shall be made through the Inspector-General of Registration.

VI. It shall be open to the Local Government at any time and for such cause as they may consider to be sufficient to cancel any certificate granted by them under these rules.

SCHEDULE.

FORM A.

Restricted Certificate.

THIS is to certify that _____ is entitled to act as an auditor of companies, subject to the rules for the grant of certificates to auditors published by the Government under section 144 (2) of the Indian Companies Act, VII of 1913, in Notification No. 266, dated 31st March 1914. The holder is authorized to audit the accounts of companies only in language(s).

This certificate expires on

Date of issue 191 .

Secretary to Government.

Note.—The holder of this certificate is entitled to audit companies' accounts within the limits of the Presidency of Madras only.

FORM B.

Unrestricted Certificate.

THIS is to certify that _____ is entitled to act as an auditor of companies, subject to the rules for the grant of certificates to auditors published by the Government under section 144 (2) of the Indian Companies Act, VII of 1913, in Notification No. 266, dated 31st March 1914.

This certificate expires on

Date of issue 191 .

Secretary to Government.

Notes.—(1) The Local Government have not exercised in respect of this certificate the authority granted to them under section 144 (2) of Act VII of 1913 to limit to the Presidency of Madras the right of the holder to audit companies' accounts. This right may therefore be exercised throughout British India.

(2) The holder is also entitled to audit the accounts of Provident Insurance Societies in Provinces other than Madras subject to any restrictions imposed by the Local Governments concerned by rule under section 24 (2) (e) of Act V of 1912.

APPENDIX D:

Notification No. 860/VII-312, dated 25th June 1914.

In exercise of the powers conferred by section 144 (2) of the Indian Companies Act, VII of 1913, the Lieutenant-Governor is pleased to prescribe the following rules for the grant of certificates entitling the holders thereof to act as auditors of companies.

RULES.

I.—In these rules unless there is something repugnant in the context,—

- (a) The Act means the Indian Companies Act (VII of 1913).
- (b) Restricted Certificate means a certificate empowering the holder to act as an auditor of those companies only whose registered offices are situated within the United Provinces of Agra and Oudh.
- (c) Unrestricted certificate means a certificate empowering the holder to act as an auditor of companies throughout British India.

II.—A permanent unrestricted certificate in form I of the appendix to these rules may be granted under section 144 (1) of the Act to any person qualified in all the four following respects:—

- (a) by the passing of such examination in accountancy as may from time to time be prescribed or recognized by the Local Government in this behalf;
- (b) by general competency in the opinion of the Local Government to audit the accounts of companies, Life Assurance Companies and Provident Insurance Societies throughout British India;
- (c) by membership of a Society, Institute or Association of Accountants hereafter notified by the Local Government as worthy of recognition, not being an institution exempted under the proviso to section 144 (1) of the Act; and
- (d) by five years' practical experience in the auditing of accounts:

Provided that it shall be open to the Local Government to waive, in exceptional circumstances, qualifications (a) or (c) or both.

III.—A permanent restricted certificate in form II of the appendix to these rules may be granted under section 144 (1) of the Act

- (1) to any person to whom a permanent unrestricted certificate may be granted under the preceding rule;
- (2) to any person qualified in all the four following respects:—
 - (a) by the passing of such examination in accountancy as may from time to time be prescribed or recognised by the Local Government in this behalf;
 - (b) by competency in the opinion of the Local Government to audit the accounts of Companies and Provident Insurance Societies within the United Provinces;
 - (c) by membership of any Society, Institute, or Association of Accountants hereafter notified by the Local Government as worthy of recognition not being an institution exempted under the proviso to section 144 (1) of the Act; and
 - (d) by five years' practical experience in the auditing of accounts:

Provided that it shall be open to the Local Government to waive, in exceptional circumstances, qualifications (a) or (c) or both.

IV.—The Local Government, on being satisfied that an applicant possesses qualifications (b), (c) and (d) prescribed in rule II, may grant him an unrestricted provisional certificate under the Act for a period not exceeding two years. The certificate shall be in form III of the appendix to these rules:

Provided that it shall be open to the Local Government to waive, in exceptional circumstances, qualification (c).

V. The Local Government, on being satisfied that an applicant possesses qualifications (b), (c) and (d) prescribed in rule III (2), may grant him a restricted provisional certificate under the Act for a period not exceeding two years. The certificate shall be in form IV of the appendix to these rules:

Provided that it shall be open to the Local Government to waive, in exceptional circumstances, qualification (c).

VI. The Local Government may at any time and for such cause as it may consider to be sufficient cancel any certificate granted by it under these rules.

VII. Applications for certificates under the preceding rules shall be made to the Local Government in the Industries Department through the Registrar, Joint Stock Companies.

APPENDIX.

FORM I.

Unrestricted Certificate.

[Section 144 (2), Act VII of 1913.]

This is to certify that _____ is entitled to act as an auditor of all companies referred to in section 144 (2) of the Indian Companies Act (VII of 1913), throughout British India.

Dated _____

Secretary to Government.

NOTE 1.—The Local Government in granting this certificate has not exercised the authority vested in it by section 144 (2) of Act VII of 1913 to limit to the United Provinces of Agra and Oudh the right of the holder to act as an auditor of Companies Accounts.

NOTE 2.—The Local Government may at any time for such cause as it deems sufficient cancel this certificate.

FORM II.

Restricted Certificate.

[Section 144 (2), Act VII of 1913.]

This is to certify that _____ is entitled to act as an auditor of all companies referred to in section 144 (2) of the Indian Companies Act (VII of 1913), whose registered offices are situated within the United Provinces of Agra and Oudh.

Dated _____

Secretary to Government.

NOTE 1.—The holder of this certificate is entitled to act as an auditor of such companies only whose registered offices are situated within the United Provinces of Agra and Oudh.

NOTE 2.—The Local Government may at any time for such cause as it deems sufficient cancel this certificate.

FORM III.

Unrestricted Certificate (Provisional).

[Section 144 (2), Act VII of 1913.]

This is to certify that _____ is entitled to act as an auditor of all companies referred to in section 144 (2) of the Indian Companies Act (VII of 1913) throughout British India for a period of two years from the date of this certificate.

Dated _____

Secretary to Government.

NOTE 1.—The Local Government in granting this certificate has not exercised the authority vested in it by section 144 (2) of Act VII of 1913 to limit to the United Provinces of Agra and Oudh the right of the holder to act as an auditor of Companies Accounts.

NOTE 2.—The Local Government may at any time for such cause as it deems sufficient cancel this certificate.

FORM IV.

Restricted Certificate (Provisional).

[Section 144 (2), Act VII of 1913.]

This is to certify that _____ is entitled to act as an auditor of all companies referred to in section 144 (2) of the Indian Companies Act (VII of 1913), whose registered offices are situated within the United Provinces of Agra and Oudh for a period of two years from the date of this certificate.

Dated _____

Secretary of Government.

NOTE 1.—The holder of this certificate is entitled to act as an auditor of such companies only whose registered offices are situated within the United Provinces of Agra and Oudh for the period during which the certificate lasts.

NOTE 2.—The Local Government may at any time for such cause as it deems sufficient cancel this certificate.

APPENDIX E.

Notification No. 493, dated 9th April 1914.

In exercise of the powers conferred by section 144 (2) of the Indian Companies Act, VII of 1913, the Lieutenant-Governor is pleased to prescribe the following rules for the grant of certificates entitling the holders thereof to act as auditors of companies:—

Rules.

1. The Local Government will, at its discretion, according to the qualifications of applicants, grant certificates in any of the forms attached to these rules, entitling the holders thereof to be auditors of companies.

2. "Unrestricted" certificates (forms I and II) entitle the holders to act as auditors of companies throughout British India.

"Restricted" certificates (forms III and IV) entitle the holders to act as auditors of companies within the Province of the Punjab only.

Certificates may be either permanent or provisional, and the Local Government may at any time cancel any certificate for reasons which it deems sufficient.

3. Permanent certificates (forms I and III) will ordinarily be granted only to applicants who have passed such examination as may hereafter be prescribed, but in exceptional cases the Local Government may, at its discretion, grant permanent certificates without examination.

4. "Unrestricted" certificates, whether permanent or provisional, will be granted only to persons possessing exceptional qualifications.

5. "Restricted certificates" will ordinarily be granted provisionally for a period of two years to persons who have been auditing the accounts of registered companies for a period of not less than five years prior to the date of this notification.

6. Applications for the grant of certificates should be forwarded to the Local Government, through the Registrar, Joint Stock Companies, and should be accompanied by a list of the balance sheets audited by the applicant during the last five years, together with copies of the auditors' reports. Applicants may also be called upon to supply any further information required by Government prior to the grant of a provisional certificate.

7. No fee will be charged for a certificate issued under these rules.

FORM I.

Permanent unrestricted certificate.

THIS certificate ("unrestricted"), granted under section 144 (2) of the Indian Companies Act (Act VII of 1913), entitles A B to act as an auditor of companies throughout British India.

The holder is also entitled—

- (i) in view of the provisions of rule—of the rules issued by the Governor-General in Council under section 39 (2) (a) of Act VI of 1912 to audit the accounts of life assurance companies throughout British India;
- (ii) in view of the provisions of rule 1 (a) issued by the Local Government under section 24 (2) (e) of Act V of 1912, to audit the accounts of provident insurance societies within the Province of the Punjab; and
- (iii) to audit the accounts of provident insurance societies in other provinces, subject to any restrictions imposed by the Local Governments concerned by rule under section 24 (2) (e) of Act V of 1912.

NOTE.—The Local Government has not exercised in respect of this certificate the authority granted to it under section 144 (2) of Act VII of 1913 to limit to the province of the Punjab the right of the holder to audit companies' accounts. This right may therefore be exercised throughout British India.

Secretary to Government, Punjab.

Dated

FORM II.

Provisional unrestricted certificate.

THIS certificate ("unrestricted"), granted under section 144 (2) of the Indian Companies (Act VII of 1913), entitles A B to act as an auditor of companies throughout British India, for a period of two years from the date of issue (that is from _____ to _____).

The holder is also entitled—

- (i) in view of the provisions of rule—of the rules issued by the Governor-General in Council under section 39 (2) (a) of Act VI of 1912 to audit the accounts of life assurance companies throughout British India;
- (ii) in view of the provisions of rule 1 (a) issued by the Local Government under section 24 (2) (e) of Act V of 1912 to audit the accounts of provident insurance societies within the province of the Punjab; and
- (iii) to audit the accounts of provident insurance societies in other provinces, subject to any restrictions imposed by the Local Government concerned by rule _____ under section 24 (2) (e) of Act V of 1912.

NOTE.—The Local Government has not exercised in respect of this certificate the authority granted to it under section 144 (2) of Act VII of 1913 to limit to the province of the Punjab the right of the holder to audit companies' accounts. This right may therefore be exercised throughout British India.

Secretary to Government, Punjab.

Dated _____

FORM III.

Permanent Restricted Certificate.

THIS certificate ("restricted"), granted under section 144 (2) of the Indian Companies Act (Act VII of 1913), entitles A B to act as an auditor of companies in the Punjab, except such companies as are required to be registered under the Indian Life Assurance Companies Act (Act VI of 1912).

In view of the provisions of rule 1 (a), issued by the Local Government under section 24 (2) (e) of Act V of 1912, the holder is also entitled to audit the accounts of provident insurance societies within the limits of the Province of the Punjab.

NOTE.—The holder of this certificate is entitled to audit companies' accounts within the limits of the province of the Punjab only.

Secretary to Government, Punjab.

Dated _____

FORM IV.

Provisional Restricted Certificate.

THIS certificate ("restricted"), granted under section 144 (2) of the Indian Companies Act (Act VII of 1913), entitles A B to act for a period of two years from the date of issue (that is, from _____ to _____) as an auditor of companies in the Punjab, except such companies as are required to be registered under the Indian Life Assurance Companies Act (Act VI of 1912).

In view of the provisions of rule 1 (a), published by the Local Government under section 24 (2) (e) of Act V of 1912, the holder is also entitled to audit the accounts of provident insurance societies within the limits of the province of the Punjab.

NOTE.—The holder of this certificate is entitled to audit companies' accounts within the limits of the province of the Punjab only.

Secretary to Government, Punjab.

Dated _____

APPENDIX F.

Notification No. ⁵¹⁸⁸ 13-7 R., dated 15th June 1914.

In exercise of the powers conferred on him by sub-section (2) of section 144 of the Indian Companies Act, 1913 (Act VII of 1913), the Lieutenant-Governor in Council is pleased to prescribe the following rules for the grant of certificates entitling the holders thereof to act as auditors of companies :—

RULES.

1. Certificates may be either restricted or unrestricted.

A restricted certificate will entitle the holder thereof to act as an auditor of companies within the limits of the Province of Bihar and Orissa only. It shall be in Form A annexed to these rules and shall be signed by a Secretary to Government.

An unrestricted certificate will entitle the holder thereof to act as an auditor of companies throughout British India. It shall be in Form B annexed to these rules and shall be signed by a Secretary to Government.

2. All applications for certificates must be addressed to the Local Government and must specify whether a restricted or unrestricted certificate is required. The applicant must state his qualifications in full and furnish references regarding his character and previous occupation. An unrestricted certificate will not be granted to any person who does not appear to be fully qualified to audit the accounts of Life Assurance Companies.

3. Certificates will ordinarily be granted only to persons who have passed such examination as may be prescribed by the Government of India or the Local Government.

Provided that in exceptional cases, where the age of the applicant or other circumstances render it undesirable to insist on his passing the prescribed examination, the Local Government may grant a certificate to an applicant who, though he has not passed such examination, satisfies the conditions prescribed in the first proviso to Rule 4.

4. Certificates shall remain in force permanently.

Provided that a certificate, which shall remain in force for a period of two years only from the date of issue, may be granted to any person who has had at least five years' practical experience in auditing accounts of companies registered in India or under any enactment in force in the United Kingdom of Great Britain and Ireland for the registration or incorporation of Joint Stock Companies or Fire, Life or Marine Insurance Societies and is otherwise considered by the Lieutenant-Governor in Council to be a fit person for appointment as auditor.

Provided also that the Lieutenant-Governor in Council may at any time and for such cause as he may consider sufficient, suspend or cancel any certificate granted under these rules.

FORM A.

Under the provisions of section 144 (2) of Act VII of 1913

of _____
is hereby entitled to act as an auditor of companies registered under the Indian Companies Act, 1913 (Act VII of 1913) within the Province of Bihar and Orissa.

This certificate shall remain in force from the date of issue ^{permanently} until the _____ is _____ unless suspended or cancelled by the orders of the Local Government.

Dated

19 .

Secretary to Government.

(For particulars see reverse.)

1. This certificate is valid throughout the Province of Bihar and Orissa only.
2. In view of the provisions of Rule 17 (2) of the rules published by the Lieutenant-Governor of Bihar and Orissa in Council under section 24 (2) (e) of the Provident Insurance Societies Act, 1912 (Act V of 1912), the holder of this certificate is entitled to audit the accounts of Provident Insurance Societies within the limits of the Province of Bihar and Orissa.

FORM B.

Under the provisions of section 144 (2) of Act VII of 1913

of
is hereby entitled to act as an auditor of companies registered under the Indian Companies Act, 1913 (Act VII of 1913), throughout British India.

This certificate shall remain in force from the date of issue ^{permanently} until the 19 . unless suspended or cancelled by the orders of the Local Government.

Secretary to Government.

Dated 19 .

(For particulars see reverse.)

1. The Local Government have not exercised in respect of this certificate the authority granted to them under section 144 (2) of the Indian Companies Act, 1913 (Act VII of 1913) to limit to the Province of Bihar and Orissa the right of the holder to audit the accounts of companies. This right may therefore be exercised throughout British India.

2. In view of the provisions of Rule 11A of the rules issued by the Governor-General in Council under section 39(2) (a) of the Life Assurance Companies Act, 1912 (Act VI of 1912), the holder of this certificate is entitled to audit the accounts of Life Assurance Companies throughout British India.

3. In view of the provisions of Rule 17 (2) of the rules issued by the Government of Bihar and Orissa under section 24 (2) (e) of the Provident Insurance Societies Act, 1912 (Act V of 1912), the holder of this certificate is entitled to audit the accounts of Provident Insurance Societies within the Province of Bihar and Orissa and to audit the accounts of Provident Insurance Societies in any other province of British India, subject to any restrictions imposed by the Local Government concerned by rule framed under section 24 (2) (e) of Act V of 1912.

APPENDIX G.

Notification No. 51, dated 28th May 1914.

In exercise of the powers conferred by section 144, sub-section (2), of the Indian Companies Act, 1913, the Lieutenant-Governor is pleased to make the following rules providing for the grant of certificates entitling the holders thereof to act as auditors of Companies, and the conditions and restrictions on and subject to which such certificates shall be granted.

Note.—Under the provisions of the Indian Companies Act the following persons only are entitled to act in Burma as auditors of companies :—

(1) Members of any institution or association specified as so entitled in any notification issued by the Government of India under the proviso to section 144, sub-section (1), of the said Act.

(2) Persons holding—

(a) certificates granted under the following rules, or

(b) certificates granted under the rules made by any other Local Government under section 144, sub-section (2), of the said Act, entitling the holders thereof to act as auditors of companies throughout British India.

Rules.

1. The Local Government may grant certificates, entitling the holders thereof to act as auditors of companies, to persons who have had at least five years' practical experience in auditing accounts and can satisfy the Local Government as to their competency and character.

2. Such certificates shall ordinarily limit the exercise of the right thereby conferred to the Province of Burma. Certificates which are not so restrictive shall be issued only to persons of exceptional competency, experience and trustworthiness.

3. Every application for a certificate shall be made in writing through the Collector, Rangoon Town, and shall be accompanied by proofs of the experience, competency and character of the applicant.

4. Every certificate shall ordinarily remain in force for two years from the date thereof or until it is cancelled.

5. The Local Government may refuse to grant a certificate to or may cancel any certificate hereunder granted to any person—

(1) who has been convicted of a non-bailable offence, or

(2) whom the Local Government after due enquiry considers to have been guilty of unprofessional conduct, or

(3) who has been adjudicated insolvent or has made an assignment of his property for the benefit of his creditors generally.

6. The Local Government shall maintain a register in which shall be entered the name and address of every person to whom a certificate is granted under these rules, and the date when such certificate expires or is cancelled.

7. Certificates shall be in the following forms :—

FORM A.

(Unrestricted.)

Certificate under section 144 (2) of the Indian Companies Act, 1913.

This is to certify that

is entitled to audit the accounts of companies.

Note.—The Local Government has not exercised in respect of this certificate the authority granted to it under section 144 (2) of Act VII of 1913 to limit to the Province of Burma the right of the holder to audit companies' accounts. This right may therefore be exercised throughout British India.

The holder is also entitled,—

(i) in view of the provisions of the rules issued by the Governor-General in Council under sections 39 (2) (a) of Act VI of 1912, to audit the accounts of Life Assurance Companies throughout British India; and,

(ii) in view of the provisions of the rules issued by the Local Government under section 24 (2) (e) of Act V of 1912, to audit the accounts of Provident Insurance Societies within the Province of Burma; and

(iii) to audit the accounts of Provident Insurance Societies in other Provinces subject to any restrictions imposed by the Local Governments concerned by rule under section 24 (2) (e) of Act V of 1912.

This certificate is issued on the _____ day of _____ 19____ and will expire on the _____ day of _____ 19____.

Revenue Secretary to the Government of Burma.

FORM B.

*(Restricted to Burma.)**Certificate under section 144 (2) of the Indian Companies Act, 1913.*

This is to certify that _____ is entitled to audit the accounts of companies within the limits of the Province of Burma.

Note.—In view of the provisions of the rule published by the Local Government under section 24 (2) (e) of Act V of 1912, the holder is also entitled to audit the accounts of Provident Insurance Societies within the limits of the Province of Burma.

This certificate is issued on the _____ day of _____ 19 _____ and will expire on the _____ day of _____ 19 _____.

Revenue Secretary to the Government of Burma.

W. J. KEITH,

Offg. Revenue Secretary to the Government of Burma.

APPENDIX H.

Name and strength.	Alcoholic strength Volume Per cent.			Acidity.			Aldehydes.		
	Apparent.	True.	Percentage Obscuration.	Grams per litre.	Milligrams per 100 c. c. of absolute alcohol.	Grains per proof gallon.	Grams per litre.	Milligrams per 100 c. c. of absolute alcohol.	Grains per proof gallon.
1	2	3	4	5	6	7	8	9	10
Toddy 60° U. P. ...	21.9	22.7	3.6	3.508	1,545.8	617.0	0.467	205.7	83.1

Name and strength.	Furfural.			Fusel oil as Amyl alcohol.			Ethers.		
	Grams per litre.	Milligrams per 100 c. c. of absolute alcohol.	Grains per proof gallon.	Grams per litre.	Milligrams per 100 c. c. of absolute alcohol.	Grains per proof gallon.	Grams per litre.	Milligrams per 100 c. c. of absolute alcohol.	Grains per proof gallon.
1	11	12	13	14	15	16	17	18	19
Toddy 60° U. P. ...	0.002	1.0	0.4	1.300	572.7	228.6	0.651	287.0	114.5

APPENDIX H⁽¹⁾.

Statement showing the schools in the five districts of Gujarat which used to teach the higher vernacular standards, but have now been reduced to the position of rural schools.

Name of Taluka.	Name of School.	Students studying in each of the higher standards.			
		IV	V	VI	VII
<i>Ahmedabad District.</i>					
Prantij ...	Vaghpur ...	2	...	...	1
Dholka ...	Rasam ...	4	1	2	...
Do. ...	Kerala ...	4	2	...	4
Sanand ...	Modasar ...	4	...	2	...
Virangam ...	Kukvav ...	6	2	3	1
Do. ...	Bhankoda ...	...	1	...	...
Dhandhuka ...	Salangpore ...	4	1	...	...
<i>Karra District.</i>					
Anand ...	Vaghasi ...	8	5	...	...
Do. ...	Bharoda ...	5	6	2	...
Do. ...	Sili ...	7	...	...	...
Do. ...	Vansoli ...	7	1	2	1
Do. ...	Ratanpore ...	7	6	3	1
Do. ...	Valasan ...	9	9	8	...
Borsad ...	Pamol ...	6	2	...	...
Do. ...	Singlav ...	...	...	...	...
Do. ...	Vehra ...	6	...	1	...
Do. ...	Kathana ...	6	6	2	...
Do. ...	Ralaj ...	1	...	...	...
Do. ...	Sejpur ...	7	1	2	1
Do. ...	Rangaipura ...	7	4	3	2
Do. ...	Israma ...	2	7	...	...
Do. ...	Kahanmadi ...	6	2	...	...
Do. ...	Kantharia ...	5	3	...	...
Do. ...	Khatnal ...	3	3	...	...
Kapadvanj ...	Chhipdi ...	7	1	4	2
Do. ...	Ravadavat ...	3	2	...	...
Do. ...	Anara ...	3	...	1	...
Do. ...	Navagam ...	2	4	...	...
Matar ...	Nayaka ...	1	3	1	...
Do. ...	Dethali ...	5	2	...	...
Do. ...	Devataj ...	...	...	...	...
Do. ...	Moraj ...	...	3	...	...
Do. ...	Heranj ...	3	1	...	...
Do. ...	Laval ...	...	1	...	...
Do. ...	Kaloli ...	3	2	...	...
Mehmadabad ...	Aklacha ...	5	3	...	...
Do. ...	Varsola ...	4	...	...	...
Do. ...	Lali ...	4	3	1	...
Do. ...	Rinchhol ...	2	...	...	...
Do. ...	Mahij ...	4	3	6	...
Do. ...	Rudan ...	8	...	5	1
Nadiad ...	Sursamal ...	5	2	30	...
Do. ...	Alindra ...	4	...	4	...
Do. ...	Kanjoda ...	11	...	2	...
Do. ...	Davda ...	5	3	3	...
Do. ...	Nanikhadol ...	8	4	...	...
Do. ...	Heranj ...	5	1	...	...
Thasra ...	Vaugharoli ...	4	3	3	...
Do. ...	Padal ...	1	2	2	...
Do. ...	Sandheli ...	3	5	3	...

Name of Taluk	Name of School	Students studying in each of the higher standards.			
		IV	V	VI	VII
<i>Broach District.</i>					
Jambusar	Piludra	4	2	...	...
Do.	Hankhi	3	...	1	3
Do.	Uchhad	2	1	...	...
Do.	Magnad	3	1	...	...
Do.	Karmad	5	4	...	...
Do.	Kaugam	1	1	...	...
Do.	Chhidra	1	3	...	...
Do.	Nada	1	...	2	...
Do.	Nalpur	1	...	...	...
Do.	Bhadkodra	4	3	...	...
Do.	Nahar	...	3	...	...
Do.	Nobar	4	...	1	...
Do.	Dabha	2	...	...	...
Amod	Ochhan	3	...	1	...
Do.	Kurchan	7	3	1	1
Do.	Roza Tankaria	1	...	...	...
Do.	Anore	2	2	...	2
Wagra	Vilayat	4	2	1	...
Do.	Suwa	1	...	1	...
Do.	Keshvan	3	...	...	...
Broach	Debegam	4	...	...	...
Do.	Mangleshwar	3	...	4	...
Ankleshwar	Kharod	4	...	2	...
Do.	Sunav	4	...	2	...
Do.	Sisodra	3	2	1	...
<i>Surat District.</i>					
Olpad	Sonsak	6	2	3	2
Do.	Ambheta	6	7	...	...
Do.	Kudsad	4	1	...	...
Do.	Kanyasi	3	...	1	2
Do.	Bhandut	4	...	...	...
Do.	Mandroi	9	5	...	...
Do.	Sayan	3	4	...	...
Do.	Umra	8	5	...	...
Do.	Vihara	4	5	...	1
Do.	Narthan	4	...	...	...
Do.	Masma	2	2	...	...
Do.	Kudiana	3	...	...	...
Do.	Bhatgam	2	...	3	...
Do.	Sithan	4	2	6	4
Do.	Bhesan	3	2	1	1
Chorasi	Siganpore	...	...	...	...
Do.	Kumbharia	5	4	...	...
Do.	Althan	3	2	...	...
Do.	Fulpada	2	3	4	...
Do.	Bamroli	4	2	1	...
Do.	Kajod	6	4	...	1
Do.	Chhpra Bhatha	4	1	1	...
Do.	Dindoli	5	5	3	...
Do.	Kapletha	4	6	...	...
Do.	Bhestan	7	6	4	1
Bardoli	Manekpore	10	2	1	...
Do.	Khoj Pardi	9	8	2	1
Do.	Tarbhon	6	4	...	4
Do.	Akoti	8	...	...	...
Do.	Supa	3	6	...	...
Do.	Syadla	2	6	2	...
Jalalpore	Panar	4	3	...	...
Do.	Vijalpore	8	7	3	...
Do.	Suri Bujarag	4	3	1	...

Name of Taluka.	Name of School.	Students studying in each of the higher standards.			
		IV	V	VI	VII
<i>Surat District—continued.</i>					
Jalalpure	Adda	7	2	...	...
Do.	Itchhapore	3	1	...	...
Do.	Suri	7	...	...	...
Do.	Dandi	9	2	1	...
Do.	Kabibpore	4	...	3	3
Do.	Ambada	3	7	...	3
Chikhali	Fadvel	...	3	1	...
Do.	Pipalgabhan	5	2	2	...
Do.	Vanjna	8	2	1	...
Do.	Sadadvel	3	1	2	...
Do.	Ghej	6	...	...	1
Do.	Kharoli	2	1	1	1
Do.	Hond	8	4	...	...
Do.	Nogama	14	4	2	2
Do.	Amdhara	9	4	4	2
Bulsar	Dived	...	...	...	...
Do.	Bhagda Khurd	2	5	...	...
Do.	Kalvada	4	1	1	2
Do.	Ahrama	4	4	2	1
Pardi	Dungra	3	2	...	...
Do.	Sonvada	2	3	...	...
Do.	Tighra	2	1	...	...
Do.	Bagvada	2	5	1	...
Do.	Udvada	2	1	...	...
<i>Panch Mahals.</i>					
Godhra	Motikantdi	5	...	4	...
Do.	Valaypur	5	5	1	...

APPENDIX I.

Tálukdárs and Tálukdári Estates.

Alienations in tálukdári estates in the
Ahmedabad district.

No. 938.

REVENUE DEPARTMENT.

Bombay Castle, 29th January 1914.

Letter from the Tálukdári Settlement Officer, No. 1829, dated 22nd November 1913 :—

"As directed in Government Resolution, Revenue Department, No. 5557, dated 19th September 1913, I have the honour to forward for approval two draft notifications,* together with a Gujaráti translation of each. I have found it necessary to prepare a separate notification for Parántij, which differs from the other tálukás. of Ahmedabad in that it has recently been surveyed for the first time and contains no 'registered' alienation."

Memorandum from the Commissioner, N. D., No. 4569, dated 2nd December 1913 :—

"Forwarded to Government."

Letter from the Tálukdári Settlement Officer, No. 1948, dated 23rd December 1913 :—

"I have the honour to refer to the correspondence ending with my No. 1829, dated 22nd November 1913, and to request permission to make a slight addition to the circulars forwarded with that letter. In connection with the 'second class of alienation,' on which the tálukdár is required to pay 50 per cent. of what he himself receives, I should like to add a proviso to run as follows :—

'Provided that the Tálukdári Settlement Officer certifies that the area of land alienated under any of these heads is not excessive.'

"2. I am aware that this will constitute a distinct modification of the original orders of Government, but the necessity for such a modification has recently been very strongly borne in upon me. With the existing orders it would be possible for an unscrupulous tálukdár to obtain practical exemption from jama for a great part of his estate by a timely arrangement, which need only be temporary, with members of his family. When a revision settlement of jama is drawing near, he could assign all his best land as widow's or daughter's jivái or as chákariát for a nominal rent and thereby evade assessment to full jama. My proposed addition would destroy any chance of such manipulation."

Memorandum from the Commissioner, N. D., No. 58, dated 7th January 1914 :—

"Forwarded to Government in continuation of this office No. 4569, dated the 2nd December 1913, for favourable consideration."

RESOLUTION.—The notifications proposed by the Tálukdári Settlement Officer are approved, subject to the modification suggested in his letter No. 1948, dated 23rd December 1913, which should be embodied in them.

C. W. A. TURNER,

Under Secretary to Government.

To

The Commissioner, N. D.,
The Commissioner, C. D. (*Alienation Branch*),
The Collector of Ahmedabad,
The Collector of Kaira,
The Collector of the Panch Maháls,
The Collector of Broach,
The Settlement Commissioner and Director of Land Records,
The Tálukdári Settlement Officer (with the vernacular notifications as revised by the Oriental Translator to Government).

* Printed as accompaniments to this Resolution.

• No. of 1914.

Copy forwarded for information and guidance to

Accompaniments to Government Resolution, Revenue Department, No. 938,
dated 29th January 1914.

Notification.

In assessing to *jama* talukdárs' estates in the district of Ahmedabad, lands known as *lál liti* lands, that is to say, alienated lands entered in red ink in the old faisal patraks, have not hitherto been taken into account. The *jama* of talukdárs' estates has been calculated from the survey assessment of the remaining lands comprised in each estate, omitting the *lál liti* survey numbers.

It appears that a belief has arisen in certain quarters that Government have now abandoned this policy, and that in future the assessment of *lál liti* lands will be taken into account in calculating the *jama*. This is not so. Not only does the concession regarding *lál liti* lands remain in force, but also, by the orders contained in Government Resolution No. 2512, dated 10th March 1909, a similar concession has been extended to certain other classes of alienation made prior to the passing of Act VI of 1888.

In future settlements, all lands authorisedly and finally entered in columns 6 and 7 of the settlement register under the following heads will, in the absence of any special agreement to the contrary, be excluded from consideration in fixing the *jama* :—

Devaslhán.	Bhát Chárans.	Vechánia.
Swáminaráyan.	Rajput Girássia.	Jivái.
Bhimráth.	Bájania.	Inám.
Sadávrát.	Kabja Hak.	Miscellaneous.
Kutaránu.	Girás.	Vánto.
Bráhmíns lands	Pasáita.	

In the case of a second class of alienation, made prior to the passing of Act VI of 1888, the talukdár will, in the absence of special agreement to the contrary, be assessed to *jama* at the rate of 50 *per cent.* on all payments, whether described as *salámi*, *udhadia*, or by any other denomination, which he may receive in respect of the alienated land, provided that the Talukdári Settlement Officer certifies that the area of such alienated land is not excessive. This second class includes all lands authorisedly and finally entered in columns 6 and 7 of the settlement registers under the following heads :—

Chákariát.
Widow's Jivái.
Daughter's Jivái.
Mulgámeti.
Uchakbhág.
Daughter's Marriage land.

It should be noted in connection with these orders—

firstly, that they apply to the Ahmedabad district only ;

secondly, that, within the Ahmedabad district, they do not apply to the Parántij taluka, for which a separate notification has been issued, or to estates held under a special agreement, like the Barvála estate of the Thákór Sáheb of Limbdi, or to alienations made after the passing of Act VI of 1888 ;

thirdly, that Government reserve to themselves full discretion to deal as they think fit, in the matter of *jama* calculation, with alienated lands which either revert to the possession of the talukdár or cease to form part of his estate ;

fourthly, that these orders have reference to the calculation of *jama* to be paid by the talukdár, and to nothing more ; and

fifthly, that these concessions are granted by Government purely as a matter of grace and favour. They are entirely voluntary, and not obligatory under any law or agreement.

Notification for Parántij táluka.

This notification has reference to the assessment to *jama* of *tálukdars'* estates in the *táluka* of Parántij. All such estates include alienated lands, which are shown under appropriate headings in columns 6 and 7 of the settlement registers. Under the orders contained in Government Resolution No. 2512, dated 10th March 1909, certain alienations will not in future be taken fully into account in calculating the *jama* to be paid by the estate of which they form a part.

All lands authorisedly and finally entered in columns 6 and 7 of the settlement registers under the following heads will, in the absence of any special agreement to the contrary, be excluded from consideration in fixing the *jama*, provided that the alienations were made before the passing of Act VI of 1883:—

Devasthán.	Jivái.	Sold.
Sadávrát.	Bajánia.	Mortgaged.
Kutránu.	By possession.	Salámi.
Bráhmíns' lands.	Vánto.	
Bhát Cháran's lands.	Pasáita.	

In the case of a second class of alienation, made prior to the passing of Act VI of 1888, the *tálukdár* will, in the absence of special agreement to the contrary, be assessed to *jama* at the rate of 50 *per cent.* on all payments, whether described as *salámi*, *udhadia*, or by any other denomination, which he may receive in respect of the alienated land, provided that the *Tálukdári Settlement Officer* certifies that the area of such alienated land is not excessive. This second class includes all lands entered in columns 6 and 7 of the settlement registers under the following heads:—

Chákariát.	Daughter's Jivái.	Uchakbhágni.
Widow's Jivái.	Mulgámeti's Jivái.	Bháyat's Jivái.

It should be noted in connection with these orders—

firstly, that they apply to the Parántij *táluka* only;

secondly, that they apply to those alienations only which were made before the passing of Act VI of 1888;

thirdly, that Government reserve to themselves full discretion to deal as they think fit, in the matter of *jama* calculation, with alienated lands which either revert to the possession of the *tálukdár* or cease to form part of his estate;

fourthly, that these orders have reference to the calculation of *jama* to be paid by the *tálukdár*, and nothing more; and

fifthly, that these concessions are granted by Government purely as a matter of grace and favour. They are entirely voluntary, and not obligatory under any law or agreement.

APPENDIX J.
TALA'TI SCHEME.
Central Division.

No.	Name of district.	Number of present charges.	Number of proposed sazas.	Present cost.	Proposed cost of pay and stationery.	Balance available.	Cost of 3rd compensation.	Extra cost.	Saving.	Remarks.
1	2	3	4	5	6	7	8	9	10	11
				Rs.	Rs.	R.	Rs.	Rs.	Rs.	
1	Násik ...	686	322	96,521	65,616	30,905	28,615	...	2,290	Income from levy of full assessment on ináms in the Central Division is Rs. 11,500 and this leaves no extra cost.
2	Abmednagar ...	909	370	1,03,022	75,120	27,902	29,424	1,522	...	
3	Poona ...	720	339	92,519	68,916	23,603	24,873	1,270	...	
4	West Khándesh ...	411	260	82,496	52,928	29,568	13,450	...	16,118	
5	East Khándesh ...	742	412	1,35,015	83,736	51,279	40,032	...	11,247	
6	Sholápur ...	596	231	62,335	46,860	15,475	18,092	2,617	...	
7	Sátára ...	813	397	97,415	82,783	14,627	27,886	13,259	...	
	Add for 140 men on Rs. 12.	...	140	...	20,130	-20,160	...	20,160	...	
	For local allowances.	...	...	...	2,327	-2,327	...	2,327	...
		4,877	2,471	6,69,323	4,98,451	1,70,872	1,82,372	41,155	29,655	
							Net extra ...		11,500	

APPENDIX K.
TALA'TI SCHEME.
Southern Division.

No.	Name of district.	Number of present charges.	Number of proposed sazas.	Present cost.	Proposed cost of pay and stationery.	Balance available.	Cost of 3rd compensation.	Extra cost.	Saving.	Remarks.
1	Belgaum ...	663	262	Rs. 1,84	Rs. 55,848	R 15,997	Rs. 20,983	Rs. 4,986	Rs. ...	The income from levy of full assessment on kulkarni ináms is Rs. 45,700 and this leaves a saving of Rs. 21,984.
2	Dhárwár ...	810	434	1,17,267	96,432	20,835	30,430	9,595	...	
3	Bijápur ...	726	259	68,819	57,996	10,823	19,958	9,135	...	
	Add or 110 men on Rs. 12.	...	110	...	Pay of men on Rs. 12 included in above figures.	...	...	...	...
		2,199	1,065	2,57,931	2,10,276	47,655	71,371	23,716	...	

APPENDIX L.

Financial statement of taláti scheme for Central Division and Southern Division.

Name of Division.	Number of present charges.	Number of proposed sazas.	Present cost.	Proposed cost of pay and stationery.	Cost of 3rd compensation.	Total of columns 5 and 6.	Extra cost, column 7 minus 4.
1	2	3	4	5	6	7	8
			Rs.	Rs.	Rs.	Rs.	Rs.
Central Division ...	4,877	2,471	6,69,323	4,98,451	1,82,372	6,80,823	11,500
Southern Division ...	2,199	1,065	2,57,931	2,10,276	71,371	2,81,647	23,716
Total ...	7,076	3,536	9,27,254	7,08,727	2,53,743	9,62,470	35,216

APPENDIX M.

No. 810 OF 1914.

From

E. MACONCHIE, ESQUIRE, I. C. S.,
Acting Commissioner, C. D. ;

To

THE SECRETARY TO GOVERNMENT,
General Department.

Poona, 20th March 1914.

Sir,

With reference to Government Memorandum No. 1947, dated 11th instant, I have the honour to report as follows :—

2. Alandi—a small town in the Haveli Taluka of the Poona District with a population of 1,624 persons—is an important place of pilgrimage which is visited annually by over 50,000 pilgrims on the Kartiki Ekadashi day. Monthly pilgrimages to the Dnyaneshwar temple are also made by about 5,000 persons and it is from these pilgrimages that the place derives its importance. During these pilgrimages it becomes a centre of disease from which cholera is disseminated in all directions. Its water-supply is very scanty and unwholesome, and with a view to improve it, mainly in the interests of the pilgrims and the surrounding country, a water-supply scheme* estimated to cost Rs. 1,25,000 was prepared last year at the instance of the Honourable Mr. Curtis and submitted to Government in the Public Works Department. In forwarding the scheme for sanction Mr. Curtis stated as follows :—

*A bund on the Indrayani river.

“Alandi is a place of pilgrimage, from which a Palki starts in July every year for Pandharpur *vid* Poona. It frequently happens that cholera breaks out there which is carried by the pilgrims to Poona and the whole way along the route of Pandharpur. It will be within the recollection of Government that this Palki caused a great deal of trouble in 1912. The provision of a pure water-supply at Alandi is perhaps the most urgent want of the presidency and it is hoped that no time will be lost in starting work.”

It has been proposed that half the cost of the scheme, viz. Rs. 62,500, should be given by Government as a free grant and the other moiety as a loan to the Municipality. The annual instalment for the repayment of the loan and the working expenses are estimated to amount to Rs. 7,000, and it has been proposed to meet this amount by raising the Kartiki Pilgrim tax from annas 3 to 4 and by levying a monthly pilgrim tax at 2 annas.

3. During the last five years the ordinary income of the Municipality exceeded the ordinary expenditure by Rs. 900 per annum on an average. Besides the improvement of the water-supply, other sanitary improvements estimated to cost about Rs. 3,000 per annum are urgently wanted. All these improvements are required not for the small resident population but for the benefit of the pilgrims visiting the place, and it is but fair the latter should bear the burden of the additional taxation.

4. The enhancement of the rate of the Kartiki Pilgrim tax from annas 3 to 4 has already been sanctioned in this office No. C.—1860, dated 27th November 1912. The proposed enhancement was first published as required by law and the Municipality reported that no objections had been received. Proposals for the levy of the monthly tax of 2 annas have not yet been received.

5. The income and expenditure of the Municipality under the more important heads during the last three years are shown below :—

	1910-11.	1911-12.	1912-13.	Remarks.
<i>Income.</i>				
House-tax	609	597	550	
Tax on trades and profession	462	890	895	
Pilgrim-tax	11,522	7,778	11,041	
Miscellaneous	850	464	544	
Contributions from Government and District Local Board.	815	787	1,057	
Total ...	14,258	10,016	13,587	
<i>Expenditure.</i>				
General Administration	501	595	1,001	
Collection of taxes	1,093	1,199	1,470	
Lighting	781	820	1,006	
Police	256	264	268	
Water-supply	179	1,415	257	
Public health and convenience	4,397	*12,026	4,163	*This was due to the Municipality having constructed a building for its office at a cost of Rs. 6,546.
Public instruction	1,014	1,138	1,125	
Miscellaneous	199	316	144	
Total ...	3,420	17,773	9,434	

I have, etc.,

(Signed) E. MACONCHIE,
Acting Commissioner, C. D.

APPENDIX N.

APPENDIX

STATEMENT

Statement showing the irrigated area and crops grown

Year.	Area irrigated from Government Canals.	Cropping of						
		Wheat.	Bajri.	Rice.	Field pea.	Maiza.	Gram.	Cotton.
	A. g.	A. g.	A. g.	A. g.	A. g.	A. g.	A. g.	DHULIA A. g.
1896-97 ...	2,837 23	1,200 30	413 27	197 31	186 24	24 9	142 11	45 3
1897-98 ...	2,779 25	1,123 21	171 31	177 23	245 6	9 24	237 36	...
1898-99 ...	2,436 14	885 22	173 18	202 2	115 31	25 10	211 0	...
1899-1900 ...	2,501 3½	748 17½	201 28½	36 22½	241 0	30 33	321 30½	...
1900-01 ...	2,572 24	1,067 22½	263 31½	42 31½	280 3½	45 28	488 13½	105 12½
1901-02 ...	2,520 14	709 37½	263 25	175 37½	168 34½	30 28	106 21½	130 6
1902-03 ...	2,696 35½	851 15½	235 33	136 20	338 35½	35 4	309 27	214 23½
1903-04 ...	2,064 21	858 11	127 4	177 37	155 34	40 11	81 19	18 20
1904-05 ...	2,207 12½	1,169 33	310 22	29 29½	209 39½	26 25½	140 38½	14 22
1905-06 ...	2,031 26½	559 35	181 17	117 12	71 31½	28 25½	64 3	46 16
1906-07 ...	1,923 3	593 37	335 24½	59 15	146 37½	10 33½	67 22½	20 17
1907-08 ...	2,105 35½	768 10½	247 9½	67 13	301 17½	47 14	144 35½	41 27
1908-09 ...	1,419 29½	409 14½	267 31	48 17	114 16½	36 13	375 33	...
1909-10 ...	2,148 10½	768 11	425 ½	66 30	319 19	45 7½	190 0	18 5
1910-11 ...	2,074 8½	771 22½	274 25½	27 25	205 19	71 18½	128 15½	38 2
1911-12 ...	2,180 38½	853 38½	333 15	23 34	254 35	42 24½	235 10½	133 38
1912-13 ...	2,963 31½	1,652 35½	587 35	13 8	227 23½	42 26½	131 15	100 30

N.

A.

under Irrigation in the West Khandesh District.

area.								Remarks.
Sugar-cane.	Plantain.	Groundnut.	Guava.	Others.	Total.	Deduct area cropped more than once.	Net area irrigated.	
TALUKA.								
A. g.	A. g.	A. g.	A. g.	A. g.	A. g.	A. g.	A. g.	
315 21	17 4	497 16	14 25	201 28	3,256 29	419 6	2,837 23	
262 16	24 39	611 7	14 25	122 29	3,001 17	221 32	2,779 25	
194 36	14 13	663 4	14 25	106 2	2,600 3	163 29	2,436 14	
287 2½	16 ½	518 22	14 25	441 7	2,857 29	353 25½	2,501 3½	
36 16½	18 20	542 27	14 25	308 1	3,218 32½	646 8½	2,572 24	
32 15	27 25½	741 6	14 25	461 35½	2,863 17	343 3	2,520 14	
85 14	17 31½	580 19	14 25	273 0	3,093 8	396 12½	2,696 35½	
20 18½	12 22	536 29½	14 25	287 26½	2,391 17½	326 36½	2,064 21	
17 36	16 28	580 12½	14 25	135 39½	2,667 30½	460 18½	2,207 12¼	
48 24½	20 27½	576 16½	14 25	346 25½	2,076 19	44 32½	2,031 26½	
27 6	15 17	615 16½	14 25	364 16½	2,271 28	348 25	1,923 3	
14 28½	17 18	527 18½	14 25	236 28½	2,429 5½	323 10	2,105 35½	
10 25	14 30½	405 1½	15 39½	73 24½	1,772 11	352 21½	1,419 29½	
10 17	16 12	625 6	15 39½	110 12	2,610 39½	462 29	2,148 10½	
6 37	11 27½	502 29½	17 19½	206 24	2,262 36	188 27½	2,074 8½	
13 9½	7 30	591 27	17 19½	251 5½	2,764 7	583 8½	2,180 38½	
13 23	8 25	533 16½	61 19½	455 28½	3,828 6	664 14½	2,963 31½	

APPENDIX
STATEMENT

Year.	Area irrigated from Government Canals.	Cropping of						
		Wheat.	Bajri.	Rice.	Field pea.	Maize.	Gram.	Cotton.
								SINDKHEDA
	A. g.			A. g.				
1896-97	618 37	.....	...	Information not available.	...	...	...	...
1897-98	406 10	.....	...	7 32	...	...	...	...
1898-99	750 13	.....	...	27 21	...	...	...	...
1899-1900	510 31	.....	...	25 25	...	...	...	...
1900-01	441 23½	.....	...	14 20½	...	...	...	...
1901-02	363 36½	.....	...	11 3	...	...	...	...
1902-03	353 11½	.....	...	8 13	...	...	...	...
1903-04	366 39½	.....	...	15 14	...	...	...	...
1904-05	Information not available.	.....	...	Information not available.	...	...	...	...
1905-06	342 36½	.....	...	38 27½	...	...	...	...
1906-07	359 16	.....	...	25 23½	...	...	...	...
1907-08	359 25½	.....	...	25 7	...	...	...	...
1908-09	359 28½	.....	...	33 36½	...	...	...	...
1909-10	358 34	.....	...	43 16	...	...	...	...
1910-11	383 38	.....	...	28 27	...	...	...	...
1911-12	401 23½	.....	...	27 28½	...	...	...	...
1912-13	473 39	.....	...	26 3½	...	...	...	...

N—continued.

A—continued.

Area.								Remarks.
Sugarcane.	Plantain.	Groundnut.	Guava.	Others.	Total.	Deduct area cropped more than once.	Net area irrigated.	
TALUKA.								
A. g.	A. g.	A. g.	A. g.	A. g.	A. g.		A. g.	
	Information not available.			...	618 37	.....	618 37	
19 11	44 17	52 5½	161 15	121 9½	406 10	.....	406 10	
5 25½	58 2	50 8½	160 38½	438 37½	750 13	.....	750 13	
9 25	63 21	92 28	173 16	145 36	510 31	.....	510 31	
30 0	22 8½	32 11½	165 26	176 37	441 23½	.....	441 23½	
1 20	14 23	43 16	145 15½	147 39	363 36½	.....	363 26½	
...	11 20	46 36½	132 9½	154 12½	353 11½	.....	353 11½	
...	7 33	48 29½	137 16	157 27	366 39½	.....	366 39½	
	Information not available.							
...	5 20½	24 31½	130 14½	143 22½	342 36½	.....	342 36½	
3 0	6 33	37 17½	130 15	156 7	359 16	.....	359 16	
2 28	8 28	51 15½	130 37	140 30	359 25½	.....	359 25½	
0 30	6 18	21 6½	124 1	173 16½	359 28½	.....	359 28½	
...	6 17½	44 2½	114 30½	180 6½	388 34	.....	388 34	
...	5 37	73 18½	104 2	171 33½	388 38	.....	388 38	
...	4 22½	72 39	96 36½	199 17	401 23½	.....	401 23½	
...	4 11	32 25½	91 38	319 1	473 39	.....	473 39	

APPENDIX O.

STATEMENT B.

Statement showing the remissions of assessments granted during the three years 1909-10 to 1911-12 in the Dhulia, Sindkheda and Amalner Tálukas.

Táluka.	Amount of remissions.					
	1909-10.		1910-11.		1911-12.	
	Rs.	a. p.	Rs.	a. p.	Rs.	a. p.
Dhulia	90	8 0	672	15 6	550	8 0
Sindkheda . . . . .	.....		.....		23	11 10
Amalner	1,180	12 0	.....		.....
Total	1,271	4 0	672	15 6	574	3 10

APPENDIX P.

Extract paragraphs 8 and 9 of the letter from the Collector of Kánara, No. 791, dated 14th February 1914.

8. Of course the idea of giving out lands to individuals—or rather of assigning them to particular holdings—as “hadis” will not be abandoned. But the extent to which it is practicable must be limited by the necessity of keeping such “hadis” contiguous to the holdings for which they are assigned, and that of avoiding interference with the rights of the rest of the villagers. In practice “hadis” will be limited to a comparatively small number of villages, and in them to such blocks of cultivation as consist of a small enough number of holdings to admit of the “hadis” adjoining them, or being close to them. Such assignments there would probably be no objection to disforesting, and they would be assessed as is the case with hadis in the southern tálukas, and the fact of their being in the sole occupancy of individuals ought to ensure that efforts are made to reboise them where reboisement is wanted. That will be in most cases, for they will be almost always lands pretty bare of tree-growths to begin with. There are sufficient instances—sufficient even in Ankola—to show that the sense of individual proprietorship is the best guarantee of care being taken of such lands.

9. This work, however, needs no special establishment. It will be done as heretofore by the Assistant Collector or Deputy Collector as part of his ordinary work, in consultation, if necessary, with the Divisional Forest Officer and under orders from the Collector; and applications will be dealt with as they are made. There is no question of any time limit in this case. The scale, on which “hadis” (as I may call them to distinguish them from communal assignments) are given, need not, moreover, be as much as an acre to each acre of rice land generally—people in the south of the district are content with much less. No particular scale need in fact be laid down: the actual areas will have to depend on circumstances.

BUDGET OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1914-15.

(Figures in thousands of rupees.)

The current year's budget estimates of Provincial revenue and expenditure embodied in the Revised Financial Statement for 1914-15, as modified by the memorandum issued from the Financial Department on 11th March 1914, have been finally accepted by the Government of India without any modification. The figures stand as shown in the following table :—

	1913-14.		1914-15.
	Budget.	Revised.	Budget.
Opening balance ...	1,68,05	1,79,75	1,82,01
Revenue ...	7,35,59	7,70,73	7,58,92
Expenditure ...	7,87,14	7,68,47	8,23,30
Closing balance ...	1,16,50	1,82,01	1,17,63

Details by major heads are given in the appended Statement A. The detailed distribution of the major head figures will be found in the Civil Estimates for 1914-15, a copy of which is furnished to the Honourable Members. The figures given in Appendices C and D of the Revised Financial Statement have been brought up to date and statements (marked B and C) containing the revised figures are appended to this memorandum.

2. The details of the land revenue demand, collections, remissions, suspensions and arrears for the years 1913-14 and 1914-15 given in paragraph 10 of the Revised Financial Statement for 1914-15 have undergone some changes in view of later information supplied by district officers. The revised figures are given below :—

	1913-14.		1914-15.
	Revised.		Budget.
Outstanding balance ...	96,01		50,06
Demand ...	4,29,79		4,35,96
		5,25,80	4,86,02
Collections ...	4,60,15		4,43,25
Remissions ...	15,59		9,20
		4,75,74	4,52,45
Balance { Suspensions.	30,50		13,39
{ Arrears ...	19,56		20,18
		50,06	33,57

3. The expenditure in the Public Works Department is now distributed as follows :—

(i) Original Works—			
Civil Buildings ...	...	27,24	
Communications ...	...	10,96	
Miscellaneous public improve- ments ...	...	3,30	
Discretionary grants for minor works to certain Heads of Departments ...	...	7,50	
Reserve ...	...	2,20	
		—	51,20
(ii) Repairs—			
Civil Buildings ...	...	8,12	
Communications ...	...	12,58	
Miscellaneous public improve- ments ...	...	60	
		—	21,30
(iii) Establishment ...	...	15,00	
(iv) Tools and plant ...	...	2,50	
		—	90,00
Total ...			90,00

The provision of 51,20 for "Original Works" is made up of 30,82 for works in progress, 10,68 for new major works, 7,50 for minor works and 2,20 for reserve.

The grants of 10 and more in each case for major works in progress will be spent chiefly on—

- (i) Buildings at Nawábsháh (1,05), Central Offices, Poona (91), electric installation at Government House, Mahábaleshwar (88), distillery at Khánápur (50), additional bed-room, and staircase at Government House, Ganeshkhind (24), mámlatdárs' kacheris at Honáwar (24) and Mángaon (20), new mukhtiárkar's kacheri at Mirokhán (20), Gujarát survey record office at Ahmedabad (15), compound wall for the Revenue and Judicial buildings at Hyderabad (14), treasury room and office at Alibág (12), and excise lock-up at Bombay (10);
- (ii) Hostel for the Northcote High School at Sholápur (49), new high school at Násik (40), and agricultural college and hostel at Poona (27);
- (iii) New Small Cause Court, Bombay (2,00), temporary Small Cause Court, Girgaon, Bombay (45), bungalow for the Judicial Commissioner of Sind at Karáchi (35), Subordinate Judge's Court at Alibág (20), and new court-houses at Songad (15) and Mirpur Khás (10);
- (iv) Certain works at the House of Correction, Bombay (20), prison at Hindálgi (20), and compound wall round the District Prison, Dhárwár (14);
- (v) Head-quarter police lines at Sholápur (40) and Karáchi (35), police lines at Sanghar (36), Umámkot (36), Mátiari (25), Sháhádápur (22), Jakhráo (19), Bándra (17), Mirpur Sakro (13), Mehrápur (12), Shádipali (10), Mándvi (10), Rander (10) and Bágalkot (10), additions and alterations to the head-quarter police lines at

Bijápur (30), new police lines and sub-inspector's quarters at Sirsi (22), buildings for the head-quarter police at Thána (20), quarters for the railway police at Asarwa (17), and conversion of the head-quarter police lines into quarters for the city police at Broach (10);

- (vi) Additions and alterations to the old Government House, Parel, to render it suitable for the accommodation of the Bacteriological Laboratory (80), King Edward Memorial Hospital at Sholápur (50), bungalow for the Civil Surgeon at Sholápur (12), and school for training midwives and nurses at the Victoria Jubilee Dispensary at Ahmedabad (12);
- (vii) Temporary Central Press building on the Kennedy sea face (31), buildings for the new Public Works district at Alibág (30), and Executive Engineer's bungalow at Sholápur (14);
- (viii) Bridges at Máhuli (1,50), on the Thána creek (50), Mugutkhán—Hubli (42), over the Kalyán creek (37), at Kámatgi (20) and at Aminhalli (16), roads from Indápur to Sángola (1,00), from Savalvihir to Chas (50), from Pimpalner to Shelbari (33), from Lákh station to Karégaon and thence to Belpimpalgaon (30), from Bhatkál to Mysore Frontier (25), from Vihigaon to Khodála (22), from Mándvi to Deogad (20) and from Deoláli to Belápur town (10), improvements to the Khándesh-Nizam Frontier road (70), Sholápur-Akalkot road (19), Poona-Karakwasla road (17) and Dhulia-Bhusáwal road (12), diversion of the Bombay-Agra road near Kurla (36), improving and metalling the Malhárpeth-Pandharpur road (30), Kalyán-Shil road (28), bridging the Poona-Sholápur road (20) and the nallas on Mahád-Nágothna road (20), Uran-Jasai road (20), causeways over the Tápti near Bhusáwal (20) and at Hingangaon (17), crossing at Chehadi (14), Sadra-Dabhoda road (10), dips on Hatkamba-Poládpur road (10) and on Páli-Phonda road (10), water-ways between Hingangaon and Temburni (10), and widening the Bombay-Agra road between Thána and Kurla (10); and
- (ix) Kennedy sea face improvements, Bombay (2,50), and Visápur Tank (20).

Among the new major works the most important are—

- (i) Acquisition of bungalows Nos. 5 and 18, Queen's Gardens, Poona (65), acquisition of additional land and bungalows near, and sewerage in the compound of, the new Central Offices, Poona (60), revenue offices at Sátára (25), bonded warehouses at Bassein (21) and Bárdoli (14), civil buildings at Karáchi (20), mámlatdár's kacheri at Balsád (20), bungalows for the Assistant Collector at Ahmednagar (20), and for the Collector of Belgaum (10);
- (ii) Buildings for the Judicial Department at Lárkána (46), record room for the District Court, Dhárwár (28), bungalows for the District Judges at Sholápur (25), Dhulia (20) and Bijápur (10), and court-house at Dahiwádi (10);
- (iii) Jail at Andheri (1,00);
- (iv) Railway police lines at Dádar (50), police buildings at Mirpur Khás (22), police lines at Jherruck (19), Lárkána (17) and Kingri (17), additions and alterations to the office of the Deputy Superintendent of Police, Poona (15), cantonment police lines, Poona (15), and rural police lines at Karáchi (12);
- (v) Out-patients dispensary at the J. J. Hospital, Bombay (50), Chemical Analyser's Laboratory, Bombay (20), bungalows for the Director of Vaccine Depôt, Belgaum (20) and the Civil Surgeon, Dhulia (18), electric installation at the Grant Medical College (13), and purchase of a bungalow for the nurses at the Civil Hospital, Dhárwár (12);
- (vi) Alterations to the Government Central Press (50), new press and quarters at Yeravda (50), workshop near the Agricultural College, Poona, for training agriculturists in the use of oil-engines and pump (11);
- (vii) Bridge over the Tápti on the Bombay-Agra road (50); and
- (viii) Working boring plant for the Sanitary Engineer (60).

R. A. LAMB.

27th July 1914.

STATEMENT A.

Statement showing Provincial Revenue and Expenditure by Major Heads for the years 1912-13, 1913-14 and 1914-15.

[In thousands of rupees.]

H 41-120

Number of Account Head.	Major Heads of Revenue.	Accounts, 1912-1913.	Budget, 1913-1914.	Revised, 1913-1914.	Budget, 1914-1915.	Number of Account Head.	Major Heads of Expenditure.	Accounts, 1912-1913.	Budget, 1913-1914.	Revised, 1913-1914.	Budget, 1914-1915.								
I	Land Revenue ...	Provincial share ...	1,89,02	2,09,32	2,17,82	2,09,48	1	Refunds and Drawbacks ...	5,95	4,97	7,34	5,67							
		Alienated ...	95,87	95,39	95,52	95,81	2	Assignments and Com- pensations. { Cash ...	12,47	14,15	14,94	14,22							
		Fixed allotment and adjust- ments. ...	1,02,55	27,33	27,48	28,54			{ Alienations ...	83,00	83,40	83,52	83,88						
IV	Stamps ...	41,03	41,50	43,75	43,85	3	Land Revenue ... { Cash ...	76,54	75,04	75,17	82,15								
V	Excise ...	2,12,27	2,13,00	2,22,00	2,27,00	6	Stamps ...	7,70	7,91	7,83	7,78								
VIII	Assessed Taxes ...	28,74	28,45	32,50	30,65			7	Excise ...	1,19	1,19	1,23	1,23						
IX	Forest	49,92	41,50	48,50	45,50	10	Assessed Taxes ...	60	72	72	85							
							11	Forest ...	26,93	26,40	25,40	25,68							
X	Registration ...	7,82	8,00	8,10	8,20	12	Registration ...	3,72	3,67	3,69	3,92								
XII	Interest ...	10,12	14,04	15,15	14,58	13	Interest on Ordinary Debt ...	7,97	8,41	8,48	7,83								
XVI-A	Law and Justice—Courts of Law ...	7,32	7,15	7,80	7,60	18	General Administration ...	17,91	18,79	19,76	18,80								
XVI-B	Do. —Jails ...	3,05	2,50	2,75	3,05	19-A	Law and Justice—Courts of Law ...	56,69	58,72	56,84	57,49								
XVII	Police ...	2,46	2,35	2,63	2,36	19-B	Do. —Jails ...	12,01	11,50	12,98	12,36								
XVIII	Ports and Pilotage	1,02	1,00	1,07	1,09	20	Police ... { Cash ...	97,16	96,48	95,83	1,01,80							
									{ Alienations ...	5,17	5,08	5,17	5,15						
XIX	Education ...	5,31	5,34	5,44	5,21	21	Ports and Pilotage ...	65	2,83	1,29	2,88								
XX	Medical ...	3,25	2,55	2,55	2,60	22	Education ...	61,35	95,25	76,60	1,02,76								
XXI	Scientific and other Minor Departments ...	1,19	1,25	1,30	1,32	24	Medical ...	23,50	48,96	27,70	49,05								
XXII	Receipts in aid of superannuation ...	3,64	3,80	3,70	3,90	25	Political ...	4,21	5,46	4,83	5,48								
XXIII	Stationery and Printing ...	1,28	1,15	1,20	1,22	26	Scientific and other Minor Departments ...	10,26	13,37	11,65	14,29								
XXV	Miscellaneous ...	2,04	72	76	76	29	Superannuation Allowances and Pensions ...	33,48	35,00	36,00	37,75								
XXIX	Irrigation—Portion of Land Revenue due to Irrigation. ...	11,56	13,18	13,18	13,02	30	Stationery and Printing ...	13,59	12,47	13,64	15,01								
XXIX	Irrigation—Major Works—Direct Receipts ...	6,84	7,26	8,15	8,05	32	Miscellaneous ...	6,36	4,95	5,37	7,18								
XXX	Irrigation—Minor Works and Navigation—Public Works Department. ...	1,83	1,83	1,76	1,74	36	Reduction or Avoidance of Debt... ...	13,70	13,70	13,70	13,70								
						40	Subsidized Companies—Land ...	...	3	...	5							
XXXI	Civil Works ...	Civil Department ...	10	8	12	12	42	Irrigation—Major Works { Working Expenses ...	8,13	7,50	8,89	7,72							
									Public Works Department... ...	7,58	5,90	6,50	2,27	43	Irrigation—Minor Works { Interest on Debt ...	10,37	11,11	10,66	11,52
																Civil Department ...	10	8	12	12	44	Civil Works { Civil Department ...	5	20	6	10
{ Public Works Department... ...	15,67	16,00	16,36	16,50															
								{ Civil Department ...	14,24	8,72	14,90	8,69							
								{ Public Works Department ...	23,61	23,90	27,00	29,00							
	Total ...	7,95,81	7,35,59	7,70,73	7,58,92		Total ...	7,24,98	7,87,14	7,68,47	8,23,30								
	Opening Balance ...	1,08,92	1,68,05	1,79,75	1,82,01		Closing Balance ...	1,79,75	1,16,50	1,82,01	1,17,63								
	Grand total ...	9,04,73	9,03,64	9,50,48	9,40,93		Grand total ...	9,04,73	9,03,64	9,50,48	9,40,93								

STATEMENT B.

Statement showing by major heads the ordinary and special or non-recurring Provincial revenue and the opening balance as estimated in the budget for 1914-15.

[In thousands of rupees.]

No. of Account Head,	Receipts.	Budget, 1914-15.	Ordinary.	Special.	Remarks.
1	2	3	4	5	6
I	Land Revenue. { Provincial share ...	2,09,48	2,05,83	(a) 3,65	(a) Collections of outstandings of previous years.
	{ Alienations ...	96,81	96,81	...	
	{ Fixed allotment and adjustments ...	28,54	14,69	(b) 13,85	(b) Assignments from Imperial revenues for special non-recurring objects.
IV	Stamps ...	43,85	43,85	...	
V	Excise ...	2,27,00	2,27,00	...	
VIII	Assessed Taxes ...	30,65	30,65	...	
IX	Forest ...	45,50	45,50	...	
X	Registration ...	8,20	8,20	...	
XII	Interest ...	14,58	11,08	3,50	
XVI-A	Law and Justice—Courts of Law ...	7,60	7,60	...	
XVI-B	Do. —Jails ...	3,05	3,05	...	(c) This is made up of—
XVII	Police ...	2,36	2,36	...	(i) 41,68 Unexpended balance of the Imperial assignments given since the year 1911-12 for recurring and non-recurring expenditure on education;
XVIII	Ports and Pilotage ...	1,09	1,09	...	(ii) 18,96 Unexpended balance of the Imperial assignments given since the year 1911-12 for non-recurring expenditure on sanitation.
XIX	Education ...	5,21	5,21	...	(iii) 1,47 Unexpended balance of the Imperial assignments for non-recurring expenditure on Parel Laboratory (69), on medical relief (40), and on agricultural and allied objects (38);
XX	Medical ...	2,60	2,60	...	(iv) 8,00 Unexpended balance of the Imperial assignment for non-recurring discretionary expenditure;
XXI	Scientific and other Minor Departments ...	1,32	1,32	...	(v) 2,00 Imperial assignment made in 1911-12 for the Royal Visit Commemoration Building in Bombay.
XXII	Receipts in aid of Superannuation, etc....	3,90	3,90	...	
XXIII	Stationery and Printing ...	1,22	1,22	...	
XXV	Miscellaneous ...	76	76	...	
XXIX	Irrigation—Portion of Land Revenue due to Irrigation.	13,02	13,02	...	
	Irrigation—Major Works—Direct Receipts.	8,05	8,05	...	
XXX	Irrigation—Minor Works ...	1,74	1,74	...	
XXXI	Civil Works—Civil Department ...	12	12	...	
	Do —Public Works Department.	2,27	2,27	...	
	Total ...	7,58,92	7,37,92	21,00	
	Opening Balance ...	1,82,01	1,09,99	(c) 72,11	
	Grand total ...	9,40,93	8,47,82	93,11	Total 72,11

STATEMENT C.

Statement showing by major heads the recurring and non-recurring Provincial expenditure provided in the budget estimates for 1914-15.

[In thousands of rupees.]

No. of Account Head.	Expenditure.	Budget, 1914-15.	Permanent recurring.	Fluctuating recurring.	Total recurring.	Non-recurring.
1	2	3	4	5	6	7
1	Refunds and Drawbacks ...	5,67	...	4,93	4,93	74
2	Assignments and Compensations ...	98,10	97,82	16	97,98	12
3	Land Revenue ...	89,93	73,79	9,85	83,64	6,29
6	Stamps ...	1,23	33	84	1,17	6
7	Excise ...	11,81	9,84	1,08	10,92	89
10	Assessed Taxes ...	85	58	20	78	7
11	Forest ...	25,68	12,80	10,87	23,67	2,01
12	Registration ...	3,92	3,42	39	3,81	11
13	Interest on Ordinary Debt ...	7,83	6,50	1,33	7,83	...
18	General Administration ...	18,80	14,92	2,99	17,91	89
19-A	Law and Justice—Courts of Law ...	57,49	49,19	6,84	56,03	1,46
19-B	Do. —Jails ...	12,36	4,11	7,68	11,79	57
20	Police ...	1,06,95	91,72	12,36	1,04,08	2,87
21	Ports and Pilotage ...	2,88	52	25	77	2,11
22	Education ...	1,02,76	54,09	15,40	69,49	33,27
24	Medical ...	49,05	25,50	8,19	33,69	15,36
25	Political ...	5,48	4,74	62	5,36	12
26	Scientific and other Minor Departments.	14,29	7,46	3,52	10,98	3,31
29	Superannuation Allowances and Pensions.	37,75	36,59	1,14	37,73	2
30	Stationery and Printing ...	15,01	2,25	11,04	13,29	1,72
32	Miscellaneous ...	7,18	1,64	4,52	6,16	1,02
36	Reduction or Avoidance of Debt ...	13,70	...	...	...	13,70
40	Subsidized Companies—Land ...	5	...	...	...	5
42	Irrigation— { Working Expenses. Major Works. { Interest on Debt ...	7,72 11,52	6,93 11,52	61 ...	7,54 11,52	18 ...
43	Irrigation— { Civil Department... Minor Works. { Public Works Department.	10 16,50	... 11,82	5 3,72	5 15,54	5 96
45	Civil Works ... { Civil Department... Public Works Department.	8,69 90,00	7,61 38,80	6 17,00	7,67 55,80	1,02 34,20
	Total ...	8,23,30	5,74,49	1,25,64	7,00,13	1,23,17

NOTE 1.—The non-recurring expenditure shown in column 7 is inflated by the following items, which are covered by special receipts :—

37,84	for increased expenditure on education, sanitation, medical relief, and the Bombay Bacteriological Laboratory	} met from the grants made for the purpose from Imperial revenue.
13,70	for reduction or avoidance of debt	
8,00	lump provision out of the special assignment of 12,00 in aid of general Provincial resources	
38	for expenditure on agriculture and allied objects	
15	for expenditure connected with the Factory Ventilation Committee	
<u>60,07</u>	Total.	

The balance of non-recurring expenditure which is met from ordinary revenues amounts to 63,10 (including 1,50 on account of indirect famine expenditure) as shown below :—

Total non-recurring expenditure	...	...	1,23,17
Deduct non-recurring expenditure met from special receipts	...	...	<u>60,07</u>
		Balance	<u>63,10</u>

NOTE 2.—Column 5 represents the minimum expenditure on account of items (like temporary establishments, plague allowance, contingencies, and supplies and services) for which provision has to be made every year, but of which the amount varies from year to year. The lowest figure in the "Budget Estimates, 1914-15," "Revised Estimates, 1913-14," "Budget Estimates, 1913-14," and "Accounts, 1912-13," has generally been taken as the minimum recurring charge for each item, and the total of all such items is entered under column 5 against the major head concerned. The difference between the total budget provision for such items and the minimum recurring charge entered in column 5 is taken as non-recurring, and this, together with the provision for purely temporary objects, has been classed as non-recurring and entered in column 7. This method is adopted in the case of all major heads, except 29, *Superannuation Allowances and Pensions*, 36, *Reduction or Avoidance of Debt*, 42, *Irrigation—Major Works*, 43, *Irrigation—Minor Works (Public Works Department)*, and 45, *Civil Works (Public Works Department)*. In the case of 29, *Superannuation Allowances and Pensions*, the provisions for commuted value of pensions, gratuities and refunds are classed as fluctuating recurring, while all other items are treated as permanent recurring. The whole provision under 36, *Reduction or Avoidance of Debt* is treated as non-recurring, while that under 42, *Irrigation—Major Works—Interest on Debt* is classed as permanent recurring. Under the heads 42, *Irrigation—Major Works—Working Expenses*, and 43, *Irrigation—Minor Works (Public Works Department)*, the provision on account of ordinary repairs, establishments, and tools and plant is classed as permanent recurring, the provision for special repairs and the minimum provision considered absolutely necessary for works in progress, new works, discretionary grants and reserve is classed as fluctuating recurring, and the balance is classed as non-recurring. Under the head 45, *Civil Works (Public Works Department)*, the provision on account of repairs, establishments, and tools and plant is classed as permanent recurring, the minimum provision considered absolutely necessary for works in progress, new works, discretionary grants and reserve is classed as fluctuating recurring, and the balance is classed as non-recurring.

REPORT OF THE SELECT COMMITTEE APPOINTED TO
CONSIDER BILL NO. 1 OF 1914.

(An Act further to amend the Bombay District Municipal Act, 1901.)

WE, the undersigned, Members of the Select Committee to whom the Bill further to amend the Bombay District Municipal Act, 1901, has been referred, have carefully examined the Bill and have the honour to report as follows:—

While adhering to the main principles of the Bill, we have made several important modifications. They relate principally to the appointment and powers of the Municipal Commissioner. In the Bill as introduced, the Governor in Council was empowered to appoint a Municipal Commissioner for a municipal district which contains a population of 150,000 inhabitants. As this limit would at present include only one city, namely Ahmedabad, it is, in our opinion, too high. In the amended Bill the Governor in Council may, if he thinks it desirable, appoint a Municipal Commissioner—

(a) for a municipal district which contains a population of not less than 100,000 inhabitants, thus including Ahmedabad, Karáchi, Poona City and Surat; and

(b) for any other municipal district, on the application of a majority of the whole number of the councillors. This provision will enable important municipalities, such as those of Sholapur, Hyderabad and Hubli, to apply, if so disposed, for the services of a Municipal Commissioner.

2. In order to safeguard the powers of general control and supervision of the municipality we have inserted in the Bill some provisions limiting the powers of the Municipal Commissioner. It has been provided, on the one hand, that the municipal government of a municipal district vests in the municipality, and, on the other hand, that the executive power, subject to various reservations, vests in the Municipal Commissioner. (Clause 9.) In order to avoid the evils of dual control and conflict of authority it was decided after discussion to provide for the transfer of the executive and administrative functions of the President to the Municipal Commissioner. (Clause 10.) Power has been given to the municipality, as in Bombay, to require the Municipal Commissioner to furnish them with returns and reports on any matter appertaining to municipal administration. (New section 186F.) The most effective control of the municipality over the Municipal Commissioner in the discharge of his executive duties lies in the retention of the financial powers with the municipality. The Municipal Commissioner will have to work within the budget allotments, and will have no power to vary or alter the budget sanctioned by the municipality under section 169 (2).

3. It has been made clear that the Governor in Council may appoint a person other than a salaried servant of Government to be a Municipal Commissioner. (New sections 186D and 186E.) If three-fourths of the whole number of councillors petition for the removal of the Municipal Commissioner, the Governor in Council will remove him from office. [New section 186B (3).] In the Bill as introduced it was contemplated that a Municipal Commissioner might also hold the appointment of officer in charge of the City Survey Office or any other appointment of the like character. But we are of opinion that he should hold no appointment other than that of Municipal Commissioner. Before leave of absence can be granted to the Municipal Commissioner the assent of the municipality must be obtained. [New section 186D (1).]

Salary and office of Municipal Commissioner.

4. The powers of the Municipal Commissioner have been set forth in detail with several important safeguards. (New section 186G.) From the list of executive powers we have excluded those which, in our opinion, ought more appropriately to be retained with the municipality, for instance, powers in regard to bathing places under section 133, the consumption of smoke under section 138, the licensing, opening, closing and letting of markets and slaughter-houses under sections 139 and 140, and in regard to overcrowded areas under section 149. The safeguards which we have provided are mainly that certain powers, for instance powers in regard to streets, are not to be exercised by the Municipal Commissioner except subject to the orders or with the approval of the municipality; that he will have no power to make rules and by-laws; and that he must obtain the approval of the municipality before he can direct prosecutions for certain grave offences under the Municipal Act. The powers of the Municipal Commissioner to appoint persons to posts under the municipality have been restricted to posts the monthly salary of which does not exceed rupees one hundred, while his powers of dismissing municipal servants have been still further restricted. (New section 186J.) He is given no power whatever over school masters and teachers working under the municipality (new section 186K). He cannot enter into any contract affecting immoveable property without the approval of the municipality, while, in regard to other contracts, the pecuniary limits of his powers have been fixed at a lower scale than in the original Bill (new section 186N).

5. After discussion we have decided, by a majority of six to three, to retain the residential qualifications of voters and candidates for election (Clause 3). This restriction of municipal franchise is in accordance with sections 9 (e) and 11 (b) of the Municipal Corporations Act, 1882 (45 and 46 Vict., c. 50), and section 10A (1) (c) of the Madras District Municipalities Act, 1884. A distinction has been drawn between those who are qualified as voters or candidates by the possession of certain personal qualifications and those who are so qualified by paying taxes. The former are required to be residents of the municipal district, the latter may reside either in the municipal district or within two miles of the limits thereof. We have provided, as in many other municipal enactments, that no one can be a councillor unless he is at the same time enrolled as a voter; and that one representative of a company or other association of individuals so enrolled will be qualified to be elected a councillor (Clause 4).

6. We have carefully considered a representation received from the Karáchi Municipality to embody in the Bill a clause on the lines of section 12 (2) (d) of the Municipal Corporations Act, 1882, exempting from disqualification for a councillorship a person "having a share or interest in any company which contracts with the municipality for lighting or supplying with water or insuring against fire any part of the municipal district". We consider, on the one hand, that it would be anomalous to single out these three classes of companies for preferential treatment, and, on the other hand, that to extend such treatment to all registered companies having dealings with the municipality would be too liberal. The present provision is to exempt from disqualification only shareholders in registered companies (*vide* proviso (ii) to clause (f) of sub-section (1) of section 15). We notice that this principle is followed both in the Madras District Municipalities Act, 1884, section 10A (1) (g), and in the Madras City Municipal Act, 1904, section 34 (1) (b) (iii). We are not in favour of any change in this matter.

7. We have modified the provision in the Bill regarding resignation of his office by a councillor, and have provided that he should be allowed to resign at any time by giving notice in writing (Clause 6).

8. We have restricted prosecutions for corrupt practices at elections by providing that such prosecutions cannot be initiated except with the previous sanction or on the complaint of a Judge empowered to try an election petition. Further, such offences are not to be triable by a criminal Court of a lower rank than a Magistrate of the First Class (Clause 8).

9. It has been made the duty of municipalities to prescribe the regular line of every public street (Clause 23). Unless the line is authoritatively prescribed, the risk of encroachments on public streets will continue unabated and it will be difficult to dispose of applications for building in the vicinity of public streets on uniform or satisfactory principles. Although by section 297 (3) of the City of Bombay Municipal Act, 1888, a Municipal Commissioner is empowered to permit a person in special circumstances to construct a portion of a building within the regular line of a street, we think it would be better to give no authority even to the municipality to do so in mofussil municipalities, following in this respect section 164 of the Madras District Municipalities Act, 1884. Cases of hardship can be avoided by the power of the municipality to prescribe a fresh line in substitution of a line previously prescribed. If the municipality make default in performing this duty, the necessary action can be taken by Government under section 178 to enforce its performance.

10. Under section 22 (2) of the Bombay District Municipal Act, 1901, the decision or order of a Judge in an inquiry into the validity of an election is conclusive. Our attention has been drawn to the fact that in England appeals lie to the High Court on points of law involved in election petitions. [*Vide* section 93 (7) and (8) of the Municipal Corporations Act, 1882.] We recommend that section 22 of the Bombay District Municipal Act, 1901, be amended so as to admit of appeals on points of law to the High Court from the orders of Judges in such inquiries. The period allowed for appeal may be a short one. As the proposal affects the jurisdiction of the High Court we have not dealt with it in the present Bill.

11. We have considered clauses 22 and 23 of the original Bill whereby it was intended to make it clear that a Chief Officer, Health Officer or Engineer appointed in accordance with a requisition from Government was not liable to be in any way punished or dismissed by the municipality under section 182 (2). But we think that it is not necessary to make any distinction in this respect between officers appointed at the requisition of Government and officers appointed by the municipality of their own accord, and that if three-fourths of the whole number of councillors desire to remove any such officer, there cannot be much objection to his removal. Clauses 22 and 23 of the original Bill have, therefore, been omitted.

12. The following notes are added on the most important clauses of the Bill in the order in which they appear:—

Clause of Bill.	Section of Act.	
3	12, Expl. 2.	As in Bombay, a person who pays no tax other than the tax on vehicles and animals plying for hire or kept for the purpose of being let for hire will not be qualified to be a voter.
4	13A.	The proviso removes a doubt which has arisen in the construction of section 12.
5(2)	15(1)(f) (vi).	A councillor who purchases from the municipality any article, whether or not it is an article in which he regularly trades, subject to certain pecuniary limits, should be exempted from disqualification.

Clause of Bill.	Section of Act.	
5(1)	15(2)(e).	We have adopted the simple rule which has worked well in Bombay, in regard to prolonged absence from municipal meetings.
7	22(1A).	The time allowed to the Collector to question the validity of an election has been reduced from two months to one month.
10	24(1).	There was some difference of opinion on the question whether the duty of the President to "watch over the financial and executive administration of the municipality," in particular, should be transferred to the Municipal Commissioner or not. We decided, by a majority of seven to three, in favour of the clause as it appears in the amended Bill.
11	26A.	As in Bombay, the Municipal Commissioner has been given the right to be present and to speak at municipal meetings, but not to vote. This provision, it is believed, will conduce to harmony in the relations between the municipality and their chief executive Officer.
18(1)	63(2).	As the power of the municipality to assess the amount of taxes on property has been delegated to the Municipal Commissioner by section 186G, he has been specifically empowered to inspect such property.
20	81 A.	The proviso, in the corresponding clause of the original Bill, requiring the previous sanction of the Commissioner to the lease of the levy of any toll has been deleted, as it would lead to correspondence and delay. Another proviso enabling the municipality to apply to a Magistrate for the summary recovery of sums payable by the lessee has also been deleted, as the relations between the municipality and the lessee are contractual and should be left to the protection of the ordinary civil law in regard to the enforcement of contracts.
21	83 (2A).	The power of a municipality to address a warrant, for an amount due, to the Municipal Commissioner for the City of Bombay would be useful to municipalities near Bombay, such as the Bandra Municipality.
25	142 (1) (b).	Power is given to the Municipal Commissioner to destroy any article which is of a perishable nature, if it is unfit for food or drink.
29	160 A.	If any dispute arises in regard to the costs or expenses fixed by the municipality, it will be open to the party who deems himself aggrieved to appeal to a Magistrate under section 86, as in the case of other notices of demand.
32	186 B (1).	The object of the amendment is to give a certain amount of latitude to the Governor in Council when the time comes to extend the term of office of a Municipal Commissioner.
..	186 B (3).	Although it is desirable that the Municipal Commissioner should feel reasonably secure in his appointment, it is not desirable that he should be entirely independent of the good will of the councillors as a body.
...	186 E (1).	The rules regulating the amount of the contribution for the pension and leave allowances of the Municipal Commissioner are contained in Chapter XXXIX of the Civil Service Regulations. Briefly stated, the contribution is levied at the rate of five-sixteenths, in the case of a Government Officer lent from one of the "European Services", and at the rate of one-fourth, in other cases, of the assumed pay of the officer. In return for these contributions: Government accept the responsibility for the officer's leave allowances of all kinds and for his pension calculated on his sanctioned salary.
...	186 G (2).	The powers delegated to the Municipal Commissioner by the sections here set forth may be conveniently grouped under the following main heads:— Powers in respect of— (i) the assessment of municipal taxes; (ii) octroi and toll;

Clause of Bill. Section of Act.

- (iii) the recovery of municipal claims ;
- (iv) streets ;
- (v) buildings ;
- (vi) drainage ;
- (vii) external structures ;
- (viii) public health, safety and convenience ;
- (ix) prevention of nuisances ;
- (x) sale of food ;
- (xi) dangerous diseases ;
- (xii) control of certain special nuisances ;
- (xiii) service of notices ; and
- (xiv) prosecutions.

- ... 186G (2)
proviso (a). In regard to public streets the Municipal Commissioner in the mofussil will have less power than the Municipal Commissioner in Bombay. In Bombay he is empowered to widen, extend or otherwise improve streets if the aggregate cost is Rs. 5,000 or less, and, subject to certain restrictions, he is further invested with power to acquire premises for the improvement of public streets (*vide* sections 289 (2) and 296 of Bom. III of 1888).
- ... 186G (2)
proviso (d). It may be observed that section 161 does not give power to prosecute persons offending against the provisions of Acts other than the Bombay District Municipal Act, 1901, except in the case of public nuisances. In such cases the power of the municipality to prosecute is not delegated to the Municipal Commissioner.
- ... 186H. The object of this section is to provide that when a municipal officer or servant is invested with any power, the Municipal Commissioner, who is his superior, shall also be deemed to have been invested with such power. The provision would be particularly useful in the interval, which may be a long one, between the appointment of the Municipal Commissioner and the revision of the municipal rules framed under section 46 (b) (i).
- ... 186K. It is desirable that schoolmasters and teachers in municipal schools should not be subject to two authorities. As the Schools Committee are generally composed of men specially selected for their interest in educational matters, they should continue to be responsible for the management of municipal schools.
- ... 186M (1). The Municipal Commissioner will not be empowered to delegate any of his powers, duties or functions except with the sanction of the municipality. In this respect we have gone further than the corresponding provisions in the Bombay, Calcutta and Madras City Municipal Acts which do not require the sanction of the municipality.
- ... 186N (c)
and (d). In the case of every lease of immoveable property for a term exceeding seven years and of every sale or other transfer of such property the previous sanction of the Commissioner is required by section 40 (2). Contracts in regard to removeable property may well remain subject to the sanction of the municipality and the Commissioner. It may be observed that provisions of section 40 (3) will be applicable even to contracts which are within the pecuniary limits of the powers of the Municipal Commissioner.

Clause of Bill, Section of Act,
... 186P (3).

The word "municipality" has been substituted for "Managing Committee" because certain contracts relate to the special sphere of duty of executive committees other than the Managing Committee.

(Signed) P. D. PATTANI.
 (") G. S. CURTIS.
 (") R. P. BARROW.
 (") CHINUBHAI MADHAVLAL.
 (") S. K. RODDA.
 (") C. H. SETALVAD.
 (") HARCHANDRAI VISHINDAS.
 (") V. J. PATEL
 (subject to a minute of dissent).
 (") G. K. SATHE
 (subject to a minute of dissent).
 (") RAFIUDDIN AHMAL
 (subject to a minute of dissent).

Minute of dissent by the Honourable Mr. V. J. Patel.

Clause 3, section 12 (2).—Under the City of Bombay Municipal Act a person whose name is entered on the roll is entitled to be a candidate and every person paying a qualifying tax, whether he resides within the limits of the corporation or not, is entitled to be on the roll. The law on this point under the Bombay District Municipal Act, which came under amendment several times, has remained the same. The payer of a qualifying tax is, under the Act, entitled to be a voter as well as a candidate. I do not know what particular hardship is intended to be prevented by the proposed change. The Hon'ble Ráo Bahádur Sathe inquired in the Select Committee if there were cases of Municipal Councillors elected from outside the limits of a Municipal District who have neglected to do their duty but I am glad to say none was cited.

If the electors feel that a person, though residing outside the limits of a Municipal District, will serve their interests better on the Board, I certainly object to any legislation which would have the effect of preventing them from electing that person. It is, no doubt, generally true that a person residing within the Municipal limits could afford to devote more time to the Municipal work than an outsider but we must not lose sight of the fact that there are cases where outsiders are much more interested in the better administration of a Municipality and render more valuable assistance to the Board when elected, than some of the residents themselves.

Clause 7, section 22 (1) (A).—The City of Bombay Municipal Act, section 33, authorizes any person enrolled in the Municipal election roll to question in a Court of law the validity of such election. There is no provision in that Act authorizing the Collector of Bombay or any other authority to take action to set aside any election. There is, to my mind, no reason why such powers should be given to Collectors in the mofussil. I quite agree with the Hon'ble Ráo Bahádur Sathe that during elections feelings of rival parties go very high and that by enacting this provision, the legislature will supply a very easy handle to scheming persons to move the Collectors with anonymous petitions.

I, therefore, think that the executive authorities should not be empowered to interfere in matters of election and the clause must be dropped.

Clause 8, section 22A (2).—Section 22 (4) which defines "a corrupt practice" uses the words "money or valuable consideration." It was suggested to the Select Committee met to consider the Bill which became Act III of 1901 to insert the words "any gratification" between the words "money" and

“valuable consideration” but that suggestion was negatived. I, therefore, think that the words “money or valuable consideration” be substituted for the words “any gratification whatever other than legal remuneration” in the definition of corrupt practice under this section, thus bringing the penal clause on a line with the Civil remedy.

CHAPTER XIII.

I am afraid I feel myself bound to raise a very strong protest against the provisions of this chapter. My objections are:—

(1) The provisions of Act III of 1901 are, in my opinion, adequate enough to work the present-day Municipalities with efficiency.

(2) These provisions have not been given a full trial before they are proposed to be condemned.

(3) The provisions of the amending Bill are of a distinctly retrograde character, and

(4) The financial condition of the Municipalities affected by the Bill is not such as to bear the increased cost consequent on the employment of a Municipal Commissioner.

(1) One of the objects of the Bill seems to be to separate the executive from the deliberative functions of a Municipality and to vest the former in one person. I assume, for the purposes of this minute, that such a necessity has arisen but I contend that there are ample provisions in the existing Act to enable this to be done.

Under section 37 a Municipality is authorized to delegate all or any of its powers, duties or executive functions to its President, Vice-President, Chairman of any Committee or one or more honorary Officers. If no proper person or persons could be found to undertake these duties, etc., the Municipality has, under section 182, a right to appoint a paid executive Officer who, when once appointed, carries with him certain statutory powers (*vide* sections 183 and 184). The Municipality is also authorized to delegate all or any of its powers or executive functions to such Officer. If any Municipality fails to appoint a paid executive officer and the Governor-in-Council considers such appointment necessary they may require the Municipality to make such appointment (*vide* section 177 (1) (i)). If, after such appointment, the Municipality does not delegate certain powers or functions to him, the Governor-in-Council is empowered to require that Municipality to make the necessary delegation (*vide* section 177 (1) (ii).) I submit, therefore, that the provisions of the existing law for this separation of functions and vesting the executive part of it in one person are more than adequate and there is thus no justification or necessity for the proposed legislation on that ground.

(2) It is again contended that the special provisions relating to the appointment of a Chief Officer have proved unsuitable. I fail to see how? What trial has been given to them? The Act was passed in 1901 and most of the City Municipalities have appointed Chief executive officers only recently. It is, in my opinion, too early to pronounce any definite judgment on the working of these provisions.

The important question, however, is “how are the provisions of this Bill an improvement on those of the existing Act so as to prove suitable to the growing volume and complexity of Municipal administration in the largest towns”? The Bill attempts to separate the executive from the deliberative functions and to vest the former in one officer to be called a Municipal Commissioner. The existing Act has already done so as indicated above (*vide* sections 37, 177, 182, 183 and 184). The only important special feature of the Bill lies in the fact that it deprives the Municipality of its right of selecting its own executive officer on such pay as it determines and vests it in the

Governor-in-Council. It is difficult to understand how this step will lead to more efficient administration of mofussil Municipalities.

(3) The sole object of the policy inaugurated in 1884 was to train up the people of this Presidency in the art of self-Government. With this object in view the then legislature left the executive and the deliberative functions of a Municipality to be performed by the Councillors. Act III of 1901, so far as it permitted the Municipality to appoint an executive officer and to delegate to him all or any of its powers or functions, was not objectionable. It, however, went further and gave very wide powers of interference to the Governor-in-Council by empowering them to require any Municipality to appoint an executive officer and to delegate its powers to him. This Bill goes still further and deprives—

(i) the Municipality of its right to select its own executive officer on such salary as it determines;

(ii) the Municipality of its right to delegate such of its powers as are not vested in its Chief Officer under the existing law but are now proposed to be vested in the Municipal Commissioner under section 185-G of the Bill; and

(iii) the President of his rights under section 24 (B) and (C).

These provisions, therefore, are of a most retrograde character. It is one thing not to be invested with powers. It is really a different matter altogether to be deprived of the powers enjoyed for years. It is much to be regretted that the liberal policy of Lord Ripon's Government is, instead of being expanded, attempted to be nullified by gradual encroachments on the rights and privileges of a self-governing body by such legislation.

(4) Now coming to the question of finances, I beg to say that no mofussil Municipality except perhaps Karáchi has arrived at that stage of financial capacity as to bear the extra burden of cost consequent on the employment of a highly paid officer as a Municipal Commissioner who, as the Hon'ble Sir Pherozesha Mehta put it, "should be a man of great probity, knowledge and experience". "If that were not so," he says, "the experiment is bound to prove a worse failure than the present system in the mofussil". Some other honourable members have also expressed a similar view. The Hon'ble Sardár Sir Chinubhoy, Bart., in his speech at the first reading has expressed misgivings as to the capacity of his Municipality to bear the extra cost and desired Government to pay two-thirds of the salary of the Municipal Commissioner and his pension and leave allowances as well. If this is the case with a large Municipality like Ahmedabad, *a fortiori* the Municipalities like Poona, Surat, etc., which are intended to be brought under the new law cannot be expected to undertake this burden of a highly paid officer. The Bill has passed the stage of Select Committee and not only no statutory guarantee regarding the apportionment of the cost of the salary of the Municipal Commissioner has been given but the majority of the Select Committee have decided to throw the burden of the pension and the leave allowances of that officer also on the Municipality.

In conclusion, I beg to add that the tendency of making one man rule and centralizing all the powers in one paid officer virtually not amenable to the control of the body corporate is a retrograde step in these days of decentralization. It will be seen from the views of the majority of the Select Committee that the institution of Municipal Commissioner is likely to be extended to certain Municipalities even smaller than that of Ahmedabad and it will be a financial disaster leading to inevitable retrenchment of expenditure on works of public utility or to enhanced taxation to find ways and means for the provision of the salary of a highly paid officer which, I presume, will never be less than Rs. 1,000 a month. I would, therefore, advocate for the protection of the interests of the rate-payers as well as for the efficiency of the Municipal

administration, the utilization of the honorary services of non-official Presidents or Vice-President elected by the Municipality or nominated by the Government as the case may be. These office bearers have necessarily, under the existing law, to be approved by Government and it is possible, if the principle of educating the people in self-Government is to flourish, to find suitable Presidents or Vice-Presidents in City Municipalities to devote their leisure in exercising control over the executive administration. Is it not more equitable to retain the institution of a Chief Officer on its present basis and to add thereto the executive control of the President in whom all or most of the residuary powers of the Municipality might be vested subject to such control of the body corporate as it is now intended to be retained even with reference to the Municipal Commissioner, than to employ a highly paid officer who will necessarily delegate his statutory powers to lower subordinates?

Without in any way committing myself to the principle of the appointment of a Municipal Commissioner, I add the following notes on some of the clauses and sections dealing with the subject :—

186 (A) (1).—The Governor-in-Council may make an appointment of a Municipal Commissioner but they shall select a person for that appointment from amongst a list of at least three persons to be submitted to them by the Municipality concerned within a period to be fixed by them. If within the period so fixed, no such list is submitted, the Governor-in-Council may make an appointment of any person it pleases.

186 (C) (1).—The employer must have an effective voice in the determination of the employee's salary. If, however, the proposed provisions as to the unrestricted right of the Governor-in-Council to appoint any person it pleases as Municipal Commissioner remain as they are, I submit that a substantial portion of the salary of the officer so appointed must be borne by Government for two reasons : (1) The Municipality loses and the Governor-in-Council gets the right to select and appoint the officer and (2) the mofussil Municipalities are unable to bear the extra burden of cost.

186 (E).—If the power of appointment of a Municipal Commissioner is to vest in the Governor-in-Council the whole of the pension and leave allowances must be borne by Government. This is so in Bombay and I see no reason why there should be a different rule in respect of mofussil Municipalities which are comparatively very much poorer. It may be noted that this burden of pension and leave allowances of a salaried servant of the cadre of the Indian Civil Service is not a small burden inasmuch as the same amount would enable the Municipality to employ a Chief Officer or a Secretary.

186 (J).—A Chief Officer under the existing law has power to appoint any person to any post the monthly salary of which does not exceed Rs. 15 and to fine, reduce, suspend, or dismiss such person only. It is further provided in the Act that any order of punishment other than a fine not exceeding one week's salary shall be subject to an appeal to the Municipality. I am of opinion that the power of a Municipal Commissioner should be limited to posts carrying a monthly salary of Rs. 30 and his power of punishment should also be likewise limited. I am further of opinion that any order of punishment other than a fine not exceeding two weeks' salary should be subject to an appeal to the Municipality.

Clause 9, section 23 (A).—The words "except as in this Act otherwise expressly provided" must be dropped. It is contended that very wide executive and other powers are given by the Bill to the Municipal Commissioner and therefore the exception is necessary. I submit that though the powers are so given under the Bill to the Municipal Commissioner, the Municipal Government must always remain vested in the Municipality and the words are unmeaning and superfluous inasmuch as it is not intended that the Municipal Government shall, in any circumstances, vest in the Municipal Commissioner.

Clause 10, section 24 (B and C).—The original Bill did not contain this clause and hence the question was not considered by the Council at the first reading.

These general powers to watch over the financial and executive administration and to exercise supervision and control, if allowed to remain vested in the President, will be a very healthy check on the actions of the Municipal servants. Even under the existing Act, although certain statutory powers are given to the Chief Officer, the powers under section 24 remain with the President and this arrangement has hitherto worked well. It is argued that as certain powers under the Bill vest exclusively in the Municipal Commissioner it is desirable, in order to avoid conflict and obtain harmony, that similar powers should not vest in any other person. I regret I am unable to endorse this view. The President, after all, is the head of the Municipality and the Municipal Commissioner must feel that there is at least one person in the Municipality to supervise or control his doings.

Clause 11, section 26 (A).—I object to the first part of the section which gives an absolute right to a Municipal Commissioner to be present at any meeting of the Municipality and to take part in the discussion thereat as a Councillor. Occasions may arise when it may be necessary or desirable to discuss certain matters in the absence of the Municipal Commissioner. Indeed, to take an extreme case, the Municipality may be engaged in discussing the question of his removal and to say that he must have a right to be present in that meeting, and to discuss the question as a Councillor is, to say the least of it, ridiculous. No such absolute right is given to the Chief Officer under the existing Act (*vide* section 186).

Bándra, 30th June 1914.

V. J. PATEL,
Additional Member.

Minute of dissent by the Honourable Rao Bahadur G. K. Sathe.

Clause 3 (2).—Residential qualification for a candidate, who is merely a taxpayer, is being introduced for the first time in this bill. The present amendment, if carried, will debar large property holders from coming forward to serve on Municipalities only on the ground that they do not reside within the limit specified in spite of their desire to work on such bodies. In view of the fact that travelling has now become very easy and expeditious such a restriction appears to me unnecessary and it will have the effect of shutting out many a deserving candidate. Besides voters may be safely relied upon to exercise their judgment in making a proper choice. They will necessarily not accept one who might not be able to give due attention to the civic duties on account of his residence elsewhere. The hardship of the amendment will specially be felt in towns along the railway line like Talegaon, Lonávla, Kalyán, Thána, Bándra and others where gentlemen residing outside proper Municipal limits have been up till now serving on such bodies.

Clause 7 (1A).—This clause empowers the Collector to question the validity of elections. Rival candidates and individual voters have under existing law a right to question elections on grounds mentioned in section 22; experience shows that this right is freely exercised. In addition to this we have now introduced a penal clause, *viz.*, clause 8 (section 22A), to secure greater purity in elections, and I am sure such a provision will have a great deterrent effect. It is, therefore, neither expedient nor necessary to invest the Collector with powers in this behalf. During election times feeling often runs very high in rival camps and provision of this character will, I am afraid, supply an easy handle to unscrupulous persons to approach the Collector to secure his interference keeping themselves in the back ground. The Collector before proceeding under this clause will have to make some sort of preliminary inquiry into the allega-

tions made through his Subordinates (Revenue or Police) and there will be room for complaints that witnesses made their first statements under undue pressure. It is true that the final decision rests with the District Judge who tries election petitions and great safety lies in this. A party arraigned against the Collector will have to fight very hard, and even if he succeeds the worry and expense of such litigation will be immense, not to mention the difficulty he will have to face by the indirect influence likely to be exercised on the minds of witnesses by the mere fact that the matter is taken up by the Collector. Moreover, by authorizing the District Judge to start prosecutions *suo motu* under section 22A (5) we have provided a sufficient safeguard against the contingency of parties hushing up criminal proceedings by mutual agreement.

CHAPTER XIII-A.

Section 186 (c).—Municipalities should have a voice in determining the salary of the Municipal Commissioner. It may safely be assumed that Government will fix the salaries of such officers after considering the financial position of several Municipalities. However, I think it is a reasonable demand to claim that the bodies concerned should in the first instance fix the maximum and minimum salaries they can afford to pay. It is apprehended that Municipalities might fix ridiculously low salaries so as not to make it possible to secure efficient senior officers. Such action, if capricious, can be controlled by Government. In the existing Act (please *vide* section 46 (b) II) Municipalities fix the salaries of their employees and this schedule requires the approval of the Governor in Council or the Commissioner as the case may be (please *vide* section 46, proviso (a)). In case my suggestion is accepted a similar safeguard may be put in the section in question.

Section 186J (1) (e).—The section as now drafted gives finality to the orders of the Municipal Commissioner regarding dismissal, etc., in the case of servants drawing Rs. 50 or less per month. This is a very large power and it is absolutely necessary to provide an appeal either to the General Board or a Committee appointed for this purpose. All ministerial officers of the Judicial Department have a right of appeal either to the District Judge or High Court against the orders of Subordinate Judges and District Judges respectively. This is irrespective of the pay they draw (please *vide* section 38 of Bom. Civil Courts Jurisdiction Act XIV of 1869 and the amended Circular No. 4, Chapter XIV, of the Manual of High Court Circulars, 1912). Section 35 of the Land Revenue Code gives similar protection to subordinates of the Revenue Department under certain conditions. Looking to these precedents and to the fact that dismissal means bar to any other responsible service I think the orders of Municipal Commissioner should be made subject to appeal.

G. K. SATHE.

*Minute of dissent by the Honourable Moulvie Rafiuddin Ahmad,
Bar.-at-Law.*

In regard to paragraph 5 of the Report, I see no special reason for disfranchising those possessing personal qualifications as compared with those who pay taxes. If the latter are allowed to reside outside the municipal district the former should be given precisely the same privilege. Under the English Municipal Corporations Act of 1882 a person is entitled to be enrolled as a voter if he "has during the whole of the twelve months resided in the borough, or within seven miles thereof". The limits outside the municipal district should be reasonably wide, and I recommend that the English provision should be followed in this respect. I have no objection to a proviso being added to the effect that if the place of residence within the seven miles happens to be in another municipal district the person so residing should not be qualified to be a voter or candidate in the former municipal district.

With regard to new section 186K, I fail to see why the Municipal Commissioner should be given no powers whatever over Municipal schools and school-masters. The principal object for appointing Municipal Commissioners in mofussil municipalities is to transfer ordinary executive functions from deliberative bodies to an officer of superior administrative qualifications. To that extent the exception made is an anomaly. Moreover, the Schools Committees in mofussil municipalities have greater need for the help of the Chief Executive Officer than the Schools Committee in the City of Bombay where talented men interested in education freely offer their services. The Schools Committees in the mofussil municipalities are far more likely to be swayed by sectional feelings than an experienced officer devoid of local prejudices.

(Signed) RAFI UDDIN AHMAD.

Poona, 14th July 1914.

REPORT OF THE SELECT COMMITTEE ON THE BOMBAY
LAND REVENUE CODE AMENDMENT BILL, No. II of 1914.

We, the Members of the Select Committee to whom the Land Revenue Code Amendment Bill, No. II of 1914, has been referred, have carefully examined the Bill and have the honour to report as follows.

The Honourable Mr. Parekh suggested that provision should be made in clause 2 for a landlord to enter into possession at once on a tenant repudiating his title. It was decided, however, in view of section 116 of the Indian Evidence Act and section 111 (g) (2) of the Transfer of Property Act, 1882, that it was unnecessary to make provision for this contingency. Clause 2 was then approved as it stood in the Bill.

In regard to clause 3 the Honourable the Chief of Kurundwad and the Honourable Mr. Belvi urged that the provision regarding proportional suspensions and remissions by the superior holder would be a hardship to him, because while Government might suspend only Rs. 10 say, out of the amount due by the superior holder, the superior holder might be compelled to suspend Rs. 30 or Rs. 40, say, out of the amount due to him. After discussion it was held that this contention was reasonable; and it was decided that the superior holder should in no case be compelled to suspend or remit more than double the amount of the suspension or remission granted to him by Government.

The Honourable the Chief of Kurundwad further contended that where the superior holder paid no land revenue to Government, and therefore could receive no suspension from Government, it should not be obligatory on him to grant suspensions or remissions. This view, however, was not accepted by the Committee, as those of the superior holders who pay to Government less than full assessment or no assessment at all are in a favourable position; and it was not considered reasonable that a further concession should be given to them. It was decided therefore that they might be called upon to suspend or remit the amount which in the opinion of the Collector would have been suspended or remitted if full assessment had been leviable from them.

Sub-clauses (1) and (4) of clause 3 of the original Bill were accordingly redrafted as sub-clauses (1) and (2) of clause 3 of the amended Bill, so as to carry out these decisions.

The proviso to sub-clause (2) of clause 3 of the original Bill was placed after sub-clause (5) of the amended Bill; and it was decided to add an explanation to the clause, making it clear that the Bill applies to unsurveyed as well as to surveyed villages. The other amendments in the clause are drafting amendments.

The question was raised whether it was necessary to amend section 86 of the Code so as to bring out the fact that suspended revenue is "payable" in the year to which the payment of it has been postponed under the provisions of this Bill. It was decided, however, that the Bill as drafted is sufficiently clear on this point.

(Signed) R. A. LAMB.
 („) G. S. CURTIS.
 („) R. P. BARROW.
 („) DULABAWA RAISINHJI,
 Thakor of Kerwada.
 („) B. S. KAMAT.
 („) D. V. BELVI
(subject to a minute of dissent).
 („) VENKATESH SHRINIWAS NAIK.
 („) GOKULDAS K. PAREKH.
 („) B. C. PATWARDHAN,
 Chief of Kurundwad, Senior.

Minute of dissent recorded by the Honourable Mr. Belvi.

I am sorry I cannot persuade myself to accept the main principle underlying clause 3 of the Bill even as amended by my colleagues on the Select Committee. It is true that the clause under consideration may, in its amended form, weigh a little less heavily on the superior holder than it was likely to do had it been passed into law in its original phraseology. But the crucial question is whether it is right for the legislature to interfere with the contractual relations subsisting between the superior holder and the inferior holder and to undermine the prestige of the former in the estimation of the latter. Under the proposed legislation the superior holder will have to forego a portion of the rent due to him. But he will not have even the ordinary satisfaction of seeing that the inferior holder feels grateful to him for the suspension or the remission as the Collector's initiative will rob the superior holder's action in the matter of all its grace in the mofussil.

No facts and figures were laid before the Select Committee to warrant such interference with the rights of private property. It seems to be assumed gratuitously that in a bad year the average superior holder has enough, if not too much, and the average inferior holder has too little to live on. But my long experience of rural life in the Bombay Carnatic militates against such an assumption. There are thousands of men and women in the mofussil who have literally no other source of livelihood than the rent of their small fields. It is in my opinion not only wrong but misleading to compare the position of Government with that of an ordinary superior holder. The British Government is the biggest landlord in this country and just as the sun never sets on the British Empire, the rains never fail simultaneously in the whole of British India. Government has its multifarious other sources of revenue than its income from land in this country. Government can, therefore, afford not only to be just but generous to its tenants in bad years.

The principle to which I object seems to have been borrowed from the Tenancy Acts in force in the Central Provinces, the North-Western Provinces and the Punjab. But in my opinion the systems of land tenures obtaining in those provinces are radically different from the ryotwari tenure which has been in existence in Western India from ancient times. There is no analogy at all which can serve as a useful guide to us in the matter of the proposed legislation.

It will be perfectly reasonable to empower Revenue Courts in this Presidency to refuse assistance to superior holders in the recovery of rents from

inferior holders in bad years. Superior holders may, if so advised, sue inferior holders for balance of rent in Civil Courts which are empowered under the existing law to decree the payment of the balance of rent in small instalments—a course which will prove far more beneficial than “suspension” under the Collector’s order. It is certainly inexpedient to compel the superior holder to be generous against his will and to order him to forego a portion of his normal income without regard to his means. All that can reasonably and justifiably be demanded of the superior holder by Government will be that he must suspend or remit in favour of his inferior holder whatever is suspended or remitted in his own case by Government in its mercy in bad years. To do more than this should be left strictly to the good sense of the superior holder.

The remedy proposed in clause 3 of the Bill may prove worse than the disease. It may lead to an enhancement of rents on lands in Western India. Superior holders will devise means to safeguard their interests from possible orders for suspension or remission by exacting rents in advance—and there is absolutely nothing in law to prevent their doing so—or by adding to the normal rent the sum of assessment to the disadvantage of the needy cultivator. The principle embodied in clause 3 of the Bill is likely to be misunderstood and resented, not only by the large number of superior holders who reside in unalienated villages in the Presidency but by the influential class of holders of alienated (Inam) villages who will regard it as an unwarranted infringement of their ancient and prescriptive rights.

(Signed) D. V. BELVI

Poona, 10th June 1914.

REPORT OF THE SELECT COMMITTEE APPOINTED TO
CONSIDER BILL NO. IX OF 1912.

(A Bill further to amend the Bombay Tramways Act, 1874.)

We, the Select Committee to whom Bill No. IX of 1912 (A Bill further to amend the Bombay Tramways Act, 1874) has been referred, have carefully examined the Bill and have the honour to report as follows:—

We have included in the Bill the two provisos to new section 3A and the amendment to new section 4A which have already been placed before the Council. The object of these alterations in the Bill is to safeguard the interests of persons who reside near the Colaba Depôt of the Tramways Company, and, in regard to future depôts, to make it clear that the requisite approval of the Commissioner shall be given only with the consent of the Corporation.

The amendments that we have made in these provisos as placed before the Council and in the original Bill are only verbal, the most important one being the use of the expression “cars and carriages” as in the Schedule to the Act of 1874.

(Signed) P. D. PATTANI.

(„) PHEROZESHAH M. MEHTA.

(„) J. P. ORR.

(„) R. W. L. DUNLOP.

(„) JAMSETJEE JEEJEEBHOY.

(„) F. L. SPOTT.

(„) FAZULBHOY M. CHINOY.

No. Conf. 22 of 1914.

Ahmedábád, 13th April 1914.

From

THE COMMISSIONER,
Northern Division, Ahmedábád ;

To

THE SECRETARY TO GOVERNMENT,
Legal Department, Bombay.

Sir,

In accordance with the instructions conveyed in your letter No. 58-Conf., dated the 20th December 1913, I have endeavoured to ascertain the opinions and wishes of *tálukdárs* themselves with regard to the Gujarat *Tálukdárs'* Bill. For this purpose I have held eight *Darbárs* in the Ahmedábád, Kaira and Broach Districts with results which will be gathered from the careful report by the *Tálukdári* Settlement Officer of which I have the honour to attach a copy for the information of Government. I desire to acknowledge the very valuable assistance rendered to me by the Honourable Mr. Jukes which alone enabled me to meet the bulk of the *tálukdárs* and ascertain their views from their own mouths.

2. Government instructed me "to consult *tálukdárs* and other persons affected by the Bill" and gave me a free hand in the matter of the means by which this should be accomplished. I first had to consider what persons other than the *tálukdárs* will be affected by the Bill and I could think of none except their creditors, their *kárbháris* and, perhaps, the lawyers whose practice may conceivably be affected if certain of the provisions of the Bill be allowed to stand as now drafted. It was obvious to me that to admit any but *tálukdárs* to the deliberations which I proposed to enter upon with the *tálukdárs* would be to defeat my own object which was to learn what the *tálukdárs* actually knew of the meaning of the Bill and the light in which they regarded it. I concluded that the will of Government would be fully complied with if I confined myself to the *tálukdárs* and left the other indeterminate but not voiceless class to select such channel as might suit them best for placing their views before Government. I may say that I believe they have already made known their views in the mass of representations, of which some are ostensibly submitted by *tálukdárs*, already in the possession of Government.

3. The *Tálukdári* Settlement Officer has carefully summarized the information which we have gained and it is unnecessary for me to go over again the ground which he has traversed. I will only say that I entirely concur in the conclusions at which he has arrived as set forth in his paragraph 13. I cannot of course hope to be able to convince Government, through the medium of a written report, as absolutely as I have myself been convinced by personal consultation with the *tálukdárs*. I am myself convinced that such opposition as was met with at the hands of the Chudasma and Jhala *tálukdárs* of Dhandhuka was organized and unreasoned: the position generally taken in Broach is that the *tálukdárs* of that district are sufficiently prosperous and self-reliant to want none of the new Bill.

4. I gather that, outside the organised opposition zone, very little live interest is taken in the Bill. The establishment of the proposed Tribunal, with the *Tálukdári* Settlement Officer sitting as a member of it, and with an appeal either to His Excellency the Governor in Council or to the High Court is generally warmly approved. There is, I believe, in the minds of many of the *tálukdárs*

grave apprehension with regard to sub-clause (i) of clause 22 (1) of the Bill. They urge and with some show of reason that they ought to know exactly what they are liable to under the Act and that clause (i) as worded now gives to the Commissioner a discretionary power which he might at times exercise very arbitrarily. I respectfully suggest that further consideration may be given to this clause in Select Committee and that it may be so drafted as to indicate the limitations which Government obviously mean should be imposed on the Commissioner's use of his power. The Tálukdári Settlement Officer's suggestion in this connection may be considered. As to the educational clauses of the Bill there is not nearly as much opposition as I had expected. I found not so much opposition as misunderstanding with regard to the extent of the powers with which the Bill proposes to invest the Tálukdári Settlement Officer. With a few exceptions, as soon as it was shewn that the Tálukdári Settlement Officer was not to interfere except in the event of the parent's default and that when he did interfere his powers would be limited by the parent's status and position, these provisions were at once accepted as moderate and necessary.

5. It is generally urged that the limit of two years' income in sub-clause (e) of clause 22 is too low and should be raised to four or five years' income. I am inclined to agree with Mr. Jukes that a limit of four years might be conceded provided the Tálukdári Settlement Officer is in a position to ascertain the real amount of debt incurred when he desires to do so.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) R. P. BARROW,

Commissioner, N. D.

No. C—9 OF 1914.

From

THE HONOURABLE MR. J. E. C. JUKES, I.C.S.,
Tálukdári Settlement Officer, Gujarát ;

To

THE COMMISSIONER,
Northern Division.

Camp Gorásu, 19th—22nd February 1914.

Sir,

I have the honour to submit a detailed report on the proceedings of the local Darbárs at which you presided in order to ascertain the opinions of the Tálukdárs of Gujarát with reference to Bill No. XI of 1912.

2. Eight Meetings in all were called. Six of these were held in the Ahmedábád District; one in each of the tálukás of Prántij, Sánand, Viramgám and Dholka, and two in the Dhandhuka Táluka, at which the tálukdárs of the Gogho Máhál also were invited to be present. A seventh Darbár was held in A'nand for the tálukdárs of Kaira, and an eighth in Broach, to which all the tálukdárs of the Broach District were summoned. Those Ruling Chiefs of Káthiávád who are also tálukdárs of Ahmedábád have already fully represented their views to Government in writing, and it was therefore deemed unnecessary to request their presence at the Darbárs. With their exception, and with the further exception of one or two notorious bad characters, every tálukdár of the three districts was given an opportunity of expressing his

views on the Bill. In order to ensure, as far as possible, that the opinions given should be the opinions of the *tálukdárs* themselves, all persons other than *tálukdárs* were excluded from the Meetings. Two exceptions only were made to this rule. The *Kárbhári* of the mother of the minor *Thákor* of the important *Sánand* and *Koth* estate was allowed to appear at the *Sánand Darbár* and read a brief communication from the lady; while the *Thákor* of *Gámph*, whose eye-sight is failing, was with your special permission attende^d at the *Dhandhuka Meeting* by his *Kárbhári*, who, of course, took no part in the proceedings. Similar permission to attend his master in the *Sardárs' pavilion* had been given to the same *Kárbhári* when His Majesty the King Emperor visited Bombay. Ample notice of each Meeting was given in the *táluka* or *tálukás* concerned, and the very representative attendance of *tálukdárs* at the *Darbárs* affords proof that this notice reached those for whom it was intended.

3. I append to this report a detailed account of the proceedings at each of the eight Meetings. These accounts are compiled from short-hand notes made at the time by a member of your office establishment, supplemented, after the first three Meetings, by notes which you and I took down with our own hands. The order of proceedings at each of the *Darbárs* was identical. You opened the Meeting with a brief speech which was interpreted, sentence by sentence, into Gujaráti. I followed with a speech in Gujaráti, in which I explained, in particular, the clauses of the Bill which deal with the *Tálukdárs' Tribunal* and with education. Then any *tálukdár* who had anything to say was invited to come forward and discuss the Bill with us. Where would-be speakers were not numerous, you selected *tálukdárs* at random and questioned them. Finally you summed up the results of the *Darbár* and endeavoured to secure an expression of opinion on the more controversial points. For convenience in reading, I propose to summarise briefly the events of each *Darbár*; giving the general conclusions which were reached, the specific requests made by the *tálukdárs* and the nature of any opposition that was experienced.

4. We opened the campaign with a *Darbár* at *Prántij*. The Meeting was fully representative. The only *tálukdári* estate proper in the *táluka* is that of *Orán*, the remaining estates being held by *Mehvási Tálukdárs*. With the one exception of the *tálukdár* of the small village of *Sadáni Muvádi*, who arrived too late for the Meeting, every *tálukdár* and every *Mehvási* was present, in addition to a goodly number of *Bháyáts* or cadets. This representative Meeting expressed its entire satisfaction with the Bill. The three most controversial points contained in the Bill, the clauses regarding the *tálukdárs' Tribunal*, education and the taking of estates under management, were specifically submitted to a vote, and were unanimously accepted as unobjectionable. With regard to the *Tribunal*, the *tálukdárs* were anxious that the *Tálukdári Settlement Officer* should sit as a member of the Court and that the appeal should lie, not to the High Court, but to the Governor in Council. In connection with education, a request was made for the establishment of more schools and, if possible, of a *tálukdári* hostel in *Prántij*; and apprehensions were expressed that the cost of the education for which the Bill provides might fall unduly heavily on the *tálukdárs*. When however the nature of the provisions of the Bill was explained to the Meeting, they were readily accepted as highly beneficial to the *tálukdárs*. To the *japti* or management clause, no objection was taken. Finally, the *tálukdárs* earnestly prayed that their *jama* might be fixed in perpetuity, at a figure somewhat lower than its present amount. You promised to bring this prayer to the notice of Government.

5. The second *Darbár* was held at *Sánand*. The *Vághela Tálukdárs* of this *Máhál* attended in somewhat sparse numbers, but with three exceptions, every estate in the *Máhál* was represented. The exceptions were the *Utelia* estate, which owns three villages

in Sánand in addition to its Dholka territory, and the estates of Chekhla and Lodariál, which also are the property of *tálukdárs* who reside in their Dholka villages. At the outset, there was some show of opposition to the Bill. This was not surprising, as we had received in advance ample warning of a strenuous attempt to organise an unfavourable demonstration, which had been made by an influential person who is not himself a *tálukdár* of Gujarát. The leader of the opposition in the Darbár was Thákor Fatesingji of Kuvár, who was at the time undergoing a prosecution for defamation by my Shirastedár. This gentleman produced a petition, signed by numerous *tálukdárs*, setting forth various objections to the passing of the Bill. As he claimed to have written this petition himself, it was put on one side and he was requested to state his opinions verbally. In course of conversation, it was discovered that he was labouring under considerable misapprehensions with regard to the contents of the Bill. His misconceptions, as well as those of several objectors who followed him, were laboriously removed by dint of close questioning and patient and detailed explanation; though the task was at times extremely difficult. As a striking proof of this, I would invite a reference to the evidence of Jálamsingji of Le khamba who, after full explanation of the constitution and duties of the Tribunal had been given to at least three of those who preceded him, was still under the impression that Government intended to close the Civil Courts altogether so far as *tálukdárs* were concerned and to create "a new post in the *Tálukdári* Department" to take their place. Further minute explanations directed to himself merely succeeded in substituting for his original idea a conviction that the Tribunal was designed to hear any dispute "arising out of the Bill". I should like to quote from the evidence of two other *tálukdárs* also, which expresses very accurately the true attitude of a very large body of *tálukdárs* towards the Bill. Jethibháí of Godhávi stated that he knew nothing about the Bill, except that "Ráhubháí of Káneti told him that it was objectionable", and therefore he objected to it. Daláji of Garodia stated that he also knew nothing about the Bill, but that pleaders and others had told him that it would injure his interests. He was, however, prepared to trust Government rather than the pleaders. These two expressions of opinion are typical of the real attitude towards the new law of some ninety *per cent.* of the *tálukdárs* of the Ahmedábád District; the ratio of their distribution between the two camps being governed by the eloquence and persistence of those to whose interest it is to oppose the Bill.

It is pleasant to be able to record that the final result of the Sánand Meeting was a practically unanimous vote of confidence in Government. Ráhubháí, a petty sharer in the much sub-divided little estate of Káneti, stood firm in his opposition to the Tribunal, which, for some reason which he could not explain, he was convinced "would not give him justice". With this one exception, there was a unanimous vote in favour firstly, of the institution of the Tribunal, with the *Tálukdári* Settlement Officer sitting as a member of it and an appeal to the Governor in Council; secondly, of the education clause, provided that the cost of education were made proportionate to the means of the *tálukdárs*; and, finally, of the *japti* clause. In this *táluka* also, there was a unanimous demand for a permanent *jama*, coupled with a strong desire that *jama* should in the new Bill be defined as "Tribute" and not as "Land revenue".

6. From Sánand we proceeded to Bhankoda, to hold a Darbár of the *tálukdárs* of Viramgám. Among the *tálukdárs* of Viramgám, this *táluka*, who are mainly Koli Thákurdás, we met with a different kind of opposition. This opposition, which bore evident marks of previous organisation, took the form of a refusal to express any opinion of the Bill otherwise than in writing. In this attitude the first speaker, Umedsang of Bhankoda, persisted to the end, although others, who professed a desire to abide by his decision on the matters on which

their opinion was asked, proved more compliant under patient questioning. A perusal of the proceedings of this Meeting will at once suggest the reasons which led opponents of the Bill to deprecate a verbal expression of opinion by Viramgám Tálukdárs. With a very few exceptions, such as the minor tálukdárs of Panár and Bhagápura estates, who have been educated in the Scott College at Sádra, the witnesses showed not only complete ignorance of the provisions of the Bill but also complete inability to comprehend the simplest of explanations. The most reasonable ground alleged for opposition was that assumed by the tálukdár who said that he knew nothing about the Bill, but that it was new, and he preferred to use old things as long as they were usable. The reply of another tálukdár that what he disliked in the Bill was the "new tax" which it imposed might be significant, if we knew the source of his information. Possibly he derived it from the same source as the man who had heard that there were in the Bill "seventy-two clauses of a most alarming nature"; or the tálukdár who understood that the Tribunal would take away his lands; or the third person who thought that the Bill provided for the recovery by Government of quit-rent from holders of alienated land. Although the taking of votes from an assembly of this very limited intellectual capacity was obviously a pure formality, that formality was duly gone through. As a result, it was agreed, with only seven dissentients, that the Tribunal should be instituted. On the question of appeal, practically no opinions could be elicited. The education clause met with no opposition. Of suggestions for the improvement of the law, the Meeting was naturally very unfertile. There was the usual unanimous demand for a *jama* permanently fixed; and one tálukdár suggested that the Bill should contain a definite provision for the reversion to the parent estate of any alienated land whose owner died heirless.

7. The Meeting at Dhandhuka was attended by the tálukdárs of the eastern portion of that táluka, consisting mainly of Dhandhuka. Chudásamás, with a few Jhála Rajputs and one or two Mahomedans. Several tálukdárs from Gogho Máhál also were present. After the Thákor of Gámph, Sardár Agarsingji, the head of the Chudásama clan, had expressed his entire acceptance of the Bill, it at once became apparent that opposition to the greater part of its contents had been carefully organized. It was definitely stated that the Chudásamás had met together beforehand and, while deputing one man to speak on their behalf, had forbidden anyone else to answer questions. We succeeded, however, in eliciting at some length the views of three of their number, though at a comparatively early stage in the proceedings a definite demand was made that a vote should be taken, and at the close a great number of tálukdárs stood up and expressed their entire agreement with their chosen spokesman, Takhatasingji of Tagdi. It is impossible to summarise in a brief space all the objections which that gentleman took to the Bill; ranging, as they did, over practically every clause of the new law, whether its provisions are new or are merely reproduced from the older Acts. It must suffice to state that almost every objection which has ever been taken to the Bill, whether in petitions, in the Press, in Select Committee or in the Legislative Council, found a place in the representations of one or other of the three tálukdárs whose views were expressed at length. On the three points which were specifically referred for opinion at all the Darbárs, the Dhandhuka decisions were very emphatic. Strong exception was taken to the Tribunal, on the ground that it involved a combination of judicial and executive functions. It is doubtful whether ten *per cent.* of the tálukdárs present understood the meaning of this well-worn phrase. The education clause was accepted, provided that the provision for a fine were deleted from it; that is to say, provided that it were made entirely ineffectual. On the *japti* clause, we met for the first time objections which were to recur in varying form at all subsequent Meetings. The provision for attachment on account of debt exceeding two years' net income was characterised as unduly harsh and a limit of five

years' income was demanded. The power given to the Commissioner by clause 22 (i) was regarded as excessive. On the ground, apparently, that the Commissioner's method of performing his functions is to sit in a chair and sign orders prepared by his subordinates, it was alleged that the necessity of his sanction afforded an insufficient protection. Takhatsingji suggested the substitution of the District Court for the Commissioner as the sanctioning authority. For the remaining objections taken to various clauses of the Bill at this Meeting, I must refer to the detailed report of its proceedings. The usual prayer for a *jama* permanently fixed was preferred, and once again it was asked that *jama* might be defined as "Tribute" and not as "Land revenue". Apart from this, I would refer specifically only to Takhatsingji's kindly suggestion that we should ask the Thákór of Amod to draft a new Bill for us. On the whole, it may be said that, with the exception of their chief representative, the Chudásamás of Dhandhuka showed uncompromising hostility to the Bill.

8. The Meeting at Ránpur was intended to serve the western half of the Dhandhuka Táluka, which is inhabited by Káthi and Molesalám Tálukdárs. These attended in force, together with a strong contingent of Mulgámetis from the villages which the Thákors of Limbdi and Vadhván hold as tálukdárs and a few representatives of the Gogho Máhál. The atmosphere at this Meeting was very different from that of the Dhandhuka Darbár. The general expression of opinion was entirely in favour of the passage of the Bill, although certain changes were suggested as improvements. The establishment of the Tribunal with the Tálukdári Settlement Officer as a member was unanimously accepted. On the question of appeal, opinions differed, some tálukdárs favouring an appeal to the High Court and some to the Governor in Council. To the education clause, no exception at all was taken. With regard to the assumption of management, preference was expressed for a five years' instead of a two years' limit of debt, and a general feeling was manifested that the powers given to the Commissioner by clause 22 (i) were too wide. Suggestions for the amendment of the last-mentioned sub-clause were, however, not numerous, and several of the objectors stated that they would be satisfied if the Commissioner always made proper inquiry before taking estates under management. The usual demand for a *jama* permanently fixed was forthcoming, and there was also a request for a mention in the law of the proprietary rights of tálukdárs. Apart from this, the Molesalám Tálukdárs showed their traditional jealousy of any interference with their rights over their tenants, making several suggestions for the restriction of the Tálukdári Settlement Officer's powers of entering into contracts with cultivators while an estate is under management; and Kuvar-sang of Dhárpila made an interesting proposal regarding the appointment of tálukdár assessors to the Tribunal. He was anxious that either party to a suit should be empowered to challenge the appointment of an assessor whom he had reason to consider as prejudiced against him. A striking feature of this Darbár was the force and unanimity of the appeal of the Mulgámetis to be afforded the protection of the Bill, and their anxiety for the introduction of a detailed survey as a defence against the aggressions of certain Ruling Chiefs of Káthiávd.

9. In point of numbers, the attendance of Vághela Tálukdárs and Kasbátis at Dholka was small, but, with the exceptions of Moti-Boru and Dhingda, every estate in the táluka was represented. The results of the Darbár were curious. A stout opponent of the Bill, and everything it contains, was found in Sardár Sursingji, Thákór of Utelia, but he failed to carry any of his fellow tálukdárs with him. When votes were finally taken, he alone voted against each proposal that was put to the Meeting, the remainder of the tálukdárs being unanimously in favour of the Bill, though anxious for certain alterations. The institution of the Tribunal and the inclusion of the Tálukdári Settlement Officer as a member of it

were acceptable to all but the Thákor Sáheb. As to the appeal, opinions differed, but the majority was in favour of an appeal to the Governor in Council. The education clause found no detractors outside of Utelia. As to the *japti* provisions, the general sense of the Meeting was that the debt limit of two years' income should be increased to four or five years', and that clause 22 (*i*) should be made more specific. As an alternative, it was suggested that the Commissioner should be required, before acting under that sub-clause, to give a hearing to the *tálukdár* concerned. Apart from the fundamental objections of Sardár Sursingji, few suggestions of any importance were made for the amendment of the Bill. A permanent *jama*; its definition as "Tribute"; and the insertion in the law of a mention of the proprietary rights of *Tálukdárs*; all these cropped up once more. One *tálukdár* was anxious to substitute "*tálukdári*" for "*tálukdár's*" estate in the definition, and thereby defeat one of the principal objects of the Bill. Another required an assurance, which had been required elsewhere also, that the new law did not introduce into estates where it does not already exist a custom of female inheritance. The evidence given by the Thákor of Utelia will repay study, and particularly the portion of it in which he stated that he had expressed certain objections to the Bill in a petition prepared for him by his advisers, but that he could not now remember what certain of those objections were. As an interesting commentary on the Thákor's evidence, I attach a translation of a communication printed, immediately after the Dholka Darbár, in a vernacular paper of Ahmedábád. This communication appeared over the signature of Mr. Meghábhái Ratansing, who is alike *Kárbhári* of Utelia and Revenue *Kárbhári* of the Limbdi State. It professed to give a *resumé* of the objections made by the Thákor to the Bill at Dholka. A comparison of this document with the evidence actually given by the Thákor will show that, of the twenty-seven objections which he is represented as having urged, he actually made eleven only, and three of these he subsequently modified on being pressed as to their grounds. It is difficult to resist the conclusion that the views set forth in Mr. Meghábhái's communication are the views which the Thákor was instructed to represent at the Meeting, and that he failed to do credit to his tuition.

10. The Meeting at Dholka was the last Meeting held in the Ahmedábád District. We went next to A'nand, to meet the *tálukdárs* of the Kaira District. Conspicuous absentees from this Darbár were the Thákors of the various estates of the Thásra *Táluka*. Practically all the estates situated in other parts of the district were represented. The general atmosphere of this Meeting was one of entire approval of the Bill. The usual votes were taken at its close, and it was found that the *tálukdárs* were unanimously in favour of the Tribunal and of the appointment of the *Tálukdári* Settlement Officer to sit as a member of it. Opinions were equally divided on the subject of the appeal. The education clause met with universal approbation, on the usual understanding that the expense of education should not be unduly heavy. As to the management clause it was considered satisfactory, provided that the limit of debt was raised to a maximum of five years' income and that the Commissioner undertook to make proper inquiry before taking action under sub-clause (*i*). A few other interesting suggestions were made, two of these emanating from the Thákor of Kuna, one of the ablest and most intelligent of Gujarát *Tálukdárs*. He expressed a strong desire that all Civil Suits in which *tálukdárs* are concerned should come before the Tribunal, and in this he found support from at least one of the speakers who followed him. He also deplored the exemption from restrictions on alienation and incumbrance of land for which a *sanad* had been granted under the Summary Settlement Act; pointing out that a large area of *tálukdári* land proper in the Kaira District had become *sanadia*, and that its exclusion from the protection of clause 58 would lead to the break-up of many estates. The Thákor of Gájna was anxious that the entire control of

village police should be restored to the *tálukdárs*, while he objected to the provision for repeated surveys. We met this objection elsewhere. The *jama* in the Kaira District being already 'Udhad', or fixed in perpetuity, in all but a few petty estates, the usual Ahmedábád demand for fixation was naturally not forthcoming.

11. The final Darbár of the series was held at Broach, and attracted a full assembly of the *tálukdárs* of that district. The two principal *tálukdárs*, the Thákors of Kerváda and A'mod, who have previously represented their views to Government, were not put to the trouble of expressing their opinions; though the Thákor of A'mod was given an opportunity of making a few remarks at a late stage in the proceedings. On the whole there was evident a distinct absence of enthusiasm regarding the Bill. If the votes taken at the close of the Meeting can be regarded as properly representing the views of the Thákors who attended it, it may be said that they were unanimously averse from the institution of the Tribunal and unanimously in favour of the clause regarding education; while the only change which they desired in the *japti* clause was the substitution of a five years' for a two years' limit of debt. The voting did not, however, follow the same lines as the views previously expressed by the *tálukdárs* themselves. Several of them, when questioned, had expressed approval of the Tribunal, with the *Tálukdári Settlement Officer* as a member and an appeal to the High Court. The Thákor of Dehej, it is true, had strongly objected to it, but he could give no reason for his dislike. The Thákor of Mátar was principally concerned to retain an appeal to the Privy Council: this is not unnatural, as it was from a decision of that judicial authority that he gained the estate which he now enjoys. The voting showed no opposition to clause 22 (i), but exception was taken to that sub-clause by several *tálukdárs*. The Thákor of Mátar, whose estate is now in my management under section 26 of the present Act, was prominent in the attack. More than one *tálukdár* expressed themselves as satisfied with the clause, provided that the Collector was consulted before management was assumed. Suggestions for other amendments of the Bill were few and far between, though Chandrasingji of A'mod, a petty Bháyát of Sardár Náharsingji, paraded certain of the old objections to the imposition of restrictions upon the freedom of *tálukdárs*; advancing the unusual statement that *tálukdárs* are less extravagant of their money than any other class. The Thákor of A'mod himself made a few remarks towards the close of the Meeting. I shall touch upon one of his theories in the last paragraph of this letter, but, as he has promised to submit his views on the Bill to Government in writing, I will await his full representation before commenting on the remainder of his remarks. On the whole, the impression left by the Broach Darbár was that the majority of the Thákors not only did not understand, but was incapable of understanding, what the Bill really contained.

12. Before summarising the opinions of the *tálukdárs*, as elicited in the eight Darbárs, there are two preliminary points which I am anxious to emphasise. I should like, in the first place, to mention the fact that this was not the first or only occasion on which the *tálukdárs* were consulted concerning the Bill. The new law has been under preparation for the past five years, and the *tálukdárs* have been freely consulted throughout. At a very early stage in the proceedings, Mr. Tupper called a Meeting of the principal *tálukdárs* and others concerned. He explained the details of the proposed law, invited their criticisms, and incorporated many of their suggestions in the clauses. At the close of the interview, his visitors, among whom were included the Thákor of Utelia and his Kárbhári, Mr. Meghábháí, expressed their entire approval of the Bill as altered. In addition to this formal Meeting, *tálukdárs* have throughout been encouraged to come freely to the *Tálukdári Settlement Officer* and put before him any doubts which they feel

with regard to the scope of the new law. Since taking charge of the office last May, I myself have interviewed some hundreds of *tálukdárs* of various degrees and have found practically no objection raised to the main provisions of the Bill when these were properly explained. Complete and ungrudging acceptance of the measure in its entirety could not, of course, be expected; and this brings me to the second point on which I want to lay emphasis. The object of the Gujarat *Tálukdárs'* Bill is the protection of the *tálukdárs*; and it is aimed at affording them protection, not only against the surrounding world, but also, and in particular, against themselves. I need not labour this point. It is already well known to Government and it was treated at some length in the report with which my predecessor forwarded the original draft of his Bill. Measures designed to protect a man against himself are hardly likely to command his unqualified approval; and this fact deserves to be borne steadily in mind when considering the objections urged to certain minor provisions of the Bill. It could not be expected that any but the most enlightened of *tálukdárs* would welcome the restrictions which the proposed legislation places upon his dealings with his estate.

13. When this fact is borne in mind, the result of our Meetings cannot but be classed as eminently and unexpectedly satisfactory. We can now take the Bill to the Legislative Council, confident in the support of a solid body of opinion in favour of all but a few of its minor details. The *Mehvásis* of Prántij, the *Vághelás* of Sánand and Dholka, the *Molesaláms* and *Káthis* of Dhandhuka and the *Thákors* of Kaira are practically unanimous in their acceptance of its general principles. The *Koli Thákurdás* of Viramgám, so far as they can be said to possess any opinions at all, are ranged on the same side. In opposition to the Bill we have found only the *Chudásama* and *Jhála Tálukdárs* of Dhandhuka and isolated individuals like the *Vághela Thákor* of Utelia; together with a certain number of the *Thákors* of Broach. We are thus in a position to report to Government that the great majority of the *tálukdárs* of the three districts desires the passage of the Bill. We are further in a position to report, as the result of our personal inquiries, that the printed petitions against the Bill, which have been submitted in such numbers to the Local Government and to the Government of India, do not, in the great majority of cases, in any way represent the true opinions of the *tálukdárs* who have signed them. Their opinions are to be found, not in those petitions, or in petitions which may come to Government hereafter, but in the detailed proceedings of your *Darbárs* which accompany this report.

14. In discussing the various suggestions for the improvement of the Bill which our inquiries elicited, I propose to deal first of all with the three sets of clauses to which, rightly or wrongly, we attached the greatest importance; that is to say, with the clauses which treat respectively of the *Tálukdárs'* Tribunal, of education and of the assumption of the management of estates. With regard to the Tribunal, I would commence by pointing out that, inasmuch as the proposal for its institution originated in Select Committee, this was the first occasion on which the *tálukdárs* had been formally consulted concerning it. We did our best to obtain from all *tálukdárs* their real views with regard to the creation of a Tribunal and its constitution, and I am respectfully of opinion that we were generally successful. We found that the *Chudásamás* of Dhandhuka opposed its institution, on the ground that it involved a combination of executive and judicial functions; the *Thákors* of Broach appeared to have no decided views on the subject; at all other Meetings it was warmly welcomed. Certain of the *Thákors* of Kaira, and one *Thákor* of Broach, went so far as to press that it should hear all Civil Suits to which a *tálukdár* is a party. Every *tálukdár* who approved of the Tribunal considered that the *Tálukdári Settlement Officer* should be a member of it, on the ground of his knowledge of the affairs and the customs of *tálukdárs*. I cannot think that they were influenced in this connection by my presence, as I was

careful to explain to them, in my preliminary remarks, that so far as I personally was concerned, I was in no way anxious to take upon myself the heavy addition to my existing work. With regard to the appeal from the Tribunal's decision, opinions differed considerably. The *tálukdárs* of Prántij and Sánand were unanimously in favour of an appeal to the Governor in Council; those of Ránpur, Dholka and A'nand were divided between such an appeal and an appeal to the High Court. The Viramgám *Tálukdár*s appeared to have no convictions on the subject. I would venture to express my emphatic opinion that a continuance of the existing state of affairs would be decidedly preferable to the institution of a Tribunal, of which the *Tálukdári Settlement Officer* is not a member, with an unrestricted right of appeal to the High Court. A similar Tribunal with a limited appeal I should welcome even more than a Tribunal which should include the *Tálukdári Settlement Officer* and allow an unrestricted appeal. The great object of the Tribunal is the saving of expense in succession litigation, and this can best be attained by strict limitation of judicial appeals.

15. Clause 64 of the Bill, which provides for the education of the sons of *tálukdárs*, met with almost universal approval. Some apprehensions were at times expressed, based on a mistaken idea that Government desired that the *Tálukdári Settlement Officer* should seize the sons of *tálukdárs* of whatsoever degree and send them by force to distant schools and colleges. When it was explained that all that will be required is education suited to the position and the pocket of the *tálukdár* concerned, and that there is no intention of interfering with any *tálukdár* who carries out his own duty in this connection, all opposition vanished. A general desire was, however, expressed that Government should build more village-schools and give some financial aid to poor *tálukdárs* who desire to educate their sons.

16. In connection with clause 22, which lays down the circumstances in which the management of a *tálukdár's* estate may be assumed under the Commissioner's orders, two sub-clauses came in for considerable criticism. The first of these was sub-clause (e), which provides for attachment when the Commissioner is satisfied that the claims against the *tálukdár* or his estate exceed the value of two years' estimated net revenue of that estate. It was generally held that the limit of two years' income was unduly low, and that it should be raised to four or five years' income. In proposing the limit which has been incorporated in the Bill, my predecessor was largely influenced by the idea, that it would never be easy to ascertain the amount of a *tálukdár's* debts, and that before the Commissioner could be convinced that they had exceeded two years' income in any particular case, they would probably total at least double that amount. I should be perfectly satisfied with a limit of four years' net income, if I were provided with a sure means of ascertaining the amount of debt. This could be most easily effected by extending the provisions of clauses 31 and 32 to cases in which it is proposed to take action under clause 22 (e). If this extension were made, I should be prepared to accept a four years' limit in the latter clause. Sub-clause (i), which was inserted by the Select Committee, is the other sub-clause to which exception was taken. It provides for management "when it appears to the Commissioner essential for the due protection or proper management of the estate". It seemed to be generally considered that the powers given by this sub-clause to the Commissioner were somewhat wide, and that some safeguard was necessary to insure that he should not act without due investigation. It is for you, rather than for me, to express your opinion to Government as to the necessity of any change. I would only say that I should be quite content if the clause were replaced by a section providing for management "when there is reason to apprehend danger to the well-being of inferior holders". This would confer rather less power than was conferred by section 26 of Act VI of 1888, but I think that it would be sufficient for all practical purposes,

17. Other suggestions for amendment of the Bill consisted very largely of proposals to remove restrictions placed upon the free action of tálukdárs in dealing with their estates. The majority of these have already been considered by the Select Committee, and many of them were embodied in the amendments submitted to Government in connection with the second reading of the Bill proposed for last July. Two novel suggestions have, however, been made to us which call, I think, for mention here. The first of these is the proposal that a tálukdár having litigation pending in the Tribunal should be entitled to challenge any tálukdár appointed as assessor for his case. The suggestion is not unreasonable, and might well be met by allowing him to petition the President of the Tribunal on the subject: the final decision being left with the President. A second proposal, formally made to us, had been put to me previously by the Honourable the Thákor Sáheb of Kerváda. He suggested that the Bill should specifically provide for the reversion to the parent estate of any alienated land whose owner dies heirless. If such provision could legally be made, I see no objection to it. The right of reversion, though constantly asserted, is still an open question, which is now being fought out in the Civil Courts. Finally, I would refer to a not uncommon demand of the tálukdárs with reference to the order of expenditure from a managed estate which is laid down in clause 29. It was frequently urged upon us that the maintenance of the tálukdár himself should be placed higher in the order of disbursement. As a concession to sentiment, I see no objection to classing it immediately below the cost of management, or even to bracketing it with that cost as a first charge on the estate. Its position in the list will be purely formal, and will not in any way affect the provision made for the tálukdár's support.

18. The Thákor Sáheb of A'mod has promised to submit to Government in a separate communication his own views on the Bill, and I do not propose to discuss at length the few remarks which he made at the Broach Darbár. I do desire, however, to express my entire disagreement with his proposition that the tálukdárs of the Broach District have advanced so far beyond their brethren of Ahmedábád and Kaira that they may reasonably be entirely excluded from the scope of the Bill. My own experience of the Broach Tálukdárs, as well as the limited intelligence displayed by many of the Thákors who attended your Darbár, drives me to an entirely opposite conclusion. One or two of them are doubtless perfectly competent to manage their estates in their own way, and their case is provided for by the Honourable Sir Richard Lamb's amendment empowering Government to exempt tálukdárs by name from the operation of certain clauses of the Bill. Most of the Broach Thákors are, however, just as much in need of protection, whether against others or against themselves, as the tálukdárs of Kaira and Ahmedábád.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) J. E. C. JUKES,

Tálukdári Settlement Officer.

*Translation of a communication printed in the "Praja Bandhu" of
25th January 1914.*

Summary of the objections taken by the Thákor Sáheb of Utelia in the Tálukdárs' Meeting convened by the Commissioner, Northern Division, and the Tálukdári Settlement Officer, Mr. Jukes, on 23rd January 1914 at Dholka in connection with the Bill to amend the Gujarát Tálukdárs' Act:—

1. The definition of tálukdár should be amended and persons other than those holding directly from Government should not be considered as tálukdárs.

2. The words Land revenue should be removed and the words Tribute, Peshkasbi, or Udhad *jama* should be substituted for them, wherever they occur.

3. A fifteen years' lease should not constitute an encumbrance.

4. The word *tálukdári* should be substituted for the word '*tálukdár's*' wherever it occurs.

5. It should be clearly stated who hold proprietary rights against Government, and the fact of the possession of such proprietary rights should be distinctly stated. It should be distinctly stated that our proprietary rights will not be affected by the repeal of Act VI of 1862.

6. Survey has been made thrice and it should not be made again except on our application.

7. It is not necessary to record in the Settlement Register the amount of rent paid by each tenant.

8. Copies of the Survey Settlement should be supplied to the *tálukdárs* free of cost.

9. The obligation to submit registered documents for record in Settlement Registers should not be thrown on the *tálukdárs*. The necessary information should be called for from the Government offices in which the documents are registered.

10. The clause in which it is stated that the *tálukdárs' jama* may be as much as the full survey assessment should be removed and it should be laid down that no more than a certain percentage thereof shall be taken and that it should in no case exceed the limit of 40 to 50 *per cent.* fixed by Mr. Robertson. The exemption from *jama* of alienated or *vánta* land of a *tálukdári* village should be clearly stated.

11. The fact that Local Fund is levied on the amount of *jama* should be clearly stated.

12. (In partition cases.) Management should commence only after the right to partition has been established.

13. The indefinite ground for assuming management should be removed from the clause and details should be given.

14. The clause relating to the assumption of management when the debt amounts to two years' net revenue should be removed. Five years should be substituted and then the *tálukdár* should be given an opportunity of explaining matters (before attachment is made).

15. In case of assumption of management of an estate on a *tálukdárs'* application, if no term of management is agreed upon, it should be raised on the *tálukdárs'* application. The question of the removal of attachment should be disposed of within two months, and if it is not disposed of within this period management should be deemed to have terminated and this should be definitely stated in the Bill.

16. It should be distinctly stated in the Act that the manager has no right to enjoy greater powers than those possessed by the owners.

17. The maintenance of *tálukdárs* should be a first charge on the estate. Other payment should be made after this charge is met.

18. It should be distinctly laid down that the acts done during the management period are not binding on *tálukdárs* after the removal of attachment.

19. During the period of management the *tálukdárs* should be furnished annually with an account of income and expenditure and some limits of expenditure should be fixed in the share of a percentage of the income.

20. Moveable property should not be taken under management.

21. The present jurisdiction of Civil Courts should not be altered.
22. Compulsory education should be removed from the Bill.
23. A limit of expenditure on police should be defined and it should be distinctly stated in the Act that we have the right to nominate the Police Pátel and appoint the Village Police.
24. There should be no objection to the tálukdárs' having monetary dealings in the same táluka.
25. In these money dealings there should be no objection to the transfer of the village-site lands.
26. The *jama* of Báhárhali or *vánta* land should not be increased if they are purchased by a tálukdár.
27. Clauses in the Land Revenue Code which are prejudicial to our proprietary rights should be removed from the Bill.

(Sd.) MEGHABHAI RATANSING,

Kárbhári, Utelia.

Dated 23rd January 1914.

True translation.

(Sd.) J. E. C. JUKES,

Tálukdári Settlement Officer.

PROCEEDINGS OF THE DARBAR HELD AT PRANTIJ
ON THE 13TH JANUARY 1914.

Commenced at 12-30 noon. The following Talukdars were present :—

Name of village.	Name of Talukdar or Thakor.
Oran	Sardar Askar Ali Lalamia. Akhabar Ali Kasam Ali. Divanmia Hasan Ali. Kalumia Ahmed Ali. Bapumia Panamia.
Vaghpur	Thakor Takhatsingji Jethusingji. Kunvar Shivsangji Takhatsingji. Juvansangji Takhatsingji.
Antroli-Vas-Dolji	Thakor Gambhirsing Lalsing.
Antroli-Vas-Punjaji	Bhayat Ramsangji Madhusangji.
Moyad-Vas-Rupaji	Thakor Nathusangji Fatesangji.
Moyad-Vas-Nathaji	Thakor Becharsangji Mansangji. Thakor Nathusangji Becharsangji.
Padusan	Thakor Juvansang Mansang. Thakor Kesrisang Juvansang.
Sagpur	Kesarji Becharji. Amarsang Kesrisang.
Badodra	Thakor Juvansang Fatesang. Thakor Himatsang Bhupatsang. Thakor Ratansang Vajesang. Thakor Harisang Bajaji.

Name of village.	Name of Talukdar or Thakor.
Aniod	... Thakor Rupsangji. Thakor Bhawansang Umedsang. Thakor Kasuji Lakhaji. Thakor Lilaji Amraji.
Ujedia	... Thakor Galabsang Bapuji. Thakor Adarsang Galabsang. Thakor Fatesang Gamirsang. Thakor Kaluji Jalaji. Thakor Kalansang Jalamsang.
Navavas	... Thakor Gamirsang Hiraji.
Sitvada-Vas-Vastaji	... Madhuji Kaluji. Punjaji Ranchhodji. Lalsang Galabsang. Amthuji Punjaji. Ranchhodji Vajaji. Karanaji Ranchhodji.
Sitvada-Vas-Vastaji	... Vajaji Fataji. Becharji Kunpaji. Amthaji Hariji. Visaji Becharji. Viraji Kasaji.
Sitvada-Vas-Meraji	... Dipaji Nathuji. Hemtaji Jehaji. Amthaji Hariji. Punjaji Dajiji. Visaji Ranchhodji. Hendaji Jhaverji. Kasuji Gokalji. Amthuji Modji. Madhuji Becharji. Karanaji Luluji.
Dalani Muvadi	... Motisang Amarsang.
Doltabad	... Galabsang Dhiraji. Punjaji Galabji. Galabji Dhiraji. Fataji Gobarji. Amraji Malji. Juvanji Raysangji. Ramsangji Moghaji.
Mudhasana	... Luluji Takhaji. Bavaji Viraji.
Badarni Muvadi	... Fatesangji Mansangji. Ratansang Mansangji. Vajesang Mansangji.
Kesarpur	... Jethuji Danaji. Baktiji Amraji. Madhuji Karanji.
Boria	... Sursangji Kalansangji. Madhuji Bapuji. Amarsang Bhavansang. Umedsang Bhupatsang. Partapsang Badsang. Halusangji Juvansangji. Harisang Malji.

Name of village.	Name of Tálukdár or Thákor.
Baini Muvadi	... Becharji Kuberji.
Rupal	... Partapsang Kuberji. Galabsang Lalsang. Juvansang Bhupatsang. Dursang Galabsang.
Chandpur	... Galaji Mansangji.
Rozad	... Juvansang Pujsang. Hemtaji Jalamji. Kalansang Khumaji. Galabji Vaghaji.
Punadra	... Nathuji Khatuji. Kursang Jeshangji.
Jalani Mvaudi	... Kansang Visaji. Bhuptaji Rupaji. Sonji Galabji. Khatuji Gokalji.
Gamdi	... Punjaji Karuji. Gambhirsang Kaluji.
Mavani Muvadi	... Manaji Habhji.
Mokamni Muvadi	... Fatesang Amraji.
Bhatia	... Punjaji Karamuji. Ranaji Jesaji.
Takar	... Shivsang Gobarsang. Madhusang Virsang.
Poyda	... Jesangji Dhiraji. Hemtaji Fulaji.
Indrajpur	... Bhemaji Gobarji. Bhathiji Manaji.

This list includes all the Tálukdárs of the Prántij Táluka, with the single exception of the Thákor of Sadáni Muvadi, who arrived too late for the Durbár.

The Commissioner addressed the Durbar as follows :—

I understand that most of the Talukdars of Prantij are present to-day. Now I am very glad to see so many, because I want to ascertain the opinion of all Talukdars on the subject which we have come here to discuss. You all know that some little while ago Government, largely guided by the advice of the officers who are acquainted with the circumstances of the case, set out to amend the law relating to Talukdars. They proposed to improve the law in the interests of the Talukdars. But curiously enough there came before Government spoken and written evidence that there was a feeling that the law was adverse to the interests of the Talukdars. We, who are officers of Gujrat, did not believe that the Tálukdárs really had this feeling, and that is why I am anxious to hear from you in person what your views are with regard to the proposed new law. Mr. Jukes will explain to you what provisions the Bill contains. All I will now say is that I am anxious that any one of you who has not fully understood what the Bill means or has any doubt as to the propriety of its provisions should explain his doubts to me so that I may attempt to resolve them. It will greatly strengthen the hands of Government if I am in a position to tell them on your behalf that after careful consideration of the contents of the Bill the Tálukdárs of this táluka have unanimously

expressed their opinion in favour of the changes which it is proposed to make ; and that is why I say that if any one of you is at all doubtful regarding its effects I want you to come forward and tell me so quite honestly and fearlessly. Now I will ask the Talukdari Settlement Officer to tell you about the Bill in Gujaráti.

Mr. Jukes then addressed the Talukdars as follows :—

The Commissioner has invited you today to ask your opinion about the new Bill which it is proposed to pass concerning the Talukdars of Gujarat. It is after much consideration and consultation with many Talukdars that this Bill has been devised ; but Government is graciously pleased, before passing it into law, to inquire yet once more what is the true opinion of the Talukdars. Therefore, if any one of you has any suggestion to make any objection to raise or any question to ask, he should come forward and speak his mind openly.

In this matter, one thing in especial should be remembered. This Bill is not an entirely new law. There is at present in existence a law relating to the Talukdars, and Talukdari estates are now being managed in accordance with it. The Bill repeats unchanged many sections of the old law ; it improves others ; and introduces some quite new clauses. Still although there certainly are changes, the intention of the law remains the same—to protect the Talukdars. If the Bill is passed, Government will gain from it no financial advantage and the Talukdars will be cheated of none of their rights. The method of fixing the *jama* will remain unchanged under the new law. The Talukdars will be consulted in the nomination of village police, just as they are consulted under the present law. They will be able, if they obtain sanction, to encumber or alienate their land, just as they are able at present. Not only will Government derive no gain from the passing of the Bill ; they will actually incur greater responsibilities. But the object of the law remains one and the same ; to protect the Talukdars. As to the effectiveness of the protection, many Talukdars of Prantij could, if they wished, give the best of evidence. Hitherto you have trusted Government, and that you will continue to do so is my confident expectation.

Of the new clauses in the Bill, I should like to give some explanation regarding two or three which are of special importance. First of all comes education. Government has long perceived that one of the principal reasons for the impoverishment of many Talukdars is their lack of education. Without education, they cannot manage their estates properly. Whether they manage them themselves or entrust them to Karbharis, the result is one and the same. They incur heavy debts, and in order to save the estate it has to be attached. A clause has been introduced in the new Bill which lays upon the Talukdars themselves the duty of educating their sons. The system which prevails in the Kathiayad and other Agencies is introduced into Gujarat. If any Talukdar does not educate his son properly in accordance with his position and his income—this is important ; in accordance with his position and his income ; Government does not ask more ;—the Commissioner is empowered to fine him ; and the fine itself may, if the Talukdari Settlement Officer so wishes, be spent on the education of the same boy. You must remember, however, that this clause applies to boys only ; it will never be made applicable to daughters. From the introduction of this clause, we may hope that future Talukdars will be properly educated, and able to manage their estates ; that the load of debt will vanish ; that no reason for attaching estates will arise ; and that, finally, no room at all will be left for the Talukdari Department itself.

Another new clause in the Bill concerns the Civil Courts. At present, if a Talukdar dies and a dispute arises as to the identity of his heir, it is necessary to go to the Civil Courts. The first step is to file a suit in the Sub-Judge's Court ; from his decision there is an appeal to the District Court ; and thence to the High Court and possibly to the Privy Council. You all know very well how

much time is wasted and how much money spent in getting justice in this way. Pleaders and all those who depend for their living upon the Courts give bad advice and do anything they can to prolong the suit. And what is the ultimate result? Such suits have led to the absolute ruin of many estates. Now it has occurred to Government that, if a Special Court were established to hear such suits, judgment would be given more speedily and much expense saved. An experienced Judge would preside over this Court; and with him would sit, as Assessors, a Talukdar and a third person, who would be an officer of the Revenue Department. This third person would be either the Talukdari Settlement Officer or an Assistant Collector. The Judge would be fully conversant with the law, while the Talukdar, one of yourselves, and the Revenue Officer would be conversant with your ways and customs. From this Court there would be one appeal, either to the High Court or to the Governor in Council, before whom no barrister or pleader could appear. Government is particularly anxious to learn the views of the Talukdars on this question. Which do you prefer? Shall succession and similar cases continue to go to the ordinary Civil Courts, or shall there be a special Court? If a special Court who shall sit on it, with the Judge and the Talukdar? The Talukdari Settlement Officer, or an Assistant Collector? I should like to explain here that I personally am not anxious to sit on the Court. My work is already heavy, and that would greatly increase it. Still, if Government and the Talukdars wish it, I am prepared to sit. Which shall it be then, the Talukdari Settlement Officer or an Assistant Collector? Finally to whom shall the appeal lie? To the High Court or to the Governor in Council? As I have said, Government are particularly anxious to learn the views of the Talukdars on this question; and so we shall be delighted to hear any suggestion that anyone has to make.

I have explained, on behalf of the Commissioner, the two most important of the new clauses in the Bill. Sardar Askar Ali now desires to say a few words to you. After that, if anyone has any suggestions to make or questions to ask, either about these two clauses or about any other clauses in the Bill, he should come up here and explain his views verbally to the Commissioner.

Sardar Askar Ali Lalámiá of Orán.

We are all very much obliged to Government for consulting us in the matters which affect our interests. We never doubted Government. They have been doing all that is good for us. We Talukdars have full experience of the Civil Courts. The Commissioner knows it very well. We think that the Talukdars should, in order to get their claims decided, approach first the Talukdari Settlement Officer and then the Commissioner. It is ruinous to go to the Civil Court. Our all is swallowed up by the pleaders and other men; if they leave anything at all it is very inconsiderable. The Talukdars of this Taluka have asked me to request Your Honour to give the best possible education to our children. Life is very short, and we cannot make much progress or better our condition much in one generation. But we all attach importance to the education of our children, and I am asked to represent this state of things on behalf of all the Talukdars of this taluka, and to request Your Honour to make arrangements to build hostels and open schools so that our children may be benefited by the education they will receive at the hands of the Benign Government. Further I want to say that our *jama* is altered from year to year. Its amount may kindly be reduced and settled once for all. As for education I have read many things about this, but the illiterate Talukdars of this taluka know very little of education. We are all very anxious to see our children educated and we all express our sincere desire that Government will help us in this matter.

Mr. Jukes.—The Commissioner asks me to say that it is not desirable that the appeal from the Tribunal should lie to him. He is a local official, and it is better that the appeal should go to some outside authority. Would you prefer that it should go to the High Court, or to Government?

Sardar Askar Ali:—Appeals to the High Court are not desirable. We shall be glad if the Governor in Council will take our appeals. We shall be highly obliged to him.

Kumar Shivsingji of Vaghpur:—Sardar Asker Ali has said all that I wanted to say in connection with the new Bill. I would mention, however, that there is a provision in the Bill for compulsorily educating the children of Talukdars. There is only one objection to that and it is this, that we may be compelled to incur expenses beyond our means. Some limitations should be placed on compulsion. Some permanent arrangement should be made for the education of our children. Up to now only two hostels, one at Dhadhuka and another at Nadiad, have been provided. We cannot all afford to send our children there. Prantij is a poor Taluka and I request that a boarding house may be opened here. Our *jama* is altered often. It should be fixed in such a way that after paying Government dues we shall have enough left to enable us to better our condition.

Mr. Jukes.—As I told you just now, the Bill provides for education according to the means and position of the Talukdars. It is not proposed to send every boy to a hostel: the village schools will do very well for the poorer Talukdars. But the parents must arrange for the education of their own children. If the Prantij Talukdars want a Hostel, I am afraid they will have to subscribe liberally towards it.

Your wishes regarding *jama* will be brought to the notice of Government.

Syed Kalu Mia Ahmed Ali, Bhagdar Talukdar of Tajpur.—I need not repeat the expression of our opinion which has already been put before Your honour by Sardar Askar Ali and Kumar Shivsingji. I entirely agree with them. However I have to submit my request to you on two important points. If I have rightly understood the Bill, it is going to oust certain Bhagdar Talukdars from their position as Talukdars. This should not be done. It is desirable that the present definition of "Talukdar" should be inserted in the new Bill in place of the definition proposed. If the small sharers cease to be recognised as Talukdars they will have to experience great hardship. They will lose all respect amongst their caste and will be put to great difficulty in arranging marriages for their children.

Mr. Jukes:—I am glad to be able to tell you that the clause to which you object is in all probability to be taken out of the Bill.

Jamadar Akhabar Ali of Majra.—Previous speakers have said enough and I am not going to repeat their words. We have our *jama* fixed in Kathiavad and many other places. But here the *jama* figure is altered from time to time. We are becoming poorer day by day. I therefore request that the tribute should be settled for ever. Compulsory education as proposed is good and very praiseworthy. We all know that civil suits are ruinous and it is really good that such a high tribunal should be appointed. In Baroda the Sardars' Court is quite a distinct Judicial authority. I myself am a Sardar of the Baroda State and I admire that system. There will be no injustice if the Talukdari Settlement Officer sits on the tribunal. What has been provided in the Bill is all well for us.

Mr. Jukes:—I again invite anyone who has any suggestions to make or doubts to express regarding the Bill, to come forward and tell us.

Sardar Askar Ali:—(To the Talukdars) I have said in my speech everything that you told me to state to His Honour. I do not think there remains anything to be said now.

Thakor of Vaghpur :—I agree with Sardar Askar Ali.

The Commissioner :—Now I do not want to take away false idea from the silence of those who have not spoken, and so I am going to put the points to you one by one and ask you for a decision on each. Am I to tell the Sarkar that every Talukdar present at this meeting is in favour of the Bill? Am I to tell this to the Sarkar or not?

Reply from all :—Yes.

The Commissioner :—Am I to tell the Sarkar that with reference to the provision regarding education you Talukdars of Prantij are willing to leave it to the Talukdari Settlement Officer and the Commissioner to provide suitable education for the children of those Talukdars only who neglect their duty?

(Vote taken by show of hands.—Agreement *nem-con.*)

The Commissioner :—Am I to tell the Sarkar further that the Talukdars of Prantij wish to have certain of their civil disputes decided not by the ordinary Civil Courts but by a special tribunal?

Sardar Askar Ali :—Yes, by a special tribunal, as the Civil Court proceedings are most ruinous.

(Vote taken by show of hands. Agreement *nem-con.*)

The Commissioner :—Am I to tell the Sarkar that you wish to have that tribunal presided over by an officer of judicial experience such as is described in the Bill?

(Vote taken by show of hands. Agreement *nem-con.*)

The Commissioner :—Do you think that the Talukdari Settlement Officer ought to be a member of the tribunal?

(Vote taken by show of hands. Agreement *nem-con.*)

The Commissioner :—These are, I think, the two most important points of the Bill, but there is one other point to which I must call your attention. I mention it so that you may not afterwards say, that the Commissioner omitted anything of importance. You all know that under the existing Act Talukdars' Estates are in certain circumstances taken under attachment. In this new Bill it is proposed to take still further power of attachment. It is proposed that it should rest with the Commissioner to decide what estate should be or should not be taken under *japti* for reasons which appear to him sufficient. The circumstances in which attachment will be made are as follows :—

(Clause 22 was read.)

Now do you understand what it is proposed to do? Those persons who authorisedly or unauthorisedly have come before Government to represent the case of the Talukdars have laid much stress on the last of these provisions, and a good deal of objection has been made to it. Now the Sarkar has been trying to help the Talukdars since the year 1862, that is, for more than 50 years. You know that a Talukdari Settlement Officer was appointed for your benefit in 1862 and has been endeavouring to safeguard your interests ever since; you have had the assistance of the Commissioner also. You know both these officers from your experience of them. Do you think that the clause now read to you is dangerous? Have you any objection to the giving of these extended powers to the Commissioner?

(Vote taken by show of hands. No objection raised.)

The Commissioner :—Am I to tell the Sarkar that after having the Bill explained to you, you are not afraid that the Commissioner will attach your Talukdari estates without good reason? If you think that the powers are too wide and should be restricted, you should tell me so now.

Jamamdar Akhabar Ali :—We all agree to that, but many Talukdars, say about 90 *per cent.*, are in debt. Their debts must now be in excess of the limit stated in the Bill. Attachment, if made, should not swallow up all the revenues of the estate. At least the family maintenance charges and marriage expenses should be defrayed from the income.

Mr. Jukes :—Can anybody quote an instance of the Tálukdári Settlement Officer having ever starved a Tálukdár? We make what provision we can for maintenance, but you know that unnecessary expenses must be curtailed. In the case of marriages and other ceremonies, we do our best to provide funds; but a man who is in debt cannot afford to spend so freely as his unembarrassed neighbour.

The Commissioner :—I have now asked your views and find that there is a general agreement among you. I thank you all very much for the trouble you have taken in coming so far. I have learnt with pleasure that you really do approve and agree with the provisions of the Bill, and hope I shall not find that any of you hereafter retract what you have now said.

Sardar Askar Ali :—No. We will never do that.

PROCEEDINGS OF THE DARBAR HELD AT SANAND
ON THE 15TH JANUARY 1914.

*The Darbár commenced at 12-40 noon. The following
Tálukdárs were present:—*

Name of village.	Name of Tálukdár.
Makhiav	... Fulsingji Raesingji. Balsingji Dhiringji. Jaswatsingji Kalubha.
Bakrana	... Juvansingji Jethibhai. Merubha Bapubha. Oghubha Prabhatsing.
Vinchhia	... Dhiringji Ramsingji. Shivsingji Pratapsingji.
Kuvar	... Fatesingji Raesingji. Madhavsingji Raesingji.
Lekhamba	... Jalamsingji Harbhamji.
Kaneti	... Sartansingji Ratansingji. Rahubhai Hardasji. Prabhatsingji Jalamsingji. Adesang Bhupatsing.
Godhavi	... Jethibhai Bapubhai. Odhadbhai Umedsing. Popatbhai Maghabhai. Lakhabhai Kalubhai. Khengarji Ghelji. Lakhabhai Kalubhai Mulubhai. Hathibhai Nathubhai. Motibhai Bavaji. Mohansang Shivsing. Govindsing Madhavsing.

Name of village.	Name of Talukdár.
Khoda	... Karansingji Bavaji.
Iyava	... Pratapsing Samatsing.
Vasna	... Motibhai Sartansing. Motibhai Najibhai. Jesubhai Virabhai. Chakarsang Lakhmanji.
Kundal	... Dhirsingji Kalyansingji.
Garodia	... Bhupatsing Chelaji. Dalaji Dosaji.
Sanand (Vantía)	... Godhavia Gulabsang Sartansang. Koleta Madhavsang Bavaji. Koleta Fatesang Bhavsang. Jhampia Takhubha Modji. Sanathla Merubhai Tejabhai.

At the outset the Karbhari of Bái Hiraba, mother of the minor Thakor of Sanand, read out on her behalf a written application to the Commissioner. In this Bai Hiraba explained that as the heir to the Sanand estate was a young minor, and she herself being a *pardanashin* lady, could not appear at the Darbar, she craved permission to represent her views in writing. She expressed her desire that the Bill should be passed as it stood, particularly mentioning her approval of the clauses relating to the Tribunal and to Education.

The Commissioner then addressed the Darbar as follows :—I had hoped to find more Talukdars attending this meeting, but still I am glad to welcome so many as have come. I want to tell you why I am here to-day. I have not come without very good reason. You all know that certain improvements in the law which applies to the Talukdars of Gujarat are under consideration. These changes are being considered because in the opinion of the Government the present Act does not do all that is necessary in the interests of the Talukdars. You know that for the last 50 years Government have been endeavouring not only to preserve the Talukdari families but also to put them in a position to maintain themselves. For 50 years you have had the services of an officer of Government, the Talukdári Settlement Officer, who has been specially entrusted with the care of your interests. You are well aware of the manner in which he has carried out the duty entrusted to him. You yourselves know whether he has been of any use to you and whether, were it not for his timely help, most of your estates would not have passed into other hands. I am now going to ask you all to tell me what you think of the Bill. I do not want the opinions of your pleaders or your Karbharis or any other outsider. I want you to come forward and tell me your own opinions regarding the Bill. When it was first introduced in the Council and came on for consideration, a pile of petitions was received from all quarters, which stated that the Talukdars were opposed to the Bill. We officers of Gujarat believed that the opposition was the opposition of others and not of the Talukdars. By others I mean the persons who benefit at your expense. I have come here to-day in order to meet you face to face, and not through your pleaders or Mukhtiaris or Karbharis. I have come here to-day to ask your personal opinions and views; whether you understand that Government have really been trying to promote your interests by

passing this Bill, and whether you have any objections to it and what objections you have. If you will explain to me without any fear and without any reserve what your views are and will tell me, if you do object, *why* you object to the Bill, I will endeavour with the help of Mr. Jukes to clear up your difficulties. Now I will ask Mr. Jukes to address you in Gujaráti and put before you certain facts regarding the Bill which you should consider before you speak. Then I will ask all of you to come up and discuss with me any points on which you have doubts or require information about.

I understand that there is a petition ready for presentation to me. Is that so?

Fatesingji Raesingji of Kuvar :—Yes; here is our petition.

The Commissioner :—I do not want petitions. I want to hear your own opinions from your own lips. Who wrote this petition?

Fatesingji :—I did.

The Commissioner :—Good; then you will be able to tell me all that is in it. We will put the petition away now, and you shall tell me all about it. But first I will ask Mr. Jukes to speak to you about the Bill.

(Mr. Jukes then addressed the Darbár in Gujarati, on the same lines as in the Prantij meeting. Subsequently the following discussion took place.)

Fulsingji Raesingji of Makhiav :—Education is very necessary to us and I approve of the provisions of the Bill on this subject. As to the Tribunal, it is quite true that by going to the Civil Courts both parties are ruined. I know this from my own experience in the Gangad succession suit, which helped to reduce my estate to its present condition. Had there been a Tribunal in existence then, the result would have been quite different. Our *jama* should be fixed permanently. We are all anxious to have its amount settled once for all or, at any rate, for fifty or sixty years at a time. I do not know much about the Bill, and have no further comments to make on it.

Juvánsingji Jethibhai of Bakrana :—I agree with what Fulsingji has said. We are all anxious for a fixed *jama*. Otherwise the Bill is such as will help us.

Mr. Jukes :—The Commissioner asks me to say that he will tell Government what you desire regarding the *jama*. He cannot, however, promise that you will get what you want, because Government have already considered the question and decided against a fixed *jama*.

Fatesingji Raesingji of Kuvar :—One reason why I object to the Bill is because it compels us to educate our daughters.

Mr. Jukes :—There is no clause in the Bill which provides for the education of girls,

Fatesingji :—The amount of our *jama* has been almost doubled. I have not been educated in any of the schools, so I cannot say anything about the Bill. If permitted, I will read the petition presented to your Honour. It contains all we have to say.

The Commissioner :—You can tell me what you have to say without reading.

Fatesingji :—I want to say something about the Tribunal. We are being very much harassed by the Talukdari Settlement Officer. How long are we to

suffer this? I am now being prosecuted by one of his subordinates in the Assistant Collector's Court, and I cannot get justice in it.

Mr. Jukes :—Does not the Assistant Collector give you justice?

Fatesingji :—I am being harassed, and I do not desire that such suits should be heard by the new Court.

Mr. Jukes :—The new Court will decide civil matters only and not criminal cases. If you do anything which subjects you to criminal prosecution, your case will continue to go to the criminal courts. It will not go to the new Court.

(At this stage the Commissioner asked Mr. Jukes to read clause 42 of the Bill, which was explained to Fatesingji in the vernacular.)

The Commissioner :—The Bill says that certain disputes between Talukdars will be decided by the Tribunal and that nothing else will go to the Tribunal. Now what do you say about the decision by the Tribunal of one class of Talukdári disputes? Have you any objection to that?

Fatesingji :—No, I have no objection.

But do you propose to create a separate Talukari Settlement Officer's Court?

The Commissioner :—No. The Court will consist of a Judge, an Assistant Collector or the Talukdari Settlement Officer and one of your own Talukdars.

Fatesingji :—If the Talukdar's opinion is to be taken into consideration, I do not object to the constitution of the Court.

The Commissioner :—The object is to ensure to you cheap justice without undue delay.

(The Commissioner then explained the constitution of the Tribunal as laid down in the Bill.)

Fatesingji :—If that be so, I have no objection.

The Commissioner :—Do you really mean that?

Fatesingji :—Yes, I really mean it.

The Commissioner :—If such a Court is established, whom would you like to sit on it?

Fatesingji :—I have no objection to the Talukdari Settlement Officer or the Assistant Collector sitting on the Court since a Talukdar will be sitting with them.

The Commissioner :—What else do you want to say about the Bill?

Fatesingji :—I think that it will be humiliating to fine Talukdars for not giving information.

(Inquiry elicited the fact that the reference was to clause 12 of the Bill, regarding the furnishing of information for entry in the Settlement Registers.)

The Commissioner :—I must explain the meaning of this clause. Its object is to ensure the entry in the Register of newly acquired rights. It is entirely to your interest that such entry should be made. There is no intention of humiliating you. We want to safeguard the interests of the acquiring Talukdar. However I have taken a note of your objection.

Fatesingji :—You want to create new Talukdars by passing this Bill. If you make into Talukdars all who acquire any of our land, what will become of us?

(Here the Commissioner read the definition of "Talukdar" as laid down in clause 2 and explained its meaning.)

The Commissioner :—Does this clause create any new Talukdars ?

Fatesingji :—No and as that is so, all is well. I have no objection to the clause.

The Commissioner :—What have you to say about the education question ?

Fatesingji :—I object to the provision for educating our daughters.

The Commissioner :—You object to the education of girls only ?

Fatesingji :—Yes, so far as education is concerned. But I also object to the provision in the Bill that daughters should inherit our estates.

The Commissioner :—There is nothing in the Bill about the education of girls or their inheritance. How did you get hold of these ideas ?

Fatesingji :—We are illiterate people and we gather all this from common talk.

Mr. Jukes :—Have you not read the Bill ?

Fatesingji :—Yes, some of it.

Mr. Jukes :—Have you anything more to say about it ?

Fatesingji :—No.

Rahubhai Hardasji of Kaneti :—I think that the definition of "Talukdar" should be changed. If everybody who gets a part of our land is made a Talukdar our dignity will be impaired.

Mr. Jukes :—Are you speaking of your own kinsmen, who get *jivái* lands ?

Rahubhai :—No, I am referring to outsiders.

(Clause 2 (a) was then read to him and explained.)

The Commissioner :—Does this contain what you feared ? It refers only to members of your families. Are you satisfied now ?

Rahubhai :—Yes, it is all right. In early days tribute was levied from us, but its name has now been converted into land-revenue. Our *jama* should still be called tribute.

The Commissioner :—I will tell Government what you have said. The decision on this point rests with Government. The Thakor of Kervada has already taken up the question.

Rahubhai :—Now-a-days our land is frequently surveyed. Such frequent surveys should not be made. They lead to enormous increases in assessment.

Mr. Jukes :—Do you know that in Dholka and other Talukas the result of the detailed survey has been to decrease the assessment ?

Rahubhai :—Still, the maximum rates of the Talukdari villages are much higher than those of Government villages.

The Commissioner :—That has nothing to do with the Bill. You may petition, if you have a grievance.

Rahubhai :—Regarding the Tribunal: I am of opinion that we cannot get justice anywhere else except in the Civil Courts.

The Commissioner :—What Courts have you tried in which you found that justice was not given ?

Rahubhai :—I had a dispute about *jama* before the Commissioner, in which no justice was given to me. (In reply to a question.) My opponent may have got justice.

The Commissioner :—What are your objections to the Court which will be constituted under the Bill ? Do you know what cases the Tribunal will decide ?

Rahubhai :—I am firmly of opinion that no justice can be had except in the Civil Courts, although I have never been to the Civil Court.

The Commissioner :—Give me some reasons for your objection. Mention some of your reasons. How can I satisfy you unless you give your reasons ?

Rahubhai :—Civil Courts will be more expensive, but they will give justice in return for the expense.

Mr. Jukes :—The same Judge will sit on the Tribunal who now sits in the Civil Court. Will he give you justice in the one place and not in the other ? He will have one of yourselves to help him.

Rahubhai :—If there be a Talukdar in the Court we shall expect justice at the hands of the Judge.

(Here clause 45 was read to him and explained.)

Rahubhai :—It is all right, but why is Government so anxious to send our disputes to this Court instead of to the ordinary Civil Courts ?

The Commissioner :—By creating this Tribunal Government will save you expense.

Rahubhai :—But what if this Bill is dropped altogether ?

The Commissioner :—That is a different matter. Can you give me any reasons why the Bill should be dropped ?

Rahubhai :—In my opinion the Act of 1888 is quite sufficient to safeguard our interests. Why then should this Bill come into existence at all ?

The Commissioner :—Give me your reasons for wishing to drop it ?

Rahubhai :—Harbhamji is our representative. He knows all about us. You might refer this matter to him.

The Commissioner :—I do not want anybody to represent you. I want you to tell me what you yourself have to say. At present, you seem to be quoting opinions that are not your own.

Rahubhai :—I am an illiterate man and am not able to form any opinion of my own.

The Commissioner :—As you have nothing of your own to say, I presume you personally do not object.

Merubha Bapubha of Bakrána :—I concur entirely in the opinions expressed by Fatesingji and Rahubhai. Our *jama* should be settled once for all. We do not get more income than we used to get, so why should the *jama* be increased ?

The Commissioner :—All right. I will lay the *jama* question before Government.

Jalamsingji Harbhamji of Lekhamba comes forward.

The Commissioner :—Do you know what is in the Bill ?

Jalamsingji :—I know that Mehvasis, Kasbatis and Naiks are to be considered as Talukdars and this will impair our dignity.

The Commissioner :—There is nothing new in this. They always have been classed as Talukdars. Their inclusion does not make them Talukdars in the same sense that you are Talukdars. It merely gives them the protection afforded by the Bill.

(Clause 2 (a) was then read to him and explained.)

Have you now any objection ?

Jalamsingji :—No, I have no objection : but *jama* should not be defined as land revenue. By calling it land revenue you reduce our estates to the level of Khalsa holdings. I cannot remember all my objections to the Bill. They are written in our petition. (Pressed.) I object to clause 18.

(Clause 18 was then read.)

Jalamsingji :—I think that all sub-sharers also should be held responsible for the *jama*.

The Commissioner :—No sub-share is exempt from the responsibility imposed on the principal Talukdar regarding the payment of *jama*.

Jalamsingji :—I again request that our petition may kindly be read. I cannot remember everything. I object to clause 72.

The Commissioner :—What objection have you ? You can tell me orally what you have to say. If you don't know, how did you get it written in your petition ?

(Clause 72 was then read.)

Jalamsingji :—I am sure that if these points are referred to Harbhamji he will explain all our objections to you, I mean Harbhamji of Morvi, he is our President.

The Commissioner :—Do you know that there is something about education in the Bill ?

Jalamsingji :—I think there should be a school in every village.

The Commissioner :—Tell me that you understand that the Bill provides in the matter of education.

Jalamsingji :—I understand that a provision is made that our boys should be sent to a school which will be under the direct control of the Talukdari Settlement Officer.

The Commissioner :—The provisions of the clause are as follows :—

(Clause 66 was then explained.)

Jalamsingji :—But if there be no school in the village ? It is generally at a distance of a mile or two.

The Commissioner :—Then you must send him there. Do you expect a school to be opened for one or two boys only ?

Jalamsingji :—In Vinchhia there are about 30 boys, but there is no village school. There is a school at Kuvar, which is about 2 miles from Vinchhia. I have no objection to the Talukdari Settlement Officer's interfering in educational matters ; but I cannot send my sons to Dhandhuka or to a long distance. I have two sons aged eleven and fourteen and neither is being educated. The nearest school is at Goraj, two miles away.

The Commissioner :—Then you are the very class for whom the clause is intended, and your case forms the best of evidence of the need for passing it. Do you know that a Tribunal is to be formed to decide your disputes instead of the Civil Courts ?

Jalamsingji :—I know that the Civil Courts are to be closed and we are to be handed over to the Talukdari Settlement Officer. It means the creation of a new post in the Talukdari Department.

The Commissioner :—Who told you so ?

Jalamsingji :—I have read it myself. The Bill is called the "Talukdari Bill", so it must mean that.

The Commissioner :—There is nothing of the kind in the Bill. Ask any of your fellow Talukdars to read it.

(Fulsingji Raesingji of Makhiav comes forward and offers himself to read. He reads clause 42.)

The Commissioner :—Does it contain what you said ?

Jalamsingji :—No. It contains nothing of the sort.

(Clause 42 was then explained to him.)

Jalamsingji :—I know all that, but Harbhamji may be asked about all these points because I am not well enough educated to understand the Bill.

The Commissioner :—What do you understand about the Tribunal ?

Jalamsingji :—It will decide all questions connected with the Bill.

The Commissioner :—Do you know when estates will be attached under the new Bill ?

Jalamsingji :—Yes. I understand that if the debt exceeds double the income it will be taken under management. The amount ought to be increased to 5 years' income. I have nothing more to say.

Odhubha Prabhatsing of Barkranai :—I have no objection to the Bill. I think that the Talukdari Settlement Officer should be appointed as a member of the Tribunal.

Jasubha Kalubha of Makhiavi :—I concur with Odhubha.

The Commissioner :—Will anyone else who has anything to say come forward and say it ?

Jethibhai of Godhavi :—I am illiterate and do not understand anything of the Bill. I object to the Bill, because those who have read it take objection to it. I cannot read nor have I had it read to me. I object because Rahubhai of Kaneti tells me it is objectionable.

Motibhai Sartanji of Vasnai :—I know nothing of the Bill, but I agree with what others have said. I have not had the Bill read to me. I think the *jama* should be fixed. I agree with Jivubha of Bakraña.

Govindsingji of Kaneti :—I should like to know whether the expenses of the new Court are to be defrayed by the Talukdars or by Government.

Mr. Jukes :—By Government, but litigants will of course pay the ordinary pleader's fees and the like.

Govindsingji :—Then I have no objection. But I think that more schools should be opened and hostel buildings erected. Every Talukdar should be compelled to send his sons to school. If any Talukdar is unable to pay the expense Government should pay it. Many Talukdars have taken to opium. It

is impossible to prevent those who have acquired the habit from taking opium, but the law should provide that no new Talukdar should take to it.

Dhirsingji of Kundal :—All that I knew about the Bill is that it is being printed. I do not know what is in it. I cannot say I have any objection to it as I cannot read it and have not had it read to me. I believe that Government will do nothing to hurt our interests.

Dalaji of Garodia :—I am an illiterate man. I know nothing of the Bill; but pleaders and others have told me that it is bad, and will deprive us of all our rights. I am told that we Talukdars shall lose our dignity and be unable to marry our girls. But I trust entirely in Government to do what is for our best interests.

The Commissioner :—I have come here to ask you Talukdars your personal opinions about this Bill. First let me have the opinion you, as a body, hold with regard to the proposed Tribunal. It has been proposed that disputes of a certain class between Talukdars and Talukdars, not between Talukdars and Baniyas or between Talukdars and Government, but between Talukdars and Talukdars—shall be decided, not by the Civil Courts, but a special Tribunal presided over by a Judge and not by the Talukdari Settlement Officer. A Talukdar will assist the Judge and he will also be assisted by a Revenue Officer, who may be the Talukdari Settlement Officer, the Prant or any other Revenue Officer. Now I want to be able to tell the Sarkar that the Talukdars of the Sanand Taluka are or are not in favour of the change proposed in the Bill. Will any of you who does object to the formation of the new Court, tell me so?

(Votes were taken by show of hands. Rahubhai Hardasji of Kaneti alone objected to the formation of the Tribunal.)

Very well then. I will tell the Sarkar that, with one exception, the Talukdars of Sanand have approved of the formation of the Tribunal.)

The next question is, have you any objection to the Talukdari Settlement Officer sitting on the Tribunal?

(Votes taken by show of hands. No one objected.)

The Commissioner :—Now, should an appeal from the Tribunal lie to the High Court or to the Governor in Council?

(Votes taken by show of hands. No one voted for the High Court.)

The Commissioner :—Government have provided in the Bill for the education of your children. There has been a certain amount of misapprehension as to the meaning of these provisions. It is not intended that the Talukdari Settlement Officer should have any more power than that on finding that a Talukdar who has a son of school-going age is entirely neglecting the son's education, he shall be able, after going through certain procedure, to compel the Talukdar to pay for the expenses of his son's education. If a Talukdar, however poor he may be, is doing all that he can be expected to do, the Talukdari Settlement Officer will have no standing at all in his case. Government are not trying to take away from you the right of educating your own children, but are proposing to prevent you from neglecting the interest of your sons in the matters of education. Shall I tell the Sarkar that the Talukdars of Sanand object to the insertion of this provision in the Bill? Or shall I tell the Sarkar that you all approve?

Oghadbbhai of Godhavi and Dalaji of Garodia :—Government should undertake to educate our children at Government expense. Talukdars should not be made to pay for the education of our children. We cannot afford to send our sons to schools or colleges.

The Commissioner :—If the Talukdar is rich enough to send his son to a college but he neglects his son's education, the boy might be sent to a college. It has been specially provided in the Bill that the education given shall be suitable to the means of the Talukdar.

Motibhai Najibhai of Vasnai :—We are willing to educate our children in the schools.

Govingsingji of Godhavi.—Boys who have received some education should be given employment. If such boys are given suitable posts they will be keen to educate their sons. I am educated myself, and consider education a good thing; but I found it hard to get employment. A Talukdar who has received some education is ashamed to work in the fields, or do other manual labour.

The Commissioner :—Then am I to tell the Sarkar that if the cost of education is in proportion to the means of the Talukdar, you have no objection to the clause?

(Votes taken by show of hands. No objection.)

The Commissioner :—Do you think that the power given to the Commissioner in clause 22 of the new Bill is excessive? Do you think it is dangerous to give such power to the Commissioner? The clause leaves the decision with the Commissioner. Do you think that the Commissioner ought not to have this power?

(Votes taken by show of hands. No one objected.)

The Commissioner :—Now, after I have gone away, shall I learn that you retract what you have now said? I have given you every opportunity of discussing things with me, and have tried to remove your objections. I ask you frankly again to come forward and speak if there is any one still remaining with a desire to say anything. Use your own brains and do not just accept the opinions of others as your own.

No one having anything further to say, the Darbar was then closed.

PROCEEDINGS AT THE COMMISSIONER'S DARBAR HELD AT
BHANKODA IN THE VIRAMGAM TALUKA ON THE 17TH
JANUARY 1914.

The following Talukdars of the Viramgam Taluka were present.

Name of village.	Name of Talukdar.
Chhaniar	... Khodjai Hajursang. Mansang Jesalsang. Dolatsang Malaji. Kesrisang Banaji. Arbhamsang Amarsang. Jasaji Arbhamsang. Juvansang Lalsang. Kasalsang Kanaji. Gobarsang Gamansang. Hematsang Amarsang. Mulaji Vaghaji. Mahasangji Manaji.

Name of village.	Name of Talukdar.
Bhagapura	... Dipsangji Hematsang. Dosaji Vaghaji. Gamansang Chelaji. Sursang Vaghaji. Galabsang Bhavaji.
Vasana	... Madhavsang Masangji. Bapuji Vajesang. Harisang Lakhaji. Jivalji Ranchhodji. Kaluji Madhuji. Karnaji Mayaji. Dhiraji Rajaji. Sujaji Vaghaji. Dhanaji Nayaji.
Bhataria	... Parbatsang Jitaji. Vajaji Ajaji. Kuberji Dosaji. Hathisang Bhavsang. Bhagaji Behcharji.
Bhankoda	... Bapuji Pratapsang. Hatiji Behcharji. Sardarsang Amarsang. Joraji Pathuji. Hematsang Mobatsang. Ramsang Parbatsang. Kanaji Jodhaji. Umedsang Pratapsang. Narsang Amarsang. Madhuji Umedsang. Lalsang Vakhatsang. Adesang Banesang. Kesrisang Dolatsang. Bhavsang Gamansang. Karansang Prathiraj. Kakuji Rupsang. Jethaji Surajji. Akheraj Surajmal. Dosaji Suraji. Mulaji Jalamsang. Vaghaji Samatsang. Surajmal Rasaji. Bhupatsang Hajursang. Takhatsang Galabsang. Malsang Parbatsang. Jasmatsang Amarsang. Kanaji Samatsang. Parbhatsang Kasalsang. Masangji Rupsangji. Visabhai Jorabhai. Narsang Bhavsang. Bhagwatsang Masangji.

Name of village.	Name of Tálukdar.
Bhankoda—(contd.) ...	Kalansang Badsang. Juvansang Kanaji. Khanji Adesang. Viraji Kanaji. Mulaji Umaji. Mulaji Gobarsang. Joraji Hajursang. Nathuji Hematsang. Jethaji Umaji. Hiraji Jodhaji. Madhaji Jodhaji.
Kukvav ...	Motisang Rupsang. Motisang Gobarsang. Hemtaji Kasuji. Okhaji Godaji. Ranaji Dhirtaji. Dudaji Mobtaji. Samtaji Jesangji. Rayaji Ranchhodji. Rayatji Visaji. Ajbaji Agraji. Jitaji Fataji. Mulaji Okhaji. Mulaji Kumbhaji. Jodhaji Ravaji. Vaghaji Vajaji. Kaluji Jamaji. Lалуji Bhuptaji. Kesaji Kaluji. Jagatsang Bhavaji. Khodaji Mulaji. Jamaji Kaluji.
Sinaj ...	Bawaji Dosaji. Suraji Hariji. Dadaji Khodaji. Juvansang Ramsangji. Okhaji Dhanaji.
Rajpura ...	Lalaji Andaji. Ranjitsang Rataji. Galabsang Ranchhodji. Rupaji Mobtaji. Kalansang Gobarsang.
Panar ...	Takhatsang Samatsang. Dipsang Harisang. Gobarsang Dolatsang. Jethubhai Dadabhai. Okhaji Vajaji. Khanaji Nathuji. Hajursang Darghaji. Bhuptaji Kuberji.

Name of village.	Name of Talukdar.
Panar—(contd.)	... Gamaji Rawaji. Abhuji Kaslaji. Bhavaji Modji. Bhaguji Adaji. Takhatsang Ranchhodji.
Bantai	... Jodhaji Pragji. Hiraji Jehaji. Daduji Nadhaji. Malaji Ranchhodji. Kumbhaji Viraji.
Fatepura	... Vakhataji Lalaji. Jivaji Umaji.
Hathipura	... Badsang Ukaji. Pujaji Jesangji. Kesrisang Galabsang. Chandaji Kesrisang. Kanaji Gajaji. Pujaji Jesangji. Jivaji Rataji. Jesalsing Ukaji. Amarsang Khodaji. Mulaji Kubhaji.
Sadatpura	... Surajmal Adesang. Nadhaji Karansang. Mulaji Sadaji. Takhatsang Umedsang. Kesrisang Vajesang. Karansang Adesang. Gamansang Banesang. Chandansang Bhagwatsang.
Dekawada	... Gambhirsang Bhagwatsang. Bhupatsang Vaghaji. Akheraj Vaghaji. Dhanaji Gobarsang. Parbatsang Harisang. Kaluji Ravaji. Umedsang Ratansang.
Jethipura	... Agarsang Bhavsang. Galabsang Mulaji. Khodaji Hemtaji. Bhagaji Juvansang. Gambhirsang Kakuji.
Rudatal	... Madhaji Ramaji. Ratanji Badaji. Malaji Godadji. Ranjitsang Madhaji. Bhagatsang Agarsang. Naransang Nadhaji.

Name of village.	Name Tálukdár.
Dhabsar	... Jivaji Sadaji. Adaji Pathaji. Amarsang Adaji. Ranchhodji Badaji. Kesarji Ravaji.
Dadhana	... Dolaji Abhesang. Vajaji Ranchhodji. Godadji Kanaji. Surajmal Amirji. Bhupatsang Kanaji. Sonaji Mobtaji. Vesalsang Abhesang. Raysangji Kanthadji. Ladhuji Pragji. Gamansang Galdharji. Kaluji Mobtaji. Ramsangji Kanaji. Meruji Pratapsang. Bhavsang Masangji.
Abasna	... Karansang Dhanaji. Badsang Anaji. Pratapsang Ratansang. Hajursang Kubersang. Amarsang Behcharji.
Madrisana	... Joraji Talaji. Vakhtaji Rupaji. Gambhirsang Pratapsang.
Gunjala	... Kaluji Lalaji. Bhemaji Dosaji. Galaji Kuberji. Ramsangji Dosaji. Harchanji Badarji. Khodaji Surtaji. Ramaji Sadaji. Jaymalji Vastaji. Jesalji Raghaji. Lalaji Dajuji.
Dhanchi	... Muluji Sagramji. Meraman Shivsangji. Maghabhai Virabhai. Vakhatsang Govindsang.
Derwala	... Vajesang Tejabhai. Bhagatsang Jethibhai
Umedpura	... Jitaji Danaji.
Nani Rantai	... Kaluji Ratansang. Surajmal Mobtaji. Juvansang Vajesang.

Name of village.	Name of Talukdar.
Ukardi	... Bhupatsang Ranaji. Khodaji Behcharji. Agarsang Galabsang. Bhavsang Jehaji.
Gamanpara	... Karsanji Rupaji. Malaji Dhirtaji.
Amarpara	... Vajesang Ajaji. Kubersang Dosaji. Parbatsang Jagatsang. Agarsang Badarji. Jethaji Kasaji.
Ugroj	... Kaluji Bhathaji. Rajalji Ranchhodji.
Zanzarva	... Savaji Desalji. Ravaji Desalji. Adaji Ranchhodji. Kanaji Dhanaji.
Vithlapur	... Javansang Adaji. Rupasang Samtaji. Fulaji Ranchhodji.
Tanmania	... Jesangji Madhavsang. Mobtaji Ranmalji. Karansang Alubhai. Kayabhai Kesrisang.
Modhwana	... Shivsang Banasang.
Sunvala	... Takhatsangji Karansangji.

The Commissioner addressed the Darbar on the lines of his speeches at Prantij and Sanand.

Mr. Jukes addressed the Darbar in Gujarati on the lines of his speech at Prantij.

Then the following discussion took place :—

Umedsingji Pratapsing of Bhanakoda.—The notification calling this meeting was received only yesterday. Before giving my opinion I should like to go out and consult with other Talukdars or, if so desired, I will send a petition to Government. I have already sent two petitions to Government. Bhanakoda estate has been under management for many years and I have not received any justice.

The Commissioner.—What can you say about the Bill?

Umedsingji.—I will reply after consultation with all the other Talukdars. The notification was published only the day before yesterday.

The Commissioner.—Did you hear what Mr. Jukes said just now about the tribunal? Did you hear what class of cases this tribunal will decide? Do you object to the creation of the tribunal?

Umedsingji.—Let me consult with all the Talukdars and I will tell you.

The Commissioner.—I prefer to hear what *you* have to say. What is your opinion? Do you think that the Court will be a good one? I want *your* personal opinion.

Umedsingji.—I shall be able to reply after consulting the other Talukdars.

The Commissioner.—Cannot you express an opinion of your own? If not, it is useless to ask you. I don't want you to tell me what other Talukdars have to say. Do *you* think that such a Court will hurt your interests? Read clause 42, and tell me what is your opinion on its provisions? (Clause 42 was then read and explained.) It is proposed to make a new Court to hear these cases only. Other suits will be tried by the usual Civil Courts.

Umedsingji.—I understand.

The Commissioner.—Do you think that such a Court would hurt the interests of the Talukdars?

Umedsingji.—I will tell you after consulting the Talukdars. If permitted, I will go out and consult them, and then come back in twenty minutes and give my opinion.

The Commissioner.—You can go out and come back after twenty minutes and tell me.

(Umedsingji left the shamiana for consultation with four Talukdars, *viz.*, (1) Gambhiring of Dekawada, (2) Mulaji of Kukvav, (3) Kasalsing of Chhaniar and (4) Bhupatsingji of Ukardi.)

The Commissioner.—Meanwhile does any one else know anything about the Bill?

(To Takhatsingji of Panar.)

The Commissioner.—Have you read the Bill?

A.—Yes, I have read it. I was educated at the Scott College at Sadra.

Q.—What do you say about the Bill? Do you think it is satisfactory? Do you think that the new Court should decide this class of disputes among Talukdars?

A.—Yes; I have no objection at all.

Q.—What do you think about the appeal question

A.—I think the Governor in Council should decide our appeals.

Q.—Some have objected to the Talukdari Settlement Officer's sitting as a member of the Bench. Do you think it would be wrong for him to do so?

A.—The Talukdari Settlement Officer may sit in the Court. I have no objection.

Q.—What have you to say about the education clause?

A.—It is really very good, and I do not want *any* alteration.

(To Himatsingji of Chhaniar.)

The Commissioner.—Have you read the Bill?

A.—Yes. Government has done well in framing this Bill.

Q.—What do you think about the tribunal?

A.—I am quite willing that those clauses should stand.

Q.—What about the appeals ?

A.—Government should decide them.

Q.—Do you think that the Talukdari Settlement Officer or an Assistant Collector should sit as a member of the Tribunal ?

A.—The Talukdari Settlement Officer should sit.

Q.—What do you say about the education clauses ?

A.—The expenditure should be proportionate to the income of the Talukdar. I desire to represent that in the districts of Kaira and Boach and in Káthiáwár the *jama* has been fixed once for all. We also should have our *jama* fixed, otherwise we shall be completely ruined.

Q.—The Bill is not concerned with the fixing of the *jama*. I will however bring this matter to the notice of Government and say that this is the wish of the Talukdars of Viramgám.

A.—This *jama* question may kindly be inserted in the Bill.

(To Harbhamji Amarsingji of Chhaniar.)

The Commissioner :—Do you know anything of the Bill ?

A.—No.

Q.—Have you read it ?

A.—No.

Q.—You know nothing of the Bill ?

A.—No. But I object to the new tax. Nobody gives me any money if want a loan.

Q.—No new tax will be imposed by the Bill. Who told you it would be ?

A.—Everybody talks about it. The whole world speaks of the new tax. Still I have no objection to the Bill if others agree. I will answer finally when those who have retired from the meeting return. As for me I have no objection. Government can do whatever they like. I am illiterate. Government do not lend us any money and we have to borrow and repay. I have no money even to go to Ahmedabad and return when I want any dispute settled.

(To Bapuji Pratapsingji of Bhankoda.)

The Commissioner :—Have you read the Bill ?

A.—No.

Q.—Have you had it read to you ?

A.—No.

Q.—Can you read ?

A.—No. I do not know what is in the Bill. If some one reads it to me I shall know. But I think it is all good.

Q.—I should like you to tell me whether you believe the Bill will prejudice the interests of Talukdars in any way ?

A.—What objection can there be to the Bill ?

Q.—Have you heard it said that a new tax is to be imposed ?

A.—No. I have not heard anything of the kind.

(To Dipsingji Himatsingji of Bhagapura.)

The Commissioner :—Do you know anything of the Bill ?

A.—I am of opinion that it should be passed. I do not think that the Talukdars will suffer by its being passed.

Q.—Do you know anything about the Japti Section ?

A.—Yes.

Q.—Do you approve of it ?

A.—I think that there should be no change in the section.

Q.—And with regard to the Tribunal ?

A.—It should remain as it is.

Q.—Are you willing that a Judge, the Talukdari Settlement Officer or an Assistant Collector and a Talukdar should sit together ?

A.—Yes.

Q.—What do you say about the appeal section ?

A.—Appeals should lie to the Governor in Council.

Q.—What is your opinion about the Talukdari Settlement Officer's sitting as a member of the Tribunal ?

A.—I think he should sit.

Q.—What is your opinion about the education section ?

A.—It should be kept as it is.

(To Lalsingji Vakhatsingji of Bhankoda.)

The Commissioner :—Have you read the Bill ?

A.—I have had it read to me.

Q.—Do you know what it proposes to do ?

A.—I know that it is to be passed into law.

Q.—No one can say for certain that it will become law. Tell me what you have heard about the Bill.

A.—I approve of it.

Q.—This Bill proposes to send some of the disputes among Talukdars to a Tribunal. What have you to say about that ?

A.—The Talukdars should not be harassed and their lands taken away.

(Clause 42 was then read to him and explained.)

Q.—Do you think that this clause will hurt the Talukdars' interests ?

A.—No. I do not think so, because it does not contain anything likely to do so.

Q.—Do you think that disputes would be decided more cheaply by the Tribunal than by going to the Civil Court ?

A.—I will tell you what I have to say when those persons who have gone out to consult return.

Q.—But tell me what *you* think about it. Do not you think that the disputes should be decided with the least possible expense ?

A.—To that I have no objection. The Governor in Council should decide the appeals.

Q.—Who should sit on the Bench? Would you object to the Talukdari Settlement Officer's sitting on the Tribunal?

A.—No.

Q.—What do you think about the education clause?

A.—It is a very good thing. I have no objection at all, but the expense should not be too great.

Q.—It is written in the clause that only necessary expenses will be incurred.

A.—Then there is no objection.

(To Godadji Kanaji of Dadhana.)

Q.—Have you read the Bill?

A.—No.

Q.—Have you had it read to you?

A.—No.

Q.—Do you know what it contains?

A.—No.

(After explaining Clause 45.)

A.—Yes I approve of the constitution of a tribunal.

Q.—You think there is no objection to it?

A.—No. The amount of *jama* fixed by Mr. Mead should be levied. Our *jama* has been continuously increased. It has become almost doubled by now. If you will alter the *jama* and consider this suggestion, then the Bill may be passed because it is good for us. I have no objection.

(To Dipsingji Harisingji of Panar.)

The Commissioner:—Have you read the Bill?

A.—No.

Q.—Have you had it read to you?

A.—No.

Q.—Do you know what it contains?

A.—No.

Q.—Have you anything to say about the Bill?

A.—I will agree to the institution of the special Tribunal, if the four Talukdars who have gone out to consult with Umedsingji agree to it.

Q.—Do you yourself think that such a tribunal should be appointed?

A.—No. If those four persons disagree, then it should not be appointed. But I think the present arrangement should be left unchanged.

(To Kaluji Ratansingji of Nani Rantai.)

The Commissioner:—Do you know anything of the Bill?

A.—No, except what has now been told to us.

Q.—Have you heard about the new Tribunal?

A.—There was a meeting held at Ahmedabad and a representation was sent. It will explain what I want to say now.

Q.—But I want to know from you. If the tribunal is created, should the Talukdari Settlement Officer sit on it or would you object to his doing so?

A.—The Talukdari Settlement Officer should sit on the Tribunal.

Q.—Do you think that such an arrangement would be against the interests of the Talukdars?

A.—No.

Q.—Many people do object to his appointment?

A.—When the Talati comes to collect from the village he is not accompanied by the Talukdar and he does what he thinks fit and it is hurtful to our interests.

The Commissioner :—We are not talking about general administration. We are speaking of the proposed change with regard to litigation. The new Court will decide suits between Talukdars regarding the matters mentioned in clause 45. If there is a dispute between a Bania and a Talukdar or between a Talukdar and the Sarkar this Court will not hear it. Under the new Bill, if the Talukdari Settlement Officer were to sit on the Court, the decision would not be his. The Judge who will preside over the Court will give the decision. He will take the opinion of the Talukdar and the Revenue Officer sitting as assessors and then decide the case.

That being so have you any objection?

A.—Then I have no objection. But our *Jama* should be fixed in perpetuity.

Q.—What do you think about the education clause?

A.—I have no objection to it.

(Here Umedsingji returned with the four Talukdars mentioned above.)

The Commissioner :—Well, you have had your consultation. Now tell me what you have to say about the Bill.

Umedsingji :—I will give my opinion in writing.

The Commissioner :—Then you are breaking your promise. You promised that, if I let you go out and consult your friends, you would come back and give me your views, and now you refuse to speak. You have broken your word and I will not question you further. You may sit down.

Thakor Takhatsingji Karunasingji of Katosan.—(To the Talukdars.) Government wish to help you to educate your sons. Is there anything objectionable in this? It is really your duty to educate them. Is it not good that your sons should be educated? If you do not agree you should state your reasons. Come forward and say honestly what you have to say. Government have been very kind to you. Is it a fault in Government that they want to educate your sons? You should tell the Sarkar your own opinion, your real opinion on all the points. Why don't you come forward and give your real opinion? Government is going to help you. Do not hold back at this juncture.

(Madhaji Ramaji of Rudatal.)

Madhaji.—If your sons are to be educated by Government it will be no hardship to us. But under management our land has been taken away. Alienated land (*pasditi*) ought to be entered as Darbari. It should not be entered as alienated in the Government record. I mean that, if any holder of such land dies without heirs, then his land should revert to the Talukdar. This should be provided for in the Bill.

A.—The Thakor of Kerwada has already noticed this matter and it will be considered. Have you anything more to say?

Madhaji.—No, nothing more.

(Jivaji Sadaji of Dabhsar.)

Jiwaji:—I want to say that we are illiterate. We know nothing of the Bill, but we request that the old Act should not be altered. There may really be no difference between the old and the new, but we are afraid that the new Bill may be injurious to us. We are told this by no one else. It is our own opinion and so I request that nothing hurtful to our interests should be done. We do not know what will be the effect of the new Bill, because we are illiterate. We are afraid because the whole world says that the *jama* is to be increased. I have only to request that no change may be made and we may be left to ourselves.

(Surajmal Rasaji of Bhankoda.)

Surajmal:—I have heard of the Bill. I have heard that there are 72 clauses in it, which are of a very alarming nature.

The Commissioner:—What danger are you afraid of?

Surajmal.—I have not been educated. Ask questions and I will answer them. I think that because it is a new Bill it must be dangerous to our interests. The 72 clauses say so. We do not want to have any new Bill. What has been going on should be continued. I understand that there is a section in the Bill under which Government will recover quit-rent on alienated land from which nothing is now levied by the Talukdars.

(Clause 18 was then read to him and explained.)

Q.—What are your objections to this clause?

A.—I say that the Bill contains certain clauses which will empower Government to recover quit-rent direct; I mean without interference of the Talukdars. This should not be done. There are certain landholders who do not pay anything to Government. Why should Government and not the Talukdars recover rent from them. I am told that all the clauses are very dangerous to our interests: and I request that the old Act should be continued. We do not want any change. All the people tell me so.

The Commissioner:—There is nothing of the sort in the Bill and people have misinformed you.

Hemtaji Kasuji of Kukvav.—I am afraid that Government will increase our *jama*.

The Commissioner:—Nothing in the Bill will alter the amount of your *jama*.

Hemtaji.—We are afraid of that only. If Government will manage our estates, so much the better.

Gambhirsingji Bhagwatsingji of Dekawada.—(One of the five Talukdars who went out to consult) I have read the Bill, but not the whole of it. I have no objection to anything which I have read. I appreciate the education proposals. I have nothing to urge against the Tribunal.

Mehrawan Shivsingji of Dhanchi:—I have no objection to anything; but I am of opinion that the old Act should be continued, as we do not desire to have any change. I know that Civil suits are very expensive; but still I am of opinion that the old Act should not be changed. I think that the old is always good and the longer it is continued the better for all.

Bhimaji Dosaji of Gunjala:—I am of the same opinion as the others. Our *jama* should not be so much increased. As regards education, the proposal is good, but we shall have to starve when our sons are sent to schools. It will be very expensive. Government should make a rule that our sons should learn more than the third book; otherwise their education is wasted. I am not opposed to education. But our sons should be educated up to the 7th standard.

The Commissioner:—It is only when a Talukdar having sufficient means refuses to educate his son that the Talukdari Settlement Officer will intervene.

Bhimaji:—Then I have no objection.

In closing the proceedings the Commissioner said:—Before I go, I must find out exactly what is the opinion, if they have one of their own of the Talukdars who are present. I will ask you, therefore, as I have asked in other places whether I am to tell the Sarkar that the Talukdars of the Viramgam Taluka have no objection to the formation of a special Court for the trial of certain of the civil disputes between Talukdars?

(Vote taken by show of hands. Seven Talukdars objected; the others approved.)

If the proposed special Court is formed do you think the appeal should lie to the High Court or to the Governor in Council?

(Vote taken by show of hands. A few voted for an appeal to Government and one for the High Court; the majority did not vote.)

Will those who object to the education clause hold up their hands?

(Vote taken by show of hands. No one objected.)

PROCEEDINGS OF THE DARBAR HELD AT DHANDHUKA
ON THE 19TH JANUARY 1914.

The following Talukdars were present.

Name of village.	Name of Talukdar.
Parabdi	... Jalamsang Narsang. Gajabhai Narsang. Kesrisang Merubhai. Harisang Bhimabhai.

Name of village.	Name of Talukdar.
Chhasiana	... Chandrasangji Umedsangji. Prathvisangji Devisingji. Ranjitsingji Devisingji. Umedsang Sangabhai. Ambalal Ratansang. Balubha Rasabhai.
Cher	... Manubha Patabhai. Shivsangji Harisangji. Govindsang Nathubhai. Partapsang Jasabhai. Devisang Jethibhai. Jalamsang Sardarsang.
Aniali	... Udesang Ajubhai. Halubha Kesrasing. Becharsang Bhupatsing. Jorubha Ratansang. Kasalsang Bhagjibhai. Nagbhai Khodabhai. Verabhai Sartansang.
Pipli	... Shivsangji Vaktabhai. Ranabhai Mepjibhai. Harisang Bapabhai.
Bhadiad	... Shivsang Madarsang. Becharsang Kasalsang. Sardarsang Hamabhai. Gagubhai Patabhai. Madarsang Mobatsang. Naransang Amarsang. Raghabhai Khengarji. Hematsang Khengarji. Partapsang Dosabhai. Khodabhai Dalabhai.
Motá Tradia	... Bhimjibhai Haribhai. Oghadbhai Butaji. Amarsang Devisang. Dhirsang Partapsang. Fatesang Jalamsang. Ladhubha Gagabhai. Pathubha Sajabhai. Kasalsang Fatabhai. Devisang Jemabhai. Akhabbhai Amarsang.
Adval	... Anopsang Varsabhai. Akhabbhai Parbhatsang. Ranabhai Mepji. Oghadbhai Khodabhai. Govindsang Becharsang. Jethibhai Fatesang.

Name of village.	Name of Talukdar.
Adval—(contd.)	... Ranjitsing Parbhatsing. Jethibhai Jibava. Rahabhai Narsangji. Malubha Karsansang. Agarsang Dungarji. Madhavsang Khengarji. Bhikhubha Jalamsang. Vakhatsang Bapaji. Bapubha Bavaji. Bapubha Patabhai. Gagubha Jemabhai. Parbhatsang Harisang.
Unchdi	... Partabsang Samatsang. Manabhai Jasmatsang. Devisang Veribhai. Ratansang Sagabhai. Shivsang Bavaji. Hanubhai Manabhai. Hathisang Govindsang. Pathabhai Visabhai. Sartansangji Amarsangji. Takhatsang Narsangji.
Bavaliari	... Dajibhai Manubhai. Jorsang Samatsang. Gagubha Bhalsang. Parbhatsang Pachanji. Kakabbai Khumansang. Patabhai Khengarji. Shivsang Haribhai. Khodabhai Rupsangji. Umedsang Fatesang.
Vagad	... Becharsang Ranabhai. Kalansang Dipsangji. Amjibhai Ratansang. Naransang Kalabhai. Varsabhai Mulubhai. Mansangji Partapsang. Bhavsangji Jasmatsangji. Kandhabhai Kalabhai. Jalamsangji Jibava. Bapubha Parbhatsang. Manubha Ahabhai. Vakhatsang Vajabhai. Pathubha Vanaji. Jalamsang Mulubhai. Balubha Umedsang. Sursang Takhatsang. Parbhatsang Kasalsang. Ratansang Parbhatsang. Oghadbha Udesang. Ratansang Udesang.

Name of village.	Name of Tálukdár.
Vagad—(contd.)	Ratansang Hebhamji. Amarsang Shivsangji. Fulubha Bapubha. Maghabhai Becharbava. Pathubha Khengarji. Chandansang Harbhamji. Prabhatsang Motibhai. Devisang Melabhai. Satubha Vanaji.
Ambli	... Faljibhai Agarsang. Akubha Ajubhai.
Tagdi	... Pathubha Gamansang. Kalubha Kesrasing. Vakhatsang Narsangji. Gamansang Jemabhai. Khodbhá Sartansang. Jamsangji Pathubha. Takhatsang Sartansang. Narsangji Verabhai. Govindsang Rajabhái. Dipsangji Harisang. Vakhatsang Jasmatsang.
Sánodar (Gogha Mahal).	Harbhamji Devisang. Jatubha Bhagjibhai. Ramabhai Dugubhai. Lakhubha Mulubha. Jorubha Gopalji. Visábhái Jijibhai. Narsang Savabhai. Kesrasing Pragjibhai. Sursang Harisang. Hakabhai Amarsang. Hathisang Bhavsang. Togabhai Pachanji. Juvansang Bapubha. Maluji Dadaji. Devisang Dosabhai.
Kadipur	... Balubha Prabhatsang. Jatabhai Savabhai. Juvansang Takhatsang. Dadubha Takhatsang. Govindsang Khodabha. Jatubha Naransang. Gopalsang Adabhai. Prathvisang Jivabhai. Devisang Pathabhai. Vaghabhai Harisang. Udesang Bhavaji. Varsabhai Ajabhai. Navalsang Madarsang.

Name of village.	Name of Tálukdár.
Kadipur—(contd.) ...	Jorsang Ratansang. Sagramji Halubhai.
Fedra ...	Vaktabhai Vajesang. Surabhai Hajabhai. Kasalsang Pathabhai. Umedsang Samatsang. Jasmatsang Jehabhai. Ratansang Bavaji. Kalubhai Rupabhai. Kalubhai Hakabhai. Bavaji Varsabhai. Jasmatsang Jehabhai. Parbhatsang Mulubhai. Lakhabhai Nanabhai. Agarsang Bhakharji. Devisang Samatsang. Madhavsang Kalansang. Maghabhai Narsangji.
Jaska ...	Raisangji Ramsanji. Kesrisangji Kalabhai. Jalamsang Ratansang. Sursangji Rupsangji. Umedsang Pathabhai.
Dharpipal ...	Madhubha Subanmia.
Dholera ...	Manubha Harisangji. Partápsang Khodabhai. Nathubha Devisang. Khumansang Jethibhai. Balubha Rasabhai.
Chhárodia ...	Jethibháí Parbhatsang. Raesangji Parbhatsang. Lálubha Sardarsang. Jorubha Shivsangji.
Kothadia ...	Chandabhai Pachanji. Agarsang Nathubhai. Jijibhai Rahabhai. Sardarsang Nayabhai. Parbhatsang Kaslabháí. Hanubhai Mobatsang. Kesarisang Vaghabhai.
Rojka ...	Nanbha Ladhubha. Patabhai Fatesang. Partapsang Dadubha. Umedsang Raesangji. Malubha Kalansang. Parbhatsang Devisang. Ratansang Agarsangji.

Name of village.	Name of Tálukdár.
Hebatpur	... Hamirsang Mobatsang.
Bela	... Merubhai Gigabhai. Pujabhai Mulubhai. Amrabhai Dhunabhai. Adabhai Rambhai. Mulubhai Kákábhái.
Vadhela	... Agarsang Vaghabhai. Harisang Parbhatsang. Ratansang Mulubhai. Jorsang Mobatsang. Navalsang Adesang.
Badi	... Gagubha Kalubha. Pathubha Kamabhai. Khodabhai Kalubhai.
Sangasar	... Vakhtabhai Jalamsang. Madarsang Harisang.
Kharad	... Narubhai Nongabhai. Pachanji Godbhai. Khumansang Jethibhai. Jehabhai Ratansang. Patabhai Devisang. Karsansang Jethibhai.
Bhadiad	... Mulubhai Jethibhai. Oghubha Ramsangji. Udesang Bapjibhai. Devisang Kasalsang. Akhubha Khumansang.
Bajarda	... Ajubhai Vaghjibhai. Fatesang Abhesang. Jalamsang Abhesang. Rupsangji Jivabhai. Jethibhai Motibhai. Ratansang Ranchhodji.
Charanki	... Khimabhai Bapabhai. Achhabhai Kanabhai. Hajabhai Kesarbhai. Kalabhai Khetabhai.
Ranpur	... Bapjibhai Bhagatsang.
Jhinjhar	... Vakhatsang Mulubhai. Naransang Nanabhai. Shivsan Bhakharji. Madarsang Ramabhai. Bhojrajji Naransang.

Name of village.	Name of Tálukdár.
Vasna	... Sajamia Geratmia. Imamsha Akbarsha. Rajemia Ahmedmia. Bavamia Achhamia. Sedamia Mirsaheb. Miyasaheb Sultanmia. Hamedmia Bavamia.
Kotda	... Najumia Amirmia. Hanifmia Mamdumia. Mahomedali Amirmia.
Akru	... Sanebsang Madarsang.
Chokdi	... Sayad Nathumia Bakshumia. Sardarali Nathumia. Sayadali Imamali.
Panchi	... Banesang Akhubhai.
Muldharai	... Kalubhai Visabhai.
Polarpur	... Sajabhai Dajibhai.
Kamiala	... Vakhatsang Karsansang.
Devkana	... Kanubha Patabhai. Anopsang Madarsang.
Jhanjharka	... Jethibhai Kasalsang. Amarsang Malubhai.
Dhanala	... Bhakharji Mulubhai. Dansangji Gopalji.
Pipal	... Satubha Sajabhai. Harbhamji Ratansang. Patubhai Hothibhai. Verabhai Ajabhai. Hajubhai Haribhai. Hamirji Manabhai. Karsansang Bhavaji.

The Commissioner and the Talukdari Settlement Officer addressed the Darbar on the same lines as at Parantij. The following discussion ensued :—

The Thakor Saheb of Gamph.—The amount of our *jama* should be fixed for ever. Apart from this, please do what is best for us.

The Commissioner.—Am I to understand that the Thakor Saheb has no objection to the Bill ?

The Thakor Saheb.—No, I have no objection.

Haniph Mimdumia of Kotda.—I agree with the Thakor Saheb. I am confident that Government will continue to look after our interests as they have been doing.

The Commissioner.—Do you know what is in the Bill?

Haniph.—Yes.

The Commissioner.—Do you know what there is a clause regarding the education of Talukdars' sons?

Haniph.—Yes.

The Commissioner.—Do you think that is a good provision to make?

Haniph.—It is all for our good.

The Commissioner.—Do you think the Tribunal would be beneficial to you?

Haniph.—Yes.

The Commissioner.—You know that this Court will decide disputes between Talukdars only?

Haniph.—Yes.

The Commissioner.—Do you think that the Court will save you expense?

Haniph.—Yes.

The Commissioner.—Have you had any Civil suits?

Haniph.—Yes.

The Commissioner.—Supposing that you had a suit before the new Tribunal and you wanted to appeal against the decision of the Tribunal because it did not please you. Where would you like to appeal? To the High Court, or to Government?

Haniph.—To the Governor in Council.

The Commissioner.—Supposing you have a suit against one of your people with whom you are on bad terms would you like the Talukdari Settlement Officer to sit on the Court or an Assistant Collector?

Haniph.—Both should sit.

The Commissioner.—Only one of them will sit, which would you prefer?

Haniph.—The Talukdari Settlement Officer, because he knows more about Talukdari affairs.

The Commissioner.—Do you know that the Bill has given extra powers to the Commissioner to take estates under management?

Haniph.—Yes, Sir.

The Commissioner.—Do you think that these powers are too great?

Haniph.—No, it is all quite right.

The Commissioner.—Have you anything more to say?

Haniph.—No.

Bavamia of Vāsna.—I am very glad to see that Mulgamatis are included as Talukdars.

The Commissioner.—If you become a Talukdar, will you be content to be governed by the Bill?

Bavamia.—Yes.

(Jalamsing Abhesang of Bajarda.)

Q.—Are you pleased at the inclusion of Mulgametis as Talukdars ?

A.—Yes, I am pleased.

Q.—Do you know anything of the education clause ?

A.—Yes, I have no objection to it.

Q.—And the Tribunal ?

A.—No, I have no objection.

Q.—Nor to the *Japti* ?

A.—No.

Q.—With regard to the new Court, supporting that Court is instituted and you have a suit with another Talukdar and you do not like the new Court's decision, to whom would you like to appeal ? To the High Court or to Government ?

A.—To Government, because that will be cheaper.

Q.—Supposing your opponent in the suit were your bitter enemy would you like to have the Talukdari Settlement Officer as a member of the Court, or an Assistant Collector ?

A.—The Talukdari Settlement Officer should sit on the Court because he is the father and mother of the Talukdars.

Q.—Have you anything more to say ?

A.—No.

(Jalamsingji Narsingji of Parabdi.)

Jalamsingji :—We are all very grateful to your honour for coming so far to meet us. We have explained our objections to the Bill to Takhatsingji Narsingji of Tagdi, and deputed him to speak for all of us.

To Commissioner :—I shall be glad to hear him speak on his own behalf, but I do not wish to hear from him what the rest of you think ?

A.—We have all considered the Bill and have elected Takhatsingji to speak for us.

Q.—Have you personally told Takhatsingji what you want him to say on your behalf ?

A.—Yes.

Q.—Then you can tell me just what you told him.

A.—But we have all deputed him and we want him to speak for us.

Q.—I want to hear your personal opinion.

A.—I cannot give it. Our brotherhood has ordered that Takhatsingji alone shall speak.

The Commissioner :—Do you know anything of the Bill ?

A.—Yes.

Q.—Have you read all of it ?

A.—Yes.

Q.—Then you know that it is proposed to form a new Tribunal. Would you like to have the clauses read out to you ?

A.—I have read that there is to be a Court of three, but I don't remember exactly what cases it will try.

Q.—It will decide certain disputes between Talukdars and nothing else.

A.—I suppose that whenever any Talukdar is a party to a suit that dispute will go before this Court.

Q.—No. Only suits between two Talukdars. Disputes between a Talukdar and Government or a Talukdar and a Bania will not go to this Court.

A.—I do not think that the institution of such a Court will save us much expense. We shall have to bear our own expenses, on Court-fees, pleaders and the like, and they will be the same as they are in the Civil Courts. There may be some slight saving owing to the smaller number of appeals, but it will be inconsiderable. On the other hand, we shall have to knock about after this Court which will be touring in all parts of the Northern Division, taking our pleaders and witnesses with us.

Q.—How far have you to go to attend the Sub-Judge's Court?

A.—Some considerable distance at times.

Q.—You are of opinion that there will be some extra trouble and expense involved in going to distant places. Very well. I have taken a note of this point. But apart from this, have you any other objection to the Tribunal?

A.—Yes, I am doubtful whether we shall get justice from it. A revenue officer is to sit on it, and I object to the combination of judicial and executive functions.

Q.—The decision will not be given by the revenue officer, but by the Judge, who will preside. The Judge will be the same Judge who now sits in the Civil Court.

A.—But if the Judge is to be the same, why create the Tribunal at all? My definite opinion is that any slight saving in expense is counterbalanced by the disadvantage of having to follow the Court about.

Q.—Very well. I have noted your opinion. Now, supposing that the Court is founded, do you object to a Talukdar sitting on it?

A.—No.

Q.—Have you any objection to the Talukdari Settlement Officer sitting on it?

A.—Government can do whatever they like and I will accept it. (Pressed for a definite reply) I am of opinion that as the Talukdari Settlement Officer knows more about our affairs he should sit in the Court rather than the Assistant Collector.

Q.—What do you think about the education clause?

A.—I understand that education is made compulsory, and I object to that.

The Commissioner:—That is not quite right.

A.—Then I should like to know what is provided in the Bill.

The Commissioner:—If any Talukdar has a son of school-going age and neglects to educate him suitably, the Talukdari Settlement Officer is empowered to call on him to make arrangements for his sons' education within three months. It is only if he neglects this warning that the Talukdari Settlement Officer will arrange to give the boy such education as the Talukdar's means permit.

A.—I know that education is very advantageous to us, but I do not like the fine of Rs. 200.

Q.—What is your idea about the fine ?

A.—I do not think there should be so much compulsion and severity. If a Talukdár's income is only Rs. 400 a year, how could he pay the fine ? It is really very expensive to send boys to school ; there are not schools in all our villages.

Q.—Is there one in your village ?

A.—No, the nearest is at Tagdi, two miles away. How can a boy of six years of age attend it ?

Q.—How do other people manage at present ?

A.—Grown-up boys go, but how could the little children attend ?

Q.—Then you think that education is good, but that it is not quite right that the limit of fine should be so high ?

A.—It will be a good thing to fine a big Talukdar ; but for other Talukdars like myself there should be no penalty.

Q.—Then you think that poor Talukdars should not have the advantage of education ?

A.—Yes, because they will not be able to afford it. But if the schools are near they ought to send their sons.

Q.—Have you got anything to say about the new provisions for taking estates under management ?

A.—I do not quite remember them all, but I know there are some objections. In sub-clause (e), the limit of two years' income is too low. In case of a marriage or a funeral ceremony even small estate-holders have to spend about twice their income. Our caste-customs require it.

The Commissioner :—Do you think such customs are good ? Would it not be well not to encourage them ?

A.—I think that the limit should be extended to at least four or five years.

Q.—Have you anything to say with regard to the last sub-clause of the management clause ?

A.—It seems rather wide.

Q.—Do you think that the words "due protection" are not specific enough ?

A.—I am afraid that estates will be taken under management on the mere report of a subordinate officer.

Q.—You think that the Commissioner will pass orders for assuming management on the strength of a subordinate's report ?

A.—It would be all right if he would make personal inquiry. As it is, we shall have to flatter the subordinates and shall be put to continual trouble. Everything is done by the subordinate officers of the Talukas. The highly paid officers simply sign papers.

Q.—Then I am to take it, you consider that Commissioner cannot be trusted because he signs orders on the lines of reports made by Talatis ?

A.—I think that is the procedure. The Taláti reports to the Upri Kárkun, the Upri Kárkun to his superior and so on up to the Commissioner.

Q.—And what does the Commissioner do ?

A.—He does what he thinks fit.

Q.—But if the Commissioner is not satisfied with the report do you think that he will pass orders without considering the reasons given for assuming management ?

A.—I do not believe that the Commissioner makes any inquiry. If he does, it is all right.

Q.—I am very sorry to hear your opinion. Have you anything more to say?

A.—Our *jama* should be fixed once for all.

Q.—That question does not arise out of the Bill. Still, I am told the same thing everywhere, and I have promised to bring the matter to the notice of Government.

Jalamsingji :—I object to the provision for repeated surveys, which are expensive to the estates.

The Commissioner :—There is nothing new on this point in the Bill. The provisions of the Act of 1888 have not been altered. But I will take a note of it.

A.—We have had three surveys already and each time our assessment has been increased. Local Fund should be calculated on the *jama* and not on the assessment. Alienated lands in the possession of Banias and others are alienable and free from *jama*, but the moment they are taken by a Talukdar they become part of his estate. His *jama* is increased and he cannot raise money on the lands. This is not fair.

Q.—What do you mean?

A.—I mean to say that we ought to be allowed to sell or mortgage such land. We might need money suddenly for funeral expenses or the like, and ought to be allowed to raise money on such land.

Q.—Would that be fair to your sons?

A.—The land is dear to us, and we do not acquire it in order to sell it. Still, in time of emergency we ought to be allowed to dispose of it.

Q.—But in a real case of emergency do you think that the Talukdars Settlement Officer will refuse you permission to mortgage?

A.—Even if he does not, it will take many days, to get his sanction. You should at least allow us to mortgage without the sanction of the Talukdári Settlement Officer.

Q.—Would you like to abolish the Talukdári tenure altogether?

A.—No. I only want you to exempt my non-Talukdari property from restriction. Why, I might buy a ginning factory.

(Takhatsingji Narsingji of Tagdi.)

Takhatsingji :—Our *jama* should be fixed. Repeated surveys should be stopped. We have just been told that our right to appoint Mukhis is confirmed to us by this Bill. But the Bill does not say so.

Mr. Jukes :—You have not, and never have had, any such right.

Takhatsingji :—At any rate it is a custom.

The Commissioner :—The Talukdars are generally asked their advice, but have not the right to appoint Mukhis.

A.—Well, the present custom should not be changed. The provision regarding fine in the education clause should be removed. Fines should not be imposed. Schools should be opened in all villages. Many boys go to school already, and if Government are pleased to give encouragement to some of them they in turn will educate their sons. By encouragement I mean employment in Government service. If there is a school in every village, every boy will attend. The Civil Courts ought to remain as they are.

Q.—It is not proposed to alter them.

A.—The special Tribunal will not give us justice. With the Talukdari Settlement Officer on it, it will never give us justice, specially in matters affecting management.

Q.—But you will have a Talukdar sitting on the Court?

A.—The Talukdar will be guided by the Talukdari Settlement officer.

Q.—Then you object to the Talukdari Settlement Officer's sitting on the Court?

A.—I think the Civil Courts are preferable. There should not be any combination of judicial and executive functions.

Q.—How do you think it would hurt you?

A.—I cannot say, but it would. We shall not get justice from the Tribunal. I speak for all the Talukdars. Why have a Tribunal at all? Succession cases are not numerous among Talukdars, and I am not aware that pleaders are particularly expensive.

Q.—You think that the Judge who gives you justice in ordinary Civil Courts will not give you justice when he presides in the Tribunal?

Takhatsingji:—He will be prejudiced by the presence of a Revenue officer.

The Commissioner:—Then, do you object to the Magisterial powers of an Assistant Collector?

Takhatsingji:—Yes; so does all India.

The Commissioner.—Have you no other objection to the Tribunal, except that, for a reason which you cannot explain, you think it will not give you justice?

A.—That is the objection which all the Talukdars have asked me to put before you. (After some pressing) well, we shall have to take all our witnesses and our pleaders wherever the Tribunal may be, and that will be as expensive as the present arrangement.

Q.—But what if Government ordered the Tribunal to hear the case in a place convenient to all of you?

A.—Then that difficulty would be removed. But we cling to our objections. We don't want a Court on which an officer connected with management will sit.

Q.—What has an Assistant Collector to do with management?

A.—I cannot say.

Q.—What other objection have you to the Tribunal?

A.—That I cannot say. You should ask all the Talukdars and I am sure that they will all confirm my opinion. I believe that we shall not get justice from this Tribunal. I should not like an appeal to Government because I cannot take a pleader with me before Government. The appeal should be to the High Court. Leave us the District Court and High Court.

The Commissioner:—Government have proposed the special arrangement in order to save you expense. Government will not make a pie out of it.

Takhatsingji:—How will it benefit us? The stamp duty will be the same as it is now.

The Commissioner:—But you will not have so many Courts to go to. Even if you have an appeal to the High Court there will be two Courts instead of three.

Takhatsingji:—That will not save us much. There is no expense at all in going to the High Court. And we are satisfied with the justice which we get.

Q.—What have you to say about the management clause?

A.—I agree with Jálamsingji.

Q.—Anything else?

A.—Yes, I object to sub-clause (d). If there is a breach of the peace the Talukdar should be criminally punished, but the estate should not be taken under management. I mean sub-clause (i).

Q.—The power is given to the Commissioner. You think that the Commissioner is not to be trusted with this power?

A.—Yes. I think that the clause should be altered and decisions as to fitness to manage left to the District Court. Contracts made by the Talukdari Settlement Officer during the period of management should not be binding on the Talukdar when the estate is released.

(Clause 37 was then read and explained.)

A.—The owner of the estate should be consulted before any contract of any kind is made.

Q.—Supposing the Talukdari Settlement Officer settles a debt by giving a portion of the estate in *pullachhut*. If he at once releases the estate, you would cancel the *pullachhut* contract?

A.—No, but he might consult the Talukdar before settling. Even if he cannot personally consult the holders of 650 estates, he can do it through his subordinates. But my principal objection is to the creation by the Talukdari Settlement Officer of rights of permanent tenancy.

The Commissioner:—I have noted your objection.

Takhatsingji:—You should ask the Thakor Sahab of Amod to draft a new Bill for you. Shops, shares, and similar property should not be included in "Talukdar's estate". A fifteen years' lease should not be classed as an incumbrance. I cannot say whether the Talukdari Settlement Officer has ever refused sanction to a lease for over fifteen years. It is wrong to require the entry of rent for each survey number in the Settlement Register: it will force us in Bhagvatrai estates to weigh the produce of each number separately. Section 20 of Act VI of 1862 should be repeated in this Bill. *Jama* should be defined as tribute, in accordance with the advice of Colonel Walker and Sir James Peile.

Q.—Since the Act of 1862, *jama* has never been defined as tribute.

A.—I know that. The old Acts deprived us of our rights. We want them restored.

The Commissioner:—This question has been raised by the Thakor Sahab of Kervada. I will report your wishes to Government. Have you anything more to say?

A.—No, I have said all that I can remember. I would think of more, if you would let me write it down.

(Pachanji Godbhai of Kharad.)

Pachanji:—*Jama* should not be defined as land revenue. The Land Revenue Code was enacted for Khalsa villages; it should not be applied to Talukdari villages.

The Commissioner:—What has that to do with this Bill?

Pachanji:—A clause of the Bill makes certain sections of the Land Revenue Code applicable to Talukdars. You should apply to us those only which are necessary for the collection of *jama*.

Mr. Jukes:—To which sections do you object?

Pachanji:—I cannot say, as I have not read them. But you should apply to us those only which were applied by the Act of 1888. The new sections will ruin our rights as proprietors. The definition of Talukdar should be changed. Inamdars, Saranjamdars, Maleks are all defined as Talukdars.

(Clause 2 (a) was then read and explained.)

At any rate, Government takes power to include them. This will affect our dignity. Naiks do possess large landed property, but they should not be classed as Talukdars.

(Clause 2 (a) was again read and explained.)

If the same law applies to all these classes of people we shall all be on an equal footing. I know that they were included under previous Acts, but then section 20 of Act VI of 1862 was still in force, and protected our proprietary right.

The Commissioner:—Their inclusion merely means that the advantages of this Bill are given to them; no rights are taken away from you.

Pachanji:—Then that should be made clear in the Bill, which should also state clearly that the Talukdars are the proprietors of their land. Clause 22 is very dangerous. The powers of taking under management should not exceed those of the Act of 1888. In clause 69 of the Bill the limit of income should be Rs. 200. Religious grants of land should not require sanction. The *jama* should be reduced to a figure suitable to the means of the Talukdars, and then made permanent. As regards education, it should not be made compulsory. There is not such a thing as compulsory education anywhere in the world, and it will ruin us if we have it. Girls and widows have no rights of heirship in our estates. Yet this Bill makes them our heirs, and allows the Talukdari Settlement Officer to assume control of their persons and property.

Mr. Jukes:—There is nothing of the kind in the Bill. Among certain classes of Talukdars, such as Molesalms, and Kathis females can inherit; and the Bill provides for the management of their property in certain cases. It says "if there is a female Talukdar:" if in your caste there cannot be a female Talukdar, you are not affected by the clause.

Pachanji:—Then the Bill should say so plainly. It should be provided in the Bill that *lal liti* land shall never be liable to *jama*. Such land when acquired by an outsider is exempt from *jama*; it should be exempt when acquired by a Talukdar also. The word "Talukdari" should be substituted throughout for "Talukdars." The whole world is free to engage in commerce, and why should we be debarred?

As to the Tribunal, the Civil Courts are open to all India and why should they be closed to us? Why should we alone of Indians have a special Court? I know we have a special law, but that is a different matter. We do not want this Tribunal. We do not gain anything by it. The stamp duty is just the same. If Government want to save us from ruin they may exempt us from the stamp duty.

The Commissioner:—But we want to save you from other expenses such as pleaders' fees and the like.

Pachanji :—The expense will be just the same. If you must have the Tribunal, it should be for wealthy Talukdars and primogeniture estates only. I have had experience of the Civil Courts. I had a case in them, lasting 15 or 20 years. I liked it, because I got justice. I do not believe that a case in two Courts is more expensive than a case in one Court. But if you want to restrict the number of Courts, give us an appeal to the High Court from the Sub-Judge.

You cannot possibly find time to question all of us Talukdars. Kindly take one voice on the various points.

Najumia Amimia of Kotda :—I agree with Haniphmia. From the Tribunal, I should like an appeal to the Commissioner. If I cannot have that the appeal should lie to Government. It is good that a clause regarding education has been inserted in the Bill, but the fine is too heavy. I have no objection if the Talukdari Settlement Officer sits on the Tribunal. I am not acquainted with the law, but I have every confidence in Government that they will not do any injustice to us.

Agarsingji Wagabhai of Vadhela :—If the Mulgametis are to be made Talukdars, their villages should be surveyed. I am a Mulgameti, and am anxious to be considered a Talukdar, because we are caught by the throat by the Limbdi Darbar.

Mr. Jukes :—If you become a Talukdar are you willing to be governed by the Bill?

Agarsingji :—Yes, it is a holy thing to us.

Ranjitsingji of Chhasiana :—Our *jama* should be reduced. It has become too heavy for us. It should be reduced in such a way that our interests may not suffer. If the Bill does not take away any of our rights, I have no objection to its passing. I do not object to the creation of the Tribunal. In Kathiawar succession disputes are decided by the Prant Officer. He does it very well.

Prathisingji of Chhasiana :—We get justice satisfactorily in the Civil Courts. I had a case in the Civil Courts which lasted for about 5 years. I had to spend about Rs. 5,000 in the case.

The Commissioner :—Had there been a Tribunal would it not have been better than the Civil Court?

Prathisingji :—No, because pleaders are not allowed before Government. We are pained that a special Tribunal has been thought necessary for us alone of all India.

The Commissioner :—Do you dislike the idea of the Talukdari Settlement Officer sitting on the Tribunal?

Prathisingji :—No. The case should first be heard by the Talukdari Settlement Officer and he should then refer it to the Civil Court. That is what we do in Kathiawar. We do not get clear justice in the Political Courts.

Our *jama* should be reduced and made permanent.

Becharsing Kashalsang of Kamidana :—If Government are pleased to give us a special Tribunal let us have as assessors five Girassias elected by the Talukdars.

Shivsingji of Unchdi:—All of us Talukdars are of the same opinion as was expressed by Takhatsingji and Prathisingji.

Mr. Jukes:—You may speak for yourself, but not for all the Talukdars.

A number of Talukdars (rising):—We all agree with Takhatsingji.

The Darbar was then closed.

PROCEEDINGS OF THE DARBAR HELD AT RANPUR IN THE
AHMEDABAD DISTRICT ON THE 20TH JANUARY 1914.

The following Talukdars and Mulgametis of the Dhandhuka and Gogha Talukas were present.

Name of village.	Name of Talukdar.
Khokhernesh	... Sardar Bulakhibhai Punjabhai. Bapjiraj Adubha. Bapjiraj Modji. Devaji Vaktaji. Agarsang Bapabhai. Bapubha Satbha.
Dharpiplase, etc.	... Bubamia Bapusaheb. Kuversang Alambhai. Madhuha Subamia. Harisang Alambhai. Alubha Motimia. Chandansang Dajiraj. Kasubha Bapubha. Bapubha Bavasaheb. Hothiji Bapusaheb.
Kundli	... Daha Bhaya. Jasa Ram. Aling Harsur. Godad Vira.
Sanganpur	... Jiva Dada. Dana Deha.
Nagadka	... Visaman Jetha. Hamir Suring. Bhura Bhaya. Naja Sura. Hathi Champia. Moka Jala. Hamir Jetha. Suring Lagdhir. Haka Dada. Amara Ebhal. Somla Jetha. Ening Nang.

Name of village.	Name of Talukdar.
Nagadka—(contd.) ...	Hamir Oling. Somla Bhava. Hamir Suring. Jiva Samat.
Noli ...	Samat Vela. Daha Visaman. Dada Naja. Bhura Ram. Bhana Kalu. Mansur Theba.
Shekhdod ...	Kanthad Moka.
Ninama ...	Hamir Nang.
Ori ...	Unad Harsur.
Bodana ...	Jiva Samat. Malsur Ramsur.
Rajpura ...	Jijibhai Miyaji. Rajaji Miyaji. Jasubha Rajebhai. Punjbha Bavaji. Harisang Bapabhai. Bulakhi Gemabhai. Thakorbha Motimia. Akheraj Lakhabhai.
Devalia ...	Takhubha Jivaji. Malekbha Bavaji. Bapubha Jivaji. Bapubha Bhaimia. Bapusaheb Bapubha. Motibhai Lakhabhai. Dajiraj Motibhai.
Bubavav ...	Bavaji Kayaji. Amarsang Pathabhai. Amirbha Jesarbhai. Thakorbha Jagbha. Bapubha Hothiji. Dadbha Maghabhai. Bapubha Bavamia. Prathiraj Fatesang. Bapubha Malek Amiji. Mepjibhai Rimbhai.
Gadhia ...	Nathubhai Valibhai. Kesubha Nathubhai.
Derdi ...	Vasta Raning.

Name of village.	Name of Talukdar.
Nadala	... Samat Hamir. Jiva Mansur. Apa Matra. Bhana Bhima.
Hadamtala	... Virbha Banubha. Balvatsang Bulakhi.
Keria	... Bapjiraj Bhagatsang. Miasaheb Jemubhai. Punjbha Rajbha. Bapubha Jasubha. Banubha Bapuji. Rustomji Bapuji. Sardarsang Bavaji. Dajiraj Bhathubhai. Ladhubha Ramubha.
Kinara	... Ladhubha Valjimia. Pratapasang Valjimia. Bapumia Himubha. Ladhubha Monjibhai. Raesang Bavaji. Agarsang Harisang.
Galsana	... Fatubha Amarsang. Bulakhi Kalubhai. Sardarsang Dajiraj.
Nani Vavdi	... Lakhman Uga. Punja Meram.
Bagad	... Champa Nang. Amra Ram.
Barvala	... Dana Raning. Bhan Moka.
Bodia	... Khoda Nang.
Sunderiana	... Bhoj Vaija. Hamir Rana. Jiva Punja. Deha Harsur. Moka Dada. Ebhal Visaman.
Chandarva	... Sel Jetha. Deha Vasta. Mulu Dana. Jaita Naja. Bhan Vaghji.

Name of village.	Name of Talukdar.
Khas	... Ram Jiva. Jaite Samat. Jasa Devit. Giga Bhima. Harsur Samat. Visaman Jaite.
Khambhda	... Ebhal Ghela. Giga Lakhman. Ghusa Uga. Fula Samat. Mancha Bhoj. Mekur Nang. Nathu Alaia. Kupa Hamir.
Chacharia	... Punja Uka. Haka Bhima. Raning Vira.
Vejalka	... Dana Punja. Matra Dana.
Jalila	... Nana Vira. Amra Moka. Punja Mulu. Aling Rukhad. Visaman Jetha.
Moti Vavdi	... Jetha Mancha. Giga Kalu. Nathu Amra.
Aniali Kathi	... Punja Hathia. Jaite Hathia. Ravat Jasa. Unad Mulu.
Salangpur	... Oghad Vira. Jiva Jetha. Bhim Mulu.
Kundla	... Harsur Dana. Nagdan Jivna. Kala Jivna. Daha Rukhad. Bhura Nagdan.
Refda	... Dada Vasta. Kalu Chuntha. Lakha Bhoj.
Godhavata	... Hamir Rupala.

Name of village.	Name of Talukdar.
Gunda	... Hamir Ram. Dada Vira. Hathia Dana. Kalu Mulu.
Alau	... Lagdhir Ram. Ebhal Bhana. Daha Theba. Ala Champa. Mansur Rukhad. Champa Somla. Champa Natha. Dada Nathu. Ebhal Jiva. Ram Jetha.
Panvi	... Unad Hamir. Nana Meram. Giga Rukhad.
Sangoi	... Harsur Unad. Alal Luna. Dada Unad. Aling Hamir.
<i>Taluka Gogha.</i>	
Mota Khokhra	... Nathuhhai Bavaji. Nanbha Bavaji.
Kanad	... Mulubhai Lakhabhai. Jorsang Bhimabhai. Sardarsang Ranmalji. Jivanji Balubha.
Khambha	... Jethibhai Nanabhai.
Morchand	... Bhajibhai Raemalji. Dholabhai Raemalji. Vajabhai Kaslabhai. Raesang Hadabhai. Kalubhai Pragjibhai. Jatubhai Kalubhai.
Kamlej	... Manubha Vakhatsang (Mulgameti).

The Commissioner then addressed the Talukdars on the lines of his speech at Prántij and was followed by Mr. Jukes in Gujarati. The following discussion then took place.

Sardar Bulakhibhai Punjabhai of Khokherness.

Sardar Bulakhibhai:—We are all very glad to see the Commissioner here. We are sure that the Sarkar will do whatever is best for us. I have read the Bill.

The Commissioner :—Do you think that the Tribunal which Government proposes to create will further the interests of the Talukdars.

A.—Yes, it is in our interest.

Q.—Do you object to the Talukdari Settlement Officer's sitting as a member of the Tribunal?

A.—No, I think that the Talukdari Settlement Officer should sit.

Q.—If you had a case in the Tribunal, and desired to appeal, to whom would you wish your appeal to go?

A.—To the High Court.

Q.—What do you think of the Education clause of the Bill?

A.—It is for our good.

Q.—Are you not afraid that the Talukdari Settlement Officer will lay hold of the son of a Talukdar of limited means and send him to school at Gondal or Wadhvan?

A.—No, I am not.

The Commissioner.—What do you think of the management clause?

Sardar Bulakhibhai.—I have not properly read it.

(Clause 22 was then read to him and explained.)

Q.—Do you think that this clause should not be inserted in the Bill?

A.—No.

Q.—Some of the Talukdars have told me that an estate should not be attached for a debt equal only to two years' revenue.

A.—I think the limit is rather low.

Q.—What limit would you like?

A.—Five years.

Q.—The last sub-clause of clause 22 says that, if the Commissioner thinks it necessary for the protection of the estate, the estate may be taken under management. Some have said that this clause is too wide.

A.—But what is meant by "proper management"?

Q.—That is the difficulty. With the clause as it stands, I can attach an estate for unspecified reason, provided that I am persuaded of the necessity thereof.

A.—I think that the circumstances in which the Commissioner may take an estate under management should be explained fully in the section.

Q.—Have you anything more to ask me? Is there anything which you do not understand in the Bill?

A.—No.

Kesubha Bapubha of Dharpipla :—I think that our *jama* should be reduced and then fixed once for all. In Kaira and other districts it has been made permanent. With us, it has been increased enormously. I think the education provisions are good, but the arrangements made should be suited to the means of the Talukdars.

The Commissioner :—That is just what the Bill says.

(Clause 64 was then read and explained.)

Kesubha :—I think that the Talukdari Settlement Officer should sit on the Tribunal, because he is well acquainted with our affairs. The appeal

should be preferred to the Governor in Council. The Talukdari Settlement Officer should not give *tagavi* to our tenants from our estates, without consulting the estate-owners. I have nothing more to say.

Subamia Bapusaheb of Dharpippla:—Our *jama* should be reduced and fixed permanently. Management should be conducted on the same lines as it was when the Talukdar's estate was handed over to the Talukdari Settlement Officer and no new permanent tenants should be created. The village of Nani Vavdi is shared by us with the Limbdi State. We ought to have a detailed survey of it. Our share exceeds that of the Durbar, and we want this recorded in a map and a Faisal Patrak. For the rest, I have no objection to the Bill.

The Commissioner:—What do you think about the Tribunal?

A.—It should be established.

Q.—To whom would you like the appeal to lie, to the High Court or to Government?

A.—If we go to Government who will explain all the facts to His Excellency? Pleaders are not to be allowed there.

Q.—The pleaders will appear in the usual way before the Tribunal, and would be able to draft an appeal for submission to Government.

A.—I do not much mind where the appeals go. If anything, I prefer Government.

The Commissioner:—Do you think that the Talukdari Settlement Officer should sit as a member of the Tribunal?

Subamia:—Yes, because he knows much of our customs and affairs.

Q.—Have you any objection to a Talukdar's sitting on the bench?

A.—No, provided that an impartial Talukdar is selected.

Q.—The Commissioner will draw up a list, just like a Jury list, on which the names of Talukdars fit to sit as assessors will be put. This list will be placed before the Judge, and he will decide who shall sit in any particular case.

A.—I have no objection, if the Talukdar is impartial. But if a case relates to a certain village and a Talukdar of that village were to sit on the Tribunal I should strongly object.

Q.—It will be left in the hands of the Judge. The Judge will select men who have no personal connection with each case.

A.—Then it is all right.

Q.—What do you think about the education clause?

A.—It is very good. As regards the power given to the Commissioner to take estates under management, I think that a five years' limit of debt should be substituted for two years. Sub-clause (i) is too wide. The various reasons which justify attachment should be specified in the clause.

Q.—Have you anything more to say about the Bill?

A.—No.

Nathubhai Valibhai of Gadha.

Nathubhai of Gadhai:—My estate was under the management of the Talukdari Settlement Officer for 28 years on account of a debt of about Rs. 38,000. I have had it in my own hands for the last twenty years.

Q.—Do you think that your estate was injured by management?

A.—No, it was benefited.

Q.—What have you to say about the Bill?

A.—*Jama* should not be defined as 'land revenue'. I know that definition was in the old Act, but I am of opinion that tribute should be substituted for land revenue.

Q.—Do you think that you will be benefited by the change of the word?

A.—Yes, it will pave the way to a fixed *jama*. I think that moveable property should not be attached with immoveable property.

Q.—The power of attaching moveable property is not given to the Talukdari Settlement Officer. It is given to the Commissioner, and it is only when he thinks it necessary to take such property under management that it will be taken. The provision is intended for special cases only. For instance, when the late Sanad Thakor died, he left over a lakh's worth of jewellery, cash, clothes and other valuable property lying about. If it had not been attached, it would have been misappropriated by outsiders.

A.—I do not object to such attachment in special cases. I should like to say something about surveys. We have already had three, and last, the detailed survey, was very bad one. It increased my assessment to Rs. 1,800, being made by poorly paid and ignorant subordinates. It should be cancelled, and the old survey, with its assessment, restored. I have submitted a separate petition about this. Clause 69 of the Bill should be cancelled. Talukdars should not be bound, when their estate is handed back to them, to continue occupancy rights granted during the time of management.

Q.—What about the Tribunal?

A.—Let there be a Judge, the Talukdari Settlement Officer and a Talukdar, selected by the Commissioner. I have no objection to the constitution, but the appeal should be preferred to the High Court.

The Commissioner:—What about the Japti section?

Nathubhai:—It is not fair that the limit of debt should be fixed at 2 years income only. It should at least be increased to 5 years.

Q.—What have you to say about the last sub-clause of clause 22?

A.—I have no objection to it, if the Commissioner makes proper inquiry before ordering management.

Q.—What about education?

A.—I am very well pleased with the clause.

Q.—Have you anything more to say?

A.—No.

Daha Bhaya of Kundli.

Daha Bhaya:—I am willing to have the Talukdari Settlement Officer on the Tribunal. If the education given is proportionate to the means of the Talukdars I am well content. I agree with Nathubhai in all respects.

The Commissioner:—Then you think that the new Tribunal will not hurt your interests?

A.—No, Sir.

Q.—To whom should the appeal lie?

A.—To the High Court.

Q.—And about the Japti section ?

A.—I entirely agree with Nathubhai in that respect.

Q.—Have you anything more to say ?

A.—I should like a permanent *jama*.

Kuvarsangji Alambhai of Dharpipla.

Kuvarsangji :—I have read the Bill. Our tenants are tenants-at-will and should remain so.

The Commissioner :—Do you think that the Bill alters their status ?

Kuvarsangji :—This first draft of the Bill provided for the sale of occupancy rights. I do not know whether the present draft does.

The Commissioner :—Do you think that contracts made by the Talukdari Settlement Officer during management should not be binding on the Talukdars ?

A.—Not all contracts. Only grants of permanent tenancy, made without the Talukdar's consent.

Q.—What more have you to say ?

A.—The Japti period should be increased to 5 years. I mean that an estate should not be taken under management unless its debt exceeds 5 years' revenue.

Q.—What have you to say about the powers given to the Commissioner in sub-clause (i) ?

A.—I have no objection, if he inquires into the matter personally.

Q.—What do you think about the Tribunal ?

A.—I am very glad to have it. The District Court and High Court are no friends of ours, and the Tribunal no enemy. I always tell my friends so. The Talukdari Settlement Officer should sit as a member of the Tribunal, because he is fully acquainted with our affairs. The appeal should lie to the High Court. The education clause will be very advantageous to us.

Q.—Anything else ?

A.—We should have power to object to the appointment of any particular Talukdar as assessor on the Tribunal. If we have any personal objection to the Talukdar, we should be allowed to petition the Court.

Harisangji Alambhai of Alampur Dharpipla, &c :—I endorse all that has been said about *jama* and about occupancy rights. Moveable property should not be taken under management without very good reason.

The Commissioner :—To whom should the appeal from the Tribunal lie ?

Harisangji :—To the High Court. The Talukdari Settlement Officer should sit on the Tribunal. I quite agree with the management clause.

Nathu Bavaji of Mota-Khokhra (Gogha) :—Our *jama* should be fixed permanently. Talukdars should be authorised to collect their rents without filing rent-suits.

The Commissioner :—Under the present rule, the Commissioner has been empowered to issue commissions to any Talukdars, who are fit to collect their dues direct ; and many such commissions have been issued.

A.—Then it is all right.

Q.—Have you anything to say about the education clause?

A.—It is satisfactory, if you do not make us spend more than our means permit.

Q.—We do not propose to do so.

A.—I am very willing to have the Talukdari Settlement Officer on the Tribunal, but the appeals should lie to the High Court. I have nothing to say now.

Bhoj Vaija of Sunderiana:—I am a Mulgameti. I should like first to deny a statement which I heard was made at the Dhandhuka Darbar yesterday, to the effect that the Talukdari Settlement Officer had recently reduced me to tears by his oppression. It is not true. Mulgametis should be included in the Bill, because we are the original proprietors of our villages, a small portion of which we have handed over to the Limbdi Darbar. If we are classed as Talukdars, we should not be made liable to *jama*.

The Commissioner:—Government does not intend to make you liable.

Bhoj Vaija:—The Darbar's men tell us that it will.

Q.—Have you anything to say about the Tribunal?

A.—No. We are willing to have it. We are willing to have the Talukdari Settlement Officer as a member. We do not mind whether the appeal lies to the High Court or to Government.

Q.—Have you anything more to say?

A.—We have been much harassed by the Darbar and therefore a detailed survey should be made; otherwise no land will be left in our hands. The Darbar is sure to deprive us of all our land by and by. He sends his men to harass us. There is no safety for us.

A number of Mulgametis, coming forward in turn, said:—"I agree with Bhoj Vaija."

Samat Vela of Noli:—I have heard about the Bill. I have nothing to add to what Nathubhai has said.

Bapubha Hothiji of Aniali Kasbati and Burania:—We have got a village named Burania. My name has not been entered as principal sharer in it.

Mr. Jukes:—Whose name has been entered?

Bapubha:—That of the Wadhvan Darbar. I request the Commissioner to make arrangements to prevent us from being harassed. The period for which we leased our village to the Darbar has elapsed and he does not restore it. I have nothing to say about the Bill, as I entirely agree with what others have said.

Visaman Jetha of Nagacka:—I have read the Bill. I have no objection to any part of it. I approve of the clause regarding the Tribunal, and, think that the Talukdari Settlement Officer should sit as a member of it. The appeal should lie to Governor in Council. I have no objection to the powers of taking an estate under management which are given to the Commissioner. The education section is all good and in our interests. The Talukdari Settlement Officer has not been given more powers than he ought to have.

Punja Hathia of Aniali Kathi :—I have read and heard of the Bill. I have no objection to it.

Mulubhai Lakhabhai of Kanad (Gogha), Vajabhai Kaslabhai and Dholabhai Raemalji of Morchand (Gogha) :—We all agree with what Nathu Bavaji of Mota Khokhra has said. We have no objection to the Bill, which has been read to us.

Jetha Mancha of Moti Vavdi.—I am a Mulgameti. The Wadhvan Darbar has had his name entered in the Settlement Register as principal sharer and sub-sharer of our village. He intends to take away our rights. We ought to be included in the definition of 'Talukdar'. We are willing to have the Bill; whatever Government have done and intend doing is good for us. We should be authorised to nominate our Mukhi, instead of the Darbar.

Khoda Nang of Bodia (Mulgameti of Wadhvan).—We should be classed as Talukdars by the Bill. Our names should also be entered in the survey record. The Mukhi of our village should be appointed after consulting us, because the present Mukhi has been harassing us. I have no objection to the Bill.

Jasa Ram of Kundli.—I had about Rs. 3,000 debt incurred before the famine of 1886. Our *tagavi* arrears should not be recovered. My estate has been under management for the last 18 years. I have nothing to say against the Bill. But if education is enforced, our sons will all go to school and we shall be unable to do our household work without them.

Bulakhi Gemabhai of Rajpura.—I entirely agree with Nathu Bavaji. I think that during the management period Government should be able to do anything with the land except sell occupancy rights.

Nathu Amra of Moti Vavdi (Wadhvan) :—I entirely agree with what Jetha Mancha has said. The ownership of trees vests in the Mulgameti, but it has been usurped by the Wadhvan Darbar. I want to be a Talukdar, and I have nothing to say against the Bill.

Dada Unad of Sangoi :—Our land is of an inferior quality and the *jama* should be reduced and fixed permanently.

The Commissioner :—Am I to understand that there is no one else who would like to say anything? If not, I will tell the Sarkar that I have met you, the Talukdars and Mulgametis, and that I find you are all in favour of the new Bill being passed. Shall I be justified in saying that?

Many voices :—Yes.

The Commissioner :—I thank you very much for taking the trouble to come so far to this Darbar. I will tell the Sarkar what your views are. The Darbar is now closed.

PROCEEDINGS OF THE DARBAR HELD AT DHOLKA
ON THE 23RD JANUARY 1914.

The following Tálukdárs of the Dholka Táluka were present.

Name of village.	Name of Tálukdár.
Gangad	... Sardar Juvansingji Jasvatsingji, Thakor Saheb of Gangad.
Utelia	... Sardar Sursingji Dájiraj, Thakor Saheb of Utelia.
Dholka	... Sardar Pyarmahomedkhanji Latifkhanji. Joravarkhanji Latifkhanji. Nanamia Shermia. Shermia Bapumia. Dadasaheb <i>alias</i> Sardar Mahomedkhanji Latifkhanji.
Lolya	... Ramsangji Madarsangji. Fatesang Savabhai. Raghabhai Sabalsang. Parbhatsang Bavaji. Bhagatsang Dadaji. Arbhamji Suraji.
Chhabasar	... Samatsang Jethibhai. Kalubha Samatsang. Shivsangji Bavaji. Gagubha Ratansang. Abhesang Anandsang. Nagbhai Vajesang. Vakhatsang Akhabhai. Ladhubha Devisang.
Varsang	... Raesangji Devisangji. Kalubhai Bhavsangji. Vakhatsang Agarsang.
Vautha	... Pratapsang Bavaji. Raesangji Bavaji.
Simej	... Manabhai Najibhai.
Chandisar	... Malubhai Gagji. Becharji Ranchhodji. Prabhatsang Kesrisang. Pathabhai Alubhai.
Dumali	... Harbhamji Ramabhai. Ramsangji Kesrisangji. Kayabhai Arjansang.
Baroda	... Ramsangji Devisangji. Raghubha Agarsang. Kasalgang Shivsangji. Keshubha Agarsang. Desalji Sardarsang.

Name of village.	Name of Talukdar.
Ganol	... Bhavsangji Kumbhaji.
Ambliara	... Nathubhai Dajibhai. Abhesang Kanaji. Gagubhai Hathisang. Harisang Kesrisang. Amarsang Karsanji.

The Commissioner then addressed the Darbar as at other meetings, and was followed by Mr. Jukes, who spoke in Gujarati on the lines of his Prantij speech.

Sardar Juvansingji, Thakor of Gangad.—I have read the Bill, I know what it contains. It would be better if the *jama* were fixed once for all. The Act of 1862 recognised the proprietary rights of the Talukdars. I do not find anything about this in the Bill.

The Commissioner.—You would like it mentioned in the Bill?

A.—Yes, section 20 of Act VI of 1862 should be repeated in the Bill. I have no objection to the special Tribunal being created. It will mean a decrease of expense and a saving of time.

Q.—Do you think that the Talukdars' interests are in any way injured by the establishment of the Tribunal?

A.—No, I do not.

Q.—Supposing that the Tribunal is appointed, would you have any objection to the Talukdari Settlement Officer sitting as a member of it? Would it be wrong?

A.—No, it will be well, because he knows so much about Talukdari affairs.

Q.—Supposing a decision against you is given by the Tribunal, where would you prefer to appeal, to the High Court or to Government?

A.—Either would be equally satisfactory.

Q.—Have you to say anything with regard to the education clause?

A.—I have no objection to it, if the cost of the education provided is in proportion to the means of the Talukdar.

Q.—That is just what the Bill says it will be.

A.—If that is so, I have no objection to the clause.

Q.—Do you think that the conditions under which estates may be taken under management under the new Bill are unduly severe?

A.—Sub-clause (i) of the clause is not sufficiently specific.

Q.—Can you suggest anything? What would you like to have provided in it?

A.—Either the clause should be taken out altogether or the reasons which will justify attachment should be specified.

Q.—The clause was worded in this way, because it is not possible to specify all possible circumstances which might endanger the safety of an

estate. Therefore it is proposed to rule that if "the Commissioner thinks that in any way the estate is not being properly and safely managed he may order management to be assumed." Do you consider that the power thus given to the Commissioner is too great?

A.—I think that either the reasons should be specified in the clause, or the Commissioner should be required when passing an order for management under sub-clause (i) to state in writing his reasons for doing so.

Q.—You would be content if the Commissioner were obliged to state his reasons for passing an order for the management of an estate?

A.—Yes.

Q.—In that case, you would not consider that too much power was entrusted to the Commissioner?

A.—No.

Q.—What have you to say about the sub-clause which provides for management on account of debt exceeding two years' income?

A.—The Bill provides that the estate shall be taken under management when the debt exceeds two years' revenue. The old limit was five years.

Q.—If a five years' limit is prescribed, how many years do you think it will be before the estate is released?

A.—In famine years and bad seasons, two years' debt is soon incurred.

Q.—That would of course be taken into consideration. Management would be imposed only when the Talukdar has been spending his income recklessly.

A.—Still, the nature of the debt should be specified in the Bill or the number of years should be increased.

Q.—I have asked you about the three principal points in the Bill. Have you anything more to say?

A.—I have no objection to any other provision.

Q.—Many people have objected under a misapprehension as to the scope of the provision to the power to attach moveable property. Have you anything to say about that?

Juvansingji.—No.

Nanamia of Dholka.—I have read the Bill. My Karbhari has read it to me I have heard the conversation which Your Honour has had with the Thakor Saheb of Gangad. My objections are the same as his. I have no others to make.

The Commissioner.—Then you think that the Talukdars' interests will not be injured by the passing of this Bill?

A.—I think they will not.

Q.—Supposing that you had a suit before the Tribunal would you like to have an appeal to the High Court or to Government?

A.—It will be well if an appeal is preferred either to the Governor in Council or to the High Court.

Q.—Then you do not mind whether it is preferred to Government or to the High Court?

A.—No.

Q.—Have you any apprehensions regarding the Japti clause?

A.—No.

Q.—Or about the education provision ?

A.—No.

Joravarkhanji Latifkhan of Dholka.—I have read the Bill myself. Some of the clauses require correction. The definition of *jama* should be altered. It should be defined as Tribute.

The Commissioner.—You must know that in this matter we have made no change in the definition given in the Act of 1888.

A.—Yes ; but I should like a change. I understand that the Bill provides that *jama* may be taken up to the full assessment.

Q.—Have Government ever taken *jama* equal to the full assessment ?

A.—No.

Q.—Why are you afraid they will do it ?

A.—There is no saying what Government will do. Either our *jama* should be fixed permanently or some maximum limit should be laid down. In the definition of estate, 'Talukdari' should be substituted for 'Talukdar's' in order to exempt houses and the like from restrictions. Before taking an estate under management under clause 22 (i), the Commissioner should summon the Talukdar and give him a hearing, explaining the reasons for which he thinks attachment necessary.

The Commissioner.—What about the limit of two years' income for debt ?

Joravarkhanji.—I think with the Thakor of Gangad that the limit should be five years' income.

Q.—With a debt equal to five years' income, how long do you think it would be before the estate would be released from management ?

A.—With a two years' limit it would, of course, be released earlier. Still, I think that if the limit is increased to five years it will be released within 10 years.

Mr. Jukes.—To do this, you will have to pay a full half of the revenue towards the debts, in addition to interest.

A.—I think it can be done. As regards clause 28, if the Talukdari Settlement Officer wants to sell any land, he should consult the Talukdar first. He need not follow the advice given by the Talukdar ; but he should consult him.

The Commissioner.—Land cannot be sold without the sanction of Government.

A.—But why should not the Talukdar be consulted ? I have no objection to the Tribunal being created. The appeal from it should lie to the High Court.

Q.—Have you any objection to the Talukdari Settlement Officer sitting on the Tribunal ?

A.—No, I have no objection. The Act of 1862 has been repealed and the section pointed out by the Thakor of Gangad should be inserted in this Bill. The Talukdari Settlement Officer says that alienated land will remain as before exempt from *jama*, but there is one instance in which my *lal liti* land has been included in the *jama*-paying area. I bought the land not from my own alienee, but from the alienee of other sharers.

Q.—Then it should not be included for purposes of *jama* calculation.

A.—I have already written about it.

Q.—What about the education clause?

Joravarkhanji:—I have no objection, but I hope that Government will assist poor Talukdars so that they may be able to give suitable education to their sons. I have nothing more to say.

Bhavsangji Khumbhaji of Ganol.—I have no objection to the Bill. I agree with the Thakor Saheb of Gangad.

The Commissioner.—Do you think that the creation of the Tribunal will harm the Talukdars?

A.—No, I think it will benefit them.

Q.—If you had a suit in this Court and the decision of the Court went against you, where would you like to appeal?

A.—To either, Government or the High Court. There will not be much difference.

Q.—Have you any doubts about the education clause?

A.—No. It will secure the education of Talukdars.

Q.—What about the Japti?

A.—I think it is all well. I agree with the Thakor Saheb of Gangad. I have nothing more to say.

Shermia Bapumia of Dholka.—I have read parts of the Bill.

The Commissioner.—Have you anything to say about it?

A.—The Bill is good.

Q.—Is there anything that you do not approve?

A.—There is nothing particular that I do not like.

Q.—Take the Tribunal Clause?

A.—There is nothing whatever in that clause which requires amendment.

Q.—What about the appeal?

A.—There is no doubt that an appeal to the Governor in Council would mean less expenditure, and would therefore be preferable.

Q.—And with regard to Japti?

A.—I have nothing to say about that.

Q.—What about the two years' period?

A.—It is quite reasonable.

Q.—Is there anything else which you think calls for discussion?

Shermia.—No, Sir.

The Commissioner.—How many years would it take to clear from debt an estate indebted up to five years' income?

A.—A very long time.

Q.—Do you think that the definition of "Talukdar's estate" wants any amendment?

A.—If what Joravarkhanji has said is true, it should be amended.

Q.—But I do not think he has said anything very definite. He has only suggested that portions of the estates which were not originally held on the Talukdari tenure should be exempted from restrictions. What have you to say about that?

A.—Nothing.

Q.—Do you think that they should be exempted?

A.—I think they should not be considered as Talukdari, having in reality nothing to do with the Talukdari estate.

Q.—Have you anything more to say?

A.—No.

Ramsangji Madarsangji of Lolya.—I have read the Bill myself, and approve of it. I think, however, that our *jama* should be fixed permanently.

The Commissioner.—Would you like the *present* amount fixed in perpetuity?

A.—No. I should like to go back to the original figure. At least we should have a maximum limit defined, say, 50 *per cent.* or so of the present assessment. We were Nobles under the Moghal Emperors, and deserve some protection at the hands of Government. As regards other clauses of the Bill, I have nothing to say.

Q.—With regard to the Tribunal can it hurt, or will it improve, the condition of the Talukdars?

A.—They will be benefited by it, because the Talukdari Settlement Officer knows more about Talukdari affairs than any Court.

The Commissioner.—Then would it be right or wrong for the Talukdari Settlement Officer to sit as a member of the Court?

Ramsangji.—It would be right, because he knows all about us.

Q.—And the appeal?

A.—It should be to Government, because the expenditure in the High Court will be too heavy for us.

Q.—What about Japti?

A.—The clause is satisfactory. Government would not think of imposing management without good reason.

Q.—Do you think that the limit of two years' income is sufficiently low?

A.—It would be better if it were increased to 3 or 4 years.

Q.—And the last sub-clause (d)?

A.—It is satisfactory. The Commissioner should have discretion.

Q.—What about education?

A.—The holder of a big estate can very well afford to educate his sons, but the poor Talukdars should be helped by Government.

Q.—The Bill says that expenditure will be required from a Talukdar according to his means. If he is poor, he will not be compelled to send his son to a College.

A.—Then it is proper.

Q.—Have anything more to say?

A.—I am told that the Bill provides that girls shall have the right to inherit estates; if that be so, it should be removed.

Q.—Clause 22 merely says, "when the Talukdar is a female":—You know that among certain classes of Talukdars females may inherit. If there is no such custom in your estate, the Bill will not introduce it.

A.—Then I have no objection.

Kaluba Samatsang of Chhabasar.—I have read the Bill. I object to it because it gives power to Government to create new classes of Talukdars.

The Commissioner.—It is not proposed to make such persons into Talukdars, but merely to give them the benefits of the Bill.

A.—That will ruin our prestige.

The Commissioner.—The Bill says "Talukdar, Thakor, Mehvasi" &c. Thus the Talukdars are kept in a class by themselves, and your interests will not be hurt. However, I have taken a note of your objection.

Kalubha.—Our *jama* should be reduced and fixed permanently. It should be reduced to the figure which obtained before the British Government came here. At the very least, the liability to full survey assessment should not be stated in the Bill. Surveys should not be made so often. The system of recommending Police Patels should be continued in the same way as it is now.

Q.—We are making no change in it.

A.—The Bill should say that Talukdars must be consulted before Police Patels are appointed. As regards education, I must say that poor Talukdars like myself cannot afford to spend much. There are no schools in many of the villages. In my own case, the nearest school is at Bavla, about 6 miles from my village. Government should build more schools, and give the poorer Talukdars some financial help.

Q.—The Bill will not require Talukdars to spend more on education than their means permit. In your case, the Talukdari Settlement Officer would recognise that it is not your fault that you do not send your boys to school, and would not press you. If we gave you a school in Chhabasar, how many boys would attend it?

A.—Some 20 or 25. We have a private school-master of our own in the village and he is teaching about 20 boys. Another point which I wish to urge is that a proper maintenance allowance should be given when estates are taken under management. The limit of debt should be increased to 4 or 5 years' income. Daughters should not be made to inherit. The Talukdari Settlement Officer and his establishment should be considered as our servants and not Government servants. I have no objection to the creation of the Tribunal, but it will lead to no reduction of expenditure.

The Commissioner.—But it must be cheaper. I will show you how.

Kalubha.—(After explanation.) Yes, then it must be less expensive.

The Commissioner.—To whom would you prefer that appeals from the Tribunal should lie?

A.—To the Governor in Council. I have nothing more to say.

Raghobhai Sabalsang of Lolya.—My son has read the Bill to me. I have nothing particular to say except as regards the *jama*. It should be fixed permanently as in Káthiáwár. The education clause is good. The Talukdari Settlement Officer should sit as a member of the Tribunal.

The Commissioner.—What about the appeal?

A.—It should be made to Government. The Bill should provide that petty Talukdars shall not have the right to adopt a son.

Q.—Why do you wish that the small Talukdars should not adopt?

A.—It breaks up the estate, as they will adopt out of the caste. There are plenty of heirs in the caste. If it is true that the law does not allow them to adopt from the other castes, I have nothing more to say.

Q.—Have you anything to say regarding the Japti clause ?

A.—Management should be assumed when the Commissioner is himself satisfied that it is really necessary.

Q.—Have you ever sent a petition regarding the Bill ?

A.—No, except one to the Talukdari Settlement Officer, which I alone signed.

Manabhai Najibhai of Simej Vanto.—I have not read the Bill, nor have I heard of it. I know nothing of it.

The Commissioner.—Have you sent any petition regarding the Bill ?

A.—No.

Q.—Do you know anything about the Talukdari Settlement Officer and his subordinates ?

Manabhai.—Yes, I know them well. They have been managing part of my estate for fifteen or twenty years.

Q.—If anyone told you that the Talukdari Settlement Officer's powers will be increased by the new Bill, would you consider it a cause for alarm.

A.—No. Why should he not have more powers ? I am not afraid.

Sardar Pyarmahomedkhanji Latifkhanji of Dholka.—I have read the Bill. The limit of two years' income should be increased to three. I see no reason for inserting clause 22 (i). If a Talukdar is not able to manage his estate, he will apply to the Talukdari Settlement Officer under sub-clause (a).

The Commissioner.—But why will he apply ?

A.—He will not be able to get any income if he doesn't.

Q.—Do you mean that he should be allowed to exhaust his resources and his credit before management is imposed ?

A.—If he did that, he would be "unfit", and the Talukdari Settlement Officer would attach his estate. But I do not want to abolish clause (i) altogether. It will be sufficient if the Commissioner informs the Talukdar before taking action under it, explaining his reasons for considering that management is necessary. The order of attachment should state these reasons. In clause 29, maintenance should be a first charge on the income, side by side with *jama* and management charges. The constitution of the Tribunal is satisfactory, but court-fees ought to be abolished.

Q.—What about the appeal ?

A.—It should be preferred to the Governor in Council.

Q.—Who should sit on the Bench with the Judge and Talukdar ?

A.—The Talukdari Settlement Officer.

Q.—Why ? As knowing more about Talukdari affairs ?

Sardar Pyarmahomedkhanji.—Yes. The education clause is very advantageous, but Government should help poor Talukdars.

Sardar Sursangji Dajiraj, Thakor Sahab of Utelia.—I have read the Bill. I object to most of it.

The Commissioner.—Let us take first of all the Tribunal clause ?

A.—I do not think favourably of it.

Q.—What is your objection ?

A.—The present arrangement should remain unchanged,

Q.—But that is not a reason. What do you think unfavourably of it? What is your reason?

A.—It will not save us expense.

Q.—How do you make that out?

A.—The stamp duty will be the same. The expenditure on pleaders and barristers will be increased, because they will charge more for following the Tribunal about.

Q.—You do not know where it will sit?

A.—No. It may sit at a convenient place. But we shall have to bring our pleaders and barristers there too.

Q.—You are doing the same thing now.

A.—Ahmedabad is fairly cheap, but when we have to take them outside they always charge more.

Q.—Have you any other objection to the Tribunal, apart from the fact that you think it will not be cheaper than the Civil Courts?

A.—We are doubtful whether we shall get justice there.

Q.—Why?

A.—I think that the First Class Sub-Judge's Court should be the Court of first instance, and the appeal should lie direct to the High Court.

Q.—You have not given me any answer to my question: you say that you will not get justice from the Tribunal.

A.—The Talukdari Settlement Officer, or some other executive officer, will be sitting on the Court.

Q.—Do you mean deliberately to say that the Judge will refuse you justice? The Judge will be the same Judge as sits in the Civil Court. Do you mean that the very Judge on whom you rely in the Civil Court will refuse you justice when presiding over this special Court?

Thakor Saheb of Utelia.—What is the objection to allowing the Judge to continue hearing the case by himself?

The Commissioner.—Is your argument that if the Judge hears the case alone, without anybody to assist him, you have confidence in him, but if he has anybody to advise him, you consider that this will injure you; I am trying to discover your objection to the constitution of the Tribunal. You say you do not want this Tribunal; I ask you your reasons for disliking it. You say that it will not give you justice. I ask you, if the Judge gives you justice in the Civil Court, why should he not give you justice when he has an Assistant Collector sitting by his side?

A.—There may be a difference of opinion.

Q.—Even in the High Court Judges often differ.

A.—But the High Court Judges give justice.

Q.—Then why should not this Court give justice?

A.—I cannot explain orally. I have stated my objections in a petition.

Q.—Then tell me what is in the petition?

A.—I cannot remember.

Q.—Why? Did you not write it?

A.—No; my advisers wrote it for me.

Q.—You cannot give your reasons, but your advisers can: are they your advisers' reasons, and not yours?

A.—Everything that is written in the petition is correct. I must depend upon my advisers in drafting petitions. But the views contained in them are mine.

The Commissioner.—Then you think that the reasons given in the petition are valid?

Thakor Saheb of Utelia.—Yes.

Q.—But you cannot remember what those reasons were?

A.—No; but I know they were proper and just. I must take help from pleaders and barristers in drafting petitions.

Q.—And they tell you what they have written and you sign it?

A.—I read what they have written and if I find it satisfactory I sign it.

Q.—Do you remember what you read in this particular petition?

A.—No.

Q.—What were the chief points?

A.—I said that there is no need to alter the present law.

Q.—For what reason?

A.—I cannot remember.

Q.—What have you to say about the Japti clause?

A.—The limit of debt should be increased to 5 years' income. As regards sub-clause (i), I agree with Joravarkhanji. There should be some limit placed on the cost of management, and this limit should be fixed as a percentage of the income. The limit to be fixed should vary with the condition of the estate. If the expenses really are kept as low as possible, I do not want any change. The first charge on the income of a managed estate should be the *jama* and the second should be the maintenance allowance of the family. Contracts entered into by the managing officer during the period of management should not be binding on the Talukdars. These contracts may be harmful to the interests of the Talukdar. Suppose for instance that the Talukdari Settlement Officer fixed *vighoti* permanently.

Mr. Jukes:—He never does.

Thakor Saheb of Utelia:—But suppose he did? Why should the Talukdar be bound by it?

Mr. Jukes:—You say that contracts made during management should not be binding on the Talukdar. Would you apply this to a *pullachhut* contract by which the estate was released from debt?

A.—No, I do not mean contracts of that kind. I referred to permanent *vighoti* only. Every Talukdar should be furnished annually with an account of his estate.

Mr. Jukes:—Any Talukdar can have one if he pays for it. But it would be unfair to make the whole body of Talukdars pay.

A.—Moveable property should not be taken under management.

The Commissioner:—Do you know what is written in the Bill regarding moveable property?

A.—It says that if the Talukdari Settlement Officer wants to take moveable property under management, he is free to do so.

(Clause 40 was then read and explained and the case of the Sanand estate cited.)

If valuable property is endangered, it should be carefully watched, but not attached.

Q.—How can we protect it without taking possession of it?

A.—If it is very valuable, management in special cases is not objectionable.

Q.—Do you think that the Commissioner will pass orders if the property is not valuable ?

A.—No. I do not think so.

Q.—Then do you really object to giving this power to the Commissioner ?

A.—No. I do not.

Q.—Have you any objection to the education clause ?

A.—No. It will be a very good thing if education is imparted. But you should cut out the word "compulsory" and cancel the provisions for a fine.

Q.—The word "compulsory" does not occur in the clause.

A.—I thought it did. Anyhow, I object to the fine. People are not so foolish as to refuse education if they can get it. Government should build schools everywhere before they fine Talukdars for not sending their sons to school.

Q.—We do not propose to fine Talukdars who *cannot* send their sons to school. We know perfectly well that a poor Talukdar will not be able to send his son six miles to school every day.

Thakor Saheb of Utelia.—Then such Talukdars should be exempted; the fine should be taken out of the Bill, that is my opinion.

The Commissioner.—Can you suggest any other way by which Talukdars who refuse to send their boys to school can be compelled to send them ?

A.—You should persuade them and subject them to pressure. They will send, if you tell them to do.

Q.—We have been persuading them for years, without result. What are we to do if they do not listen to persuasion ?

A.—I cannot say.

The Commissioner.—Then you object to a fine, but cannot suggest a substitute for it. Very well. Have you any other objections ?

A.—There should be some limit to the Village Police charges.

Q.—Are they too heavy now ?

A.—I do not know, but some limit should be fixed. Our *jama* should be fixed permanently. It would be a good thing if the standard of 40 to 50 *per cent.* of our gross income, recommended by Mr. Robertson, were adopted. *Jama* should not be defined as Land Revenue.

Q.—How was it defined in the old Act ?

A.—In the time of the Peshvas it was defined as Tribute. There should be some distinction made between "Talukdari" and "Talukdar's" estate, because our private property is also included in the latter term. Section 20 of Act VI of 1862 should be repeated in this Bill. A 15 years' lease should not be classed as an encumbrance. It injures our interests, because we shall have to consult the Talukdari Settlement Officer before executing a long lease.

Mr. Jukes.—Do you think that the Talukdari Settlement Officer will refuse permission ?

Thakor Saheb of Utelia.—But why fix a limit at all ?

Vantas should not be classed as Darbari lands. We should not be prevented from acquiring Vanta and Barkhali lands by purchase, and no *jama* should be charged on such land.

The Commissioner.—Have you anything more to say ?

A.—No, Sir.

Harbhamji Ramabhai of Dumali.—I am not able to read the Bill, but I have had it read to me. Government have protected us up to now and if there be any clause which is adverse to our interests I am sure they will remove it. You should not call our *jama* "land revenue," or give us receipt books; it reduces us to the level of ordinary occupants. I have no objection to the creation of the Tribunal if it is to safeguard our interests. I have no objection to the Talukdari Settlement Officer sitting as a member of the Court. I entirely agree with what the Thakor Saheb of Gangad has said.

Ramsangji Devisangji of Baroda.—I have not read the Bill nor have I heard of it. I am not at all alarmed about it.

The Commissioner.—Well, I think I have got your opinions on almost all points. But I am going to put them to you, point by point, so that I may record your opinion on each point separately. I want to make quite sure what I am to tell the Sarkar about your opinion. I think that I can tell the Sarkar that, generally speaking, you all approve of the Bill, except the Thakor Saheb of Utelia. If there is anybody who is against the Bill, let me know of it now.

(No reply.)

The Commissioner.—Then you say that this Bill should be passed.

Voices.—Yes.

The Commissioner.—Now I will ask you about the three principal points separately. Take the first point: the new Court. It is proposed that there should be a Court composed of a Judge, one of your Talukdars and a Revenue Officer, to try certain disputes between you. The reason for the institution of this new Court is that we are anxious that these internal disputes may be decided speedily and more cheaply. I am confident that if the new Court is created you will be saved considerable expense. The Thakor Saheb of Utelia tells me that his adviser says that the expenditure cannot possibly be less. I say that the Tribunal will be both quicker and cheaper than the Civil Courts. Tell me now if any of you would object to having that Court formed for the settlement of Talukdari disputes.

(Vote taken by show of hands. The Thakor Saheb of Utelia alone objected.)

The Commissioner.—I will tell the Sarkar that with the exception of the Thakor Saheb of Utelia, you are all willing to have the Court constituted. Am I to say that?

Voices.—Yes.

The Commissioner.—Now the next point is this; if the new Court is created would you think it wrong for the Talukdari Settlement Officer to be one of the members.

(Vote taken by show of hands. The Thakor Saheb of Utelia alone objected.)

The Commissioner.—The next point is this: should the appeal be preferred to the Governor in Council or to the High Court?

(Vote taken by show of hands. 29 voted for the Governor in Council and 5 for the High Court.)

The Commissioner.—Now I want to take the Japti section. I understand that the general opinion is that a limit of debt equal two years' income is too little, and that five years would be enough. Is that so?

Many voices.—Yes.

The Commissioner.—Then again I want to tell the Sarkar what you think about the last sub-clause (i) which gives general powers to the Commissioner. You think that it is too general and should be more specific?

Many voices.—Yes.

The Commissioner.—Shall I tell the Sarkar that you have no objection to the power given to the Talukdari Settlement Officer of compelling any Talukdar who neglects his duty to send his boys to school?

(Vote taken by show of hands. The Thakor Saheb of Utelia alone objected.)

The Commissioner.—The *jama* is a subject which is not directly concerned with the Bill. Still, wherever we have been Talukdars from all Talukas have made representations about it, and we have given them all the same answer—that the question does not arise from the Bill but that we will lay their opinions before Government. We cannot say what the result will be, but we will put the matter before Government. I thank you very much for coming to meet me and for talking to me frankly and giving me your opinion about the Bill. The Darbar is now closed.

Name of village.	Name of Talukdar.
Bhetashi	... Fulabava Nathubava. Hamirbava Raesingji. Sajansang Bapuji. Chandrasang Nathubava.
Kanvadi	... Himatsing Kabhai. Bhavansang Mavsang. Kabhai Banesang. Mathurbhai Dadabhai. Partham Bechar. Bhula Lakha. Gaba Parbat. Prabhatsang Jalamsang. Desai Fula. Himatsing Abhesang.
Janod	... Bhagvansang Khushalsang. Amarsang Khushalsang.
Khorwad	... Dipsang Pathibhai.
Partappur	... Damabhai Nathabhai.
Chikhodra	... Dalubha Dabhai.

The Commissioner addressed the Darbar as follows, and was followed by Mr. Jukes in Gujarati, as at other meetings.

Sardar Naharsingji Mehransingji of Dehvan.—I have read the Bill. I like the idea of the new Court. The Talukdari Settlement Officer should sit as a member of the Tribunal, because he has experience of all these matters. I should like an appeal from the Tribunal to Government.

The Commissioner.—Do you think that there is anything injurious in the Japti clause?

A.—The limit of debt should be raised from two years' to ten years' income.

Q.—Would not this entail a long period of management?

A.—Yes, it would. But two years' income is too small a limit.

Q.—Most of the people who have objected to this clause have recommended five years?

A.—I would agree to five years.

Q.—Look at the last sub-clause of clause 22, which gives powers to the Commissioner to take estates under management when it seems fit to him.

Sardar Naharsingji.—The authority given is quite proper. But before management is assumed, the Talukdar should be informed of the reasons which led the Commissioner to believe that it is necessary. He should be called upon to show cause why management should not be assumed.

The Commissioner.—You mean to say that notice should be given to the Talukdar requiring him to show cause why his estate should not be attached.

A.—Yes.

PROCEEDINGS OF THE DARBA'R HELD AT A'NAND
ON THE 26TH JANUARY 1914.

The following Talukddars of the Kaira District were present.

Name of village.	Name of Talukdar.
Dehvan	... Sardar Naharsingji Mehramansingji, Thakor of Dehvan. Parbhatsingji Mehramansingji.
Mogar	... Sardar Amarsingji Indrasingji, Thakor of Mogar. Kesrasing Gumansingji.
Kuna	... Mulsingji Jibava.
Kherda	... Himatsingji Takhatsingji.
Gajna	... Himatsingji Raesingji.
Chitlav	... Fatesingji Nathubava.
Rania	... Jesangji Dajibava.
Kaira	... Ratansing Jijibhai.
Bhanpura	... Takhatsingji Sardarsingji.

Name of village.	Name of Talukdar.
Napa	.... Naharsingji Abhesingji. Bhavsang Haribhai. Jasvatsang Takhatsang. Raesang Gulabsang. Sahebsang Adesang. Dajibhai Fatesang. Harisang Pratapsang. Fatesang Abhesang. Raesingji Fatesingji. Naharsingji Fatesingji. Gemalsang Tejabhai. Jibava Bharatsang. Raesang Bharatsang. Bajibhai Punjaji.
Napad	... Fatesang Gambhrising- Rupsang Abhesang. Narsang Pratapsang. Adesang Nanabava. Parbatsang Madhavsang. Udesang Bapuji. Dipsang Adesang. Narsang Adabhai. Parbatsang Nanabava. Partapsang Jijibhai. Kabhai Rupsang. Rupsang Gemalsang. Suratsang Bapuji. Kabhai Amarsang. Adesang Kesrisang. Rupsang Gemalsang.

Q.—Well now, have you noticed the education section? It gives certain powers to the Talukdari Settlement Officer?

A.—The fine provided is too heavy. The amount should be fixed in each case by a committee of three Talukdars. The age limit should be 8 years.

Q.—How will you select your three Talukdars?

In reply the Sardar named three Talukdars of Kaira.

Q.—But will they know the circumstances of all Talukdars in the four Districts?

A.—Perhaps not. I drop the proposal for a committee. But Rs. 200 is too heavy a fine; it should be reduced to Rs. 100 or Rs. 50.

Q.—A fine of Rs. 100 would be a heavy fine for a poor Talukdar; but it would not be much for a rich man?

A.—That is so.

Q.—Do you want to have the same amount of fine for all?

A.—I will accept whatever the Commissioner thinks best.

Q.—But you admit that to some Talukdars a fine of Rs. 50 would be ruinous while in other cases that amount would not be felt. That is why discretion has been left to the Talukdari Settlement Officer. Rs. 200 is the maximum limit only. It is not intended that every Talukdar shall be punished with exactly the same fine.

Thakor Saheb of Dehvan.—Then I am not anxious to press my suggestion about fining. But I do think that the age limit should be raised to eight years.

The Commissioner.—How old is your son? Is he being educated?

A.—He is between 5 and 6. He is not attending any school, but learns his lessons at home.

Q.—If your son, aged six, has commenced his education, why should not the sons of other Talukdars begin at the same age?

A.—What I mean is that the Talukdari Settlement Officer should not send boys to school away from their own village until they are eight.

Q.—Have you anything more to say?

A.—I am satisfied with the proposed Tribunal, but the stamp-duty may kindly be abolished.

Mulsingji Jibava of Kuna.—I have read the Bill. I know what is in it. It is really good and will enable the Talukdars to stand on their own legs. The provision for education is excellent.

The Commissioner.—What do you think about the new Court?

A.—It will be a good thing, because it will save great expense.

Q.—As a Talukdar you probably have some experience of the Civil Courts. Do you think that the new Court can possibly hurt the interests of the Talukdars?

A.—No, I do not think so. There is nothing in it that can injure the interests of the Talukdars. I think that suits filed by tenants and *sá hukárs* against Talukdars should come before the Tribunal, as well as suits between Talukdars. I have asked all the Talukdars of Kaira and they all desire that every kind of dispute should be heard by this special Court. I think that the Talukdari Settlement Officer should sit on the Court, because he knows much about our ways and customs. I should like the appeal to lie to the Governor in Council.

Q.—Now take the Japti section.

A.—The limit of debt should be extended to 5 years' income.

The Commissioner.—But how is the Talukdari Settlement Officer to find out the amount of a Talukdar's debts? Will the debt not be much greater than two years' income before he hears of it?

Mulsingji Jibava of Kuna.—He should be provided with some means of ascertaining the amount of debt.

Q.—What have you to say about the last sub-clause of this clause?

A.—It is very ambiguous. It should be more specific. A notice should be given to the Talukdar asking him to show cause why his estate should not be taken under management.

Q.—You mean then that if the Commissioner desires to act under this sub-clause, he should first give the Talukdar an opportunity of pleading his own cause.

A.—Yes. The defects of his management should be pointed out to him and the Commissioner should give him some time in which to remove them. I have no other objection to this section.

Q.—Now take the education clause?

A.—I have no objection to that. I do object, however, to sub-clause (5) (a) of clause 58, which removes Sanadia land from the scope of that clause. Such land in this District was all originally Talukdari land proper, and deserves protection. My own estate is entirely composed of such land; and I want the protection of clause 58.

Q.—You can apply for it under the proviso to the clause.

A.—Yes, and I shall. But other Talukdars, who need protection, may be foolish enough not to apply for it.

Sardar Amarsingji Indrasingji of Mogar.—I have read the Bill.

Q.—Tell me what you think about it. Is there anything in the Bill that you think wrong?

A.—In the Tribunal there is nothing disadvantageous to the Talukdars. I have no objection to the Talukdari Settlement Officer sitting on it. The appeal may be preferred either to the High Court or Governor in Council. I don't mind which; I agree with the Thakor of Kuna that *all* civil suits should go before the Tribunal.

Q.—What have you to say about the Japti section?

A.—The Commissioner should not dispose of these matters by tumars: he should hold a personal inquiry before deciding to assume management.

Q.—There are about 650 estates under management; do you expect the Commissioner to make a personal inquiry in each case?

Sardar Amarsingji.—How else can he know the facts?

The Commissioner.—Do you want me to make an inquiry on the spot?

A.—I do not mean that the Commissioner should go to the spot, but he should give a regular hearing. The Talukdar should have an opportunity of putting his case before the Commissioner personally.

Q.—You will be content if, before acting under clause 22 (i), the Commissioner calls the Talukdar and hears him personally?

A.—Yes.

Q.—What do you think about the limit of debt?

A.—In cases of famine and other emergencies debt equal to two years' income is easily incurred, and I think the limit should be at least five years.

Q.—And the education clause?

A.—I have no objection to that, except that I think the fine should be uniform in every case. The offence is the same, and I think the punishment should be the same. I want to say something about the village police. I understand that the Bill gives power to Government to impose punitive police on our villages, and that will mean heavy charges.

Q.—There is no provision in the Bill for punitive police. Village police only are mentioned.

(Clause 57 was then read and explained.)

A.—Then I have no objection. Then as to maintenance charges, they should come third in order in clause 29. Alienated land should not be sold or mortgaged without the Talukdars' permission.

Kesrisingji Gumarsingji of Mogar.—I want to say something about the Tribunal. Two or four Talukdars should sit as assessors, instead of one.

The Commissioner.—Don't you think that one Talukdar will be able to explain your customs properly?

A.—Yes, but if there are more, there will be a possibility of differences of opinion (*sic*). Besides the Judge will understand our customs.

The Commissioner.—How many Talukdars do you know personally?

Kesrisingji.—About fifty.

Q.—How many of them do you think are competent to serve as assessors?

A.—I think at least two are undoubtedly fit to sit as assessors.

Q.—What do you think of the education clause?

A.—I quite agree with it. But I should like it specified in the Bill and in the Settlement Registers that the Kaira Talukdars pay Uhdad (fixed) *jama*.

Q.—That is well known. Why do you want it specified?

A.—If it is not, I am afraid that the *jama* rules will affect our interests.

Himatsingji Raesingji of Gajna.—I have read the Bill. I like it in its amended form. I agree in the main with all the Talukdars who have spoken up to now. As regards compulsory education, if there be a school in the village, Talukdars should be left free to educate their sons in that school up to the fourth standard. The Talukdari Settlement Officer should not send them away till they have passed that standard.

The Commissioner.—You think that the Talukdars' sons will be taken away from them? We only propose to intervene when a Talukdar will not educate his son though in a position to do so.

A.—But that is not made clear in the Bill.

Q.—It is quite clear.

(Clause 64 was then read and explained.)

A.—I am satisfied now.

Q.—What have you to say about the Japti clause?

A.—Clause 22 (i) is too vague. When an estate is first restored to a Talukdar, his tenants may possibly think that he is pressing them too hard. Management should not be assumed on the mere petition of such tenants.

The Commissioner.—Do you think that the Commissioner will take action under that clause if no necessity arises?

Himatsingji.—I don't think that it is likely, but these matters should not be decided by correspondence.

Q.—You mean to say that matters of this kind should be carefully considered before a decision is reached?

A.—Yes.

Q.—It has been suggested that it should be inserted in sub-clause (i) that the Talukdar should be given notice before the management is assumed. Do you think that suggestion is worth considering?

A.—Yes, I should be satisfied with that.

Q.—What about the limit of debt that should justify attachment?

A.—It should be five years' income.

Q.—And about the new Court?

A.—Of course, Government have provided it in the interests of the Talukdars. It will be well if we get justice there.

Q.—Do you think that you will not get justice there ?

A.—No. I think we shall. But Talukdars are illiterate, and they must be allowed to be represented by their pleaders.

Q.—You can take your pleaders, barristers and Mukhtyars before the Tribunal. It is provided in the law.

(Clause 48 was then read and explained.)

A.—There should be more than one Talukdar assessor appointed for each District, so that there may be a substitute to take the place of the assessor who falls ill during the hearing of a case.

(Clause 45 (4) was then read and explained.)

A.—Then it is all right.

Q.—Now I should like to know whether you would like an appeal to the High Court or to Government.

A.—To either. Surveys should be made only once because in Kaira the *jama* is Udhad, otherwise the Talukdars will be put to great expense unnecessarily.

The Commissioner.—But in Mátar and other Talukas there is no Udhad Jama. Do you mean to say that in their case also surveys should not be made?

Himatsingji.—No. I refer only to those estates where the *jama* has been fixed in perpetuity. Before the Act of 1888 the Talukdars of Kaira were allowed to appoint their own village police. By that Act, in spite of our objection, Government began to appoint them. I cannot see that order is better maintained now than it was before. We carried out our duty properly. I want to urge that the Talukdars should be allowed to engage their own police, and to make arrangements for the public peace. At present, we pay for the police, but Government have control over them; and the inferior village servants neglect their revenue work for police work, because they are paid from the Taluka. If we are allowed to engage and pay them directly, we will make them work honestly. The police *patel* should be paid by Government.

Fatesang Gambhirsang of Napad.—I have read the Bill. It is beneficial to the Talukdars. The education clause is particularly good, but any fine levied should be proportionate to the condition of the Talukdar fined. As regards the Tribunal, I think the Talukdari Settlement Officer should sit on the Court.

The Commissioner.—What do you think about the appeal?

A.—I think it should go to the Governor in Council, but I don't much mind.

Parbatsang Nanabava of Napad.—I have had the Bill read to me. I have no objection to it. It should be provided in the Bill that if a Talukdar wants to purchase Jivai land, that is, land set apart for the maintenance of cadets of his family, he should be allowed to do so without sanction.

Fatesang Abhesang of Napa.—I have read the Bill. The education clause is very good; but Talukdars' sons who are educated do not obtain Government service. If a Talukdar has passed the Matriculation Examination and has no means to pursue his studies, the Commissioner or the Talukdari Settlement Officer should be kind enough to give him service. As yet no Talukdar of this District has been given such employment. My son has

passed the Matriculation Examination and he is now in the Previous Class. I am not able to pay any more for him, and yet Government have not given him any employment.

The Commissioner.—Have you applied?

A.—Yes, I have applied to the Talukdari Settlement Officer.

Mr. Jukes.—I have not received the application. I will see what I can do when I get it.

A.—As for compulsory education, Government should pay for it. Then educated boys should be given a good start in Government service. I think that if encouragement of this kind is given to boys, other boys will also be keen to attend school.

The Commissioner.—Have you anything to say about the Talukdari Settlement Officer's sitting on the Tribunal?

A.—I think it is all right.

Q.—Where would you like the appeal to lie?

A.—To the High Court.

The Commissioner.—As a result of my coming here I must be able to tell the Sarkar definitely what your views are. Am I to tell the Sarkar on your behalf that you have no objection to this Bill being passed in the form in which it has been sent out by the Select Committee?

Mulsingji Jibava of Kuna.—Yes, provided that our suggested amendments are considered.

The Commissioner.—I will ask you specifically about each point. Will those who are in favour of the new Court being composed of three officers hold up their hands?

(Vote taken by show of hands. No one objected.)

The Commissioner.—Now, do you think that the Court should be composed of a Judge and the Talukdari Settlement Officer and a Talukdar? Will those who think that the Talukdari Settlement Officer should sit as a member of the Tribunal hold up their hands?

(Vote taken by show of hands. All agreed.)

The Commissioner.—Now about the appeal. It is possible that Government may decide that the appeal should be heard by the High Court; but which do you prefer? Will those who think that it would be better in their interests that the appeals should be preferred to the Governor in Council hold up their hands?

(Vote taken by show of hands. Ten voted for an appeal to the Governor in Council, and nine for the High Court.)

The Commissioner.—Now about Japti. I understand that you think that estates should not be taken under management for a debt just equal to two years' revenue. You think the limit should be five years?

(Vote taken by show of hands. All wanted more than two years.)

The Commissioner.—Now about your objections to clause 22 (i). I understand that you are anxious that before the Commissioner orders attachment under that clause he shall give the Talukdar concerned an opportunity of explaining the circumstances and shall make careful inquiry into them. Will those who are in favour of the clause on the understanding that this will be done hold up their hands?

(Vote taken by show of hands. All agreed to the clause.)

The Commissioner.—With regard to the educational clause. Am I to say that you agree to that clause provided that it is so administered that each order passed under it shall be absolutely in accordance with the circumstances of the case: that is to say, that the Talukdari Settlement Officer shall be guided in his action by due considerations of the condition of the Talukdar and his status? Provided that the provisions are administered in that spirit, are you willing to agree to the clause?

(Vote taken by show of hands. All agreed.)

The Darbar was then closed.

PROCEEDINGS OF THE DARBA'R HELD AT BROACH
ON THE 28TH JANUARY 1914.

The following Talukdars were present.

Name of village.	Name of Talukdar.
Kervada	... The Honourable Sardar Dulabava Raesingji, Thakor Saheb of Kervada. Gulabsang Abhesang. Bajikhan Akhtiarkhan. Kesrisang Badharsang. Sahebkhani Jamiatkhan. Partapsang Vagji. Dajikhan Gulabkhan. Jibava Partapsang. Dilvarkhan Jamiatkhan.
Matar	... Sardar Chandrasangji Himatsingji, Thakor Saheb of Matar.
Amod	... Sardar Naharsangji Ishwersangji, Thakor Saheb of Amod. Bhagvansang Raisang. Chandrasang Harisang. Dipsang Harisang.
Miagam	... Thakor Ranmalsangji Dolatsingji. Gulabsangji Dajibava. Chandrasang Dajibava. Takhatsang Ajabsang. Jeshingbava Haribava.
Tanchha Vanto	... Bavabhai Natha. Mavsang Kuberji. Bhimsang Kesarji. Kabhai Jagmalji.
Dehej	... Sardar Hamirsangji Shivsangji, Thakor Saheb of Dehej. Bhimsang Kalansang.

Name of village.	Name of Tálukdar.
Pahaj	... Chhatrasangji Bharatsangji. Jitsangji Jasbha. Chhatrasang Narsang. Jasbha Narsang. Sardarsang Sahebsang. Partapsang Raesang.
Janiadra	... Sardar Jitsangji Somsangji, Thakor Saheb of Janiadra. Kesrisang Gemalsang.
Sarod	... Sardar Udesangji Ganpatsangji, Thakor Saheb of Sarod. Jibava Haribhai.
Sigam	... Dadabava Vakhatsang.
Uber	... Dalpatsangji Jibhai. Virabhai Mokamsang. Bhimsang Takhatsang.
Tankari	... Miakhan Sultankhan. Pirkhan Bajikhan. Kalukhan Bavakhan.
Sigam	... Ramsangji Jasvatsangji.
Janor	... Sardar Jitsangji Bharatsangji, Thakor Saheb of Janor. Ramsangji Khumansangji.

The Commissioner and the Tálukdari Settlement Officer addressed the Darbar on the lines adopted at other meetings.

The following discussion ensued :—

Sardar Udesangji Ganpatsangji of Sarod.—I have read the Bill. I have read portions of it. I know its general principles. I have not thought much about it. I know about the proposed education clauses. The principle is good and no one will object to it; but the education given should be in conformity with the circumstances of the Talukdar; petty Talukdars should not be obliged to send their sons to school at a distance. If attention is paid to the means of the Talukdar, then it is alright.

Q.—Do you think that there is any tyranny in giving to a Talukdar who has the means to educate his son but refuses to educate him three months' notice within which to arrange for the suitable education of the boy?

A.—No, I don't think there is any tyranny in that.

Q.—Have you heard about the proposed constitution of the New Court or Tribunal as it is called?

A.—Yes.

Q.—Have you learnt what class of cases the Tribunal will decide?

A.—Yes, from reading the Bill and from what I have heard.

Q.—Will you tell me what cases they are?

A.—Only disputes between Talukdars.

Q.—Only a certain class of cases between Talukdars such as adoption, succession, partition and so on?

A.—I understand.

Q.—What are your views with regard to the formation of the Tribunal? Do you consider that it will in any way injure the interests of the Talukdars?

A.—If I have lent money to a non-Talukdar, will the case go to the Tribunal?

Q.—No. It will go to the ordinary Civil Court. Do you think that if it went to the Tribunal it would be advantageous to you?

A.—If one class of cases between Talukdars are to be sent before the Tribunal, all disputes in which Talukdars are concerned should be dealt with by the Tribunal.

Q.—Do you think that it would be wrong for the Talukdari Settlement Officer to sit as a member of the Tribunal? Some people have told me it would be wrong.

A.—I have no objection to the Talukdari Settlement Officer being a member, but the Talukdar who is selected to sit must be an educated and intelligent man.

Q.—The idea is this. The Commissioner will draw up a list of the Talukdars in the four districts who are fit to sit as assessors. It will be a general list drawn up once for all and added to from time to time but not prepared for each case. The list will be before the Tribunal and the President will select a Talukdar from it.

A.—Then I have no objection.

Q.—Where would you prefer that an appeal from the Tribunal should lie? To the Governor in Council or to the High Court? In an appeal to the Governor in Council there would be no expenditure on account of pleader or barrister. In the High Court representation by counsel would be allowed and the expense would be as at present in any appeal to the High Court.

A.—I am indifferent whether the appeal lies to the High Court or to the Governor in Council.

Q.—With regard to the Japti section. Have you anything to say about the powers which it is proposed to give to the Commissioner by that section?

A.—An estate should not be attached for debt unless the debt exceeds five or seven years' income.

Q.—I find that most of the Talukdars think it should be five years.

A.—I have no objection to five years.

Q.—What do you say about the Commissioner's powers? I am told that the clause is not sufficiently definitely worded.

A.—I have no objection to the clause.

Q.—Some Talukdars have told me that in their opinion before the Commissioner issues an order under clause (i) he should issue a notice to the Talukdar concerned, so that he may learn beforehand what is contemplated. What do you think of that suggestion?

A.—I am not afraid of giving those powers to the Commissioner.

Q.—Is there any other point to which you would like to refer?

A.—I think it would be better if moveable property were never taken under management except when the Talukdar is a minor.

Q.—Have you understood what the Bill provides regarding the attachment of moveable property ?

A.—I think it provides that all property, moveable and immoveable, should be taken under management.

Q.—That is not so. It depends entirely on the Commissioner's discretion whether in each case the moveable property is taken or not. If the Commissioner thinks it desirable in the interests of the estate, then only will there be any attachment of moveable property. (Here the Sanand case was explained to him.) Usually moveable property will not be attached because usually it is not necessary.

A.—I am satisfied. I have no more to say.

Thakor Saheb Ranmalingji of Miagam.—I have not read the Bill, but I know the principal provisions. Some of my property is in Baroda territory and some in British territory. I have no objection to the education clauses of the Bill. I think that the Tribunal question should be decided by the votes of the Talukdars present to-day.

Q.—What is your personal opinion ?

A.—I have no objection if the Commissioner wishes to have it.

Q.—Have you any objection to the formation of the Tribunal the constitution of which has been described to you ?

A.—I think it is not necessary to create any new Court.

Q.—That is not the question. The question is if this Court is created, will it be prejudicial to the interests of the Talukdars in any way ?

A.—I adhere to my opinion that the question should be decided by votes.

Q.—Then how would you vote ?

A.—I am for a continuance of the present arrangement.

Q.—Can you give me a reason for that opinion ?

A.—No. I don't know any reason to adduce, but what necessity is there for a new Court ?

Q.—But in case the new Court is constituted, do you think that it will injure the interests of Talukdars ?

A.—I am of opinion that whatever Government do is sure to be for our good.

Q.—Would you like to discuss the Japti section ?

A.—No. I have nothing to say about that.

Jitsangji Bharatsangji of Janor.—I have read the Bill. I have no objection to the education clauses. As to the cases to be dealt with by the Tribunal, they are really political matters and give rise to a great deal of *khatpat* and therefore an honest man ought to be appointed to sit on the Tribunal. I mean the selection of assessors should be made very carefully. In a case coming from a particular Taluka a Talukdar of the same Taluka should not be selected.

The Commissioner.—The Court will be presided over by a Judge who will certainly make his selection from the list very carefully. Do you think that if the Talukdari Settlement Officer sit on the Tribunal it will be harmful to the interests of Talukdars ?

A.—No, I have no objection.

Q.—And what about the appeal?

A.—It should be preferred to the High Court.

Q.—And what about Japti?

A.—I am of opinion that the limit of debt should be fixed at three years' income. It is generally believed that estates are taken under management on a mere formal petition from any one and so I suggest that action should be taken only when a certificate from the District Magistrate is received. The Commissioner should enquire through the District Magistrate.

(Note.—The Talukdar here refers to attachment in cases of breach of peace.)

Thakor Saheb Jitsangji Somsangji of Janiandra.—I have not read the Bill, but I have obtained information about it.

The Commissioner.—Do you know what it provides for in the matter of education of the sons of Talukdars?

A.—The provisions are good, though I don't exactly remember what they are. The only objection I have is that in the case of a petty Talukdar he will not be able to bear the burden of education.

Q.—The Bill carefully provides that the education to be given shall be according to the means and status of the Talukdar.

A.—If that is so, I have no objection.

Q.—What are your views about the Tribunal?

A.—Things should go on as they are, that is to say, in the High Court.

Q.—Do you object to the creation of the Tribunal?

A.—I don't think that our interests will be affected thereby one way or the other.

Q.—Then what is your meaning when you say that the High Court procedure should be continued?

A.—I mean that appeals from the Tribunal should be heard by the High Court; but it would be far better if the present arrangement is continued.

Q.—Will you tell me the advantages of that?

A.—We shall be further away from the Court in which our cases are being tried if the Tribunal sits at Ahmedabad. If it were to sit at Broach, I should have no objection.

Q.—Is there any other reason why you think there should be no change?

A.—No.

Q.—Would you object to the Talukdari Settlement Officer's sitting as a member of the Court?

A.—No.

Q.—Would you like to say anything about the Japti section?

A.—The debt should not be less than three or five years' income of the estate. As regards the powers given to the Commissioner, I am of opinion that inquiry should be made by the Collector before action is taken under clause 22 (i). It is not that I do not trust the Commissioner, but people might send anonymous petitions and we might be troubled. What I mean is that the Commissioner should ascertain the facts before he passes any order.

Q.—Do you mean that the Commissioner ought not to pass orders without first consulting the Collector?

A.—Yes. If this Bill is passed we shall not get any money from Sahukars. They will think that Government may at any moment attach our estates and they will not lend us any money.

Q.—I don't understand why the Sahukars should refuse to lend you money because the Bill is passed? How will the Bill affect transactions?

A.—I understand that Vanta lands can be mortgaged now; but when the Bill is passed we shall be unable to mortgage them any more.

Sardar Hamirsangji Shivsangji of Dehej.—I have read the Bill. I have also heard about it. There are some sections which ought to be removed. I prefer that our Civil business should go to the High Court. I am not in favour of the Tribunal; because in the ordinary Courts we get good justice. Justice will be given in the ordinary Courts only.

The Commissioner.—The same class of Judges will be presiding over the Tribunal as presides over the ordinary Courts.

A.—Possibly justice will be given, and yet I am in favour of the High Court. I don't want this new Court at all.

Q.—I am not asking whether you want the new Court or the old one, but whether, supposing the new Court is constituted, you can tell me if it will injure your interests.

A.—If this new Court is constituted, the appeals will be preferred to the Governor in Council.

Q.—That is not settled. That is one of the points on which your opinion is wanted?

A.—I think there is a probability that in the long run it will be disadvantageous to us. I can't say. Experience will show.

Q.—But you think that it will be disadvantageous?

A.—How can I say until something happens? I am not in favour of the new Court.

Q.—But can you show me any reason for thinking that this new Court will injure your interests?

A.—No.

Q.—It seems to me that when a man says "I don't want this thing but I cannot say why I don't want it" he can scarcely be expressing an opinion of his own but is putting forward the views of others. Do you know what changes it is proposed to make in clause 22 of the Act?

A.—There is a good deal of difference between the Act of 1888 and the present one. I think that section 22 (a) should be taken out altogether. I prefer section 26 of the Act of 1888. I don't know what is contained in it; but I prefer it. I think that Act VI of 1888 is a good Act and we don't want this new Bill. If section 26 of the old Act is incorporated, then I have no objection to the present Bill.

Q.—What you say is this: "I don't know what is in the old Act, but I prefer it to what is in the new Bill"?

A.—Yes.

Q.—Do you think that two years is too short a period in connection with attaching an indebted estate?

A.—If the facts are certified by the Collector I have no objection. I have nothing more to say.

Ramsangji Khumansangji of Janor.—I have not read the Bill. I have learnt something of it.

The Commissioner.—What do you say about the new Court? (Here the Commissioner explained to the speaker the constitution of the Court.)

A.—If the parties are to be represented by counsel before the Tribunal I have no objection; the appeal should lie to the High Court.

(Clause 49 was then explained to him.)

Q.—Do you think that it would be wrong for the Talukdari Settlement Officer to sit on the Tribunal?

A.—No.

Q.—Have you anything to say about the Japti?

A.—The period should be increased to five years; the Commissioner should ascertain whether the debt has been recklessly incurred; if it has, he should pass an order but not until he has consulted at least five other Talukdars.

Q.—What do you think of the education clause?

A.—We should be left free to educate our own sons. The fine proposed is very heavy. In the case of petty Talukdars the amount should be less than Rs. 50, and Rs. 50 should be enough for the biggest offender. If it is not, you can go on asking him to educate his sons. Talukdars should be authorised to carry arms, and to attach the property of defaulting tenants.

Q.—You are aware I suppose that several Talukdars have been granted a commission under section 88, Land Revenue Code?

A.—A commission should be granted to every Talukdar whose estate is worth Rs. 1,000 or Rs. 2,000 per annum.

Sardar Chandrasangji Himatsangji of Matar.—I have not read the Bill. I have learnt some of its provisions.

The Commissioner.—What is your opinion of it? Is it good or bad?

A.—My opinion is valueless, but I think that succession cases should be tried by the District Court, with an appeal to the High Court and the Privy Council.

Q.—You have had personal experience of a case decided by the District Court, High Court and Privy Council. How much did it cost you?

A.—Naturally about sixty or seventy thousand rupees. My succession was disputed and I won before the Privy Council. The case went on for about seven years.

Q.—Do you not think the new Court if constituted would ensure a quicker final decision than is possible now?

A.—I am of opinion that wealthy men only will be successful before the Tribunal. It happened in my case too.

Q.—Will you say anything about the Japti section?

A.—My estate is under management. I am not in debt and yet the estate remains under management.

Q.—Why?

A.—Because I am said to be incapable of managing it myself.

Q.—Do you disapprove of clause 22 of the Bill?

A.—It will be unjust if an estate is attached illegally. An estate should be attached only for reason such as lunacy, minority and debt. Now-a-days the displeasure of the Talati or other subordinates is sometimes the cause of attachment.

Q.—I draw your attention to sub-clause (i) of clause 22?

A.—I object strongly to it, but would accept it if it provided that five Talukdars and the Collector should be consulted.

Q.—What do you think of the education clauses?

A.—Education must be given; but the fine should be proportionate to the means of the Talukdar. I have nothing more to say.

Sardar Naharsangji, Thakor Sahab of Amod.—Your Honour is right in assuming that my written application to Government represents my personal views on this Bill. Government found it necessary to enact the Act VI of 1862 and when it was passed the Broach and Kaira Districts were exempted from the operation of the Bill. My argument is that the Talukdars of Broach should be treated separately as they were treated in the last Act. The third part of this Bill deals with the *jama* question, with which we in Broach have no concern. Our lands have already been surveyed and there is no necessity to embody survey provisions in the Bill. Our District has nothing to do with it. It is also doubtful whether a certain portion embodied in the Act VI of 1888 applies to this District at all. It will be proved from the Summary Settlement Act that Vanta lands are private property and cannot be affected by this Act. It would be far better to repeal section 21 of the Act of 1881 and make certain alterations to suit the Talukdars of this District. I am sure that Government want to save the Talukdars from their present embarrassed position, but from my own experience I can say that the Talukdars of this District are not so heavily in debt nor incapable as they appear at first sight; no amount of legislation will help them until they are left to manage their own affairs by themselves. My conclusion is borne out by the fact that those Talukdars to whom the Act has not been applied, such as those of the Panch Mahals are better off.

As regards education I have no reason to differ, but the age limit should be increased to 8 years; even in temperate countries no attempt is made until a boy attains that age. I have already submitted my representation shewing that the Bill requires amendment. It should be considered at the time of taking up the Bill in the Council.

The Commissioner.—Can you tell me definitely in what way the Talukdars of Broach would be injured by the passing of this Bill, since, as you say, so much of it will not affect Broach?

A.—I refer you to your own speech in Council in which you said that the Talukdars must learn to stand on their own legs. Mr. Tupper also said that it will be doubtful whether this Bill would be useful after 25 years.

Q.—But that is not my point. Can you tell me how this Bill will injure you?

A.—In this Bill *jama* is defined as land revenue. Some distinction should be made. But my main argument is that the Broach Talukdars do not obtain any protection at all; they are not concerned with the Bill at all.

Q.—I understand that you argue that the application of the Bill to Broach is not necessary because the Talukdars of Broach need no protection, but I should like to know how they will be injured if the Bill is passed into law?

A.—I may mention the definition of *jama*.

Q.—Is it not word for word the same as in previous Acts?

A.—I mean that if you are going to overhaul the whole Act you should change the definition of *jama*.

Q.—But that is not an injury caused by anything new in the Bill?

A.—Take clause 61.

Q.—There is nothing new in that. You say merely that the old Act was not good and what was wrong in it should not go into the new Act. What I want to ascertain is whether there is any new provision in the Bill which is likely to prejudice your interests?

A.—I reply—why not consider the elimination of what is wrong in the existing Act now that the whole subject is up for consideration.

Q.—If you cannot show me that there is anything new in this Bill that will injure the interests of the Talukdars of Broach, I will take it that nothing of that sort can be shown?

A.—There are a few new things in the Bill, such as the education, Tribunal and *jama* provisions and some little change with regard to attachment of estates and I have already sent in my opinion about them. My idea about management is that as long as an estate is well managed it should not be

disturbed at all. I don't know why the Matar estate was taken under management. The estates are Talukdars' own property. There was no reason to take Matar under management. I don't object to attachment and management in cases of minority, lunacy and debt. My idea is that the Talukdars should be allowed to incur debt up to the limit of three times the yearly income without interference from the Talukdari Settlement Officer. If the debt reaches four years' income the estate should be taken under management. Talukdars should submit statements showing their debts to the Talukdari Settlement Officer as soon as they reach three years' income.

Q.—Do you think that the powers which it is proposed to give to the Commissioner are excessive ?

A.—I have no objection to giving him those powers.

Q.—And the Tribunal ?

A.—I don't want it at all. It is a semi-political step. Why do you want to deprive us of our Civil Courts ? Let us have our political rights. If you take any step of the kind, you should exempt us entirely from the Civil Courts.

Chandrasang Harisang of Amod :—In clause 58 it is written that a Talukdar cannot mortgage or sell his land without sanction. A holder of unalienated land is not so restricted. Why should we be prevented from selling ?

Q.—Do you want to sell your land ?

A.—No, but in case of emergency we should be allowed to sell. The *jama* clause is not applicable to this District ; the Bill should state that our *jama* is fixed. Government have defined "Talukdar" to be the holder of any sort of land. We had our survey once and it should not be made again. The survey clause is not applicable to this District and this should be clearly stated. Education should be given free of charge. Schools should be established : we are willing to contribute, but Government should also help us. The Tribunal if formed should have its sittings at convenient places. If we have to go to Broach, instead of to the Taluka Sub-Judge pleaders will charge much more.

The Commissioner.—I want to be able to place before the Sarkar, some definite results of our discussion. You have had an opportunity of coming forward and expressing your views and I don't think anyone anxious to put his opinion before me has been left out. I shall tell the Sarkar that I have met all the representative Talukdars of Broach and have asked them whether they want this Bill or not. Now will those who object generally to the Bill as a whole hold up their hands ?

(No hands held up.)

I will put the three points on which I want your opinion. It is proposed to constitute a Court which will dispose of a certain class of civil disputes between Talukdars. One or two Talukdars have objected to this provision, but none of them has adduced a single reason for his objection. Will those who are opposed to the constitution of the Tribunal hold up their hands ?

(12 persons voted against the Tribunal.)

With regard to the Japti section, will those who think that the two years' limit should be maintained, hold up their hands.

(No hands held up.)

Will those who think that it should be raised to five years hold up their hands ?

(About 20.)

Will those who object to sub-clause (i) of clause 22 hold up their hands ?

(No hands held up.)

Will those who object to the clause regarding education, hold up their hands ?

(None voted.)

Takávi Advances.

Statement showing figures of takávi transactions for the five years ending 1912-13.

No. 2817.

FINANCIAL DEPARTMENT.

Bombay Castle, 13th July 1914.

MEMORANDUM.

At the meeting of the Legislative Council of the Governor of Bombay held on 30th July 1913, the Resolution moved by the Hon'ble Diván Bahádur K. R. Godbole proposing a reduction in the rate of interest at present charged on advances to cultivators under the Land Improvement Loans Act was withdrawn by him on the understanding that Government would place on the Council table a statement showing expenditure on takávi establishments and remissions and amounts of irrecoverable loans written off and also interest realized from borrowers, and thereby deducing the net gain or loss,—distinguishing as far as possible between the transactions under the Land Improvement Loans Act and those under the Agriculturists' Loans Act. Accordingly the appended statement showing the figures of the takávi transactions for the five *financial* years ending 1912-13 is placed on the table. Separate figures of the transactions under the two Acts are given in the statement so far as such figures are available.

2. It will be seen from the statement that during the five years the net

Rs.	gain to Provincial Revenues amounted to Rs. 15,65,001.*
• - 68,070	
+ 6,28,616	It may be noted, however, that during the nine preceding
+ 6,08,145	years Provincial Revenues suffered a heavy loss amount-
+ 3,28,442	ing in the aggregate to Rs. 69,22,034 as shown below :—
+ 67,808	
<u>+ 15,65,001</u>	

Year.	Rs.
1899-1900	70,223
1900-01	2,45,626
1901-02	17,48,511
1902-03	30,43,461
1903-04	10,56,849
1904-05	1,84,093
1905-06	2,30,764
1906-07	3,32,447
1907-08	10,060
Total ...	<u>69,22,034</u>

The profit for the five years ending 1912-13 was due to some extent to the recovery of arrears of interest, which originally fell due for payment in 1907-08 and previous years. At the end of the financial year 1912-13 the total outstanding balance of takávi advances amounted to about Rs. 146 lakhs, of which about Rs. 18½ lakhs † were for the Ahmednagar District alone. This large outstanding in that district was noticed in paragraph 6 of Government Resolution, Revenue Department, No. 4553, dated 14th May 1914, reviewing the Land Revenue Administration Report, Part II, of the Bombay Presidency for 1912-13; and it was remarked in the Resolution that the liquidation of the heavy debt in such a manner as to secure Government against any serious loss and at the same time involve the borrowers in as little hardship as possible would call for very careful handling on the part of the district officers. The possibility that a considerable amount may have to be written off in clearing the debt in this district and elsewhere seems to make the reduction of interest in the near future inexpedient.

† The sum outstanding on March 31st, 1914, was Rs. 21,39,141.

G. S. CURTIS,

Acting Chief Secretary to Government.

Statement showing figures of takāvi transactions

	1908-09.			1909-10.			1910-11.	
	Presidency proper.	Sind.	Total.	Presidency proper.	Sind.	Total.	Presidency proper.	Sind.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Outstanding balance at the beginning of the year under—								
(i) Land Improvement Loans Act.	69,26,020	14,74,263	84,00,283	64,44,126	14,37,891	78,82,017	45,22,124	14,51,696
(ii) Agriculturists' Loans Act.	59,52,890	4,31,284	63,84,174	69,28,950	6,51,255	75,80,205	67,11,009	6,28,716
Total ...	1,28,78,910	19,05,547	1,47,84,457	1,33,73,076	20,89,146	1,54,62,222	1,12,33,133	20,80,412
2. Advances made during the year under—								
(i) Land Improvement Loans Act.	5,00,008	3,21,431	8,21,439	4,55,679	3,39,290	7,94,969	2,39,098	4,15,020
(ii) Agriculturists' Loans Act.	22,89,123	4,73,640	27,62,763	9,46,235	3,81,765	13,28,000	7,77,731	4,39,459
Total ...	27,89,131	7,95,071	35,84,202	14,01,914	7,21,055	21,22,969	10,16,829	8,54,479
3. Outstanding balance at the end of the year under—								
(i) Land Improvement Loans Act.	64,44,126	14,37,891	78,82,017	45,22,124	14,51,696	59,73,820	96,96,790	14,62,921
(ii) Agriculturists' Loans Act.	69,28,950	6,51,255	75,80,205	67,11,009	6,28,716	73,39,725			5,88,695
Total ...	1,33,73,076	20,89,146	1,54,62,222	1,12,33,133	20,80,412	1,33,13,545	96,96,790	20,51,616
4. Interest realized from borrowers under—								
(i) Land Improvement Loans Act.	3,37,657	53,873	3,91,530	9,72,888	56,965	10,29,853	10,44,069	59,919
(ii) Agriculturists' Loans Act.	1,20,754	22,574	1,43,328	1,14,969	36,163	1,51,132			44,777
Total ...	4,58,411	76,447	5,34,858	10,87,857	93,128	11,80,985	10,44,069	1,04,696
5. Remissions and amounts written off on account of <i>Principal</i> under—								
(i) Land Improvement Loans Act.	42,391	1,432	44,640	18,774	763	23,211	66,436	1,303
(ii) Agriculturists' Loans Act.		817			3,674			684
Total ...	42,391	2,249	44,640	18,774	4,437	23,211	66,436	1,987
6. Remissions and amounts written off on account of <i>Interest</i> under—								
(i) Land Improvement Loans Act.	2,560	.....	2,561	2,395	220	2,705	15,633	719
(ii) Agriculturists' Loans Act.		1			90			95
Total ...	2,560	1	2,561	2,395	310	2,705	15,633	814
7. Expenditure on takāvi establishments.	31,531	.....	31,531	25,583	.....	25,583	33,614	.....
8.* Interest paid from Provincial Revenues to the Government of India under—								
(i) Land Improvement Loans Act.	2,33,977	59,963	2,84,940	1,91,909	50,568	2,42,477	3,66,273	51,005
(ii) Agriculturists' Loans Act.	2,22,873	18,944	2,41,817	2,38,699	22,399	2,61,098		21,305
Total ...	4,56,850	69,907	5,26,757	4,30,608	72,967	5,03,575	3,66,273	72,310
9.† Net gain (+) or loss (-) to Provincial Revenues—								
(i) Land Improvement Loans Act.	-72,361	+1,478	-68,070	+6,12,892	+5,634	+6,28,616	+5,77,746	+7,611
(ii) Agriculturists' Loans Act.		+2,813			+10,090			+22,788
Total ...	-72,361	+4,291	-68,070	+6,12,892	+15,724	+6,28,616	+5,77,746	+30,399

* Note 1.—The figures against entry No. 8 are calculated at the rate of 3½ per cent. on the mean of the outstanding

† Note 2.—Entry No. 9 is made up of entry No. 4 minus the aggregate of entries Nos. 5, 7 and 8, i. e., figures

for the financial years 1908-09 to 1912-13.

		1911-12.			1912-13.			Remarks.			
Total.	Presidency proper.	Sind.	Total.	Presidency proper.	Sind.	Total.					
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.					
59,73,820 73,39,725	96,96,790	{ 14,62,921 5,88,695 }	1,17,48,406	1,09,71,448	{ (d) 8,96,185 (d) 3,71,835 }	{ (d) 1,22,39,468	(a) This includes a sum of Rs. 1,46,280 for interest-free advances, which is not taken into account in calculating interest paid from Provincial Revenues to the Government of India [vide entry No. 8 (ii)].				
1,33,13,545								20,51,616	1,17,48,406	1,09,71,448	(e) 20,08,778	(e) 1,29,80,226
6,54,118 12,17,190	10,78,529 26,26,896	(b) 3,39,333 (b) 4,03,018	(b) 14,17,862 (b) 30,29,914	7,76,626 36,78,735	(b) 3,05,844 (b) 4,15,371	(b) 10,82,470 (b) 40,94,106		(b) This is exclusive of the figure for the Thar and Pärkar District, for which separate figures under the two Acts are not available. The total figure for the district is added to the total of the entry.			
18,71,308	37,05,425	(c) 8,35,925	(c) 45,41,350	44,55,361	(g) 8,35,644	(g) 52,91,005					
{ 1,17,48,406	1,09,71,448	{ (d) 8,96,185 (d) 3,71,835 }	{ (d) 1,22,39,468	1,26,67,322	{ (d) 8,72,219 (d) 3,85,261 }	{ (d) 1,39,24,802			(c) This includes Rs. 93,574 for the Thar and Pärkar District.		
								1,17,48,406		1,09,71,448	(e) 20,08,778	(e) 1,29,80,226	1,26,67,322	(h) 19,31,245	(h) 1,45,98,567
{ 11,48,765	7,74,858	{ (b) 59,721 (b) 30,531 }	(b) 8,65,110	6,52,693	{ (d) 36,416 (d) 29,171 }	(d) 7,18,280		(d) This is exclusive of the figures for the Lärkána and Thar and Pärkar Districts, for which separate figures under the two Acts are not available. The figures for the two districts are added to the total of the entry.			
										11,48,765	7,74,858	(f) 1,02,210	(f) 8,77,068	6,52,693	(i) 1,10,078	(i) 7,62,771
{ 68,423	63,502	{ 2,741 7,251 }	73,494	1,56,041	{ 736 447 }	1,57,224				(e) This includes Rs. 5,69,136 for the Lärkána District and Rs. 1,71,622 for the Thar and Pärkar District.	
											68,423	63,502	9,992	73,494	1,56,041	1,183	1,57,224
{ 16,447	10,241	{ 434 270 }	10,945	8,522	{ 243 407 }	9,172	(f) This includes Rs. 11,958 for the Thar and Pärkar District.				
											16,447	10,241	704	10,945	8,522	650	9,172
33,614	42,381	42,381	55,051	55,051					(g) This includes Rs. 1,14,429 for the Thar and Pärkar District.
{ 4,38,583	3,61,694	{ 41,284 16,809 }	4,19,787	4,13,678	{ (d) 30,947 (d) 13,249 }	{ (d) 4,57,874					(h) This includes Rs. 5,31,337 for the Lärkána District and Rs. 1,42,428 for the Thar and Pärkar District.
									4,38,583			3,61,694	(j) 71,057	(j) 4,32,751	4,13,678	(k) 68,950	(k) 4,82,628
{ +6,08,145	+3,07,281	{ (l) +15,696 (l) +6,471 }	{ (l) +3,29,448	+27,923	{ (l) +4,733 (l) +15,475 }	{ (l) +48,131			(i) This includes Rs. 29,665 for the Lärkána District and Rs. 14,826 for the Thar and Pärkar District.		
								+6,08,145				+3,07,281	(l) +21,161	(l) +3,28,442	+27,923	(l) +39,945	(l) +67,868
								(j) This includes Rs. 12,964 for the Lärkána and Thar and Pärkar Districts, figures for which are excluded from entry No. 3 (i) and (ii) as explained in (d) but included in entry No. 1 (i) and (ii).			
								(k) This includes Rs. 24,754 for the Lärkána and Thar and Pärkar Districts.			
								(l) This figure is calculated as explained in foot-note No. 2.			

balances at the beginning and end of the year, given in the statement (i. e., entries Nos. 1 and 3).

against entry No. 9 are arrived at by deducting the aggregate of the figures against entries Nos. 5, 7 and 8 from the figures against entry No. 4.

No. 2276.

From

THE HONOURABLE SIR W. H. H. VINCENT, Kt.,
Secretary to the Government of India ;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 17th June 1914.

Sir,

I am directed to return herewith, with the assent of His Excellency the
Viceroy and Governor-General signified thereon, the
The Karachi Port Trust (Amendment) Law, 1914. authentic copy of the Law noted on the margin,
which was received with your letter No. 510, dated
the 30th April 1914.

I have the honour to be,

Sir,

Your obedient servant,

W. H. VINCENT,

Secretary to the Government of India.

No. 465 of 1914-15.

*Sholapur Municipal Office :
6th July 1914.*

From

THE PRESIDENT,
Sholapur Municipality ;

To

THE SECRETARY TO THE LEGISLATIVE COUNCIL,
Bombay.

Sir,

With reference to your letter No. 1632-L of 27th June 1914, I have the honour to submit few observations on the provisions of Bill No. I of 1914 (A Bill further to amend the Bombay District Municipal Act, 1901). It may be circulated for information to the Members of the Legislative Council.

2. The Bombay District Municipal Acts of 1873, 1884 and 1901 did not require a residential qualification for a candidate who is merely a tax-payer. It does not appear expedient to introduce it. Within the last 40 years there have been rare cases of tax-payers who did not reside within the Municipal limits and who sought

election and were ultimately elected. The omission of such provision has not led to an abuse which it is necessary to check. It is more desirable that the candidate should be residing within the Municipal District. However it is not quite necessary that they should be debarred by law from seeking election. The voters may be trusted to exercise their discretion best and to prefer one who is residing within the Municipal limits; and if they ever prefer one who is not so residing it may be assumed that in their opinion he is considered better qualified for good reasons. No such provision is considered necessary for councillors to be nominated; apparently because the choice of the Government will not fall upon such a one unless there be good reasons therefor.

3. This provision seems contrary to the orders contained in Government Resolution No. 547, General Department, dated 21st January 1914, which does not insist upon the condition that his name should have been enrolled in the Municipal Election Roll. Personally I consider it better to drop the provision contained in clause 4 (13a) and to enable one to be a candidate, if not otherwise disqualified. The view of Government expressed in the said Government Resolution has been attended to by certain Municipalities by amending their Election Rules.

4. The voters and the rival candidates have a right to question election, on grounds mentioned in section 22. The existing law has thus created a vast number of persons who can question it and the experience is that both of them very freely exercise this right. It is inexpedient that the Collector should be empowered in this connection. The voters and the rival candidates may be left to themselves to exercise this right. Besides them it is not necessary to invest the Collector with this power. The time for the Collector to question is extended to one month and obviously this is intended to secure some previous inquiry by his subordinates, more likely the Police, and such inquiries will be availed of by interested and dissatisfied persons, and it may sometimes lead to undesirable results. It is most essential to secure greater purity in elections and with this object clause 15 has been introduced which will have a deterrent effect. If however the Government considers it necessary to invest the Collector with power to question the validity of an election, it should necessarily be limited to grounds of corrupt practice as defined in clause 4 of section 22. It can be questioned on other numerous grounds. The Collector should reasonably have no interest to question it on these grounds when there are numerous persons to do it. The clause 7 (1a) may therefore be restricted and amended accordingly.

5. This provision is indeed very reasonable as it enjoins a certain duty on the Municipality and at the same time best safeguards the interests of persons owning and possessing properties adjoining on both sides of a public street. However it is doubtful if it will work well to advance the sufficiency of road-widening under the present state of Municipal administration.

6. Section 177 of the Bombay District Municipal Act, 1901, empowers the Governor in Council to require any City Municipality to appoint a Chief Officer, Health Officer or an Engineer. This implies that it can fix his salary. It also gives power to veto the appointment by the Municipality, to such office, of a person not fitted therefor. Sections 153 and 184 vest certain powers in the Chief Officer which are wide enough to secure the better administration of Municipal affairs. Besides he can exercise such other powers as may be delegated to him by the Municipality under the provisions of the Act. Section 177 (III, IV) empower the Governor in Council to require the Municipality to invest him with all or any of the powers. Under this arrange-

ment the Chief Officer is, to a large extent, the head of executive administration and if he does his duties properly the best interests of the body can be secured.

It is inexpedient that the Governor in Council should take further power to appoint a Municipal Commissioner with immense powers. Under the existing law, the Governor in Council can secure the appointment of a capable officer with reasonable and proper remuneration and also can secure the investiture of sufficient powers to him. The object of the policy inaugurated by the District Municipal Act of 1884, was not primarily to reform administration but to serve as an instrument of political and popular education by the extension of Municipal Government entrusted to freely elected and mainly non-official councils with the reservation of necessary powers of control to be exercised by the executive from without and not from within. The said object will not be advanced by the appointment of a Municipal Commissioner with immense powers, which will prove an obstacle in its accomplishment. The presence of a highly paid Municipal Commissioner with immense and absolute powers will affect, I fear, to some extent the freedom of the Municipal Councillors to do their duty. Naturally he will carry immense influence and importance with the Government officers and the councillors will hence remain in obscurity.

The Municipality will ordinarily be consulted and have a voice in fixing the salary of a Municipal Commissioner and no doubt Government will fix it taking into consideration the Municipal income and finances but it is reasonable to ask that in every case it should be consulted and have a voice in fixing his salary. The request to insert a provision to secure this is very reasonable and is indeed what the Government really will do. Hence the Government will secure it by a proper provision in the Act itself.

I have the honour to be,

Sir,

Your most obedient servant,

G. M. SHAH,

President,

Sholapur Municipality.

Substance of a petition from Sadashiv Narayan Vader and 40 other superior holders of land, inhabitants of Mouze Kodni, Taluka Chikodi, District Belgaum, to His Excellency the Right Honourable the Governor in Council, dated 28th June 1914.

We learn that a Bill, No. 2 of 1914, to amend the Bombay Land Revenue Code, has been introduced into the Legislative Council for discussion and that it has been referred to a Select Committee for its opinion. The said Bill is adverse to our ancient rights, and if it is passed into law it will cause heavy loss to us and our descendants. We learn that the original Bill has been amended by the Select Committee, the amendment being to the effect that a superior holder should grant his inferior holder remission of rent equal to double the amount of remission granted by Government to the former. Even this amendment is adverse to our rights and is likely to cause great loss to us and our heirs. It will never be fair to compel by law a superior holder with an income of ten rupees to grant his inferior holder a remission equal to double the amount of remission granted by Government to the former. Government have got many thousand items of revenue, and in the event of a famine occurring in the country they are likely to lose only a small portion of land revenue. Besides, it is contrary to the experience hitherto obtained that all parts of the country should simultaneously be affected by famine. The superior holder, on the other hand, is generally dependant on agriculture for his

support, and the occurrence of a famine causes loss to him in every respect. In these circumstances it would never be just to compel him by law to remit a considerable portion of the small amount of rent received by him in respect of his land from the inferior holder. The principle of the present Bill appears to be similar to that of a law under which superior holders would have to contribute rateably towards the cost of maintaining an *annakhatra** an amount equal to double the amount sanctioned by Government out of their immense land revenue for saving the lives of their famine-stricken subjects. The passing of the said Bill into law is very likely to give rise to groundless disputes between the superior and the inferior holders. We, therefore, humbly pray that Government will be pleased not to pass the said Bill into law.

2. The other petitions contain representations similar to the above. The names of the petitioners, their places of residence, etc., are given in the following statement:—

No.	Names of petitioners.	Places of residence.	Dates of petitions.
2	Bhikaji Santaji Kulkarni and 13 others.	Nágnur, Táluka Hukeri, District Belgaum.	(?) June 1914.
3	Singauda Bhimgauda Patil and 8 others.	Shakkinhasur, Táluka Hukeri, District Belgaum.	3rd July 1914.
4	Sadashiv Nilkanthrao Nadgauda and 101 others.	Shendur, Táluka Chikodi, District Belgaum.	29th June 1914.
5	Krishnaji Appaji Patil and 25 others.	Norapur, Táluka Hukeri, District Belgaum.	3rd July 1914.
6	Eknath Sitaram Inamdar and 34 others.	Bugate Alur, Táluka Hukeri, District Belgaum.	2nd July 1914.
7	Mallappa Narapa Hingsole and 17 others.	Hilani, Táluka Hukeri, District Belgaum.	3rd July 1914.
8	Narayan Sakharam Joshi and 12 others.	Gavan, Táluka Chikodi, District Belgaum.	6th July 1914.
9	Gangadhar Babaji Kulkarni and 3 others.	Nainglaj, Táluka Chikodi, District Belgaum.	(?) July 1914.
10	Gundo Babaji Kulkarni and 14 others.	Yerual, Táluka Chikodi, District Belgaum.	3rd July 1914.
11	Shankar Ramchandra Kulkarni and 79 others.	Karajgi, Táluka Hukeri, District Belgaum.	4th July 1914.
12	Govind Ramchandra Inamdar and 32 others.	Kallol, Táluka Chikodi, District Belgaum.	1st July 1914.
13	Shrinivas Bhimaji Kulkarni and 42 others.	Rasing, Táluka Hukeri, District Belgaum.	2nd July 1914.
14	Vaman Amritrao Deshpande and 3 others.	Kadapur, Táluka Chikodi, District Belgaum.	8th July 1914.
15	Balgauda Nekgauda Patil and 41 others.	Bhoja, Táluka Chikodi, District Belgaum.	5th July 1914.
16	Nagesh Dattatraya Joshi and 63 others.	Borgaon, Táluka Chikodi, District Belgaum.	6th July 1914.

* A place where food is given free.

No. 2464.

From

THE HONOURABLE SIR W. H. H. VINCENT, Kt.,
Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.
Simla, the 3rd July 1914.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor-General signified thereon, the authentic copy of the law noted on the margin, which was received with your letter No. 511, dated the 30th April 1914.

The Bombay Irrigation
Amendment Law, 1914.

I have the honour to be,

Sir,

Your obedient servant,

W. H. VINCENT,

Secretary to the Government of India.

Dhulia, 17th July 1914.

From

THE HONOURABLE MR. SHRIDHAR BALKRISHNA
UPASANI, B.A., LL.B.,
Dhulia;

To

J. NISSIM, Esq., I. C. S.,
Secretary to the Legislative Council, Poona.

Sir,

I send you herewith the amendments I would propose at the Second Reading of Bill No. II of 1914 (a Bill further to amend the Bombay Land Revenue Code, 1879).

As regards Bill No. I of 1914 (a Bill further to amend the Bombay District Municipal Act, 1901), I have to urge that the original Bill was brought before the Council without consulting the Municipalities.

The amended Bill proposes to extend the operation of the Bill to Municipalities not contemplated in the original Bill and involves important changes in the existing constitution of the Municipalities particularly as regards the executive and administrative powers of the President, Vice-President and the Managing Committees.

The Honourable Mr. Patel has pointed out, in his minute of dissent, that the existing Act contains sufficient statutory provision for extending the powers of the Chief Officer to meet the circumstances of even the more important City Municipalities.

I would, therefore, propose that the several City Municipalities be invited to express their views on the provisions of the amended Bill before it is brought up for Second Reading. The time available after publication of the amended Bill and the Select Committee's Report was apparently too short for expression of the opinion of these bodies and the public on the numerous changes in the existing law contemplated by the Bill.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) S. B. UPASANI.

From
 THAKORRAM KAPILRAM, Esquire, B.A., LL.B.,
 President, City Municipality, Surat;

To
 THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
 Legislative Department, Poona.
 Surat, 19th July 1914.

Sir,

I have the honour to acknowledge the receipt of two copies of the Bill No. I of 1914 (an Act further to amend the District Municipal Act, 1901) as amended by the Select Committee.

As the opinion of the Municipality was not called for, I have not placed the Bill before the Corporation but have simply circulated one copy among the Councillors.

I am not acquainted with the rules of the procedure of the Council and so cannot say how the following points can be brought to the notice of the Honourable Councillors; nor do I know whether the points I shall presently refer to can be considered by the Council after the Bill has passed through the Select Committee. If it is open to go into them, I shall deem it a favour if this letter can be circulated among the Honourable Members of the Council or at least to the Members of the Select Committee.

Section 3 of the Bill substitutes a new section 12, which lays down who are qualified to be candidates and to be entered in the Electoral Roll. The section as it stands does not exclude a lunatic as it expressly does a minor. It is not to be supposed that the Legislature desire to lay down that a lunatic can if otherwise qualified and not disqualified under sections 15, 21, 22, clauses iii and vi and 22A, clause iii, be a candidate or can be a voter. I should think not; and suitable provision should be included to exclude him. In the English enactment, the Legislature make proper provision by use of the word "fit" and by interpretation of the word "fit" lunatics are excluded. I do not think the Indian Legislature should follow the English enactment but should distinctly lay down a disqualification for lunatics and persons of weak intellect, unable to manage their affairs. I am not suggesting an imaginary difficulty. In the Ránder Municipality election petition before the District Judge at Surat, a question arose whether one who was a lunatic was entitled to vote even though his name is entered in published lists of voters. It was argued that as a minor was distinctly held to be disqualified, if a lunatic was, Legislature would have so expressed itself. The Advocate General of Bombay, the Honourable Mr. Strangman, had come to argue the case for the petitioner and one of the votes of the petitioner was challenged on the score of this lunacy. Thus section 13A should be amended.

* * * * *

Section 23 of the Bill (p. 8) adds a section 91A. Clause (1) enables the Municipality to prescribe from time to time a fresh line in substitution for any line so prescribed on the bases of the Bombay City Municipal Act III of 1888, section 297. The Municipal Act for the City of Bombay was framed to meet the difficulty created by a decision of the Bombay High Court wherein Sir Lawrence Jenkins, C. J., laid down that a line of street once prescribed or determined upon cannot be changed (*vide* I. L. R. 25 Bom. 107). I think that those who are acquainted with the inner working of the Municipalities will hardly welcome the change and the elaborate procedure for fixing "the regular line". At one time one party may have an interest to getting a line prescribed previously changed and he would go round all the Councillors, use pressure upon them and somehow would get the line changed and put a building which may be far projecting the neighbour's building which may have been built when the previously prescribed line was the regular line. I should deprecate the change and if a power to alter the line is to be conferred

on the Municipality, it should be hedged round with safeguards so as to ensure that the change will not narrow the road or that the new line should not set forward the line previously prescribed but the line previously prescribed may be set back.

* * * * *

Section 32 of the Bill adds a Chapter XIII-A to the Act and sections 186A to 186Q relate to the Municipal Commissioner, his powers and duties. On referring to the definition of the term Municipal Commissioner and to sections 186D and 186E, it appears that the Municipal Commissioner shall not be exclusively drawn from the Indian Civil Service. There is thus a danger that any person who is in the good graces of the Collector may be appointed to the post whether he is a salaried servant of Government or not. Just as in some cases Municipal Secretaries have been appointed Chief Officers, so the present Chief Officers may be raised in pay and termed Municipal Commissioners. I think the danger ought to be guarded against by laying down the qualifications for the post of a Municipal Commissioner. There are two more points to which I should like to refer.

* * * * *

I have the honour to be,

Sir,

Your most obedient servant,
THAKORRAM KAPILRAM,
President, Surat City Municipality.

No. 1688 OF 1914-15.

From

THE HONOURABLE SARDAR SIR
CHINUBHAI M. RANCHHORELAL, BART., C.I.E.,
Chairman, Committee of Management,
Ahmedabad Municipality;

To

J. NISSIM, ESQUIRE, I. C. S.,
Secretary to the Legislative Council, Poona.

*Municipal Office,
Ahmedabad, 19th July 1914.*

Sir,

With reference to your No. 1682, dated 27th ultimo, I have the honour to forward herewith an extract from the proceedings of the Committee of Management dated 17th instant recommending the adoption of certain amendments in Bill No. I of 1914 (a Bill further to amend the Bombay District Municipal Act, 1901) as amended by the Select Committee, by the Legislative Council together with a formal memo. shewing amendments suggested and reasons therefor. The Vice-Chairman of the Committee of Management who is a member on the Legislative Council has already been requested to make a formal motion of these amendments before the prescribed date.

I have the honour to be,

Sir,

Your most obedient servant,
CHINUBHAI M. RANCHHORELAL,
Chairman,
Committee of Management, Ahmedabad Municipality.

Extract from the proceedings of the Adjourned Special General Meeting of the Committee of Management dated 13th July 1914 held on the 17th July, 1914.

BUSINESS No. 14.

Letter No. 1682, dated 27th June 1914, from the Secretary of the Legislative Council together with a copy of Bill No. I of 1914 (a Bill further to amend the Bombay District Municipal Act, 1901) as amended by the Select Committee, together with some amendments suggested by the Vice-Chairman.

Proceedings.

Resolved that the following amendments be suggested in the draft Municipal Amendment Act:—

Clause of the Bill.	Section of the Act.	Amendment suggested.
3	12 (1) (d)	For “(d) every juror and assessor who, for a period” substitute “(d) every juror and assessor, who for a period” so that the sentence beginning with “who for a period” may apply to all the four clauses (a), (b), (c) and (d) of this sub-section.
5 (2)	15 (1) proviso (VI) to clause (f).	After ‘purchase’ add “or hire.”
23	91A (3).	After “construct” add “or reconstruct.”
23	96.	After clause 23 add as under:— “23A. To section 96 of the said Act the following paragraph shall be added:— ‘The word “building” throughout this chapter means a building as defined in section 3.’”
27	151.	In the marginal note for “trades” substitute “offensive or dangerous practices.”
32	186 (b) (1).	After “Act” add “or by rules and by-laws made under this Act and in force at the date of his appointment.”
32	186 (b), proviso (a).	Omit “sub-section (4) of section 91A.”
32	186 E.	For 186E (1) substitute the following:— “Notwithstanding anything contained in proviso (b) to section 46 no contribution for pension or leave allowance shall be payable by the Municipality in respect of the Municipal Commissioner, if he is a salaried servant of Government.”
32	186 K.	Delete the whole section 186K.

Resolved further that the Chairman and the Vice-Chairman may be requested to support these amendments in the Legislative Council.

True Extract.

CHIMANLAL,

for Secretary, Ahmedabad Municipality.

Memorandum of certain amendments suggested by the Committee of Management on 17th July 1914 for consideration by the Legislative Council at the time of the third reading of Bill No. I of 1914 (as amended by the Select Committee).

Clause of the Bill	Section of the Act.	Amendment suggested.	Reasons for amendment.
3	12 (1) (d) ...	For "(d) every juror and assessor who, for a period" substitute "(d) every juror and assessor, who for a period" so that the sentence beginning with "who for a period" may apply to all the four clauses (a), (b), (c) and (d) of this sub-section.	The amendment suggested is formal, and is meant to convey the intention of the Legislature that residential qualification is applicable not only to jurors and assessors, but to other persons referred to in clauses (a), (b) and (c).
5 (2)	15 (1), proviso VI to clause (f).	After "purchase" add "or hire"	Just as petty purchases from the Municipality are proposed for exclusion from the disqualification clause, so petty hiring (<i>e. g.</i> , hiring of Municipal buildings on festive occasions) should be excluded.
23	91A (3) ...	After "construct," add "or reconstruct"	Reconstruction of a building in a regular line of the public street is equally objectionable and ought to be stopped.
23	96 ...	After clause 23 add as under:— "23A. To section 96 of the said Act the following paragraph shall be added:— 'The word "building" throughout this chapter means a building as defined in section 3'."	The amendment implies the restoring of clause 16 as it stood in the original Bill. The High Court has held that the building of a new wall on the site of the old wall including the old foundations is not an addition to existing building; so also re-erecting on the same foundation a part of a wall which has fallen down does not come under section 96. The proposed addition will remove this flaw and enable the Municipality to control such reconstruction.
27	151 ...	In the marginal note for "trades" substitute "offensive or dangerous practices".	The marginal note is proposed to be corrected in conformity with the substantive provisions of the section.
32	186 (b) (1) ...	After "Act" add "or by rules and by-laws made under this Act and in force at the date of his appointment".	The Chief Officer has certain powers under the rules and by-laws, and it is intended to vest the same in the Municipal Commissioner without waiting for revision of rules and by-laws.
32	186 (b), proviso (d).	Omit "sub-section (4) of section 91A"	When once the regular line of the public street is settled by the Municipality, the power of prosecuting the defaulters must be in the hands of the Municipal Commissioner. It is possible that offenders may escape punishment under limitation clause, if the matter is to be regulated by the General Body.

32	186E	<p>... For 186E (1) substitute the following:— ... “Notwithstanding anything contained in proviso (b) to section 46 no contribution for pension or leave allowance shall be payable by the Municipality in respect of the Municipal Commissioner, if he is a salaried servant of Government.</p>	<p>When the District Municipal Act is to be amended on the lines of the Bombay City Municipal Act, equity demands that financially the mofussil Municipalities should not suffer. No pension contribution is levied for the Municipal Commissioner for the City of Bombay. The Presidents of the Municipal Corporations of Madras and Rangoon and Chairmen of the Cawnpore and Allahabad Municipalities are also exempted (<i>vide</i> Article 763, Civil Service Regulations). If the imperative <i>statutory</i> provisions embodied in section 186E (1) stand, exemption by an <i>executive</i> order of the Government of India under Article 772 (v), Civil Service Regulations, as per slip No. 332 of the Civil Service Regulations, 5th Edition, will not be possible. Besides, the burden of contribution for pension and leave allowance for a member of the Indian Civil Service, in accordance with the Civil Service Regulations, will be a heavy charge, it being $\frac{1}{8}$th of the assumed pay. (<i>Vide</i> Articles 767—770, Civil Service Regulations, as amended by slip No. 332.)</p>
32	186K	<p>... Delete the whole section 186K ...</p>	<p>The principle of “One man’s rule” is most needed in primary schools of the mofussil Municipalities. The analogy of Bombay schools is misleading. In Bombay, the Schools Committee, which has control over trained teachers, is guided by a Superintendent drawing Rs. 350, while the untrained teachers are under the control of a highly paid Secretary drawing Rs. 500. In Ahmedabad Municipality if the control over schools’ staff is taken away from the Chief Officer or Municipal Commissioner, there will be absolute want of discipline among teachers.</p>

CHIMANLAL,
for Secretary, Ahmedabad Municipality.

Sholapur, 14th July 1914.

From

Ráo Sáheb T. J. PITRE,
Chief Officer, Sholapur Municipality,
Sholapur;

To

THE SECRETARY TO GOVERNMENT,
Legislative Department,
Bombay.

Sir,

With reference to the Bill No. I of 1914 as amended by the Select Committee, I beg to make the following suggestion as regards the proposed section 91A.

This new section is evidently inserted with a view to compel the Municipalities to determine the regular line of a street within a prescribed time. In the old section 92, it was laid down that "(1) If any part of a building projects beyond the regular line of a public street either as existing or as determined upon for the future, or beyond the front of the building on either side thereof, the Municipality may,—

(a) if the projecting part thereof is a verandah step or some other structure external to the main building, then at any time, or

(b) if the projecting part is not such external structure as aforesaid, then, whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down,

require by written notice either that the part, or some portion of the part projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the Municipality." But Government must have found that from 1901 to 1914 majority of the Municipalities have not fulfilled the requirements of the old section 92, although they were expected to determine the regular line of every principal street.

In the proposed section the Select Committee have tried to improve matters by requiring the Municipalities to fix the line. But in my opinion no safeguard is provided for in the proposed section to ensure that due foresight is shown by Municipalities in determining the regular line of a street.

My experience, both as a Sanitary Engineer and Chief Officer, for the last 15 years of this Municipality leads me to apprehend that if the Municipalities are left to themselves to determine the regular line of a street as proposed by the new section, they will, in a majority of cases, fail to show sufficient foresight and due regard to the future growth of their towns in determining these lines.

I am aware that I am making this a very bold assertion and most of the Non-Official Members will vehemently protest against such remarks. But if Government will consult their Sanitary Engineers and District Officers they will find that very few Municipalities have shown sufficient regard to the future growth of their towns in fixing the width of even of the principal thoroughfares.

If now this power of determining the width is given to the Municipalities by section 91A the result, I fear, will be deplorable. In majority of cases the existing widths will be adhered to; and once new buildings are erected along the regular line it will be next to impossible to prescribe a fresh line increasing the width of the road.

Even the other provisions (a) and (b) under section 91A will not be helpful to any Municipality in determining with sufficient regard for the future the width of a road; because as soon as a notification is issued by a Municipality increasing the width of a road from, say, 24 feet to 40 feet, the owners of houses coming within the set back lines will bring so much pressure through their elected representatives on the Municipal Board that in 9 cases out of 10 instead of a 40 feet road the majority of Councillors will only be content with a 30 feet wide road.

I have not given mere imaginary illustrations. These instances are of every day occurrences in most of the Municipalities, and Councillors having experience of municipal administration like the Honourable Ráo Bahádur G. K. Sáthe will bear testimony to my remarks.

The set-back lines determined by the Municipalities should not be final unless approved of by a Committee consisting of the Collector, Executive Engineer and the Civil Surgeon. I beg to submit, therefore, that the words "with the previous approval of the Commissioner" be inserted after the words "Municipality" in line 2 of section 91A.

If some such provision as I have suggested be not inserted the result will be that at every triennial election the new Councillors will find that in several instances they have to suffer for the want of foresight on the part of their predecessors.

I hope, therefore, that you will kindly place my views before the Honourable Mr. Pattani, Member in charge of the Bill, the Honourable Mr. Curtis, who had a very wide experience of municipal administration, and other Councillors for their information. I learn that the Honourable Ráo Bahádur G. K. Sáthe had made a suggestion similar to the one I have now made.

I have the honour to be,

Sir,

Your most obedient servant,

T. J. PITRE,

Chief Officer, Sholápur Municipality.

No. 241 of 1913-14.

BOMBAY NATIVE PIECE-GOODS MERCHANTS' ASSOCIATION.

*Sheth Mulji Jetha's Cloth Market Hall,
Shaik Memon Street, Outfort,
Bombay, 2nd July 1914.*

From

MESSRS. PURSHOTAM KANJI AND

JAVERCHAND KALLIANJI,

Honorary Joint Secretaries,

Bombay Native Piece-goods Merchants' Association, Bombay;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,

Legislative Department, Bombay

Sir,

On behalf of this Association, we have the honour to send this representation to the Government about the Bill to amend the Bombay Port Trust Act, 1879.

The sub-section (2), section 5, of the Bill provides that "of the nine nominee trustees, one shall be a military officer serving in the Bombay Brigade and not less than three be natives of India residing in the City of Bombay".

The number of elective trustees of the Port Trust is seven, out of whom five are elected by the Bombay Chamber of Commerce and two by the Indian Commercial Community. Our Committee remember with feelings of thankfulness the sympathetic action of the Government of Lord Sydenham in granting the important privilege to the Indian Commercial Community of electing two trustees and beg to hope that the Government of His Excellency Lord Willingdon will be pleased to extend the franchise so given by such an amendment in the Port Trust Act as will remove some of the defects of the present Act and ensure to each of the leading Commercial Associations a seat on the Port Trust Board with which the interests of each are so intimately connected. Our Committee beg to propose that the number of elective Trustees may be increased from five to ten and the clause providing for "there being not less than three nominated 'native' trustees" be eliminated. Out of these ten elective trustees, the Bombay Chamber of Commerce will have five and the remaining five may be elected by the following leading Commercial Associations, one by each :—

- (1) The Bombay Native Piece-goods Merchants' Association.
- (2) The Indian Merchants' Chamber and Bureau.
- (3) The Mill Owners' Association.
- (4) The Grain Merchants' Association.
- (5) The Bombay Cotton Exchange.

At present, two elective trustees from the Indian Commercial Community are returned by two such bodies as may be declared by the Government, a procedure which is not calculated to ensure continuity of work. The suggested procedure on the other hand will, by enfranchising all the leading Commercial Associations, secure a good representation which would be satisfactory to all concerned.

As mentioned before, the present system of election is not conducive to continuity of work. Without reflecting in any way on the merits of the nominated members, our Committee beg to draw respectfully the attention of the Government to the following words in the despatch of the Secretary of State on the Reform Bill as to the system of nomination :—

"Their opinion could in that event be exercised in the best possible way, *viz.*, that of popular election, instead of requiring Government to supply the deficiencies by the dubious method of nomination."

They beg to urge that the system of election be substituted for that of nomination with regard to the Port Trust and to hope in conclusion that the Government will be pleased to accept their proposal.

We have the honour to be,

Sir,

Your most obedient servants,

PURSHOTAM KANJI,

JAVERCHAND KALLIANJI,

Honorary Joint Secretaries.

THE GRAIN MERCHANTS' ASSOCIATION, MANDVI.

Bombay, 3rd July 1914.

From

THE HONORARY SECRETARY,
The Grain Merchants' Association, Bombay;

To

THE SECRETARY, LEGISLATIVE DEPARTMENT,
Government of Bombay, Bombay.

Sir,

I am directed by the Committee of this Association to address you as follows with regard to the Act to amend the Port Trust Act, 1879 (Bill No. V of 1914).

The Government may be aware that this Association was one of the two bodies declared by the Government in 1911 for electing a Trustee to the Port Trust. Time has arrived when, the Committee beg to think, the franchise then granted may be so extended as to enable each of the leading Indian Commercial Associations to return a representative to the Port Trust, not intermittently but permanently. This can be done without increasing the number of Trustees by doing away with the procedure of nominating three "Natives of India" as Trustees and increasing the number of elective Trustees to ten. Out of these, five will be elected by the Bombay Chamber of Commerce and the remaining five may preferably be elected by the following five leading Indian Commercial Associations, one by each:—

- (1) The Indian Merchants' Chamber,
- (2) The Grain Merchants' Association,
- (3) The Mill Owners' Association,
- (4) The Bombay Native Piece-goods Merchants' Association, and
- (5) The Bombay Cotton Exchange.

Looking to the fact that each of these bodies is vitally interested in the development of the Port, this suggestion, my Committee venture to believe, is reasonable and it is hoped it will receive favourable and sympathetic consideration at the hands of the Government.

I have the honour to be,

Sir,

Your most obedient servant,

SHAMJI SHEWJEE,

Honorary Secretary.

NOTICES OF MOTION TO BE ENTERED IN THE LIST OF BUSINESS AT A MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD ON MONDAY, THE 27TH JULY 1914.

Under sub-rule (2) of rule 33 of the Rules for the Conduct of Business notice has been received of the following amendments to Bill No. V of 1914 (a Bill further to amend the Bombay Port Trust Act, 1879).

From the Honourable Mr. Manmohandas Ramji.

Clause 1, section 5—

I. That the words "ten elective trustees, six nominee trustees and a Chairman" be read for "seven elective trustees, nine nominee trustees and a Chairman", in sub-section (1) of section 5 of the Act further to amend the Bombay Port Trust Act, 1879, Bill No. V of 1914.

II. That the words "of the six nominee trustees one shall be a military officer serving in the Bombay Brigade" be read for "of the nine nominee trustees one shall be a military officer serving in the Bombay Brigade" in sub-section (2), section 5 of the proposed Act and that the latter portion of this sub-section beginning from "and not less than" deleted.

Section 6.—That the following be substituted for sub-section (1), section 6 of the Port Trust Act, 1879:—

"Of the elective trustees five shall be elected by the members for the time being of the Bombay Chamber of Commerce and five by such body or bodies as Government shall from time to time select as best representing the interests of the Indian Mercantile Community of Bombay."

Under sub-rule (4) of Rule 35 of the Rules for the Conduct of Business, notice has been received of the following amendment to Bill No. II of 1914 (a Bill further to amend the Bombay Land Revenue Code, 1879), as amended by the Select Committee:—

From the Honourable Mr. G. K. Parekh, LL.B.—

Clause 2.—In clause 2 after the words "to the contrary" add the following "and unless the tenant has repudiated the landlord's title, in which event the tenancy terminates immediately".

Under sub-rule (4) of rule 35 of the Rules for the Conduct of Business, notice has been received of the following amendments to Bill No. II of 1914 (a Bill further to amend the Bombay Land Revenue Code, 1879), as amended by the Select Committee:—

From the Honourable Mr. Shridhar Balkrishna Upasani, B.A., LL.B.—

Clause 3.—Amend as follows:—

Paragraph 2.—Omit the portion from "Suspend" in line 10 to "which" at the end of the paragraph and substitute for it as follows:—"require the superior holder to allow the inferior holder such share in the amount suspended or remitted as the Collector may think fit".

Sub-clause (a).—Omit the whole or at least the word "double" in line 4.

Sub-clause (b).—Omit the whole or at least the word "double" in line 4.

Sub-clause (2).—Omit the whole or at least the word "double" in line 16.

If *sub-clauses (a), (b) and (2)* are retained add the following as—

(2)A.—"No order for suspension under this section shall be passed without actual inspection of the crop in the land with reference to which the suspension is to be allowed nor shall any order of remission be passed without actual individual inquiry as regards the inferior holders' means to pay the amount to be remitted."

The inspection and inquiry in cases falling under *sub-clauses (b) and (2)* shall be made by a Divisional Officer and the superior holder as also the inferior holder shall be allowed an opportunity to be present at it to represent their respective sides and they shall have a right to appeal against any order which may be passed in the matter of the suspension or remission.

Sub-clause (4).—Omit the portion from “whole” in line 9 to end of the paragraph and substitute “the inferior holder shall be entitled to recover from him double the rent collected unless he has paid the same voluntarily without any demand from the superior holder”.

Sub-clause 5.—After the word “remitted” in line 7 omit the word “or” and substitute for it “nor shall any assistance be given under sections 86 and 87 or a Civil Court Decree be executed for recovery”.

In line 15 of this clause omit “from” and substitute “in computing”.

Under sub-rule (4) of rule 35 of the Rules for the Conduct of Business, notice has been received of the following amendments to Bill No. I of 1914 (a Bill further to amend the Bombay District Municipal Act, 1901), as amended by the Select Committee:—

From the Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law.—

1. In clause 3 of new section 12 of the Bill

(i) To sub-section (1), the following words shall be added, namely:—

‘or within seven miles of the limits thereof provided that the place of his residence within seven miles of such limits is not in any other municipal district;’

(ii) (a) In sub-section (2) for the word “two” substitute the word “seven” and

(b) add at the end the words “provided that the place of his residence within seven miles of such limits is not in any other municipal district”.

(iii) In explanation 1, for the word “two” in each of the two places where it occurs substitute the word “seven”.

2. Section 186K be deleted.

Under sub-rule (4) of rule 35 of the Rules for the Conduct of Business, notice has been received of the following amendments to Bill No. I of 1914 (a Bill further to amend the Bombay District Municipal Act, 1901), as amended by the Select Committee:—

From the Honourable Dewan Bahadur K. R. Godbole.

1. *Clause 7, section 22.*—Omit the insertion of the proposed sub-section (1A) below sub-section (1) of section 22 of the said Act.

2. *Clause 32, section 186A (1) (a).*—Substitute “one hundred and fifty thousand” for “one hundred thousand”.

(b).—Substitute “two-thirds” for “one half”.

Section 186B (3).—Substitute “two-thirds” for “three-fourths”.

Section 186F (1) (a).—Substitute “Rupees fifty” for “Rupees one hundred”.

Under sub-rule (4) of Rule 35 of the Rules for the Conduct of Business, notice has been received of the following amendment to Bill No. I of 1914

(a Bill further to amend the Bombay District Municipal Act, 1901), as amended by the Select Committee :—

From the Honourable Dewan Bahadur R. R. Godhole—

Clause 32,

Section 186C (1).—Insert the words “between maximum and minimum limits prescribed by the Municipality” between the words “salary” and “as”.

Section 186J (1) (c).—Substitute “thirty” for “fifty” in the proviso attached to this sub-section.

Under sub-rule (4) of Rule 35 of the Rules for the Conduct of Business, notice has been received of the following amendments to Bill No. 1 of 1914 (a Bill further to amend the Bombay District Municipal Act, 1910), as amended by the Select Committee :—

From the Honourable Mr. B. S. Kamat—

Clause 32,

Section 186J (1) (a).—For the words “one hundred” substitute “fifty”.

Section 186J (1) (c).—For the word “fifty” substitute “thirty”.

Section 186L.—After the word “namely” add “sub-section (3) of section 65”.

Under sub-rule (4) of Rule 35 of the Rules for the Conduct of Business, notice has been received of the following amendment to Bill No. 1 of 1914 (a Bill further to amend the Bombay District Municipal Act, 1901), as amended by the Select Committee :—

From the Honourable Rao Saheb V. S. Naik—

Clause 3.—In sub-section 2 of section 12, for the words “has been paying” the words “has paid” shall be substituted.

Clause 21.—In sub-clause (2) of clause 21 of the Bill as amended by the Select Committee, the words “or Mahalkari” be added between the words “Mamlatdar” and “as the case may be”.

Under sub-rule (4) of rule 35 of the Rules for the Conduct of Business, notice has been received of the following amendments to Bill No. I of 1914 (a Bill further to amend the Bombay District Municipal Act, 1901), as amended by the Select Committee :—

From the Honourable Rao Bahadur Ramanbhai Mahipatram Nilkanth.

Clause of the Bill.	Section of the Act.	Amendments to be moved.
3	12 (i) (d)	For “(d) every juror and assessor who, for a period” substitute— “(d) every juror and assessor, who for a period” so that the sentence beginning with “who for a period” may apply to all the four clauses (a), (b), (c) and (d) of this sub-section.

Clause of the Bill.	Section of the Act.	Amendments to be moved.
5(2) ...	15 (1), proviso (vi) to clause (f).	After "purchase" add "or hire".
23 ...	91A (3) ...	After "construct" add "or reconstruct".
" ...	96 ...	After clause 23 add as under:— "23A.—To section 96 of the said Act the following paragraph shall be added:— 'The word "building" throughout this chapter means a building as defined in section 3.'
27 ...	151 ...	In the marginal note for "trades" substitute "offensive or dangerous practices".
32 ...	186G (1) ...	After "Act" add "or by rules and by-laws made under this Act and in force at the date of his appointment".
" ...	186G, proviso (d).	Omit "sub-section (4) of section 91A".
" ...	186K ...	Delete the whole section 186K.
" ...	186E (1) ...	For section 186E (1) as amended by the Select Committee, substitute the following:— "Notwithstanding anything contained in proviso (b) to section 46, no contribution for pension or leave allowance shall be payable by the Municipality in respect of the Municipal Commissioner if he is a salaried servant of Government."

Under sub-rule (4) of Rule 35 of the Rules for the Conduct of Business, notice has been received of the following amendments to Bill No. I of 1914 (a Bill further to amend the Bombay District Municipal Act, 1901), as amended by the Select Committee:—

From the Honourable Mr. G. K. Parekh, LL.B.—

1. *Clause 3.*—In clause 3, section 12 (1) (d) should stop at the word "assessor" and (b) "who for a period", etc., should commence with a new line.

In section 12 (2), in the 3rd line after the words "qualified" delete the word "to" and substitute for it the following words:—
"to be a candidate and a voter and his name shall".

Delete the last 5 lines commencing with "and he shall also", etc.

Delete explanation (1) to that clause.

Number explanation (2) as explanation (1)

2. *Clause 5.*—In clause 5, section 15, after the words "*Bombay Government Gazette*" add the words "as debarring him from re-employment".

3. *Clause 7.*—In clause 7, section 22, delete sub-clause (1) (a) that is proposed to be newly added.

4. *Clause 8.*—In clause 8, section 22A (3), line 3, substitute "three" for "seven".

5. *Clause 23.*—In clause 23, section 91A (1), delete the whole portion following the words “within the municipal district”.

In proviso (a) of the said section delete the words “or such fresh line” in the two places where they occur.

Section 91 (2), delete the words “for the time being”.

6. *Clause 28.*—In clause 28, section 160, add after the words “compensation, damages” wherever they occur, the words “cost or expenses”.

7. *Clause 29.*—For section 160A substitute the following:—
“the amount of costs and expenses as determined under section 160 shall be recoverable as an amount claimed on account of any tax recoverable under chapter VIII.

8. *Clause 32.*—In section 186A (1) substitute for “one hundred thousand”, “one hundred and fifty thousand”, and delete section 186A (1) (b).

Under sub-rule (4) of Rule 35 of the Rules for the Conduct of Business, notice has been received of the following amendments to Bill No. I of 1914 (a Bill further to amend the Bombay District Municipal Act, 1901), as amended by the Select Committee.

From the Honourable Mr. V. J. Patel, Bar.-at-Law—

Clause of the Bill as amended by the Select Committee.	Amendments to be moved.
3.	<p>After section 12, sub-section (1), clause (d), and before the words “shall be qualified as a candidate”, add the following:— “and (e) every person who for the like period has been paying the qualifying tax.”</p> <p>Delete the word “and” which appears at the end of section 12, sub-section (1), clause (d), and also delete section 12, sub-section 2 and Explanation 1, and substitute figure “1” for figure “2” in Explanation 2.</p>
7.	Delete clause 7 altogether.
8.	In new section 22A, sub-section (2), substitute the words “money or valuable consideration” for the words “any gratification whatever other than legal remuneration.”
32 and consequential clauses.	<p>Delete clause 32 and also delete the following consequential clauses:— “9, 10, 11, 12, 14, 15, 16, 18, 19, 25 and 31”. In the event of the above amendment being not carried or accepted, I propose to move the following further amendments:— At the end of new section 186A, sub-section (1), clause (b), add the following proviso:— “Provided that the Governor in Council shall select a person for such appointment from a list of at least 3 persons prepared and submitted by the municipality in such manner and within such time as the Governor in Council may, by rules, determine.”</p>

Clause of the Bill as amended by the Select Committee.	Amendments to be moved.
	<p>In new section 186B, sub-section (3), substitute the word "five-eighths" for the word "three-fourths."</p> <p>Substitute for new section 186C, sub-section (1), the following:— "A Municipal Commissioner shall receive such monthly salary as the Governor in Council shall, from time to time, determine, of which one-half shall be paid by Government and the other half by the municipality."</p> <p>If the above amendment is not carried or accepted, I propose to move the following amendment:— Substitute for section 186C, sub-section (1), the following:— "A Municipal Commissioner shall receive from the municipal fund such monthly salary as the municipality, in consultation with the Governor in Council shall, from time to time, determine."</p> <p>Substitute the following for section 186E, sub-section (1):— "Notwithstanding anything contained in proviso (b) to section 46, no contribution for pension or leave allowance shall be payable by the municipality in respect of the Municipal Commissioner, if he is a salaried servant of Government."</p> <p>In section 186 J, sub-section (1), clause (c), substitute the following proviso for the proviso now appearing:— "Provided that in respect of any punishment other than a fine not exceeding two weeks' salary his order shall be subject to an appeal to the municipality"; or in the alternative, "delete proviso to clause (c), sub-section (1), of section 186J, and add at the end of section 186L. "and (VII) Clause (c) of sub-section (1) of section 186J, where the punishment inflicted is other than a fine not exceeding two weeks' salary" and drop the word "and" at the end of section 186L (V).</p>
9.	In section 23A, sub-section (1), substitute the words "Notwithstanding anything contained in this Act" for the words "Except as in this Act otherwise expressly provided."
10.	Delete clause 10 altogether.
11.	<p>From section 26A, delete the following words:— "A Municipal Commissioner shall have the same right of being present at a meeting of the municipality and of taking part in the discussions thereat as a Councillor" and substitute the following words instead: "With the permission of the President, a Municipal Commissioner may be present at a meeting of the municipality and may take part in the discussions thereat."</p>

Under sub-rule (4) of rule 35 of the Rules for the Conduct of Business, notice has been received of the following amendments to Bill No. I of 1914 (a Bill further to amend the Bombay District Municipal Act, 1901), as amended by the Select Committee:—

From the Honourable Mr. V. J. Patel, Bar.-at-Law—

Clause 23—

(i) In sub-section (3) of section 91A, add at the end the following:—

“without permission of the municipality under section 96; provided that such permission shall not be granted when the greater portion of the building falling within the regular line of the public street has been taken down or burnt down or has fallen down.”

(ii) In section 96 (1) after the words “set-back” add the following:—

“or to construct or reconstruct a building or a part there, of falling within the regular line of the public street within the meaning of section 91A.”

Under sub-rule (4) of rule 35 of the Rules for the Conduct of Business, notice has been received of the following amendments to Bill No. I of 1914 (a Bill further to amend the Bombay District Municipal Act, 1901), as amended by the Select Committee:—

From the Honourable Rao Bahadur G. K. Sathe—

1. *Clause 3, new clause 12 (2).*—After the words “shall be qualified” the following portion should appear in place of the remaining portion of the same sub-clause:—

‘As a candidate, and to be entered in the list of voters for the said district.’

2. *Clause 7.*—This clause should be deleted.

3. *Clause 32, section 186C (1).*—After the word “salary” the following words be added in place of the portion now standing:—

‘As the Municipality shall determine subject to the approval of the Governor in Council.’

186F (1) (c) proviso.—The following proviso should be substituted for the proviso now standing:—

“Provided that every order of dismissal shall be subject to an appeal to the Municipality or to such Committee as might be appointed by the Municipality in this behalf.”

Under sub-rule (4) of Rule 35 of the Rules for the Conduct of Business, notice has been received of the following amendment to Bill No. I of 1914 (a Bill further to amend the Bombay District Municipal Act, 1901), as amended by the Select Committee:—

From the Honourable Mr. S. B. Upasani—

Clause 2—Omit.

Clause 3, sub-clause (2)—Omit the last three lines from “If he has been resident” to “thereof” as also explanation I.

Clause 4—Omit “Undivided family” in lines 3 and 4 of the last paragraph of the clause.

Clause 7—Omit.

Clause 9—Omit.

Clause 10—Omit.

Clause 14—Omit.

Clause 16—Omit.

Clause 18—Omit.

Clause 19—Omit.

Clause 21 (1)—Omit.

Clause 23—Add “to each house owner if known or occupier” between the words “thereof” and “in” in line 5 of proviso (a).

Clause 25—Omit.

Clause 31—Omit.

Clause 32—Omit chapter XIII-A and the heading.

For 186A (1) and (a) substitute the following:—

“Notwithstanding anything contained in the previous sections of this Act, the municipality in any municipal district which contains a population of not less than one hundred thousand inhabitants shall appoint a Chief Officer, a Health Officer and an Engineer, and the Chief Officer, in the case of these municipalities, shall, in addition to the powers mentioned in section 183 and those delegated to him by the municipality, exercise the powers mentioned in section 186G.”

186A (1) (b)—Omit. If retained, substitute “three-fourth” for “one-half” in line 5 of this clause.

186A (4)—Omit.

186A (5)—Omit in view of provision contained in section 177 (ii).

186B—Omit.

186C (1)—Omit.

186C (2)—For the words “Municipal Commissioner” in line 1 substitute a “Chief Officer”.

186D—Omit.

186E—Omit.

186F (1)—Omit the words “Municipal Commissioner” in lines 2 and 3 and also in line 2 of sub-clause (2) and substitute “Chief Officer” in both places.

186G—Omit first paragraph and sub-clause (1) and substitute—

“In the case of the municipalities referred to in section 186A the Chief Officer shall, in addition to the powers vested in him under section 183 and those delegated to him by the municipality, exercise the following powers, *viz.*:—”

186G (2)—Omit the following sections, *viz.*:—

65 (3), 66, 71, 90, 91, 91A, 92, 93, 99, 113, 144 and 145.

186G (2), provisos (a), (b), (c) and (d)—Omit the words “Municipal Commissioner” and substitute “Chief Officer” wherever they occur in these provisos.

186H—Omit “Municipal Commissioner” and substitute “Chief Officer” where they occur in this section.

186I—Substitute “Chief Officer” for “Municipal Commissioner” in this section.

186J—Omit “Municipal Commissioner” and substitute “Chief Officer” wherever they occur.

At the beginning of paragraph 1 add “In the case of municipalities referred to in section 186A”.

In paragraph 2 omit “one hundred” and substitute “fifty”.

186K—Omit “Municipal Commissioner” and substitute “Chief Officer” where necessary.

186L—Omit.

186M—Omit.

186N—Omit.

186O—Omit.

186P—Omit.

186Q—Omit.

*By order of His Excellency the Right
Honourable the Governor,*

J. NISSIM,
Secretary to the Legislative Council.

Bombay, 20th July 1914.

Journal of the Proceedings of the Legislative Council of the Governor of
Bombay, assembled under the provisions of the Indian Councils Acts,
1861 to 1909.

The Council met at Poona on Monday, the 27th July 1914, at 12 o'clock noon.

P R E S E N T :

His Excellency the Right Honourable Lord WILLINGDON of RATTON, G.C.I.E.,
Governor of Bombay, *presiding*.

The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S.

The Honourable Mr. WILLIAM DIDSBURY SHEPPARD, C.I.E., I. C. S.

The Honourable Mr. PRABHASHANKAR D. PATTANI, C.I.E.

The Honourable Moulvie RAFIUDDIN AHMAD, Bar.-at-Law.

The Honourable Mr. R. P. BARROW, I. C. S.

The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.

The Honourable Mr. GHULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD
BHURGRI, Bar.-at-Law.

The Honourable Mr. FAZALBHOY MEHERALLY CHINYOY.

The Honourable Mr. GEORGE SEYMOUR CURTIS, C.S.I., I. C. S.

The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (Lond.), L.M. & S.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.

The Honourable Mr. BALKRISHNA SITARAM KAMAT.

The Honourable Sardár DULABAWA RAISINGJI, Thákór of Kerwada.

The Honourable Mr. NAVROJI DORABJI KHANDALAWALA, LL.B.

The Honourable Mr. JEHANGIR H. KOTHARI.

The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.

The Honourable Sardár Sir CHINUBHAI MADHAVLAL, Bart., C.I.E.

The Honourable Mr. J. A. D. MCBAIN.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.

The Honourable Sir PHEROZESHAH MERWANJEE MEHTA, K.C.I.E., Bar.-at-Law.

The Honourable Ráo Sáheb VENKATESH SHRINIVAS NAIK.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.

The Honourable Mr. GOKULDAS KHANDAS PAREKH, LL.B.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.

The Honourable Mr. ABDUL HUSSEIN ADAMJI PEERBHOY.

The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.

The Honourable Mr. MANMOHANDAS RAMJI.

The Honourable Ráo Bahádur SHRINIVAS KONHER RODDA.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE.
 The Honourable Mr. CHIMANLAL HARILAL SETALVAD, LL.B.
 The Honourable Mr. W. H. SHARP.
 The Honourable Sir FREDERICK L. SPROTT, Kt.
 The Honourable Mr. E. G. TURNER, I. C. S.
 The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
 The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

New Members.

The following Additional Members made the prescribed oath or solemn affirmation of allegiance to His Majesty the King-Emperor and took their seats in the Council :—

The Honourable Mr. THOMAS WILLIAM BIRKETT.
 The Honourable Mr. WILLIAM LOVET GRAHAM.
 The Honourable Mr. MALCOLM ROBERT JARDINE.
 The Honourable Mr. GEORGE PRIDEAUX MILLETT.
 The Honourable Mr. EUSTACE FERRERS NICHOLSON.

Observations by His Excellency in opening the proceedings.

I think Honourable Members will agree when I say that we meet to-day under the shadow of a great sorrow, a sorrow that has fallen on the whole of India during the last few weeks, a sorrow which, I think, is perhaps more keenly felt by us in the Bombay Presidency than in other parts of India, owing to the fact that we were the last people to meet and to greet the late Lady Hardinge and to wish her God-speed on her short holiday to England and a safe return to carry on the noble work that she has been doing during the past few years by the side of her husband in this country. By the inscrutable Will of Providence Lady Hardinge has been called to her rest, and I can truly say that by her death India has lost one of her best and truest friends. To us all the loss is hard to bear, but surely it is much harder to him to whom she has always been the faithful, courageous, and unselfish helpmate during the trials and responsibilities of a long and distinguished public career. Let us to-day express our sincere and heartfelt sympathy with our Viceroy in his great grief, and let us pray that Providence will give him strength and courage to carry on all the great responsibilities of his high office.

The Honourable Sir PHEROZESHAH MERWANJI MEHTA spoke as follows :—May it please Your Excellency,—Your Excellency has spoken in feeling and touching terms of the great loss sustained by His Excellency Lord Hardinge as well as the whole country by the death of his great and noble consort. I trust Your Excellency will allow a formal resolution to be moved to enable the Council to associate themselves with Your Excellency and the people of this Presidency in the universal mourning in which the country is plunged. Under the most ordinary circumstances the death of the Viceroy's wife would evoke keen feelings of sorrowful sympathy and sincere condolence, but when the Viceroy is one whom we have learnt to appreciate, to honor, to admire and to love for his goodness and his

greatness, for his nobility of heart and soul, as we have learnt to appreciate and admire and love Lord Hardinge during the last four eventful years of stress and strain, and when his noble consort whom he has lost, was a great and good lady like Lady Hardinge who loved the people of India and worked for them with untiring and beneficent energy, it can well be imagined how deeply our hearts are moved beyond the power of expression and description at so terrible an affection. That most pagan of English poets has bitterly moaned over "the mystery of the cruelty of things". Lord Hardinge's touching and tender message to the people of India shows with what supreme and noble resignation he has bowed to this heavy stroke of fate like the great Christian gentleman that he is. Gentlemen, it is said that the wives of Viceroys and Governors can do valuable social work which is of great help to their husbands in their higher administrative functions. I venture to say that when they make the people of this country feel that they love them and work for them out of that feeling of love, they do the most invaluable political service by promoting and strengthening the ties of loyalty to the Crown as few things could do. We respectfully join Your Excellency in the prayer that the strength and courage which have so conspicuously marked Lord Hardinge's character, may be vouchsafed to His Excellency in a fuller measure to bear up under the burden of his heavy loss and grievous bereavement. I now beg to move :—

That this Council wishes to place on record its profound sorrow at the lamented death of Lady Hardinge and to express to His Excellency the Viceroy its deep sympathy in his bereavement.

The Honourable Sir IBRAHIM RAHIMTOOLA spoke as follows :—Your Excellency, in seconding the Resolution which has been placed before the Council by the Honourable Sir PHEROZESHAH MEHTA, I wish to associate myself with all that has fallen from Your Excellency and the Honourable Mover. The touching words in which Your Excellency and the Honourable Sir PHEROZESHAH have given expression to the sentiments of this Council and of this Presidency, do not require supplementing. To those of us who were present at the last public performance of Lady Hardinge in Delhi when she made that memorable speech in laying the foundation stone of the Women's Medical College, those, as I have said, who heard that speech cannot but be greatly impressed with the sincerity and the earnestness with which Her Excellency had devoted, and intended to devote, her great abilities to the promotion of the best interests of Indian Women. Your Excellency, this is not the time when much need be said in regard to the irreparable loss that the country has sustained, but it requires certainly to be stated that the whole country has sincerely mourned the heavy loss that His Excellency the Viceroy has sustained, and the feeling of universal sympathy spontaneously extended towards His Excellency the Viceroy is such that it may have the effect, let us hope, of assuaging, in a small degree, the great grief which His Excellency must feel at his irreparable loss.

With these few words, I wish to second the Resolution.

The Honourable Mr. MANMOHANDAS RAMJI spoke as follows :—May it please Your Excellency, it is my painful and sad duty to support the proposal put forward by my Honourable friend Sir PHEROZESHAH MEHTA. The news of the death of Her Excellency Lady Hardinge was received with a shock by people of this Presidency

among whom, as among all the people of the other Presidencies she was loved, respected and admired for her nobility of heart, and love for the suffering humanity. Above all to a Hindu she was the embodiment of the highest qualities of womanhood showing wifely and motherly qualities at their highest. It is all these which explain the almost unique manifestation of grief throughout the country and an universal demand for raising a memorial to the cherished memory of one who, in the noble words of His Excellency Lord Hardinge, was a true and sincere friend of India. In the great bereavement of His Excellency it will be some consolation to him to feel that the whole of India mourns with him.

His Excellency the PRESIDENT :—Honourable Members have heard the Resolution seconded and supported. I think perhaps the most suitable way of showing our approval of that motion is by rising in our seats.

(All the members then rose in their seats.)

His Excellency the PRESIDENT :—I declare the motion carried.

His Excellency the PRESIDENT :—Presentation of the Budget of the Government of Bombay for the year 1914-15 and discussion thereon. The Honourable Sir RICHARD LAMB.

In presenting the Budget of the Government of Bombay for the year 1914-15, the Honourable Sir RICHARD A. LAMB spoke as follows:—Your Excellency, the Budget has been accepted finally by the Government of India without any modification. It is therefore not necessary for me to make many remarks on the Budget which was fully discussed at the March meeting when the Budget was in the form of the Revised Financial Statement. I should wish only at this stage to thank the members of the outgoing Finance Committee for the assistance which they gave Government in framing this Budget. I think, so far as I am aware, that the Budget has been well received in the Presidency, and in particular, I was glad to notice that the abolition of tolls on Provincial Roads was accepted everywhere with satisfaction. I think the only criticism which I saw made was a regret that it was not accompanied by the abolition of tolls on District Local Board Roads. It is of course not possible for the Provincial Government to abolish the tolls on District Local Board Roads without the consent of the District Local Boards, and it is not probable that the District Local Boards would agree to abolish the tolls because they are not, most of them, in a sufficiently strong financial position to do without the revenue which these tolls bring in. However, I am now making enquiries whether the Boards would be willing to abolish their tolls on Government undertaking to make them annually, in perpetuity, a grant equal to the revenue which they have derived from tolls, either the average of their revenue for the past few years or the revenue arrived at in the last preceding year and whether the Boards would accept this from Government and abolish their tolls. If the Boards reply favourably, it will be then for myself and the members of the new Finance Committee to consider what, if any, provision we can make next year to get rid of the tolls on District Local Board Roads.

The Budget, as presented, gives the latest information about the distribution of the Public Works grant under the head "Original Works" and gives a good deal of detail.

as to the works which cost Rupees ten thousand or over. The total distribution of the 41 lakhs and a half for Original Works carries about 7 lakhs 73 thousand to Administration, 1 lakh and 37 thousand to Educational Works, 4 lakhs 63 thousand to Law and Justice, a lakh and 63 thousand to Jails, 6 lakhs and 59 thousand to Police, 3 lakhs and 25 thousand to Medical, 2 lakhs and 1 thousand to Miscellaneous Works, 10 lakhs and 95 thousand to Communications, 3 lakhs and 30 thousand to Miscellaneous Public Improvements. 10 lakhs and 95 thousand to Communications may perhaps appear somewhat large in comparison with the figures given to other main divisions under the Public Works grant, but it has to be remembered that we are still spending the special grant made to us for the purpose of Communications by the Government of India.

The Accountant General's Three-monthly Estimates have been received, and they indicate that, as far as the first three months of this year have gone, it seems probable that our revenue may be 1 lakh 69 thousand less than is entered in the Budget, due partly to further adjustments between Provincial and Imperial and partly to more Land Revenue having been collected in the last month of last year than was anticipated and consequently less remaining to be collected during the current year. The Accountant General's anticipations show that in expenditure we may fall short of what has been entered in the Budget by 2 lakhs and 92 thousand, the net result being that the balance at the end would improve by 1 lakh and 30 thousand. The decrease now estimated in the income being 1 lakh 69 thousand, and the decrease in expenditure being 2 lakhs 92 thousand, the result is a lakh and 30 thousand for the better.

So far as the monsoon has yet gone, the prospects in the Presidency are distinctly favourable. There has been quite sufficient rain, in fact more than sufficient rain in some districts of Gujarát. In the Konkan, Khándesh and the greater part of the Deccan, the rainfall has been entirely satisfactory. Even in the dry belt, as it may be called, the dry belt consisting of the eastern talukas of Poona, the western talukas of Sholápur, the eastern talukas of Sátára, the north of Bijápur, and the south of Ahmednagar, the monsoon has now penetrated and reports are being received that sufficient rain—sufficient at any rate for the present—has fallen. The consequence is that the prospects of crops are at present good, and we may anticipate, so far as we can foresee now, that our revenue as estimated in the Budget will be secured, and that we may look forward, barring the failure of the late rains, to a prosperous year.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE read the following speech:—Your Excellency,—I wish to offer a few remarks with reference to the Budget for the current year that has been presented to the Council by our Finance Member.

The budgetted Provincial Revenue is Rs. 7 crores and 59 lakhs and the expenditure is Rs. 8 crores and 23 lakhs, showing a deficit of Rs. 64 lakhs which is made up from the opening balance of the year. The main heads of Revenue are Land Revenue which yields Rs. 3 crores and 35 lakhs and Excise which yields Rs. 2 crores and 27 lakhs. These items of Revenue and other minor items also are made up of taxes paid mainly by the rayats and by the labouring classes of the Presidency. Let us see what Government are doing for these contributaries in return for these payments.

Going over the items of budgetted expenditure, we find that the only expenditure that will directly benefit the cultivators and labouring classes in the Presidency is the expenditure on roads and communications, on irrigation works and on primary education. The Budget provision for provincial expenditure on roads and communications and on irrigation works including establishment charge amounts to Rs. 80 lakhs in round numbers, and the grants for primary education provided in the Budget including direction charges, amount approximately to Rs. 37 lakhs. The budgetted expenditure that will directly benefit the rayat and the labouring classes will thus amount to Rs. 1 crore and 17 lakhs. This amount is very small, considering that the principal contributaries to our income are these poor rayats and labouring classes. As regards primary education and roads, it has to be borne in mind moreover, that the rayat and the labouring man is doing a great deal for himself for starting and maintaining primary schools and for constructing and maintaining local roads by paying local cesses and municipal taxes. The revenue from local and municipal taxation is however quite inadequate to meet actual wants, and I hope that it will be found feasible to give larger grants for primary education and for roads, communications and irrigation works in future years, from Provincial Funds. Then there is the question of technical education. The budgetted expenditure under this head is, I find, about Rs. 4 lakhs 80 thousand only including direction charges. I include under this head the expenditure on the College of Engineering, College of Commerce, Industrial schools, Technical Institutions, School of Art, etc. This expenditure is quite inadequate. We want technical education very badly in this Presidency. There should be a well equipped industrial and technical school in every district in the Presidency, and the sooner this desideratum is supplied the better will it be for the Presidency. I am aware that this question is already receiving consideration at the hands of Government. The subject is so important, however, that the Council would like to know what is being done in the matter.

I am pressing for additional grants for primary and technical education and for communications and irrigation works. The question naturally arises as to where these additional funds are to come from. I would recommend, Sir, that the heavy establishment charges in all departments that we are providing be closely scrutinized, and all feasible reductions be made in them. Some funds ought to be forthcoming from these retrenchments. I am aware, Sir, that native organisers of industry in India are charged with being too niggardly in the matter of payments to their establishments. I admit that this is true to a certain extent. But on the other hand there is such a thing as being extravagant in the matter of establishments, and paying your servants on too liberal a scale. What I wish for is, that the Provincial establishment charges in this Presidency should be kept at the lowest figure, consistent with efficiency.

Passing from generals to particulars, I wish to draw the attention of the Council to a few entries in the Budget which I consider to be open to question. In the educational portion of the Budget you will find at page 147 a grant of Rs. 24,966 to the Rajkumar College and a grant of Rs. 13,300 for the education of Junior Talpurs. I submit, Sir, that the Provincial Revenues should not bear these charges. The Princes and Noblemen for whose benefit these charges are proposed to be incurred, should be asked to bear all expenditure connected with schools and colleges specially maintained

for their sons and relations. Education in the ordinary schools and colleges is open to everyone, but if any privileged classes want special schools exclusively for themselves, they must pay for them.

There are some items in the Civil Works Budget also, to which I wish to draw the attention of this Council. The first of these is the provision for accommodation and bungalows for Government Officers. I find that the Budget provides Rs. 3,10,900 for this purpose. Of this, Rs. 43,800 are for bungalows for resident Medical, Educational, Jail and Ábkári officers which is a necessary expenditure, but the balance of Rs. 2,67,100 is proposed to be spent on constructing and purchasing bungalows for District Officers at stations like Poona, Ahmednagar, Surat, Belgaum, Karáchi, Sholápur, Dhúlia and Bijápur. This provision is not necessary, and is, I think, an interference with private enterprise. The Collector and District Judge at Násik are, I think, satisfactorily housed in private bungalows for which they pay rents to private landlords, and I do not see why at other large stations also, private landlords should not be left to construct bungalows for officers which will be available at rents regulated on commercial lines. Public funds should not, I think, be diverted to providing accommodation for officers in places like Poona, Ahmednagar, Belgaum, Surat, Sholápur and Karáchi where there are a large number of good and reasonable landlords and capitalists anxious to get a decent return on their money invested in landed property. The Civil Works Budget also provides under "Miscellaneous Public Improvements", two items which I do not think are debitable to Provincial Revenues. One is the provision of Rs. 2,50,000 for Kennedy Sea Face Improvement, and the other is the provision of Rs. 20,000 for tank at Visapur. The improvement of the Kennedy Sea Face is a local work of the Presidency Town, and its cost should be borne by the local residents of Bombay from Municipal and other local funds and not by the poor tax-payers of the mofussil. Similarly the tank at Visapur in the Ahmednagar District is an irrigation work, and not a work of "Miscellaneous Public Improvement," and its cost ought to be debited to the head of "Irrigation" and not to the Provincial Funds.

The remarks that I have made hitherto are with regard to items which are more or less of an unsatisfactory character. I now wish to call attention to a highly beneficial step that Government have taken during the current year, and that is the entire removal of tolls on all Provincial Roads in the Presidency. This beneficent measure is calculated to benefit the cultivators and to stimulate the small industries and trade of mofussil areas.

These are the remarks that I wish to place before the Council in connection with the current year's Budget, and I hope that the points noted will receive due consideration in the preparation of the future Budgets of this Presidency.

The Honourable Ráo Sáheb SHRINIWAS VENKATESH NAIK read the following speech:—May it please Your Excellency,—It is indeed a matter for mutual delight and congratulation that a review of the finances of our Presidency for the last five years goes to indicate a very satisfactory and steady progress all round. The Provincial revenue for the year 1908-1909 was 587 lákhs, and in 1909-1910 it rose to 630 lákhs, showing an increase of more than 7 per cent. This was followed by a further increase in 1910-1911 of 85 lákhs, or more than 13 per cent. over the figures for the previous year, and in

1911-1912 by a fall of 8 lakhs or a little over 1 per cent. probably due to bad seasons, and again in 1912-13, by an increase of 87 lakhs, or a little over 12 per cent. over the figures for the previous year, and in 1913-1914 that has just closed, they show a second fall, as per revised figures, of 25 lakhs or a little over 3 per cent.; or as compared with the revenue in 1908-1909 the increase is 182 lakhs or more than 31 per cent. over the figures five years before. The expenditure also on the other hand shows almost a steady increase. In 1908-1909 it was 614 lakhs, in 1909-1910 it rose to 623 lakhs and in 1910-1911 to 640 lakhs and in 1911-12 to 762 lakhs. But in 1912-1913 it fell to 724 lakhs only a little over 4 per cent. and in 1913-1914 it again rose to 768 lakhs, or as compared with the expenditure in 1908-1909 it shows an increase of more than 154 lakhs or more than 25 per cent. of what we used to provide five years before. Thus the receipts after providing for increasing expenditure under almost all main heads year in and year out, leave us at the beginning of this year an abnormally large balance of more than 182 lakhs or nearly 90 per cent. more than what we had 6 years before. This has greatly contributed to the successful framing of the prosperity budget for the current year now presented by the Honourable Finance Member, I mean the Honourable Sir RICHARD LAMB. So far, the results achieved during the past 5 years seem splendid, and we have every reason, therefore, to congratulate ourselves and to thank the Honourable Finance Member for his able, successful and economical management of the finances. The budget, a fore-cast as it is, seems a document carefully prepared with reference to the present financial situation, and the probable receipts and requirements of the future as explained in detail in the budget, and further elucidated by the Honourable Finance Member in his summary of the whole transaction we have just heard. The budget, while it forecasts receipts to the extent of nearly 759 lakhs, provides for a lesser closing balance than in the last year with largely increased expenditure aggregating to more than 823 lakhs, or 54 lakhs in excess over the figures of the last year—a very liberal provision for which also this Council's hearty thanks are due to Your Excellency and all the Honourable Members of the Government concerned.

With Your Excellency's permission I shall now proceed to make a few general observations with reference to certain major heads of revenue and expenditure, by way of suggesting for the consideration and orders of Government, what I consider to be important reforms or improvements in the interests of efficiency of administration, and of the welfare of the public. The people of the Presidency gratefully acknowledge the fact that last year Your Lordship's Government was liberal in the grant of suspensions and remissions. 15 lakhs and 59 thousand rupees have been remitted and 30 lakhs and 50 thousand rupees have been suspended. In spite of these remissions granted year after year the figures under suspensions and arrears for this year amount to 50 lakhs and 6 thousand rupees, or nearly an eighth of the whole land revenue demand. Notwithstanding an average yearly remission for the last 5 years of about 22 and a half lakhs of rupees the land revenue has remained more than 1/3 in 1909-1910, 1/5 in 1910-1911, 1/7 in 1911-1912, 1/5 in 1912-1913 and 1913-1914, of its demand uncollected. This necessarily points to the fact that either the State demand is heavy or the seasons are not plentiful enough for the ryots to bear the burden of the present land revenue taxation. Your Excellency is rightly esteemed as one of the greatest sympathisers with the farmers and it would be in the fitness of things if Your Excellency would signalize

your term of office as the Governor of this Presidency, by making it possible for the peasant population to realise to some degree at least, their long cherished aspirations in this direction, by taking such steps as would lead to reduce the pressure of State demand upon land.

Government are aware that the land revenue is the biggest item representing one-half of the total receipts of the province and is derived wholly from agriculture, which may be said to be the back-bone of the country's welfare. It is therefore of utmost importance to promote the growth of agriculture in all possible ways. I must express the sincere gratitude of the agriculturists of my taluka for the splendid results achieved by the steam-plough, in removing the deep-rooted weeds at comparatively small cost. The work done by the steam-plough has been found to be better than by hand digging though a few blades of grass buried in the loose soil at the time of ploughing operations are seen to come up here and there in the ploughed area, and patches of land have been left along the headlands and odd corners of the fields. But such blades of weeds found to have sprung in ploughed area, can easily be removed by hand digging at a small extra cost. Even in the case of most carefully hand-dug fields blades of grass are generally found here and there to spring during the next two or three years and it is usually removed by extra payment or out of the payment made to the diggers in the first instance, according to the terms of their contract, and portions of land left unploughed along the headlands and odd corners are in most cases unavoidable on account of the heavy nature of the machinery and the impossibility of making the plough reach all the corners. Such unploughed patches are excluded at the time of calculating rent. But for the introduction of steam-plough in my taluka I do not think that the 750 acres of land would have been cleared last year, though the agriculturists had money or Government were ready to advance Tagai, on account of the scarcity of labour. Out of about 16,000 Rupees of rent for ploughing lands with steam-plough last year, about 14,000 rupees have been advanced by Government as Tagai to cultivators, on whose behalf I must express their sincere thanks. I hope that Government will continue their policy of granting Tagai for this steam-plough work. We are delightfully watching the difference in the crops in the ploughed lands as compared with the crops with local tillage.

Government may also be pleased to consider the necessity of providing in every village of our Presidency with sufficient pasture facilities, where they do not exist, and of allowing *bona fide* agriculturists free grazing of their cattle in the Government forests during Summer and in seasons of drought, in the interests of protecting and promoting the growth of livestock, as they are the mainstay of agriculture which is the chief industry followed in our country and none the less the chief source of public revenue.

The other thing that attracts my attention is the well boring operations. In this connection I must congratulate the agricultural department for introducing Mr. Musto's boring machine, which I am told is doing some good work in Gujarat. If more borings are put in and the branch concerned is employed more largely at work, it will be better for the agriculturists in the way of giving water to the cattle in hot seasons as well as for irrigation.

Government were pleased to reply last year to my interpellation that they would consider the desirability of establishing a new seed farm in the Karnatic. The necessity of a seed farm is being felt day by day as the supply of pure seed is not easily available. I therefore submit that Government will consider the necessity of a seed farm for the large cotton tracts of the Karnatic, at an early date.

I do not wish to encroach upon the domain of my Honourable friend Dewán Bahádur K. R. GODBOLE by referring to the irrigational matters, in which he has earned a name in this Council as being an expert. However it would not be out of place if I should try to impress upon Government the fact that Government may be pleased to take into consideration the necessity of constructing more irrigational works and the urgent major repairs to the numerous existing ones, on the due maintenance of which is dependent a major portion of the wet revenue and the welfare, especially of the poor amongst the agricultural population. Looking into the Budget figures of this year on irrigation, it is found that the expenditure overlaps the receipts by a little over 13 lákhs, and the provision for the new original works is a little over 18 per cent. of the income. While I am glad to express the gratitude of the public for this provision for new works I am rather obliged to draw the attention of Government to the necessity of making more provision for these works as because the prosperity of the ryot depends greatly upon the improvements to these irrigational works. The provision of a lách of rupees for the construction of a few reservoirs in streams with a view of raising sub-soil water in the drier tracts of the Deccan plateau as recommended by the Finance Committee is a commendable step, and I hope that the people living in the area where these works are to be carried will appreciate and reap the benefits of this wise step. I believe these are new works and Government will be pleased to announce to the public through press note the results as well as the extent to which the relief will be afforded by these works.

Provision of 49 lákhs and 5 thousand rupees on the head medical, shows that Government have been doing so much to improve the medical aid and sanitary improvements in the Presidency, and the people of the country are very grateful to them. They are further grateful to Your Excellency's Government for the provision of Rs. 30,000 this year also for opening of new dispensaries. The number of medical institutions in this Presidency as per report of the Surgeon-General for 1912 is 715, that is one institution for every 38,000 souls. Your Excellency is aware that in this presidency the number of persons living in the villages with a population of less than 2,000 in each, is more than two-thirds of the presidency. Out of these 715 hospitals and dispensaries, I believe that very few or practically none are situated in villages with a population of less than 2,000 and thus two-thirds of the population is practically without any medical aid. This being the state of things I suggest that out of the Rs. 30,000 provided for opening new dispensaries a considerable amount, if not rateable amount upon the population, will be utilised in opening new dispensaries at convenient centres or touring medical officers may be appointed for groups of villages so as to be of use to rural population. One more suggestion I made last year in respect to dispensaries, which I beg leave to repeat today, is the necessity of providing the dispensaries with qualified midwives. I need not dwell here upon the urgent necessity of medical treatment to women at the time of labour and afterwards, particularly in rural areas. The danger of quack women

now carrying on profession as midwives and the grievous amount of unavoidable suffering to which women of all communities are subjected to are very great. In this connection I suggest to Your Excellency that a special grant might be given to Local Bodies who mostly finance these institutions for entertaining trained midwives.

The liberal grants given by Government for the sanitary improvements and of towns and rural areas earn for Government the abiding gratitude of the public. In spite of all this expenditure the sanitary condition of this presidency is not very encouraging. In 1912 as per report of the Sanitary Commissioner, deaths from causes other than plague and cholera rose by more than 30 per cent. over those in 1911.

Provision of 110 lakhs or more than 14½ per cent. of the Provincial revenue on education this year undoubtedly shows the great interest which Your Excellency's Government have towards the welfare of the people committed to Your Excellency's care. During the year 1913 there has been an increase of 600 schools in this presidency. Though the expenditure on education has been increasing year after year, only a third of the villages of the British districts of this presidency have schools. With the Imperial and Provincial grants I hope that the Honourable Director of Public Instruction will be able to carry the torch light of education to the inner regions of the rural parts with a view to dispel the darkness of ignorance in which a large portion of our peasant and artisan population is steeped. My friend the Honourable Mr. SHARP promised last year that he would consider the advisability of providing the hostels that have recently been built and opened with independent superintendents, and my object in asking for these independent superintendents is twofold, viz., the school masters after their heavy teaching task for four or five hours in the schools will have very little time and energy to look to the different needs, discipline and arrangements in the hostels, and secondly the school children will have some kind of reserve with their teachers and cannot therefore open freely their feelings to them. All that we want as a superintendent is one who would mix with the school children freely and create in them a feeling that he is one of their household members and this cannot be achieved unless a full-time independent superintendent quite disconnected with the duties of the school master is entertained.

The congestion of work in the sub-judicial courts and their unfavourable situation urgently requires readjustment of the jurisdiction of these courts. There are a number of instances of more than one permanent court at one and the same place. The jurisdiction of many of these courts is too extensive and consequently inconvenient to the parties. In some cases they require a full week to attend to the Court for a day and return to their places in spite of railway communications. Looking to the duration of suits in these sub-courts, though there has been a considerable improvement during 1912, the state of affairs is far from satisfactory. The contested and uncontested suits remain pending for nearly eight and a half and four months respectively. I am aware of the probable reply that the delay is due to the non-attendance of the parties and non-service of process. In the mofussil courts the parties are mostly agriculturists and the chief reason of their non-attendance to the courts is the inconvenience to which they will be put to by their requiring to be absent from their places for a number of days and particularly in agricultural working season. I submit therefore that the Government will be pleased to inquire and readjust the jurisdiction of these courts so as to have at least one court for every two talukas.

The recent action of Government in abolishing the toddy distilleries in Ratnágiri district has thrown a great number of people out of their avocation and these people with their dependants have been deprived of their means of livelihood. By abolishing this industry Government are forcing upon the people against their taste Mhowra spirit which they greatly abhor. As people of the district are accustomed to toddy spirits alone for many generations, this action of Government will have the effect of diverting the demand to illicit distillation. Unless Government are backed by strong reasons to take this step I fear that they are doing injustice by violently forcing the taste of the people into different channels and stopping one of the important industries of the people of the district.

It is a very gratifying thing to see that tolls on all provincial roads have been abolished and consequently the burden of tax upon the travelling public and the transit of goods is greatly lightened. The country's grateful recognition is due to Government for this benevolent action. I must not forget this year to express the gratitude of the public of Dhárwár and Belgaum districts for bridges near Sangur and Mugatkhanhubli provided in the last and this year's budget. The causeway near Sangur in Hangal taluka is almost complete and both these works remove the great inconvenience felt by the travelling public.

The Honourable Mr. MANMOHANDAS RAMJI spoke as follows :—May it please Your Excellency,—I must sincerely congratulate the Government on the increase which is manifested in the expenditure on education and medical establishments. The expenditure for the former was Rs. 18,07,000 in 1899-1900, it rose up to Rs. 41,15,000 in 1905-06 and was Rs. 48,73,000 in 1911-12. It has now gone up to Rs. 1,02,76,000 as estimated for 1914-15. This is a satisfactory increase indeed. The expenditure on the medical establishment was Rs. 29,53,000 in 1899-1900 and Rs. 25,29,000 in 1905-06, Rs. 24,36,000 in 1911-12. This has now gone up to Rs. 49,05,000 as estimated for 1914-15. I hope, I shall not be put down as a pessimist if I observe that there is still a vast scope for an increase in the expenditure in both these Departments. The population of this Presidency is 2,70,00,000 and so the average expenditure on education per head is about 6 annas, while that for medical establishment is even less, *i. e.*, about 2 annas which means hardly the cost of a prescription, for one man. These averages per head of the population for education are far less than those for other countries. England spends on education in general 6s., France 5s. 4d., Germany 4s., Australia 2s. and so on. My Lord, we all deeply appreciate the forward march the Government is taking in the matter of education and sanitation, as evidenced by the Resolutions issued by the Government of India on the subjects. But I may be allowed to point out the high percentage of expenditure for public works, relatively to their importance, in contrast with the expenditure for Education and Medical Establishments. Thus the expenditure for Public Works was Rs. 38,99,000 in 1899-1900, it went up to Rs. 74,43,000 in 1905-06, it was Rs. 76,34,000 in 1911-12 and is now estimated at Rs. 1,06,50,000 for 1914-15. It will not also be amiss to observe, as pointed out before, that as judged by the standard of other countries the expenditure of this Presidency is extremely small for education. I need not dilate on the action and interaction of education and sanitation and their general relation to the progress of the country as a whole. I hope, Your Lordship's Government, with your usual sympathy with progress, will in future still further increase the expenditure on both these Departments.

The Honourable Dr. D. A. D'MONTE read the following speech :—Your Excellency,— I desire at the outset to express my cordial congratulations to the Honourable Sir RICHARD LAMB on the exceedingly lucid and satisfactory financial statement which he has presented to the Council. It is evident that the Presidency is progressing rapidly in all matters affecting the well-being of the people. The expenditure on education has increased from a little over 41 lakhs of rupees in 1908-09 to over 76½ lakhs in the last Revenue year. The amount budgetted under this important head for the current year is well over a crore of rupees. This is a large and striking increase, and every one who has at heart the permanent interests of the Presidency will rejoice that the educational needs of the community are receiving the liberal support of the Imperial as well as of the Provincial Governments.

I should have been greatly pleased to see some provision made in the Budget for the medical inspection of school children for which the Honourable the Director of Public Instruction, if I remember rightly, was understood to have prepared a scheme. I do not find any entry either under educational or medical, which may be considered as relating to this important measure of educational no less than sanitary progress, but I may be mistaken. The Council, I am sure, will be glad to be told where this question stands at present.

The expenditure under the head "Medical" has risen from 25½ lakhs in 1908-09 to nearly 30 lakhs last year. The Budget for the current year provides a sum of over 49 lakhs under this head. I should like to make a suggestion here for the consideration of the Honourable the Revenue Member. In 1912-13 as well as last year, the expenditure under "Medical" fell short of the Budget provision, and one of the reasons assigned for it, is the transfer of part of the grants to other heads, chiefly, Civil Works. As a layman, I find it rather difficult to understand why a certain sum of money should be placed against the head "Medical" in the Budget, only to be transferred to Civil Works or some other head in the revised estimates and the Accounts. If the works were primarily designed to meet sanitary or medical requirements, I think they ought to be shown under Medical, so that the public may find out easily what the actual expenditure on this head amounts to. At any rate, this should be indicated in some part of the financial statement, as the lay public cannot be expected to hunt out the details from under a number of heads. While on this point, I would like to call the attention of Your Excellency to the criticism passed by a distinguished Sanitary Officer of the Madras Government, Colonel King, in a public lecture which he recently delivered in London, on the practice of lumping together the expenditure on sanitary projects which have for their object the prevention of disease, with that on medical projects which concern the cure of disease. Special attention should be paid to sanitation which is, in a sense, of distinct branch of the science of health, and this will be facilitated if the expenditure on it be shown separately.

I have gone through the lengthy list of the new items of expenditure provided under the head of "Medical" with great interest. I welcome with pleasure Government's explicit declaration of their policy of helping the spread of the benefits of medical relief on modern lines throughout the Presidency. The provision of a grant of Rs. 30,000 for opening new dispensaries, is by no means excessive, considering that there

are large tracts of country where there are practically no facilities for obtaining medical relief of a modern and scientific kind. As one of the visitors to the Leper Asylum at Matunga, I am gratified at the increased grant in the Budget to this and other Leper Asylums in this Presidency.

The new grants made to improve the equipment and staff of Lunatic Asylums, are evidence of the deeply humanitarian sentiments which actuate Your Excellency's Government. The entertainment of assistant surgeons for duty in the case of emergencies such as outbreaks of Cholera, Plague and Malaria is a wise measure of precaution. I notice an increase in the grant in aid of nursing at St. George's Hospital, and it is explained that the increase is partly on account of services that may be rendered to the Hospital by the private nursing staff. I should like to know in this connection whether the scheme of a nursing home attached to this Hospital has been brought into operation, and, if not, when it is going to be. The need of such a Home is much felt by the Indian communities, and I am sure they will be thankful to Government if such an institution be also attached to the J. J. Hospital. There are several items bearing on the improvement of the staff and equipment of the Grant Medical College. This Hospital is the centre of higher medical education in this Presidency, and everything done to improve its efficiency is calculated to raise the standard of the medical profession, and consequently, of the health of the people. The decision to abolish the present office of the Principal of the College and to appoint in this place one of the three full-time professors of Physiology, Pathology and Anatomy, as Dean of the College, will commend itself to all who have the good of the institution at heart. I am sure that, in making the appointment, Government will fully realize the necessity of ensuring the harmonious co-operation of the entire staff with due regard to the claims of senior men. The proposed infectious diseases hospital for Europeans has been a long-felt want in Bombay, and it is gratifying to think it is likely to be supplied during Your Excellency's regime. We are all indebted to Mr. Narottam Morarjee Gokuldas who has by his generous gift of a valuable Bungalow in Mahableshwar, accelerated the establishment of a general Hospital in that hill station for which a grant is made in the Budget. The subventions to local bodies in connection with the employment of Health Officers and Sanitary Inspectors, is a very judicious form of helping these local bodies, and I am only sorry that more municipalities have not availed themselves of this generous provision. I trust that Government will bring to bear their advisory influence on such bodies, and that ere long we will have every municipality provided with a Health Officer. Before I conclude my remarks on the medical proposals, I may be permitted to say, from my experience as a Medical man, that the scheme which Her Excellency Lady Willingdon has put forward for training the indigenous *dhais* is calculated to operate as a boon and a blessing to thousands of women who are either too poor or too ignorant to resort to trained midwives.

Speaking of the provision of medical relief to the women of India, I cannot help referring to the sad and sudden death of Lady Hardinge who was deeply interested in it, and who by instituting women's medical service and by formulating the great scheme of Women's College at Delhi

His Excellency the PRESIDENT:—I really cannot allow the Honourable Member to go into a dissertation. He must keep himself to the matters connected with the Budget.

The Honourable Dr. D. A. D'MONTE continuing :—The increase in excise revenue during the last three years has, I am glad to say, not been unduly large. I should like to express the gratitude of the public to Your Excellency's Government for the vigilant measures recently adopted to check excessive consumption. The working of the Advisory Committees has perhaps not been in some instances satisfactory. In one instance of which I am personally cognisant, a liquor-shop which had been reported upon by the District Superintendent of Police as being responsible for disorder in the locality, was reinstated after having been unanimously recommended by the Advisory Committee only a few months previously for abolition. I refer to the liquor-shop at Danda in Bándra. The Bándra Advisory Committee acted, no doubt, in recanting its first resolution, on the opinion expressed by the Commissioner of the Division, and it seems to me with all deference to the Divisional authority that in a matter of this kind the local Advisory Committees should be allowed absolute discretion. The Press Note issued by Your Excellency's Government declaring that it is the desire of Government to encourage the consumption of toddy as being to some extent nutritious, has been welcomed by the public, but it is felt generally that the present duty per tree from which toddy is tapped is too high to secure the full benefit of Government's policy to the people. A petition has been sent to the Commissioner of Customs by the licensees of toddy-shops and tree-foot booths of the Salsette taluka pointing out that the selling price now fixed for toddy in this Taluka is lower, while the tree duty is higher, than in some other districts, and that therefore it may be abolished or may be increased. From a rough calculation which I have made, I find that the licensees are under a strong temptation to secretly break the condition against adulteration in their licenses, owing to the low price fixed.

I trust that this point will receive the favourable consideration of the authorities.

The Honourable Mr. FAZULBHOY MEHERALLY CHINYOY spoke as follows :—Your Excellency,—The discussion on the Financial Statement must at this stage necessarily be academic. The fact that there was not one financial resolution on the agenda at the March sessions of the Council clearly shows that the Revised Financial Statement is on the whole regarded as satisfactory. On account of the favourable season the revenue during the year has exceeded the estimates, with the result that instead of a balance of Rs. 116 lakhs there is a surplus of Rs. 182 lakhs. The Budget altogether reflects prosperity and progress and the stability of our resources. The growth of our provincial revenue has indeed been encouraging. The year has also been marked by healthy activities. We see signs of life on all hands, as a result of the example of personal service set by Your Excellency. The work of the ameliorative agencies has been pushed forward, and the two great needs of the Presidency, education and sanitation, have received special attention. The dominant feature of the year is that it is a spending year and there are no less than 25 heads in the Budget showing in what directions special activity is practised. I welcome the provision for the enlistment of a highly qualified Registrar of Joint Stock Companies, which was rendered necessary by the enactment of the Indian Companies Act. On the head of Excise, our Finance Member commends the policy of enhancing the duties on country spirits and he points out that the increase of revenue from country spirit was accompanied by a marked and tangible decrease in the consumption of spirit. This is very encouraging indeed but I think that care should

be taken that cheap and deleterious foreign spirits and liquors are not encouraged at the cost of country liquor. My Lord, the subject which has called for special attention during the year is the improvement of prison conditions with a view to modernise the jail system as far as possible and to bring it up to modern requirements. The welcome provision of Rs. 20,000 in aid of the Salvation Army Scheme for the reclamation of prisoners, and the formation of the Prisoners' Aid Society for the reclamation of ex-prisoners and to provide means of finding employment for them, which is largely due to Your Excellency's initiative, are evidence of Your Excellency's Government's desire to bring the Jail Administration of this Presidency up to date. I find that there is an increase in the revenue chiefly under earnings of convict gangs and sale proceeds of jail made goods. I think this increase could not be better spent than on the improvement of the condition of convicts and finding employment for them after their release from jail.

Under 'Law and Justice' I find a saving on account of the non-utilisation of the provision for an additional High Court Judge and his establishment. I understand that the provision for an additional Judge was made on the recommendation of the Chief Justice owing to the accumulation of work and that it was sanctioned by the Government of India. My Lord, I do not ask for any special favour for my community, which must be content to rest on its own ability and fitness; but if these qualifications are found in my co-religionists, I hope I may not be deemed guilty of impropriety, or asking any special favour when I plead that when any vacancy occurs on the Bench, the claims of the Moslem community should not be ignored. My Lord, I do not wish to be misunderstood. I do not ask for any special consideration.

His Excellency the PRESIDENT:—Order, order. I really do not think that it has got anything to do with the Budget.

The Honourable Mr. CHINYOY:—I submit, my Lord, that it relates to the Budget.

His Excellency the PRESIDENT:—It appears to me rather a personal appeal on your part with regard to your community and I am afraid I cannot allow it.

The Honourable Mr. CHINYOY continuing:—Our programme of sanitation and education would do credit to any Government. The importance of our sanitary works is sufficiently indicated by the provision of 21 lakhs of rupees for its prosecution. While speaking on this head may I plead for the extension of the policy for creating parks as recreation centres in as many towns as possible?

I have no comments to offer on the subject of education except that it has received its due recognition and the policy of the Government is as liberal as it is far sighted. I only wish to emphasise the fact that the time for starting a women's college is overdue and to say that its early advent will be received with satisfaction by all classes and communities.

Turning to agriculture upon which the prosperity of the country depends, I think our best congratulations are due to His Excellency the Governor for the great personal interest he has evinced in everything that tends to promote the agricultural prosperity of the Presidency. The item of expenditure which claims special attention is the provision for demonstrating on an extensive scale on the Nira Canal the results proved

by experiments, namely, that in the sugarcane industry the same results can be obtained by using less water and less manure than are used by sugarcane growers, and for testing the possibility of using tail-water from the Tata Hydro Electric works for irrigational purposes and the construction of reservoirs on the upper reaches of suitable streams in order to raise the level of the sub-soil water in the drier tracts of the Deccan plateau. The results of the last experiment will be watched with special interest.

Before resuming my seat I would ask permission to say a few words on a subject which, although not coming strictly within the scope of the Budget debate, yet indirectly comes therein, because it will necessitate a grant from the public revenues. The Government have resumed sole responsibility for the Kennedy Sea Face in Bombay, which the Development Committee has rightly described as one of the finest marine spaces in the world. In Bombay City there is a great need for further open spaces, especially in the vicinity of the crowded areas in the narrow part of the Island known as the Fort. Yet owing to divided counsels and other reasons inadequate use has been made of this magnificent site, which ought to be one of the great playgrounds and place of resort in Bombay. Considerable sums have been spent year after year on patchwork repairs and schemes of partial development. May I now appeal to Government to deal with this valuable area as a whole? I can understand the reluctance of Government to spend any considerable sum of money on works south of Marine Lines, when these may be rendered unnecessary by the reclamation which is contemplated. But that portion of the Sea Face which extends from Marine Lines to Chaupatty cannot be affected by the reclamation, and it is this part which has suffered most from the sea, and which is most affected during the monsoon. Your Excellency, I think it could be shown that the sea face is, if anything, in a worse condition to-day than when it was resumed by the Back Bay Company in the sixties. I hope that Government will now decide to deal with it boldly and comprehensively. The full development of the magnificent possibilities of the Sea Face would add materially both to the healthiness and to the amenities of life in Bombay, and the citizens will indeed be grateful to Your Excellency if you can give your personal attention to this project, and putting an end to the policy of temporising repair which has been expensive and unfruitful, make this site generally available to the thousands of people who are in search of air and space.

The Honourable Mr. BALKRISHNA SITARAM KAMAT spoke as follows:—Your Excellency,—With a Budget so carefully framed for every need of the Presidency, it is pleasing to confess that there is hardly any scope for serious dissatisfaction for the most severe critic of Government, unless one is a habitual grumbler. But the Budget day is observed in this Council, perhaps in deference to old custom, as a day of criticism, not because Members fail to appreciate the desire of Government to be fair to all interests, but meant only to indicate in general what Government and the Finance Committee may be pleased to do in detail. I shall content myself only with a few observations in this respect.

At the outset with regard to the Opening and Closing Balance of the Budget, we find the unexpended balance from the various Imperial grants since 1911-12 is merged into the figures of the Provincial ordinary balance. I venture to think this obscures the position of the Provincial balance proper as well as of the unspent balance of the

Imperial grants. No doubt the financial position is perfectly sound, and I can well conceive that the framing of the Budget being a technical thing must conform to certain forms; but with due regard to technicalities, it would be a convenience if in addition to the Table in the Opening paragraph of the Budget, a brief Table were given also showing the position of the non-recurring unspent balances of the Imperial grants for Education, Sanitation, etc., firstly as at the opening of the year, next the estimated expenditure from these during the year, and the anticipated balance at the close of the current year. It is true the unspent balance at the opening of the year, I mean from the non-recurring grants, is shown in the remark column of Statement B of the Budget Memorandum, but a concise Table will, I venture to believe, show at a glance how the unspent Imperial grants are being worked up to.

I would also like to ask, if it would not be convenient, if a list of such of the Finance Committee's recommendations, as might have been accepted by Government were shown in the Revised Financial Statement. I may be permitted to mention that such a practice is followed by one of the other Provincial Governments.

Coming now to the different Heads of Expenditure, under head 3 Land Revenue, it is very gratifying to see a provision of Rs. 2,00,000 for the revision of the Subordinate Revenue Establishment below the pay of Rs. 50. And there is also a very small but none the less pleasing new item of Rs. 397 for an increase of remuneration of the village Mahárs in the Ratnágiri District. In this connection I should be glad to know if the increase of work is confined to that District alone. The village mahárs all over the Deccan are, I believe, a hard-working lot although at the lowest rung of the village administration. They subsist practically on their Watan lands supplemented by customary village charity. Now that Government have been pleased to revise the subordinate establishment in the Revenue and the Judicial Departments, and also have increased the pay of the schoolmasters, it is to be hoped that the village mahárs will also attract in these days of rise in prices the sympathetic attention of Government regarding remuneration in the other districts of the Deccan than Ratnágiri.

As regards Expenditure Head 10, Assessed taxes, I find a provision of Rs. 5,000 is made this year for additional establishment for Income tax work in the Northern Division. I dare say many members of the Council, especially from the mofussil, would be glad to know the special feature of the Bombay system, if the Honourable the Finance Member can favour the Council with a brief remark or two. It is not clear if similar arrangements are intended for all the Divisions. But I may be allowed to mention that from the statistical returns of the Income tax for 1912-13, I find one thing that, if the percentage of Income tax appeals which are wholly unsuccessful means anything at all, the percentage is practically common to all the Divisions, which at the risk of wearing the Council, I may say, is for Ahmedabad District 88·06, for Poona District 69·96, Násik 88·95, Dhárwár 67·87, as against Bombay City where appeals wholly rejected are only 35·32. I do not mean to infer from this that all income-tax appeals in the mofussil receive a summary treatment, or that assesseees file no frivolous appeals at all. The figures only tend to show that the system in vogue in all the Divisions requires looking into so as to minimise as far as possible speculative enhancements, if any, on the one hand, and frivolous or fraudulent objections on the other.

Regarding Expenditure Head 22, Education, the item of Rs. 2,00,000 for the improvement and extension of primary education is undoubtedly satisfactory, and what is still more so is the sound policy of "improve and extend." But it appears to me that, while a steady programme of opening every year about 500 Primary Schools for boys is being carried out, the girls' education is lagging behind, though not of course for any fault of Government. Thus, while the increase in Primary Schools for boys in 1912-13 was 560 schools or a rise of 51,424 boys in the same year, the rise in girls' primary schools was only 45, or a rise of 5,855 girl pupils. At this rate, in a few years, elementary education will be at a hare and tortoise pace. The problem, it is true, is a social one, but it also requires, to my mind, special efforts and offer of special inducements on the part of Government. Out of the Imperial grant of Rs. 75,000 for female education, we were told that the Central Division had an allotment of Rs. 18,750 and an arrangement for an output of 12 extra third-year mistresses at the Training College for women has been made last year. The problem of obtaining a supply of female teachers is no doubt, as I have said, chiefly a social one. But, of late, there is a decided tendency for middle class women and widows in favour of education, as is evidenced by institutions like the Seva Sadan of Bombay and Poona, or the Widows' Home at Hingne. Indian social workers cannot unfortunately penetrate yet into the districts and villages. For some time to come therefore, the Department of Education must make special efforts, either by appointment of suitable Inspectresses or by better prospects to even untrained mistresses, to stimulate girls' education. [I may mention in this connection that the Madras Government have attached a Widows' Home to their Secondary High School for girls in Madras to attract an extra batch of mistresses.] The pay offered to untrained women at present is only Rs. 9 or 10. I am inclined to think that unless emoluments in some shape or other are raised to, say, Rs. 15 to begin with, no decent middle class women would be attracted in considerable number to the service, especially with dreary prospect of a village life before them. As regards an Inspectress for Divisions which have none at present, it is to be hoped the Director of Public Instruction will be able to fulfill the hopes held out by him; an Inspectress will be able to stimulate the growth of female education, if she can freely mix with the people, enter their hearths and homes and take out from the parents' minds prejudices against girls being sent to or continued at schools.

With regards Head 24, Medical, we are gratified to see the provision of Rs. 30,000 for new dispensaries this year. As regards the amount of Rs. 30,000 in aid of Health Officers appointments for municipalities, I am afraid signs are not wanting of considering the question if the standard of minimum qualification now laid down needs revision to justify these liberal subventions to local bodies, if at all any bold sanitary improvements in large cities are to be expected.

The City of Poona will be grateful (if it be pardonable for me to refer to matters concerning my own District town) for the grant of Rs. 80,000 for the proposed new bridge across the river, which will no doubt also serve Kirkee Cantonment. The needs of Poona City, in the interest both of permanent residents as well as of the large number of annual visitors from all parts of Presidency, are wider roads and town extension, and judging by the good fortune of the little town of Alandi in the Poona District which has received Rs. 80,000, I beg to express a hope that Poona City will continue to receive a liberal measure of the bounty of Government from Sanitary grants

Coming to the Head of Agriculture, I am delighted to see the liberal provisions for various useful objects, such as the recurring grant of Rs. 2,000 for improved implements for cultivators, and the provision for additional overseers upon which I dwelt last year, and also on a dry farming station in the Deccan.

But the most pleasing item this year under this head is the additional amount of Rs. 65,000 for remodelling the Kirkee Dairy, which it is to be hoped instead of being a small concern able to cater for only a few people as hitherto, will have very wide-reaching results as a model Dairy. The problem of a pure milk-supply is one of the most vital questions in the Presidency. Along with the sanitary aspect, it has also a commercial aspect. It is not only a question of cleanliness and scientific breeding but equally an important question of cheap but wholesome feeding. I have no doubt, therefore, Government will also consider any difficulties of grazing around towns, or facilities required therefor for the ordinary milkman. In this connection, I may be permitted to mention that the Central Provinces Government have started a similar Dairy near Nagpur. There is also a milkmen's Co-operative Society worked under the supervision of this Dairy, to supplement its milk supply. The milkmen are given certain favorable terms by Government in the matter of fodder and concentrated food for cattle, and the free service of bulls. In return, the milkmen have to give all the milk to the Government Dairy. Government in its turn hands the milk over to a firm of Dairymen, who supply the milk and the milk products to the public at a fixed rate. The Government Report says the experiment is appreciated by the public. If Your Excellency, with your keen interest in this subject, helps to solve the problem of a pure milk-supply for large towns, you will be conferring a blessing on the Presidency.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA spoke as follows:—May it please Your Excellency,—Before making my suggestions for the consideration of the next year's Finance Committee, I wish to refer to the Honourable Mr. KAMAT's remarks regarding the closing balances not being shown separately as (1) the true Provincial Balance for the year, and (2) the sums unexpended from special assignments from the Imperial Government. The figures asked for by Mr. KAMAT are given on page 18 of the Revised Financial Statement. The Honourable the Finance Member told us that the figures had to be amended in the light of the latest reports. These amended figures according to my pencil notes are Rs. 88,65,000 for the true Provincial balance, and Rs. 28,92,000 for the unexpended amount from the Imperial grant. I believe this is all the information that the Honourable Mr. KAMAT wanted on the subject.

On page 39 of the civil estimates Rs. 50,000 have been provided for this year's expenditure on account of the increase in the grade of Assistant Collectors and grant of minimum time scale of pay, etc., and Rs. 40,000 for special legal training to Indian Civil Service Officers. If the proposals of the Local Government have been sanctioned, the Council may be informed of the details of the scheme. Until such sanction is received, these figures should be shown separately. Both these subjects have been discussed before the Public Services Commission and that Commission is likely to make some recommendations on the subject. Till these recommendations are accepted and incorporated in the Budget, this item should be considered as special extra expenditure.

I congratulate the Honourable the Finance Member for the proposed revision of the subordinate revenue service. The Honourable Sir RICHARD LAMB in his speech at the March sessions said "The lower appointments on Rs. 15 are being reduced and the money so saved is being utilized to raise the remaining appointments of Rs. 15 to 20. This improvement will continue as quickly as it can be carried out, and it is hoped that by amendments in the procedure of carrying on the work in the local offices it may be possible in course of time to do away with Rs. 15 grade altogether.

This procedure will take a great deal of time. In view of the rise in prices all round of almost all commodities, may I appeal to the Honourable Member to expedite this reform by making provision in the next year's Budget for the increase of the minimum grade from Rs. 15 to Rs. 20. It would appear from the civil estimates that at present there are 705 men drawing a salary of Rs. 15 a month. An increase of Rs. 5 per month to these men means Rs. 3,525, per month, *i.e.*, Rs. 42,300 per annum. This is not a very big sum and I trust the Honourable the Finance Member will see his way to include this item in the next year's Budget.

I support the Honourable Dr. DEMONTE in congratulating Government on creating a post of Dean for the Grant Medical College. Dr. DEMONTE, however, added that this reform should be carried out in such a way that it should not disturb the harmonious working of the staff. I take this remark to mean that a Junior full time Professor should not be appointed a Dean as the Senior Professors may not approve of such an appointment. If these Senior Professors were prepared to give up practice and to devote the whole of their time to raising the status of medical education at the Grant Medical College, Government would, I am sure, have no objection to giving the post of Dean to one of them. But if they would not give up their private practice, the cause of medical education must prevail against the sentiments of the men in the Indian Medical Service.

The only other suggestion that I have to make is to support the demand of the Finance Member that Agriculture including co-operation should be removed from the scientific and other minor heads and should be given a separate heading. During the last few years, the Agricultural Department has been doing very useful work, and has with the assistance of co-operation done so much for the improvement of the material condition of the Agriculturists that a separate heading must be given to the subject. If Your Excellency's Government approached the Government of India on the subject, I have no reason why this request should not be granted.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA spoke as follows:—Your Excellency,—I have a few remarks to make on the Budget under the heads of Education and Sanitation.

It has been urged by my Honourable friend Dewán Bahádur GODEOLE that technical education has not received that amount of attention which it deserves. In this connection, I may say that, technical education is a very costly thing, and it seems to me that one Technical College in Bombay with several small auxiliary or feeder schools would be a great boon, and it would be a less costly affair. In the Training College at Dhárwár there are technical schools; of carpentry and smithy, started with the aid of the sums already allotted, and the question of extending the buildings is under consideration.

Now with regard to Primary education, Primary education is the first thing, and as has been rightly remarked by my Honourable friend Dewán Bahádur GODBOLE, it ought to receive greater attention at the hands of the authorities. In the last decade it has been receiving that attention. Year by year new schools have been founded in the Presidency. In the first few years there were insurmountable difficulties in the matter of getting sufficient accommodation, in securing competent teachers for equipping those schools, but latterly the improvement of the Training Colleges, the large number of admissions into those Colleges, the increased stipends given to the students, all these are helping Government, and every year 500 schools are opened, and during the current year the Honourable Mr. SHARP is going to provide for 500 schools.

In opening new schools there are so many difficulties. In the first place there is no accommodation available. People do not come forward readily to send their boys, and when a school has been once opened, it has to continue for some time without sufficient attendance. This has been the experience of many villages. There are villages in which schools were opened and which had to be closed within a short time, because our people in the villages are still apathetic, and our agriculturists are not so eager for education as in other parts of the world. Everything has to be forced on them. Only a sympathetic school master can increase attendance, and it is very difficult to get sympathetic school masters too, because school masters are not made but they must be born teachers, and not men who are merely copies of some models. Although there are a large number of trained people in the Dharwar Training College, they are only copies but out of them we have to get the best material and utilise their services to the best advantage. So the Department and Government have been doing their best to promote primary education, and year by year larger amounts are being provided in our Budgets.

As has been remarked by my Honourable friend Mr. KAMAT, it is very deplorable to see that, although I suggested that there should be a separate head under the head of education for Girls' Schools, no part of the Budget or no report gives any information as to what amount has been spent for female education in this Presidency. The Budget is mixed up; it shows only that so many schools were opened and so much increase in the Girls' Schools. That is the only information we could get from the Reports, but we do not know what efforts have been made in order to remedy this deplorable state of things with regard to female education. Social difficulties there are in the way, but there are many districts where great activity is shown by Educational Officers to enlighten parents on the necessity of educating their girls. Take for instance the Southern Division, because I know the Southern Division very well. In the Southern Division there is Dharwar. Dharwar is a district which gives sufficient work for a Lady Assistant Deputy Inspectress while Bijapur and Kolaba have got very few schools, but in places where there are few schools, the appointment of a Lady Assistant Deputy Inspectress in charge of two districts as it were would give a great impetus to female education. A male Deputy Inspector is not fitted for the post, because he cannot go and directly converse with the mothers in their homes in a village when he goes there for inspection. He generally puts up in a temple or Dharmashala, goes to the schools, examines the girls and walks away without coming in contact with the parents. In an Indian home mothers are the principal persons who assist greatly with regard to the education of their girls, and unless their feelings and sympathies are enlisted, there is no hope of

improving our Girls' Schools. So I would urge that for female education, without which there can be no progress in any family or in any community, greater attention should be devoted. The education of the girls will go a long way in stripping many of the superstitious practices that prevail in the community, and therefore every attempt should be made to encourage female education, and in this respect, I think, the Budget ought to show a separate heading of expenditure on our Girls Schools, and what special efforts have been made for the advancement of female education.

I may say for the information of the Council that in the Dharwar Female Training College, every quarter all the mothers of the girls are invited by the Lady Superintendent, they are spoken to there, and they are shown how their girls are improving. By this means we are able to draw a larger number of girls every year to our Training College. Therefore I would respectfully suggest the Honourable Mr. SHARP to give us a helping hand in the matter by the appointment of a Lady Assistant Deputy Inspectress, because the male Deputy Inspectors are now too many, and I think the appointment of one Lady Assistant Deputy Inspectress in charge of two districts to begin with would be a forward step, and I hope this matter will receive the kind attention of the Education Department.

With regard to sanitation, I think the people of this Presidency are under the deepest obligation for what has been done so far by the Sanitary Department. Since the last decade, plague has been decreasing, and that is due to the removal of the congested areas in towns where there was plague, to the greater attention paid to the sanitary staff, to the starting of sanitary associations, to the magic lantern shows illustrating the existence of germs in water, etc., and I am glad to say that sanitation continues to receive increasing attention.

Then again on behalf of the Southern Division, I am highly indebted to Government for the grant they have made with regard to the only unbridged river, that is the Malaprabha at Mugutkhán-Hubli, because that is the only river between Poona and Bangalore which has had no bridge, and I am glad that Government, having seriously considered the matter, have now provided for it.

Besides, there are many public buildings in the Southern Division, the want of which has been felt for a long time past, and for the construction of which grants have now been made.

There is also a provision of Rs. 1,10,000 in the Budget for the improvement of congested areas, conservancy, and roads, in Dhárwár and I am glad to express that Hubli has received the same amount of attention as Banebennúr, and I must thank Government for their kind attention to these distant districts which lie at the farthest end of the Presidency, because it generally so happens that head-quarter stations receive due attention, while the areas far away from the head-quarter stations are sometimes overlooked, and I am glad to say that Government have extended their liberality even to the nooks and corners in the Presidency, and have laid the people of the Southern Division under their greatest obligation.

With regard to the revenue establishment, this has been revised after a long period, and the provision that has been made in the Budget would prove a great boon to the subordinate service.

There is again one department, when the scale in every other department has been improved, for which no helping hand has as yet been given—I mean the Vaccination Department. The salary of the vaccinators was fixed long ago. They still get Rs. 12, Rs. 14 and Rs. 20, the same pay which they were getting long ago, and although prices of food-stuffs, etc., have gone up considerably recently, no improvement has been effected in their pay. The vaccinators deserve some help. Of course it may be urged that they have not very skilful duties to do; it is only taking a needle and probing it into the body, it may be urged like that, but a really sympathetic vaccinator can do much by teaching the people how vaccination acts as a safeguard against small-pox and thus popularising vaccination. Therefore the vaccinators who have unfortunately been neglected up to this time should also receive some attention on the part of Government, and I hope they will be given some increase in their small pay which they have been getting for a long time.

His Excellency the PRESIDENT:—Order, order. I think it will be to the convenience of Honourable Members if we adjourn now till a quarter to three, and would Honourable Members come back about 20 minutes to three, as I understand it is desired to take a photograph.

[The Council then adjourned for lunch.]

(After Lunch.)

His Excellency the PRESIDENT:—Order, order. Presentation of the Budget of the Government of Bombay and discussion thereon.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—May it please Your Excellency.—The Budget presented to the Council estimates the total Revenue of the Presidency for the current year at Rs. 17,10,75,000 of which Rs. 9,51,83,000 are to form the Imperial Share and the remaining Rs. 7,58,92,000 the Provincial, the latter amount together with the opening balance which stands at Rs. 1,82,01,000 will leave in all Rs. 9,40,93,000 to cover the total Provincial Expenditure which for this year is estimated at Rs. 8,23,25,000 leaving a closing balance of Rs. 1,17,63,000.

It may, however, be noted that the Total Revenue Estimate for this year is less than the actuals for 1912-13 by Rs. 1,84,03,279 and by Rs. 48,01,000 than the total Receipts for 1913-14 as shown in the Revised Estimate. This Budget Estimate for the year would appear to have been framed rather too cautiously inasmuch as it is below the Actuals for the previous two years which in themselves were in excess of the budgets for those years. It is, therefore, more than probable, that the Actuals for this year will considerably exceed the Budget Estimate as they did in the last two years. The increase in these years was due to increases in the Receipts among other heads to those under Land Revenue, Assessed Taxes and Excise. As to the first of these it may be noted that the Actuals for 1911-12 came to Rs. 3,98,41,672; 1912-13 to Rs. 4,01,16,124 and those for 1913-14 to Rs. 4,62,00,000. This increase in these Receipts was not expected considering the unfavourable seasons in several parts of the Presidency during the last three years more especially in the Deccan Districts and it was I am afraid due to some extent to the stringency in the revenue collections about which we have heard repeated complaints in the press and otherwise. This will further be seen from the fact that out of the total Revenue

Demand of Rs. 5,25,80,000 for the year 1913-14 not less than Rs. 4,58,15,000 were collected during the year and the remissions allowed came to only Rs. 14,34,000. The season promises to be more favourable this year but I hope a less stringent policy will be adopted in the matter of revenue collections to allow the ryots breathing time to recover from the effects of the unfavourable seasons during the last three years.

As regards Assessed Taxes also it may be observed that the figures for these three years stand as under :—

				Rs.
1911-12	...	...	...	54,13,445
1912-13	...	...	...	57,48,726
1913-14	...	...	...	65,14,000

At the Budget discussion last year I complained of the increase in 1911-12 and particularly about the Income-tax fines levied in the several districts in the Central Division as compared to those in all the other parts of the Presidency. The report for 1912-13 shows that the fines in this Division were more than double those in the previous year and far in excess of those in the other parts of the Presidency and that too when the arrears due in this Division were less than those in them.

As regards takavi also it may be noted that the collections during the last three years were far in excess of what we should have expected considering the unfavourable conditions which prevailed during this period in several parts of the Presidency. It was to the credit of the people that they showed a commendable spirit of self-help by emigrating in large numbers as soon as famine conditions set in and thereby saved the Government the large outlay it had to incur during previous famine. The advances of takavi made to them during these years to tide over the distress should I think be treated as indirect famine relief and remitted wholly or in part at least considering particularly the very heavy arrears due on this account.

In any case I would beg to urge that considering the special circumstances above referred to less stringency be shown during the current year in the collection of Assessment, Income-tax and Takavi more particularly in the districts of Sholapur, Ahmednagar, West Khândesh and the eastern talukas of the Poona and Sâtara Districts in the Central Division which were seriously affected by the unfavourable conditions.

As regards Excise the details given in paragraph 28 of the Revised Budget will show the figures as under :—

				Rs.
1910-11	...	...	...	94,86,000
1911-12	...	...	...	2,02,94,000
1912-13	...	...	...	2,12,27,000
1913-14	...	...	...	2,13,00,000

and the estimate under this item for 1914-15 is at a still higher figure, *viz.*, Rs. 2,27,00,000.

The time allowed to me for discussion of the Budget will not permit of my going into the question of the extraordinary increase under this head but I may safely state that the greater part of this Revenue comes from the pockets of the very poorest of the ryots who unfortunately cannot resist the temptation of drink when the same is available within easy reach and it is due to them that at least some portion of this Revenue

should be ear-marked for needful measures to wean them from the habit and to improve their moral and material condition by special measures for education in their case. Under the Local Fund Acts of 1865 and 1869 the levy of a local cess was authorized from farmers of Sayer Revenue. In 1872; however, the Government of India raised an objection to the levy of that cess on the ground that it involved a reduction of the Imperial Excise Revenue from this Presidency by one-sixteenth, but in view of the fact that the Local Fund of this Presidency had enjoyed the cess since before the introduction of the system of fixed allotments for provincial purposes that Government agreed to make up the loss to the Local Fund by adding to the provincial allotment a sum equal to the average income supplied by the cess and the sum was fixed at Rs. 1,55,048 and the same is distributed by the Local Government among the several Local Boards in the Presidency. The objection urged by the Government of India in 1872 does not now subsist inasmuch as the Excise Revenue has now ceased to the Imperial and has been allotted entirely to the Provincial share. In view of this fact and the very large increase in this item of Revenue during the last few years it is but fair that the arrangement which was come to on the basis of the average income from that cess in 1872 should be now revised and the Local Boards allowed to receive the cess on the present actual income from this Revenue as before. If this is allowed the Local Boards will not only be able to make needful provision for the classes concerned but to also meet the growing burdens on account of Education and Sanitation which with their present limited means they are unable to meet.

With these few remarks as regards some of the items on the Revenue side I shall now refer to a few items on the Expenditure side.

The first head of expenditure I may refer to is Law and Justice. As to this it is to be observed that no provision appears to be made in the Budget to remove the inconvenience at present suffered by a large number of ryots in having to go beyond the limits of their Revenue táluka for their Civil work. In the Districts of East and West Khándesh all Courts excepting two have jurisdiction over two or more Tálukas and one over so many as four tálukas and one petta covering a total area of 3,577 square miles with a population of 2,74,569 spread over 626 villages. It will I think require only the grant of Travelling Allowance to the Sub-Judges in that District to hold their Court as the Headquarters of each Táluka within their jurisdiction for disposal of the work from it. If necessary one or two Additional Sub-Judges may be temporarily appointed provisionally to try the experiment in that Judicial district where people suffer seriously from the inconvenience complained of. I believe when the Deccan Agriculturists' Relief Act was first introduced in the four Deccan Districts it was insisted upon that the parties who under its provisions were to be required to attend for personal examination in each case should not be required to go beyond the limits of their revenue táluka and to meet that convenience táluka Courts were opened and 12 new appointments of Sub-Judges sanctioned for that purpose. In those Districts where there is no sufficient work in one táluka for a Sub-Judge he is put in charge of two Tálukas but is required to hold his Court at the Headquarters of each táluka for disposal of the work from that táluka. That system may well be extended to other Districts without any large additional expense.

I now come to Education. On this point I only wish to draw attention to the following figures taken from the table given at page 343 of the Report on the Moral and

Material Progress of India for the year 1911-12 to show how far our Presidency is behind-hand in the matter of education as compared to the other Provinces :—

Provinces.	1912.					
	Public Institutions.				Private.	Total.
	Primary Schools.	Secondary Schools.	Special (Training and other) Schools.	Colleges.		
Bengal ...	39,466	1,629	4,815	46	3,859	49,815
Eastern Bengal and Assam ...	22,680	1,316	539	15	2,165	26,715
United Provinces ...	10,215	636	235	47	5,430	16,563
Burma ...	5,316	951	267	2	16,575	23,211
Madras ...	25,206	440	178	35	5,193	31,052
Bombay ...	12,763	559	91	15	3,032	16,460

It will appear from the figures in the table so far as the total number of institutions, public and private, are concerned we stand very last as compared with Bengal, Eastern Bengal and Assam, United Provinces, Burma and Madras. As regards private institutions we stand last but one, and the same is the case as regards secondary schools. As regards primary schools we stand 4th. As regards special schools we have only 91 as against 178 in the Madras Presidency, 257 in Burma, 235 in the United Provinces, 539 in Eastern Bengal and Assam and 4,815 in Bengal. As regards colleges also we have only 15 as against 35 in Madras, 47 in the United Provinces, 15 in Eastern Bengal and Assam and 46 in Bengal.

These figures no doubt have to be read in relation to the area and population of the respective provinces, but even taking account of that we have I think to make a good deal of headway to come up to the level of the more advanced sister provinces.

I beg also to urge that our educational system is more or less literary and adapted for the greater part to turn out candidates for the lower and upper subordinate service.

I submit the time has now come to make a change in the system by making the education more suited for the actual needs in life of the people by making due provision for technical, industrial and commercial education in Vernacular in the Districts.

It is a matter for congratulation that a much larger grant is provided for expenditure under the head of education than in the previous year, but I doubt whether the same will suffice to meet even the more pressing requirements in this connection of Primary, Secondary, Technical and Higher Education. I do not know the full details of the apportionment of the lump provision of Rs. 32,57,000 reserved for recurring and non-recurring Expenditure given in the Civil Budget Estimate. But I hope that sufficient provision is made to help the Local Boards and the smaller Municipalities to meet their growing burdens with regard to Primary and Secondary Education. Considering that the bulk of our population is agricultural I would also press for classes for Agricultural Education being attached to the more important agricultural farms in the several Districts and for a regular school for imparting this education in the Vernacular for the Districts of East and West Khândesh which between them pay a land revenue of so much as Rs. 47,11,575 a year.

I would also urge the claim of female education particularly in the Central Division which is admitted to be far behind the other two divisions in this respect. The increasing attendance in the Girls' Schools all over the Districts in this Division and in the Training School and the Fergusson College at Poona show that this class of education is growing in popularity and requires provision for it within easy reach. I would, therefore, press for provision for teaching up to the Vernacular 6th Standard at the Head-quarters of each Táluka and for further teaching of the first four English Standards at the Head-quarters of each District. The plea as regards want of trained female teachers may well be met for the present by utilizing the services of select male hands for some time and by opening Normal Classes in the several Districts for training female teachers for the lower Standards. I now come to Medical.

His Excellency the PRESIDENT :—I do not wish to stop the Honourable Member, but I must tell him that I have given him very great latitude and I would like him to condense his remarks as much as possible.

The Honourable Mr. UPASANI (continuing) :—Very well, my Lord. There is a large increase in the expenditure under this head and I would press that due provision be made for regular teaching of the Indian system of medicine, for scholarships for lady students who may take to this branch of study or join the several institutions for imparting medical knowledge under the English system to qualify themselves as Nurses, Midwives or Lady Doctors.

Lastly, I come to Public Works. As to these it may be noted that the provision for Civil buildings exceeds that for communications, and among the civil buildings sanctioned we find a large number for Police quarters and for bungalows for officers. Another point to be noticed is that in the case of about 38 works for which grants are sanctioned the estimates are shown as awaited or under sanction. The complaint as regards the delay in the preparation and sanction of the estimates is frequent and it is hoped will so far as possible be removed so as not to delay the execution of works sanctioned.

As regards the more important works sanctioned I take leave to refer to the bridge on the Tápti river on the Bombay-Agra Road. Only Rs. 70,000 are provided for a Causeway, but the existing volume of trade which comes from the north of the Tápti from British Territory and the Native States which adjoin requires a regular bridge and not a causeway and the same is absolutely needed for the development of trade from those parts and it will, I hope, be sanctioned.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows :—Your Excellency,—I have a few words to say in connection with the Budget. I beg first to draw the Council's attention to the alarming rate at which the expenditure under the head of Land Revenue has been growing. Comparing the present condition with what existed 10 years ago it will be found that the budgetted receipts for the year 1905-06 under this head were 3 crores and 84 lacs of Rupees and of the budgetted expenditure was Rupees sixty-nine lacs. In the current year's Budget the budgetted receipts are shown as four crores and nineteen lacs and the budgetted expenditure as ninety lacs. Thus while during the 10 years the increase of revenue is thirty-five lacs, the increase of expenditure comes to twenty-one lacs. In that manner 21 lacs of the increased revenue, *i.e.*, about 60 per cent., is absorbed by the increase in expenditure. The ratio of

expenditure to receipts which was 18 per cent. in 1905-06 has now risen to 21 per cent. The savings under this head contribute to an appreciable extent to meet the ever increasing needs under the heads of Education, Sanitation and Medical Relief and the latter departments will suffer if a large portion of this increase of revenue is swallowed up by increased expenditure under the same head.

Another head about which I propose to offer remarks is that of Forest. Under this head during the last 10 years the expenditure has varied from 56 per cent. to 70 per cent. of the revenue. This is very remarkable when the growth of a forest depends merely on forces of nature and requires no sowing, no ploughing, no other operations which are necessary in ordinary agricultural work. The work of the department is restricted mainly to protection and preservation and for this I consider the high percentage of expenditure not justified. We have in this matter the examples of Native States, and I am able to say from the enquiries I have made that the percentage of expenditure to receipts in the Native States is considerably less.

The next head about which I propose to offer a few remarks is that of excise. Toddy is, as admitted on all sides, a good nutritive and healthy beverage, different from alcoholic drinks and altogether innocuous, and therefore it has been the policy of Government to encourage the consumption of toddy with a view that those who like it may be kept away from more harmful drinks. If the drinkers of toddy are unable to obtain pure fresh toddy they are likely to be driven to drinks which are more harmful.

In 1911 in the city of Surat the aggregate sum realized by the sale of the Toddy Licenses amounted to Rs. 21,000. In the next year it rose to Rs. 29,500, when the toddy sellers complained, and an enquiry was held and the result was that the sale of toddy shops was stopped, and it was arranged that the amount of license fee payable for each shop should be fixed by the Collector. The object of this was that the license fees may not be unreasonably increased by unfair competition at auction sales and that respectable shopkeepers be not driven out of business by the development of conditions in which honest trading would result in loss. Since then, however, during the last two years, the Toddy License fees in the city of Surat under the arrangement made have risen to Rs. 53,000. Thus the license fees during the last five years have risen by 150 per cent. and this is a condition under which it would be difficult—I say almost impossible—for people who are content to use toddy or who would prefer toddy to other drinks, to obtain pure and unadulterated toddy. It was expected at the time that the scheme which was to be applied to the Surat city would be extended to the rest of the district and then to other toddy producing districts. But now even in Surat the license fees fixed by the Collector have been placed on such high pitch that no toddy shopkeeper could be able to carry on his business except at a loss. I submit that the fees fixed by the Collector should be kept so low as to permit toddy and liquor selling business being conducted on honest lines without loss.

Referring next to the continuous increase in the Excise revenue we have been given to understand that high duties are fixed and drinks are made dear with a view to check their consumption. The policy of correcting the liquor taking propensities of the people by the imposition of high fees has been pursued for many years, but instead of keeping down consumption it has been increasing continuously; and I think therefore that some other way ought to be adopted for the purpose of preventing the

growth of the consumption of liquor. The high prices of liquor instead of preventing people from using drinks forces them to curtail their necessities of life and retards the improvement of their standard of living.

The next head relating to which I would like to offer a few observations is that of Education. There is only one point in connection with this head upon which I would make a few remarks, and this is about the conversion of schools that taught higher Vernacular standards into rural schools or schools teaching only up to the 3rd standard. I asked a question about the number of schools in Gujarát that used to teach the higher standards that have now been reduced to the status of rural schools and Government have been pleased to furnish a statement of such schools. I submit that Government ought not to increase the education of lower standards by diminishing the education in higher standards. It is necessary in the matter of education that along with the widening of the base the height should also be raised. It would not do to widen the base and diminish the height. In villages where Vernacular education is wanted by the people, it is the duty of Government to supply it. Government ought not to take away from the people the means of acquiring higher vernacular education. It is from the villages where there are no facilities for the teaching of English that the training colleges are fed and recruits are obtained for the subordinate revenue services. Even now difficulties are felt in filling vacancies with materials of proper type in the Training Colleges and obtaining candidates for the lower branches of the Revenue service and as time proceeds the difficulties much increase. I consider the stopping of the teaching of higher vernacular standards in village schools a very retrograde move and pray that the schools teaching higher standards be restored.

Another head upon which I would offer a few remarks is that of Police. For several years the re-organization of the Police has been going on and large amounts have been provided for permanently to secure the re-organization. The Police is very useful to the public and everyone would admit that moneys spent for making the police efficient are well spent. The answer to the question whether the re-organization is going on in the right direction or not would depend upon the result. I do not expect that the results would be apparent all at once. There are however indications shewing that the re-organization is not proceeding on the right lines. If the re-organization is in the right it is difficult to conceive why crimes of violence should go on increasing from year to year; we should expect some diminution in crime of this kind. The question of future re-organization requires to be carefully considered over again.

The Honourable Sir PHEROZESHAH M. MEHTA spoke as follows:—May it please Your Excellency, I had no intention of speaking on this occasion, and I would have firmly stuck to my resolution but for the kind offices of my Honourable friend Mr. GODBOLE. He said it was scandalous that there should be a grant of Rs. two lákhs and a half for the improvement of the Kennedy Sea Face. He considers that it is scandalous that the money of the poor people in the mofussil, describing them as labourers and ryots, should be spent on works of this sort in a City like Bombay. My Honourable friend Mr. GODBOLE is usually extremely well-informed on all subjects on which he speaks and he is always prepared with the past history and relevant facts regarding every question to which he wishes to draw the attention of the Council, but I am afraid that on this occasion he has failed to exercise his usual diligence. If he had

looked up the history of this Kennedy Sea Face, he would have found how unfair is the complaint and the grievance which he has brought forward. I will say nothing about the hackneyed arguments which are urged in favour of the poor people in the mofussil as against those of Bombay. In days past everything was done in the mofussil by money supplied from Bombay, and whenever anything was done for Bombay by the money supplied from the mofussil, then there has been a cry that the rich city of Bombay is being endowed beyond its deserts. Leaving all these questions alone, Government have drawn monies from the city's coffers which have gone to the general benefit of the whole presidency. Take a single recent instance: The working of the Improvement Trust has enabled Government to take advantage of sanadi tenures which were regarded as permanent leases to take the lion's share of the compensation awarded on acquisition by the Trust. But leaving all those questions alone, my Lord, I ask my honourable friend to look up the literature on this question of the Kennedy Sea Face, and he will find how grievously he has erred in the complaint he has made. Does he know how Government acquired the Kennedy Sea Face? Does he know with whose money all that space has been reclaimed from the sea? Perhaps if he looks up the history of that famous Back Bay Company during the time of the share mania, which has been clearly described in a Book by my friend Mr. WACHA, he would have known what is the history of this Kennedy Sea Face. A Company was formed called the Back Bay Company for the reclamation of the Bay. They entered into an argeement with Government,—I will not go into a long story—and unfortunately there was a condition that if the whole work was not carried out, whatever was carried out was to be forfeited to Government. As my Honourable friend Mr. GODBOLE is perhaps aware, when the Back Bay Company went into liquidation, Government not only kept all the deposits of lákhs of rupees, but forfeited the land reclaimed, at whose cost? not at the cost of the poor people in the mofussil, but at the cost of the citizens of Bombay. That is the history of the acquisition by Government of this Kennedy Sea Face. Having acquired the area in this way, surely they are bound to see to it.

In this very Council I have made a complaint that Bombay was very badly treated by Government in this matter. All this land was really reclaimed at the cost of the citizens of Bombay. Does Mr. GODBOLE grumble that having taken all that piece of land upon which lákhs of money was spent from the pockets of the citizens of Bombay, Government are not justified in putting it in order by carrying out improvements? I think it is the duty of the Government, under the circumstances that have taken place, to spend a very much larger amount of money on putting the sea face into good order as the place really deserves. So that this money, *viz.*, Rs. 2,50,000 is really nothing when compared to all the money which has been pocketed by Government, that is to say, the provincial exchequer, and not the exchequer of the City. That is the history, and I think my Honourable friend Mr. GODBOLE, if he will look up that history, will find that there is nothing to urge against the City of Bombay or the Municipality for not undertaking this work on its own hands.

The Honourable Mr. G. P. MILLETT spoke as follows:—Your Excellency,—It was rather surprising that the Honourable Mr. PABEKH in his remarks complained that the forest revenue had decreased during the last ten years in proportion to the revenue from other sources, because hitherto the only criticisms that have been made in regard to the

policy of the Forest Department have been that it was trying to get too much revenue. But I think it will be recognised that in getting the revenue we also give back to the country a large proportion of it. Distinctions are not altogether desirable in discussing policies, but I think it is fair to say that the policy of the Bombay Government has been to develop the resources of the country, and the increase of expenditure which has happened in the last ten years, has justified itself in every case by a corresponding increase in revenue. The expenditure has been increased on establishments, which is justified, I think, by the increase in the cost of living; but we have also given back a great deal of the revenue in making new roads and important works for developing the resources of the forest property. In all cases, as far as I can state from memory, an increase in the receipts has followed greater expenditure whilst the cost of the service has been enhanced, we have increased the efficiency; and there has been but a slight increase in the surplus and I think that this is really satisfactory.

The Honourable Mr. W. H. SHARP spoke as follows:—Your Excellency, I do not propose to follow Honourable Members round the whole field of education, but refer to two or three points which are directly connected with the Budget.

The subject which perhaps has attracted most attention to-day has been the education of girls. The Honourable Mr. RONDA complained that he could not find out from the Budget how much was spent proportionately upon the education of boys and on that of girls. Well, it may not be given in the Budget in detail, but I think that he can find all that he wants from the statistics of the Annual Report of the Director of Public Instruction. I have here the Report for the year 1912-13, and in what is called General Table 4, full details are given as to the expenditure from all sources, Provincial, Local Boards, Municipal, Native States and Private, on all sorts of education. I find, for instance, on Primary Schools for boys the total expenditure is given as Rs. 54,00,000; on Primary Schools for girls the total expenditure is close upon Rs. 9,00,000. That is nearly one-sixth of the expenditure upon boys which, I think, is a fairly good proportion as much as could be expected in the circumstances.

Similar figures are given in regard to secondary education and so on, and I think the Honourable Member will find all that he wants in the annual tables of the Director of Public Instruction.

The Honourable Mr. KAMAT complained that while 560 schools were being opened for boys only 45 were opened for girls, but I think it should be remembered that most of those 560 schools are probably equally open to girls. Out of the schools that we open every year, most are situated in small places, where there are no different schools for boys and girls, and every body knows that the ordinary village school has a good many girls in it as well as boys. In the particular year to which he referred, I find that the total increase in the number of girls was 10,000, and I think that is a satisfactory result for a year's work when all the difficulties are remembered.

The chief difficulty, as many Honourable Members have said, is in respect of the supply of teachers, and although it may not be insuperable, still I am afraid it is one that is superable only by very slow degrees.

I am glad to think that, in the current year, one step forward is likely to be taken by the appointment of an Inspectress of Girls' Schools for the Kánarese districts. That has, I believe, been approved by Your Excellency's Government, but it has to be referred

to the Government of India for a technical reason; I hope that it will be soon sanctioned, and the necessary provision has been made in the Budget, not in detail, but under a lump provision.

I was sorry to hear my Honourable friend Mr. UPASANI conclude that the state of education in Bombay is so much behind that in other parts of India. I have not the least idea whether he is right or wrong, but I submit that he certainly did not prove it. He said we had so many schools; Madras had so many more, and Bengal so many more. But he did not tell us the population of Bombay, the population of Madras and the population of Bengal; nor did he refer to the physical peculiarities of these divisions of the country. A large part of Bengal, for instance, is a densely populated country, where there is a school within every square mile, but even if there were as many schools per square mile in the Bombay Presidency, a very large number of those schools would have no pupils in them all. Conditions differ totally. The populations are very different, and it is essential to know this before we draw any such comparison as the Honourable Member drew.

At all events, in one respect, that is in the pay of teachers I believe that Bombay is a long way ahead of any other part of India, and if the teachers are better paid, there is at least some probability that they will do better work, and that the schools will be more efficient.

The Honourable Dr. D'MONTE regretted that he could not find any allusion in the Budget to the scheme for medical inspection of schools. Well, that scheme had to be sent to the Secretary of State for sanction, and it has not come back again. Of course it may come back at any time with the necessary sanction, and in that case it can be put into force at once, because the provision is there, though not in detail. This scheme is to be paid for from one of the recurring grants of the Government of India, and if the Honourable Member will look at the Budget, page 138, he will see there a lump provision for recurring expenditure of Rs. 10,00,000. So that, if the sanction is received in the course of the year, the scheme will be brought into operation, and the cost will be met from that lump provision. In subsequent years, I suppose the Medical Inspectors will appear in the detailed statements of the Budget in their proper place.

There is just one thing that I should like to say with reference to these lump provisions which do not seem to be always understood. It has not been said here to-day, but I have frequently read in the Press, a certain amount of blame thrown sometimes upon Provincial Governments, sometimes upon the Education Department in particular, for not being able to spend grants that have been given by the Imperial Government, and people refer to the large sums carried forward in the Budget on account of these unexpended balances. With regard to that, I should like to explain that in the last three years we have received about Rs. 73,00,000 from the Government of India in these special grants, a sum which it was quite impossible to spend within the time, especially as the money was received for the most part without notice. As a matter of fact, we have managed to spend more than Rs. 28,00,000 out of this amount in three years, and were left at the beginning of this year with a balance of Rs. 44,50,000. Then this year's grants brought in Rs. 14,00,000 more. So that, altogether this year we have available about Rs. 58,50,000. It was not supposed to be possible to spend all that money in one year, and therefore the lump provision made in the Budget is not anything like so much, but only so much as might reasonably be expected to be possible to spend. But though we have available 58 or more

lakhs to spend, as a matter of fact the greater part of that sum has already been allotted to all sorts of purposes, sometimes to Government institutions, sometimes to Municipalities, sometimes to Local Boards, and sometimes to private institutions. Out of the Rs. 58,00,000, Rs. 50,00,000 have been allotted already. So far as I am concerned, I may say that money is already spent, because it is pledged; it is simply carried forward in the Budget until the people concerned are in a position to draw it. Of course a very large amount is going towards buildings, and buildings take time to put up. So these lump provisions, recurring and non-recurring, are simply put in the Budget for the purpose of meeting the demands that we expect to get in the course of the year from the institutions to which these allotments have been made. Out of this large sum of money, Rs. 87,00,000 all together in four years, only about Rs. 8,00,000 are not yet allotted, and though no formal proposals have yet been made for those Rs. 8,00,000, it is still pretty well settled as to what they are going to be spent on. So that I can claim, I think, that the whole distribution of the large sum of money received from the Government of India during these four years is now practically settled. The amount as to which I could not tell you at all how it is going to be spent, is practically only a few thousand rupees, and therefore I do not think it can be said that the Education Department is backward in trying to dispose of the sums which have liberally been placed at its disposal.

The Honourable Mr. HARCHANDRAI VISHINDAS spoke as follows :—Your Excellency, —While rising to speak, I want to inform Your Excellency that I have no intention of offering remarks on the Budget in the manner as some Honourable Members have done by taking item by item, because I have very little to say, and that has some bearing upon my city. For a long time, ever since I have come on the Council, I have taken interest in the question of the public buildings that have to be erected in Karachi. The very first Resolution that under the new constitution was moved in this Council related to those public buildings. The late Sir John Jenkins on that resolution of mine made certain remarks, and several members, including the Honourable Sir PHEROZESHAH MEHTA, took part in that discussion. Why I mention this, I will explain. At that time while bringing to the notice of the Government the necessity of an earlier construction of those buildings, it came out in the discussion that the question had been first mooted 21 years before that, and that it was coming to maturity at that time. This was four years ago, in 1910. The Honourable Sir PHEROZESHAH MEHTA then brought it to the notice of Government, when he was accused of not being able to spend the lakh of rupees that had been granted to the Corporation for education, that if Government took 21 years to mature a scheme like the public buildings of Karachi, the Municipal Corporation of Bombay could not be blamed if they were not able to spend the lakh in one year. But at all events, after that discussion we all understood that the matter had been finally settled, and that we were going to have public buildings in Karachi forthwith. But what has happened? His Excellency Lord SYDENHAM came in the early part of 1913, and laid the foundation stone of those buildings. Side by side with those buildings the Municipality had also decided to erect the Municipal Office, but whilst the Municipal Office is in good progress—the construction is going on apace—we do not find the slightest sign of these public buildings being taken in hand. Time after time the attention of the Government had been drawn to this fact but now I have come to understand that the reason for all this delay is that the Government Architect is overworked. In fact it is said that what should be the work of nine architects is given to only one architect, with the result that not only the

public buildings of Karachi have been delayed, but the erection of the Custom House of Karachi is also considerably delayed, to the great astonishment and dismay of the Port Trust who have oftentimes raised their protest, because their own buildings have been occupied by the Custom House to their great annoyance and inconvenience. Well, I say what I am told,—how far it is true only Government can verify,—that it is for the lack of sufficiency of architects that all this delay has taken place. Therefore I would think that Government would be serving the interests of the public and the country if they increased the number of architects and made a similar provision in the Budget. It should not be considered as a trifling subject, because a good deal of the beautification and the improvements of certain towns depends upon its architecture. For instance, the City of Karachi has been long and anxiously waiting for these public buildings which are expected to be an ornament of the city, and the only point that I want to bring to Your Excellency's notice is the great need of the number of architects being increased and provision made in the Budget.

The Honourable Sir IBRAHIM RAHIMTOOLA spoke as follows:—Your Excellency,—I am indebted to the Honourable the Director of Public Instruction for the admission that in utilizing grants for the construction of buildings for schools a certain amount of time must necessarily elapse. The Honourable Mr. HARCHANDRAI has pointed out an instance in which more than 25 years elapsed before some public buildings in Karachi could be constructed. I am constrained to make these remarks, Your Excellency, in view of the recent reply which the Municipal Corporation of Bombay has received from Government. Some years ago a scheme for the construction of primary schools was sanctioned costing ten lakhs of rupees, five lakhs of which were contributed by Government and the other half, that is five lakhs, was to be provided by the Corporation. As it is now admitted by a responsible officer of Government that some time must necessarily elapse before these buildings could be constructed, I think no blame can be attached to the Municipality for not having spent the whole of this sum within the time that has passed since the scheme was sanctioned. Especially in the city of Bombay the difficulties are enhanced in consequence of finding and acquiring suitable building sites for primary schools in the different crowded centres where these schools must be located in order to be really useful to the largest number of pupils who would attend them. This is the principal reason why delay has taken place. In the meantime the Municipality found that the Government of India had given the sum of Rs. 12,00,000 or over for the special purpose of building grants for Primary Schools, and the Bombay Corporation, as it is now in charge of primary education for the City, and finds all the money for that purpose, made a representation to Government asking them to allot a reasonable portion out of this Government of India grant for the construction of more primary schools in the City of Bombay. It is only recently that we have received a reply from them, and that reply appears to me to be quite contradictory to the admission which the Honourable the Director of Public Instruction made just now. We were told that as so much money was made available by Government,—be it remembered that half of it has been provided by the Corporation,—and as the Corporation had not spent the *whole* of this grant they have no claim for anything further from the bounties of the Government of India. Now, Sir, that reply was resented by the Corporation, and I think that, in view of the admission already made, there was hardly any justification for rubbing into the Municipal Corporation

that they have been remiss in not having spent the whole grant of ten lakhs. I do hope that in view of this discussion Government will reconsider their decision in the matter of the allotment of the special grant, and that the right of the Bombay City to share in it will not be passed over.

I will now say one word in supplement to what my Honourable friend Sir PHEROZESHAH has said about the grant for the Kennedy Sea Face. He forgot to add that the Kennedy Sea Face vests in Government, it is a property belonging to Government, and that therefore, if Government representing the entire Presidency claim proprietary rights in this valuable piece of land, it is their obvious duty to put it in decent and good order. The provision in the Budget has been made for the improvement of property belonging to and vesting in Government, and the citizens of Bombay have contended that the manner in which the Kennedy Sea Face has been looked after in the past has not been satisfactory from the city's point of view. I venture to submit that this grant of two and a half lakhs will be quite insufficient to convert that beautiful piece of ground into an attractive place of public resort in the Bombay City. I trust that considerably larger grants will be annually provided to make that area really attractive in the interests of the City. After all, I do not think that there is any rigid line of demarcation between the Municipal Corporation and Government, the former being directly concerned with local needs, while Government must be concerned with every part of the Presidency, in which Bombay City occupies a prominent place. The question of the amount provided to be spent on the Kennedy Sea Face, cannot arise, because it is money proposed to be spent by Government for the improvement of property vesting in themselves.

In the course of his observations the Honourable Mr. SHARP pointed out that the Government of India had during recent years given grants amounting to Rs. 73,00,000 towards expenditure on education, out of which Rs. 28,00,000 have been spent, leaving a balance of Rs. 45,00,000. This sum has been supplemented by a further grant of Rs. 14,00,000 recently made. Now, Sir, that leads me to the remark which I have repeatedly urged in this Council and elsewhere, that this system of giving grants is open to very serious objection. In the Budget debate in the Imperial Legislative Council representatives from Bengal got up and urged that Bombay was being more favourably treated than any other province. I had no time then to reply, but I am looking up the point, and I propose to take it up again. But in the course of that speech the Honourable Member representing Bengal pointed out that their provincial income was about six crores. With a population of four and half crores, that works out to about Rs. 1-6-0 per head paid by the inhabitants of Bengal in the form of provincial taxation. The revenue of this province is nearly seven and half crores, and the population is two crores, which works out to about Rs. 3-8-0 per head. If we are paying on this high scale for the purpose of the better administration of this province, there may be some justification for it but the question really is whether our taxation is not maintained at a very high standard not wholly in the interests of the province itself, but to provide a larger contribution under shared Imperial heads to the Government of India. If our land revenue increases, half of it goes to the Government of India. There are four or five heads in the Budget which are recognised as purely Imperial, and the whole of the collections go to Imperial revenues. These heads are opium, salt, customs, mint and political. There are several heads of revenue the income from

which is shared between Provincial and Imperial. Now it will be obvious that the growth of revenue under shared heads goes to the increase of our payments to the Government of India. The question is whether we are not in this way contributing relatively more than other provinces towards Imperial resources, and then obtaining a part of it back as doles for which we are expected to be most highly grateful to the Government of India. It is a matter for enquiry whether after giving credit for the amounts doled out to us by the Government of India we are not contributing towards the maintenance of other provinces in India in which provincial taxation is maintained at a low figure, and to which more favourable provincial contracts and subsequent substantial grants are allowed by the Government of India. This would mean that provincial taxation is maintained in Bombay at a high figure for providing funds for the maintenance of other provinces. This is a very wide question, and I do not propose to enter into it at present, but it is relevant on the present occasion for this reason that, if our provincial taxation is maintained at a high figure, the Bombay Presidency, the people of which contribute these higher revenues, are entitled to secure the fullest benefit therefrom, not in the shape of doles, but as a matter of right. If we pay the money, we expect the use of it as a matter of right. With these few words I beg to conclude my observations.

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows:—Your Excellency,—I wish to make a few remarks on some points in the Budget.

The first point that struck me on looking into the civil estimates was that this year there are no grants made to any of the Municipalities in the Presidency for sanitary purposes as was done last year. At any rate, I do not find any grant to any of the Municipalities in the Southern Division. That is a special feature of this year's Budget. It seems to me that in view of the large amounts which are shown in the Budget as sums which Government has got in its hands but which Government does not know how to spend, if a part of these sums had been spent on giving grants to Municipalities for opening up congested areas and for the promotion of sanitary objects, it would have been an excellent thing.

Another feature of this year's Budget is that I find that very large sums of money have been shown as lump sums but no details of the proposed expenditure are given at all. For instance, on page 138 of the civil estimates, the Council will find that there is a very large amount shown under the head of education. There are two sums here; one of them is Rs. 10,41,000. It is shown here as recurring expenditure. No details whatever are given, and there is a still larger sum of Rs. 22,00,000, and it is given under the head "lump provision for non-recurring expenditure." It would have been much better if Members of this Council had been taken into confidence by Government, and if Government had been pleased to give them some idea of the purposes on which these large sums are to be spent.

It is perfectly true, as the Honourable Mr. SHARP has told us to-day, that about Rs. 50,00,000 have already been allotted for different purposes. But what are those purposes? Are not we, Members of this Council, who have to sanction the Budget, entitled to know the purposes on which these sums are to be spent? We find from page 138, that last year also Rs. 19,39,000 were shown as lump provision for non-recurring expenditure, but I do not find that any money was spent actually out of that large amount.

There are hundreds of useful purposes on which money could be spent, and I really do not understand why Government should find it difficult to find useful objects on which to spend the money that is given to it generously by the Government of India. There are so many beneficent purposes. It is said that much of the money that is given to us by the Government of India is to be spent on the promotion of primary education in this Presidency and we are told often that there is not a sufficient number of trained teachers. If that be true, why not found another Training College? Is there not a want of an additional Training College in the Bombay Presidency? It seems to me that there should be an additional Training College in the Konkan, and another Training College for teachers who would do work in Urdu Schools (Hear, Hear). Similarly, if this large sum is available, why not take into consideration the request which has been made to Your Excellency's Government in this Council, hat the question of the recent enhancement of fees in Secondary Schools may be favourably considered? I have complained in this Council more than once that the recent enhancement of fees in High Schools tells very heavily upon poor parents. My friend the Honourable Mr. UPASANI also has just repeated that complaint. Why should not attention be paid to the complaints made by Honourable Members to matters like these in view of the large sums that are available, and why not spend the large sums which Government have got on its hands? We are told by the Honourable Mr. SHARP that there is a sum of Rs. 8,00,000 or so on hand, which he does not know how to spend. Why not found at once an Arts College in my part of the country? Government admits the necessity of establishing a College in the Karnatik. I know when I put the question in regard to this College to-day, the reply was that the matter was under the consideration of Government, but when Government has got resources in its hands, why not proceed to establish the College at once?

I point out some of the numerous ways in which this large sum can be profitably employed. It is no use keeping money in our hands. We know that the Government of India has been very generous to our Presidency, and they go on making grants to us year after year, but we lock up the money in our coffers, and we do not know how to spend it. It seems to me that this is not a wise way of utilising the grants given to us generously by the Government of India.

Reference was made by some of my colleagues to the recent revision of the salaries of clerks in the Revenue and other departments. I wish to express to Government my grateful thanks for the attention which they have been good enough to pay to this matter, but it seems to me that what has been given by Government with one hand is practically taken away by them with the other. I find that, in the Southern Division at any rate, the pay of some clerks has been increased, but at the same time the number of clerks has been cut down; where the number was 10 it has been cut down to 8, where it was 8 it has been brought down to 6. So practically the men get a little more pay, but they are asked to turn out a much larger volume of work which they cannot possibly cope with. If the number of clerks had been retained at the original figure, and if their pay had been increased, it seems to me that we should have been much more grateful to Government than we can possibly be at present. However, it is better to have half a loaf than none, and we are grateful to Government for what they have been pleased to do.

But it seems to me that in this matter all departments have not been treated on the same footing. I am told by people who understand the business much better than I do,

that clerks in the Revenue Department are not treated as generously as clerks in the Forest Department. I am told that in the Forest Department the rule is that a clerk gets promotion as of right in consideration of the fact that he has put in so many years' service. That is not the case in the Revenue Department. Why should there be such a difference between the clerks who serve in the Revenue Department and the clerks who serve in the Forest Department? All departments should be treated fairly and equally.

I complained last year that peons in this Presidency were very poorly paid, and I pointed out to the Council that these peons did not get even the wages of an ordinary coolie; but I find to my great disappointment that nothing has been done to increase their salaries even this year. We know that not long ago this Council was asked to sanction an enhancement of the salary of Assistant Collectors in this Presidency, and the Council was pleased to sanction that request, and I understand that the salaries of Assistant Collectors have accordingly been enhanced, but why should it not be done in the case of such poor men as peons? We have no right to neglect the rights of poor people.

Then turning to the head Medical, I find that there is another large sum shown at page 160. There the Council will find that a sum of Rs. 20,00,000 has been shown under the head of grants for special expenditure in connection with sanitation. How is this money to be spent? Are not we, Members of this Council, entitled to know the details, or the probable purposes on which the money will be spent? Government may change the grants that it is going to make from one purpose to another in course of time, but Government should tell us, at any rate, roughly its idea as to how this money is to be spent. It is no use showing in the Budget estimates large sums of money as lump provisions with no explanations at all. I hope the Honourable the Finance Member will kindly take a note of the complaint I make.

Then there are certain observations to be made on the bungalows which are to be erected in the mofussil for Collectors and Judges. I do not think it is a wise policy to provide Collectors and Judges with bungalows at the expense of the tax-payer. They are very handsomely paid out of the public revenues, and it is for them to find suitable lodgings for themselves. I find that the Collector of Belgaum is to be provided with a bungalow costing Rs. 10,000. It is perfectly true that the Collector will have to pay a certain amount of rent, but there is no reason at all why such a large amount out of public revenues should be spent in building a bungalow in a town like Belgaum where there are numerous private bungalows. This is doing something like injustice to private landlords. I have been at Belgaum for the last 25 years or so, and I find that many of the European Officers there are very comfortably housed in bungalows, and I do not see any necessity at all why Government should build buildings at Belgaum.

I also find that a bungalow is to be built at Bijápur for the District Judge. I do not see that there is any necessity for building this bungalow at Bijápur. I learn that another bungalow is to be built at Sholápur for a high officer. I agree with my friend, the Honourable Dewán Bahádur GODBOLE, that these sums of money which, properly speaking, belong to the poor ryots of the Presidency, should not be spent in this way.

I find that there is a sum of Rs. 20,000 allotted for building a jail at Hindalgi in the Belgaum District. Now this is a matter on which we, people from Belgaum, have got a legitimate grievance. At present we have got a criminal jail at Belgaum within

an easy reach from Court-houses. It is there that under-trial prisoners are at present located. They can easily walk to the Court-house, and their legal advisers can get at them very quickly. Now it is proposed that this jail should be built at a distance of three miles away from Belgaum, and whoever knows something about Belgaum, and especially the heavy rains at Belgaum, will at once realise the great inconvenience to which under-trial prisoners, their relations and their legal advisers will be put by having to travel from the Court-house to a distance of three miles; there is no need at all for building a separate and new jail at Belgaum. Why should not Government consult the public of a place like Belgaum before venturing upon constructing such a building as the jail under consideration? The feeling in this connection at Belgaum is very strong.

I have criticised some of the points in the Budget which struck me. I own with pleasure that Government have been pleased to do a good deal for the public this year for which our grateful thanks are due to them. The first thing that arrested my attention was the remission of all tolls on provincial roads. That is a matter on which Government is sincerely to be congratulated, and I am glad to learn from my Honourable friend, Sir RICHARD LAMB, that Government has already made proposals to Local Boards to say that Government is prepared to give them a fair sum of money if they agree to abolish their tolls. We are very much indebted to Government for the generous view they have taken of this matter.

Then I must express the grateful thanks of the people of the Southern Division for some new works which Government is going to execute this year. We are told in the Budget that a bridge is to be built at Mugutkhan-Hubli, and another bridge at Kamatgi. It seems to me that the Southern Division is to be provided in the course of the coming year with bridges for which we shall ever remain indebted to Government, but I hope that the proposed bridges will be built with adequate engineering skill. I may tell the Council that last year Government was pleased to sanction some thing like Rs. 40,000 for building a causeway near Khánápur in the Belgaum District. Much of that money has now been washed away. The work was completed by the end of April, and it was washed away by the beginning of July this year. I hope that better engineering skill will be displayed in building the bridges at Mugutkhan-Hubli and Kamatgi. There is no lack of real engineering skill at the command of Government.

The Honourable MOULVIE RAFIUDDIN AHMAD spoke as follows:—Your Excellency,—I feel rather a serious responsibility in criticising the Budget, because I believe the Members that were associated with the Honourable Member in charge of the Budget in framing it, I mean the Members of the Finance Committee are to a certain degree responsible for this Budget.

My Lord, I was rather surprised to hear all these criticisms from my Honourable friend Dewán Bahádúr GODBOLE. I do not remember a single resolution in the Finance Committee where a division took place. I really do not know what my Honourable friend the Dewán Bahádúr was doing when all these proposals in the Finance Committee were being framed. We wanted him to point out if there was anything upon which any discussion should take place, and we were empty of suggestions. I do not say that criticisms ought not to be aimed, but, Sir, in these enlarged Councils one of the greatest privileges that has been conferred upon is the appointment of a Finance Committee. Now I remember very well, Sir, my Honourable friend Sir RICHARD LAMB sending us six weeks

before the meeting of the Finance Committee, a letter asking us for constructive proposals to be put in the Budget. I do not know of more than one or two suggestions that have been placed before the Finance Committee, and I am aware of this, that one or two members who had been unanimously elected never turned up at the Finance Committee at all. (Laughter.) So that I cannot understand why now they should come forward with criticisms. The time for suggesting proposals and criticising is gone. Government had given us all these privileges. We did not exercise them at all. We asked several of the Honourable Members what suggestions they had to make, but they did not make any. I do not say that the Budget is without any fault, but all of us who were associated with the Honourable Member in charge of the Budget are responsible for the Budget, and if there is any blame to be attached, it is to be shared by us all. I was rather surprised to hear, therefore, that these criticisms should now come from my Honourable friend Dewán Bahádur GODBOLE, but I hope, next year before criticising the Budget he will come forward with his suggestions in the Finance Committee.

As far as the educational matter is concerned, I have only one or two suggestions to make. I had made a suggestion in the Finance Committee about the establishment of a High School, but a reply was given to me—I cannot complain of the reply—that inasmuch as the recommendation of the Mahomedan Committee appointed for education is not yet before Government, that no satisfactory reply could be made, but I do hope, Sir, that the matter which has been so eloquently and feelingly touched upon by the Honourable Mr. BELVI about spending more money for an Urdu Training College will receive the earnest attention of Government, and if there be any sum still left, it could not be more profitably spent, because the adding of more schools without having a sufficient number of trained teachers is wasting money. So I appeal to my Honourable friend Mr. SHARP that next time when he has any money to spend he could not utilise it better than for establishing a Training College for Urdu. There is a class, I know, opened at Ahmedabad, but that class in my opinion, I might almost anticipate, would soon be closed, because it does not serve its purpose fully. It has not been well located; we wanted it in the Deccan and have been given it in Gujarát. I do not mean any complaint, but I do say that when any sum has to be spent, it could not be more profitably spent than for the establishment of an Urdu Training College.

The Honourable Dewán Bahádur GODBOLE:—Can I have permission to address the Council for a few minutes?

His Excellency the PRESIDENT:—Does the Honourable Member wish to make a further speech or a personal explanation?

The Honourable Dewán Bahádur GODBOLE:—I want to make a personal explanation, my Lord.

His Excellency the PRESIDENT:—Very well.

The Honourable Dewán Bahádur GODBOLE:—Your Excellency,—With reference to the remarks that have been made by the Honourable MOULVIE RAFIUDDIN, I must remind him that during the deliberations of the Finance Committee, the lump sum provision of eighty lákhs was placed before the Committee as available for public works expenditure, and in placing this lump sum provision before the Finance Committee, no details were given as to how this money

His Excellency the PRESIDENT :—Order, order. I really cannot allow my honourable friend to go into an interesting dissertation on what happened in the Finance Committee. That is not at all the position. If he personally wishes to make some explanation against some of the criticisms, then he can refer to it.

The Honourable Dewán Bahádúr GODBOLE :—I submit, Sir, that the Honourable MOULVIE RAFIUDDIN has been making remarks about me regarding want of diligence as a Member of the Finance Committee on my part. He has been saying that as a Member of the Finance Committee, I ought to have brought to the notice of that Committee the items about which I have been making comments. What I want to tell the Council is that the provisions upon which I had been making comments were not before the Finance Committee at all. For instance, the provision of Rs. 2,50,000 upon which I had been speaking to-day was not before the Finance Committee, and certainly I could not make any comments with regard to this item at the Finance Committee. That is the explanation I want to make, and I am surprised that the Honourable MOULVIE RAFIUDDIN being himself a Member of the Finance Committee, was not aware of this. (Laughter.)

The Honourable the SURGEON-GENERAL spoke as follows :—Your Excellency, with reference to the remarks which have fallen from the Honourable Dr. DEMONTE, the Honourable Mr. NAIK and others on the Medical side of the Budget I would observe that although the grants for the opening of new dispensaries in previous years have not been large they have generally been sufficient for the provision of dispensaries in talukás which have asked for dispensaries and have contributed a fair amount of money towards their erection, the balance being given from the Budget grant as a grant-in-aid.

One Honourable Member in the course of his remarks said that dispensaries were required for the numerous small villages having a population of two thousand or more. I do not think, however, that for a very long time to come the people in small villages desire or would appreciate them. Our experience in the case of Malarial Travelling Dispensaries shows that the uneducated population of small villages think very little at first of the aid we render, but after a year or two when they recognize the advantages of the treatment of Malaria by quinine and of the medical facilities we offer, they flock to the Malarial Travelling Dispensaries. So although no large provision is made at present for founding dispensaries it is sufficient as a rule to enable grants-in-aid to be given for the building of new dispensaries in cases where, from the readiness on the part of the villagers themselves to contribute, there is an evident desire for Medical assistance. Their readiness to contribute is a fair indication of what Government should try and do for them.

The grant for Sanitation was favourably spoken of by almost every member. But I was surprised to hear one Honourable Member say that the lump sum for Sanitation was too large. In my opinion the grant made at present in regard to Sanitation would hardly be sufficient, if it could be utilized, for the prevention of Malaria alone. People require, however, to be educated in Sanitation to appreciate the measures taken for the prevention of Malaria.

A special grant was asked for by the Honourable Ráo Sáheb NAIK for the training of midwives. This is a thing that has interested me all my life in India. I do not,

however, see at present how we could have more trained midwives no matter how large a provision was made. The difficulty is this. The only class of women whom we can now get to train are not sufficiently educated to become midwives in the true sense of the word. The class of women we get in the Mofussil are illiterate and of poor intelligence. In more civilized places like Bombay and a few other large towns, the dais who come to be taught are more intelligent but even so it is difficult to train them as midwives. This has been tried for a number of years in the Mofussil and I do not think it has met with much success as yet and it is impossible that it should succeed unless we get a class of literate women who are willing to be trained as midwives. I am glad, however, to see that there are hopes that we shall get a better class of women than dais in the near future.

I would like to see efficient nurses trained as midwives provided in every Civil Hospital throughout the Presidency. In this way the benefit of the attendance of good midwives would become known and provision made through them for educating midwives in the districts.

With regard to the increased expenditure on the nurses of the St. George's Hospital, it is due to an increase in the staff of nurses necessary to cope with the work being done. The inhabitants of Bombay contribute one-half of the sum required for the upkeep of these nurses, the other half has been provided by Government.

With regard to the abolition of the Principal of the Grant Medical College and the substitution of a Dean, this question is before the Government of India.

The Honourable Sir RICHARD A. LAMB spoke as follows:—Your Excellency, as it appears that no other Member of the Council wishes to make any comments on the Budget, it now falls to me to make a few remarks on the discussion which has taken place. In this sort of omnibus discussion which occurs on the Budget, it is not possible for me to make any very connected speech, and I can do no more than refer briefly to such points as I have noted in the course of the speeches that have been delivered as requiring perhaps some explanation, and if I pass over a good many points owing to the limit of time which is imposed on the Finance Member, as on other Members, I hope Honourable Members will understand that I am doing so not because I have not listened and noted, but because it is not practicable to refer to everything that is said in the course of some hours' talking.

I notice that the Honourable Dewán Bahádur GODBOLE made a point of the contributions which he regarded as being made to the provincial revenues by the labouring classes. For my own part, I find it a little difficult to put my finger on the exact head of receipts to which the labouring classes contribute. The labouring classes are by hypothesis not the agricultural classes; they do not hold lands, therefore they are not paying any land revenue, and I do not know what other head of revenue they do come under. I think however that it is extremely probable that a good many come under the head of Excise, and it would be a very good thing if they ceased to contribute under that head; but that is a matter for those who are engaged in the moral and material uplifting of the people to concern themselves with, and not for me, at any rate as Finance Member.

The labouring classes are represented by my Honourable friend as poor, but my own impression is that they are at the present time particularly well-to-do. I understand that in all labour-employing firms, factories and departments, the difficulty is to get sufficient labour. The cause of that is, as I understand, that the labourers are in these days obtaining high wages, much higher than they did ten, or five, years ago. They obtain high wages, and having got a sufficiency for the time being, they are content to rest, and not go on working, for a time. If they were content to go on working, and if these high wages induced them to work continuously, there would be, I think, very much less of an outcry of want of labour than there is. As soon as they have made a little money, they like to return to their homes in the Mofussil, if they are in Bombay, and take a rest and when they have enjoyed a holiday, they come back and do a little further work, and again go on a holiday. Exactly the same thing is taking place in the agricultural districts. Land owners cannot get agricultural labour, because the labourers having earned a little money go and rest. Our Public Works Department are seriously impeded in carrying out the works for which we are giving money, because the labourers will come and work, earn a little, and when they have made a little, go away and rest. On the Tata Hydro-Electric Scheme exactly the same thing is happening. So that I do not think it is at all a correct thing for the Honourable Dewán Bahádur to come and talk to us about the poor labouring classes.

My Honourable friend the Dewán Bahádur, and also the Honourable Mr. BELVI referred to the building of Government Bungalows. That is a point on which I shall have to differ from my Honourable friends, and maintain that it is a perfectly right and proper thing that Government should provide for its Officers reasonable residences in which they can live and do their work. In some places the question becomes quite a serious one. I think the Honourable Dewán Bahádur GODBOLÉ referred to Surat. Well, in Surat the difficulty for Officers to find houses has been extreme. It is not correct at all to say that we are building houses in competition with house-owners or private persons who would put up houses for them. We put them up because we cannot get them otherwise. It is not altogether desirable that Government should become a large owner of house property, but it is inevitable that it should assume that character, as its Officers cannot otherwise be decently housed, within a rental that is proportionate to their pay.

So much has already been said about the Kennedy Sea Face that it is not necessary for me to dwell long on that. My own recollection is that for some time this valuable property—its value to us consisting chiefly of the amount of money that has to be spent on it to keep it going at all—was handed over to the Improvement Trust as a valuable asset—so valuable an asset that they begged Government to take it back again (laughter), and we have taken it back. It is restored to that position which it originally held, and Government are possessing it now; but the value, though great to the citizens of Bombay and to those who are able to use the Sea Face, to Government is nothing at all. We do not get any revenue from it. The only value that it possesses is the extremely heavy responsibility of seeing that it does not fall to pieces and go back to the sea. That responsibility we propose to discharge.

The Honourable Sir PHEROZESHAH MEHTA.—Yes, you have enhanced its value by taking your remount stables there.

The Honourable Sir RICHARD LAMB.—I did not quite catch the Honourable Member.

The Honourable Sir PHEROZESHAH MEHTA.—You made it useful and valuable because you have put your remount stables there.

The Honourable Sir RICHARD LAMB.—They were there for some time, no doubt; so also were certain plague camps of the Municipal Corporation. (Laughter.) Well, it will cost a good deal of money. Rs. 2,50,000 has gone in already in the course of the year, and it will certainly cost a very much larger sum before the whole front wall is made sound and good against the sea. But it is Government property, and the responsibility is on Government to see that that property is maintained.

The Honourable Ráo Sáheb NAIK had some reference to make to the advisability of reducing the pressure of assessment on lands. That again is a point on which I shall not be able to agree with my honourable friend. My own impression is that assessments in our Presidency are not severe. My impression is that we show a very great consideration to those who have to pay the assessments under the present system of suspensions and remissions. It was not so in old days before the present rules of suspensions and remissions were introduced. I am not concerned to deny that revenue which was irrecoverable from an occupant was maintained without being written off, in a way that hung heavily upon him. We have mended our ways in that respect, and I only hope that the landlords who still hold over their tenants the burden of irrecoverable arrears will follow our example and mend their ways.

I was glad to hear my Honourable friend Ráo Sáheb NAIK refer to the success of the steam plough that has been employed in the Dhárwár District. I have had a long conversation with the Agricultural Engineer who was in charge of it, and I am satisfied that it was worked in a thoroughly businesslike fashion and that it was a success. We are now contemplating to use a steam plough in Gujarát, where we hope to make it equally successful. I will not go further into this point, because it is not a perfectly settled plan; it is a plan which we hope soon to carry out.

As regards boring, my honourable friend had some remarks to make, but I will not dwell on that matter now, as there is a Resolution on the subject of boring which will come on later, and there will be much more to be said on it when we reach that resolution.

As regards the provision of new Courts of Justice in the mofussil, which has been referred to by the Honourable Ráo Sáheb NAIK and the Honourable Mr. UPASANI, it is not possible for me to say anything at present. The Honourable Member in charge of the Judicial Department has doubtless heard and noted those remarks, and if it appears to him that something ought to be done, I, on the financial side of the Government, will certainly be prepared to consider it, but until something of that sort comes to me, it is hardly practicable for me to discuss the point now.

The Honourable Mr. MANMOHANDS RAMJI slipped into a small error in the figures that he gave to us, because in the population of the Presidency he included that of the Native States. He called the population of the Bombay Presidency twenty-seven millions, and proceeded to compare that population with the expenditure incurred by

the Provincial Government within British territory; a comparison, of course, must be between the population in the British territory excluding the Native States and the expenditure within that territory. If we take the figures in that way and exclude the population in the Native States, we have a population in the British territory of just short of 20,000,000,—19,626,000 according to the census of 1911—and if we take that figure and look at the educational expenditure in our Budget, including all that is devoted to education in addition to what appears under the major head Education, we arrive at a figure of nine annas per head instead of the figure six annas which the Honourable Member gave us. Similarly with regard to sanitation, if we take the population of our own territory only, excluding the Native States, we shall have an expenditure of about four annas per head instead of two annas which the Honourable Member gave us. That perhaps is not a very important point of detail, still I thought it better to refer to it, lest it should go out to the world that we are spending only two pence, where we are in fact spending four pence.

I think my honourable friend also fell into another error. He made out that our Public Works Department expenditure amounted to Rs. 1,60,50,000. I do not think it is so. According to Statement A of our Budget, the total against 45, Civil Works, the Civil Departments and Public Works Department, is only Rs. 98,69,000. That is another small correction of figures.

As regards the form of the Budget, I do not know that I quite understand even yet what it is that the Honourable Mr. KAMAT finds defective, and I do not know whether the explanation that was given by the Honourable Mr. LALUBHAI has satisfied him; but if there is anything which he still would like to point out as regards the form in which the Budget is put forward before the Council, if he will let me know of that, I shall cause it to be examined in the Financial Department, and will see what improvements can be made in the form, both as regards showing the details and the balance. As regards at any rate, the opening balance, the details are given fully on page 6 of the Budget itself. As regards the closing balance, the details are given in the Revised Financial Statement which was laid before the Council in March. And as regards the recommendations of the Finance Committee being shown in the Revised Financial Statement, I was under the impression that they were shown; at any rate they were mentioned in this Council. But if in the Finance Committee recommendations are made and it is necessary to show them in greater detail than has hitherto been done, I will see that it is done in future Financial Statements.

As regards the lower village servants, the Mahars, they have been dealt with throughout the Presidency to a greater or less extent according to circumstances. The inferior village servants, as they are called, have been re-organised to a large extent in the Southern Division, not without criticism on the part of Honourable Members who come from that Division, and also to a considerable extent in the Northern Division. In the Central Division there was an idea that we should improve the pay of the inferior village servants throughout the Maráthi-speaking districts, but when it came to be tackled, it appeared to be a task of such enormous magnitude that it was hardly practicable to undertake it without considerable expenditure on special establishments to make the necessary investigation. It was, therefore, decided that they should remain generally as they are, on the ground that the inferior village servants, including the Mahars, are on the

whole not ill remunerated, and that it will rest with those concerned through the Táluka and Sub-Divisional Officers to represent to the Collector and so bring up to the notice of Government any particular case of a village or group of villages in which the remuneration was insufficient, and that each case as it came up should be dealt with on its merits.

As regards the Income-tax establishment, to which the Honourable Mr. KAMAT referred, we have made great use of the abilities of the Income-tax Collector of Bombay. Mr. Hartley has proved an excellent man for that post. He has re-organised the system in Bombay, and he has worked it, as I understand on all sides when I go to Bombay, without any friction with those who have to pay the tax. My opinion of his working is that he has succeeded in excluding all the lower incomes which ought to be excluded and which frequently, before his system was introduced, were not excluded, and he has succeeded in bringing a proper and reasonable assessment on those who ought to pay an assessment. That being so, we have thought it well to depute him from time to time on special duty out of Bombay to assist Income-tax Collectors in the mofussil, and he has visited places both in the Northern Division and the Central Division, and in Sind also, for the purpose of pointing out to them the way in which surveys for income-tax should be made and how they should be maintained. We have given, on his recommendation, the Inspectors that were required to work these methods, and I am satisfied myself that the result of his system as introduced is to get out of the income-tax list altogether all those whose incomes are below the taxable rate, and by that means we have reduced very largely the number of appeals which come up, and to secure that those who are assessable should pay a reasonable and fair assessment.

The Honourable Mr. LALUBHAI had one or two minor points to refer to in his speech. One remark related to the provision for the regrading of Assistant Collectors and the special legal training of I. C. S. Officers. On those two points we are still awaiting the sanction of the Secretary of State, and it is the case that, when sanction is received and the thing comes into working operation, the special separate entries in the Budget regarding this will disappear. They will merge in the general expenditure, but so long as the sanction is not received, the provision will continue to appear separately in the Statement.

The question of the Subordinate Revenue Establishments was referred to by the Honourable Mr. LALUBHAI, and also by some other members whose names I cannot recall, I think it was the Honourable Mr. BELVI who complained of the reduction in the number of men at the time when we are improving their pay. It is, I think, obvious that where we find it practicable to reduce the number of men, it is our duty to do so. It is not our business to maintain Government Offices in order that individuals may obtain employment; and where by improvement of methods in the offices, which we are strenuously endeavouring to carry through, we find that the actual number of men can be reduced and the work can be done by fewer men, necessarily we must reduce our men, and we shall continue to do so as long as we are able to improve our methods, knocking out all those on Rs. 15 and making Rs. 20 the lowest pay in any revenue subordinate office.

I do not think that it is quite correct to compare the Revenue Subordinate Establishment with the Forest Subordinate Establishment. The Forest, so far as its subordi-

nate establishments go, is a very much smaller thing than the Revenue Department. The Mámlatdárs' Kacheris are scattered throughout the whole country, and there are Sub-divisional Officers and many other Officers, which result in our having an immensely larger number of men employed in the Revenue Subordinate Establishments than there are in the Forest Establishments. If men are larger in number, it is not practicable to assume exactly the same policy in the matter of pay. Consequently, it is necessary for the Forest Department to have what is called a progressive pay for all men, and in the Revenue Establishment, to have grades, with fixed pay in each grade.

The Honourable Mr. LALUBHAI wanted to know about a provision made for the collection of income-tax. The provision is due to this, that under the Income-tax Act arrangement can be made and is made by the Collector with a company or a public body or association, not being a local authority or private employer, for the recovery, on behalf of Government, by such company, body or employer, of the tax payable by persons receiving salary, annuity, gratuity from that body or employer. A commission at a rate not exceeding two per cent. of the income-tax sent within one week of the payment of the salary is admissible to the employer, and is debited under the head to which my honourable friend referred.

As regards the Tata Hydro Electric Company and the water which comes away from their Works, a survey of a canal for the utilisation of that water, a preliminary survey—has been approved, and it has been directed that a detailed survey and estimate with plans should now be prepared for carrying the water from near the power station through Khálápúr Petha into the Panvel Táluka. The intention is that the greater part of the water should be utilised in the Panvel Táluka, and the method in which it should be utilised will be investigated by the Director of Agriculture who will, now that the line which the canal should take has been decided, open an experimental station in the Panvel Táluka for the purpose of proving the most profitable way in which the water can be used in that part of the country.

The Honourable Mr. UPASANI protracted his remarks beyond the ordinary limit—possibly not the first occasion on which he has done so—and one of his remarks was, I think, that the estimate of income was somewhat too cautious. I fear that the Accountant General would not quite agree with him on that point. In the “Three-monthly Estimates” prepared by the Accountant General the estimate of income has to be decreased by over a lách and half, and I do not think myself that we have been really too cautious. I hope not, because it is certainly a fault to under-estimate your income and to make out your expenditure more than it really is, and it is a fault which we do endeavour to avoid in preparing our Budgets here.

My honourable friend referred to the stringency of revenue collections, a point which I have met already with regard to Ráo Sáheb NAIK's remarks, and I am not at all prepared to admit that we are too stringent.

As regards Tagávi, it is perfectly true that there is a large amount of money outstanding, and I think that it will be perfectly right that a good deal of that should be written off as irrecoverable. I am not prepared to give figures at present, but I can mention two districts in which loans that were given to be repaid have been or will have to be written off to a very considerable extent. One is Kaira in the Northern Division, and the other is Ahmednagar in the Central Division.

I understood the Honourable Member to say that he thought our educational expenditure was still too small. There, again, I find the Accountant General not quite agreeing with him, because in his "three-monthly" estimate which has just come up, the Accountant General has cut down the educational budget by five lakhs merely on the ground that we put in it much more than the present indications show we are at all likely to spend during the year. It is not the case that education is at all being starved, or that schemes have not been developed for the utilisation of the sums from provincial revenues and the sums given to us by the Government of India. The Honourable Mr. BELVI complained that the object on which these sums would be utilised was not given in the Budget. I have to confess that to some extent I am just as ignorant as he is. It is not possible to state in the Budget, at the time of its preparation, the particular objects on which these lump sums will be expended. The development of the schemes on which expenditure is to be incurred goes on steadily, but they necessarily take a good deal of time to work out; so that, it is not practicable at the time of preparing the Budget to put into it the details of these schemes. As time goes on the schemes take shape, and ever since the Budget came into force on the 1st April, I have been receiving from my honourable colleague in charge of the Educational Department schemes the expenditure on which is to be met from the lump sums entered in the budget. They are all worked out with care, and then passed as the objects on which these grants are to be expended. But it is not possible to put them into the Budget, because they are not ready at the time the Budget is prepared. I will examine the point whether it will be practicable to add to the Budget as presented at this meeting of the Council some account of what has been sanctioned, in a form similar to paragraph 3 which gives an account of what is proposed to be done in the Public Works Department. If it is found practicable to add to the Budget in future a statement corresponding as regards educational expenditure to this paragraph regarding the Public Works expenditure, I shall be very glad to have it added to the Budget.

My honourable friend also complained, I think, of want of information about the grants-in-aid to Municipalities for sanitary objects. I think he must have overlooked the information which is given on page 15 of the Revised Financial Statement. On page 6 of that Statement, "grants for sanitary projects" is an item which is mentioned, and on page 15 are detailed a number of the grants-in-aid which are likely to be required during this year. I cannot give exact details as to what actually will be provided in the course of the year, because many of these projects are still under consideration, and as to them nothing has yet been definitely decided. The actual grants that I have got a note of here are comparatively small ones. A grant for a water-supply scheme at Aden Rs. 5,000 and odd, Rs. 3,000 for water analysis at Aden, an annual grant of Rs. 500 to the Miss Florence Nightingale Fund for village sanitation, a grant to the Pen Municipality in the Southern Division for a storm-water drain, a new electric lift costing nearly Rs. 10,000, and then there is a substantial sum of Rs. 1,00,000 to the Sanitary Board to enable them to sanction projects up to Rs. 20,000, and to make grants up to a limit of Rs. 10,000. That is a piece of delegation under the decentralisation scheme which has been carried out in respect to the Sanitary Board. They may sanction projects up to Rs. 20,000 and they may make grants up to a limit of Rs. 10,000, and for that purpose Rs. 1,00,000 have been placed at their disposal, Rs. 40,000 are going to works in connection with the development of Salsette, and Rs. 12,800 are down for the Sholapur

Municipality for town improvement. Those are already passed; others under the consideration of Government in the General Department are grants for filling up some tanks in Pcona, a grant to the Hubli Municipality in the Southern Division for filling in a ditch Rs. 14,000, Rs. 45,000 to the Nasik Water-supply Scheme, and for a Boring Plant for the Sanitary Engineer Rs. 92,000; total Rs. 3,25,000. That is as far as we have got at present so far as the sanitary grants are concerned.

The Honourable Mr. PAREKH complained of a certain want of proportion between our land revenue income and our land revenue expenditure, and also complained that there was a similar want of proportion between our forest revenue and forest expenditure. I think that I have already, in introducing the Revised Financial Statements, in the past three years pointed out that since the time when the provincial settlement was introduced, we have continuously reduced the proportion of the forest expenditure to the income, brought it down from approximately 75 to something like 54 per cent. If the Honourable Member still complains of our spending too much, and he does not care to refresh his memory from what has been stated on at least three previous occasions, I am afraid I shall have to give up his case as hopeless.

It seems to me that he made also a somewhat startling statement when he said that the Forest Department does not undertake sowing operations, therein differing greatly from those whose business is agriculture. The Honourable Mr. MILLETT could tell him that the Forest Department does a great deal of work in the shape of sylvicultural operations. For these operations a good deal of money is required, and from them we get a very definite return.

In the course of his remarks on Excise, my Honourable friend has referred to Toddy as an altogether innocuous beverage. That is a remark to which I must take exception. It is a perfectly innocuous beverage if you drink it with moderation, but if you drink it in excessive quantities, it is just as bad as mhowra liquor in excess. It has been mentioned in the many discussions which have gone on as regards our excise policy and liquor generally, that excess of toddy drinking is just as bad for a man as excess of spirit drinking. I mention that only in passing, because I should not like it to be understood that I at all admit the statement that toddy is an altogether innocuous drink.

As regards our excise policy generally; this is not the occasion on which to enter into a discussion on it. As probably most Members are aware, there was a deputation not long ago to the Secretary of State in England and another to His Excellency the Viceroy in this country, which made certain remarks on that policy, and on those deputations Local Governments were called on by the Government of India to submit figures and statistics, and to give an expression of their opinion. These went up to the Government of India in due course. Whether the Government of India has published its despatch to the Secretary of State, I do not feel quite sure, but at any rate, in this morning's mofussil edition of the "Times of India," there are lengthy extracts from the Secretary of State's reply. The fact that the excise policy, not merely of this Government, but of the Government of India, has been before the Government of India and the Secretary of State, and the fact that the Secretary of State's despatch has just come out, render the present moment not at all suitable for discussing excise policy in this Council.

The Honourable Mr. HARCHANDBAI VISHINDAS referred to an allegation that works are delayed by the Government architect being over-worked. I am sorry to say that that is a perfectly true story. I do not know whether it will be discreet on my part, but I will risk a little indiscretion, and say that Your Excellency's Government have represented to the Government of India the extreme and urgent need in which we stand of reinforcing the department of the Consulting Architect to Government, and so far, we have met with no success. We have met with a rebuff, but we do not propose to sit down silent, and we hope to tackle the Government of India again; so much I venture to say, perhaps in breach of strict disciplinary rule, of a correspondence which is now going on between this Government and the Government of India. I hope in course of time that we may 'have a sufficient architects' establishment to avoid the delays, of which my friend has not unreasonably complained, and of which we ourselves feel the difficulty in respect of other works also.

I do not feel at all inclined to follow my Honourable friend Sir IBBAHIM in his discussion about the provincial and imperial finances, and the allotment of funds between provincial and imperial. If my Honourable friend chooses to take a preliminary canter here, in preparation for what he proposes to say in another place, possibly it is within his discretion to do so. For myself I thought it somewhat irrelevant, and I do not feel I should be justified in entering into that arena here.

Those are, Sir, in brief, the main points that I have noted on which I might make a reply. I have intentionally avoided dealing in particular with educational points, because the Honourable Mr. SHARP has already referred to them, nor have I referred at great length to points relating to Medical and Sanitary, because the Honourable the Surgeon General has referred to them.

There is one point which occur to me that I have not mentioned, and that is touching the Agricultural Schools which, I think, were referred to by the Honourable Mr. UPASANI. He referred to them as if they were under the Director of Public Instruction; but the Agricultural Schools which have been so far opened and those contemplated to be opened in this Presidency are not under the Director of Public Instruction, but under the Director of Agriculture. We opened them under the *aegis* so to say of the Agricultural College, and we work them entirely by our Agricultural Officers. I regard them as an extremely useful system of schooling, but it is most unwise to go too fast. We started slowly in order that we might prove and test both the organisation of the school as we started it, and the syllabus for the working of the school that we started. Having found that the plan was successful in Poona, we are now going to extend them North and South, that is to say, down to the Southern Mahratta Country, up to Gujarat and elsewhere. I hope, as time goes on and as we have competent and capable men to undertake the work of teaching, we may be able to increase the number of these schools considerably. But that is a matter of time. As they grow, I feel that they will prove a very valuable agency for bringing home to the agriculturists, the cultivators of this Presidency, correct and sound methods of agriculture.

His Excellency the PRESIDENT:—After the very clear and convincing remarks of my Honourable colleague in reply to the various points raised by Honourable Members this afternoon, I think they will agree with me that it would be sheer waste of time for me to amplify in any way the admirable speech which he has made. I would merely

say that, I consider myself very fortunate as President of this Council and as Governor of this Presidency to have been able to come here on the first day of my first two sessions in Poona, when the final discussion takes place on the Budget, not to assist my Honourable colleague in repelling severe and caustic criticisms, but to assist him in sharing the warm congratulations on an excellent Budget due to excellent seasons.

Now I should like to say I have listened with great interest to this debate, and to the numerous suggestions raised as to education, sanitation, and medical matters, and also as to public works and agriculture, and Honourable Members may be perfectly sure that all these questions will be carefully considered by Government.

There is only one point which I wish to refer to in this debate, and I trust Honourable Members will bear with me in referring to it. My Honourable friend Mr. BELVI made a remark just now stating that he thought it quite unnecessary to build bungalows for Collectors in Belgaum for two reasons, first because he thought there were quite a sufficient number and secondly because what there are, are extremely comfortable. Now I happened to be on a tour in the Southern Mahratta Country not very long ago, and I visited the town of Belgaum, and I wish to tell my Honourable friend two facts that I found in Belgaum with regard to bungalows. Let me refer, first of all, to the matter of the shortage of bungalows. I found there a young man, son of a Ruling Chief in this Presidency, who was learning revenue work in Belgaum. He had been there for some months, and had been unable to secure a bungalow, to which he might bring his wife and family from whom he had been separated for some time. I think this experience rather goes against my Honourable friend's view as to the sufficiency of bungalows in Belgaum and feeling as I did considerable sympathy with the young man in this difficulty I consented to his leaving Belgaum to join his wife in his father's State.

Now with regard to the comfort of bungalows, when I was in Belgaum I happened to go to tea with the Collector in his bungalow in the Fort, and by an extraordinary accident, while I was there, a heavy thunder-storm came on and the rain poured through the roof into the sitting room to such an extent that I determined on my return to urge my Honourable friend Sir RICHARD LAMB to agree to the desirability of erecting a comfortable bungalow for this officer.

Let me in conclusion say that I sincerely trust that I may meet Honourable Members next year under still more satisfactory conditions as far as our Budget is concerned than we find on this occasion.

I think probably this will be a suitable time to adjourn, and I would suggest to Honourable Members to meet at 11-30 to-morrow morning.

[The Council then adjourned till 11-30 a.m. on Tuesday the 28th July 1914.]

By order of His Excellency the Right Honourable the Governor,

S. G. KHARKAR,
Acting Secretary to the Legislative Council.

nal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Indian Councils Acts, 1861 to 1909.

The Council met at Poona on Tuesday, the 28th July 1914, at 11-30 a.m.

P R E S E N T :

- His Excellency the Right Honourable Lord WILLINGDON of RATTON, G.C.I.E.,
Governor of Bombay, *presiding.*
- The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S.
- The Honourable Mr. PRABHASHANKAR D. PATTANI, C.I.E.
- The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.
- The Honourable the ADVOCATE-GENERAL.
- The Honourable Moulvie RAFIUDDIN AHMAD, Bar.-at-Law.
- The Honourable Mr. R. P. BARROW, I. C. S.
- The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
- The Honourable Mr. T. W. BIRKETT.
- The Honourable Mr. GHULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD
BHURGI, Bar.-at-Law.
- The Honourable Mr. FAZALBOY MEHEEALLY CHINoy.
- The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
- The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (London), L.M. & S.
- The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
- The Honourable Mr. W. L. GRAHAM.
- The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
- The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.
- The Honourable Mr. J. E. C. JUKES, I. C. S.
- The Honourable Mr. BALKRISHNA SITARAM KAMAT.
- The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwáda.
- The Honourable Mr. NAVROJI DORABJI KHANDALAVALA, LL.B.
- The Honourable Mr. JEHANGIR H. KOTHARI.
- The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
- The Honourable Sardár Sir CHINUBHAI MADHAVLAL, Bart., C.I.E.
- The Honourable Mr. J. A. D. MCBAIN.
- The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
- The Honourable Sir PHEROZESHAH MERWANJEE MEHTA, K.C.I.E., Bar.-at-Law.
- The Honourable Mr. G. P. MILLET.
- The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK.
- The Honourable Mr. E. FERRERS NICHOLSON.
- The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.
- The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
- The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
- The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
- The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEEBHOY.
- The Honourable Sir IBRAHIM RAHMITOOLA, Kt., C.I.E.

The Honourable Mr MANMOHANDAS RAMJI.
 The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
 The Honourable Ráo Bahádur GANESH KRISHNA SATHE.
 The Honourable Mr. CHIMANLAL HARILAL SETALVAD, LL.B.
 The Honourable Mr. W. H. SHARP.
 The Honourable Sir FREDERICK L. SPROTT, Kt.
 The Honourable Mr. E. G. TURNER, I. C. S.
 The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
 The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

**BILL No. IX OF 1913 (A BILL FURTHER TO AMEND THE BOMBAY
 TRAMWAYS ACT, 1874).**

His Excellency the PRESIDENT:—Order, Order. A Bill further to amend Bombay Tramways Act, 1874, second reading,—Mr. PATTANI.

The Honourable Mr. P. D. PATTANI moves the second reading of the Bill further to amend the Bombay Tramways Act, 1874. The Honourable Mr. PATTANI spoke as follows:—Your Excellency, I rise to move that the Bill further to amend the Bombay Tramways Act of 1874 be read a second time.

The first reading of the Bill was approved of in March last in view of the proposal that certain amendments, then disclosed to the Council and which were arrived at as result of a compromise between the Tramway Company and the several bodies, objected to the Bill were to be incorporated in the Bill. The Select Committee on which there were representatives of the bodies concerned have since considered those amendments and they have found their right place in the Bill. It would thus appear that the Bill now submitted for the second reading is in effect the same as that of which the first reading was approved by the Council. Since the acceptance of the first reading objections have been raised against the Bill nor has there arrived notice of any amendments to it since the publication of the Select Committee's Report.

I, therefore, beg to move that the Bill as amended by the Select Committee be read a second time.

Bill read second time. The motion for second reading of the Bill was then put to the vote and carried.

Clauses 1, 2, 3 and the preamble were then put to the vote and carried.

The Honourable Mr. PRABHASHANKAR D. PATTANI:—Your Excellency, the second reading of the Bill having now been passed, I now request that it may have its third reading and take its place in our statutes. Bill read third time.

The motion for the third reading was then put to the vote and carried.

**BILL No. III OF 1914 (A BILL FURTHER TO AMEND THE
 ADEN PORT TRUST ACT, 1888).**

His Excellency the PRESIDENT:—A Bill* further to amend the Aden Port Trust Act, 1888, first reading—Mr. SHEPPARD.

* The Bill with the Statement of Objects and Reasons was published in the *Bombay Government Gazette* Part VII, dated the 9th May 1914.

The Honourable Mr. W. D. SHEPPARD :—Your Excellency, I rise to ask this Council to read for the first time Bill No. III of 1914,

The Honourable Mr. W. D. Sheppard moves the first reading of the Bill.

which is a Bill to amend the Aden Port Trust Act, 1888. The Bill of which the first reading is asked is of a very simple nature and will, I hope, be considered entirely non-contentious. It comprises three amendments to the existing Act. The first amendment is to the effect that the name of the Port Surgeon at Aden shall be omitted from the list of those Members of the Aden Port Trust who are Members of that Trust *ex-officio*.

It has been found by experience that it is not always necessary and not always desirable that the Port Surgeon at Aden should be a Member of the Trust and this is more especially the case when a new Port Surgeon comes to Aden from India who has never been at Aden, and who is not acquainted with the conditions at Aden or of its Port as other officers or other people who are in the Settlement of Aden and who are eligible or would otherwise be eligible for nomination. It is therefore proposed that the Port Surgeon should be omitted from the list of *ex-officio* members of the Trust and at the same time there is a proviso added to section 13 to allow of this very Port Health Officer being appointed a member if it is considered desirable that he should be a Member.

The second matter in which amendment is asked is that the Port Trust should have a power which is possessed by most local bodies in Bombay, that is, with regard to banking with the most convenient Bank. At present they bank solely with the Government Treasury. This Treasury is situated at a distance of 5 miles from where the bulk of the monetary transactions are carried on. It is therefore a very great inconvenience every day to send away cash to the Government Treasury five miles from the harbour, and it is proposed instead to give the Trustees power to place their money on deposit or in current account with a Bank that banks actually at the harbour where money is received by the Officers of the Port Trust.

The third matter is the inclusion within the limits of the harbour of a couple of small islands in the harbour which are occasionally used for the deposit of goods out of prows. For that reason these two islands are to be treated as a portion of the Port.

I do not think that these three sections need any special recommendation from me as they are all non-contentious.

I therefore ask to be allowed to move that this Bill be read first time.

Bill read for the first time.

The motion for the first reading was then put to the vote and carried.

The Honourable Mr. W. D. SHEPPARD :—I now ask that this Bill be read a second time.

His Excellency the PRESIDENT :—Under the powers I hold I now suspend the standing orders.

Bill read second time.

The motion for the second reading of the Bill was then put to the vote and carried.

Bill was then read clause by clause.

The Honourable Mr. W. D. SHEPPARD:—Your Excellency, I ask that this Bill be read a third time and passed into law.

Bill read third time.

The motion for the third reading of the Bill was then put to the vote and carried.

BILL No. IV OF 1914 (A BILL FURTHER TO AMEND THE BOMBAY CIVIL COURTS ACT, 1869).

His Excellency the PRESIDENT:—A Bill* further to amend the Bombay Civil Courts Act, first reading—Mr. PATTANI.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency, I beg to move for the adoption by the Council of the first reading of the Bill further to amend the Bombay Civil Courts Act of 1869. The object of the Bill is fully set forth in the Statement of Objects and Reasons, and I trust it will be agreed that it is a small Bill of an entirely non-contentious character. The principle involved first came up for consideration when the last Court of Wards Amendment Act was under Report by the Select Committee. The Committee accepted the principle but suggested that its proper place was in the Civil Courts Act and recommended that steps should be taken to attain that end. It was in pursuance of that recommendation that Government have now brought forward this Amending Bill.

It has the support of the High Court. The District Judge of Belgaum also independently made the same proposal.

The Honourable Mr. BELVI, from whom the suggestion originated, strongly supported such a course at the time of the passing of the Court of Wards Act as will be apparent from a perusal of his speech on that occasion. It aims at facilities for judicial work and in direct proportion to these facilities will influence favourably the interest of the people who will be affected by this improvement.

It may be added that the transfer of the work touched by the Bill to the Lower Courts will not in the least affect the power of a District Judge to call for any case for trial by himself.

With these few remarks, Your Excellency, I request that the Bill be read a first time.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency, I think that the provisions of this Bill were altogether necessary and we are glad that this Bill has come in the form in which it has come before us. These petty suits which were required to be brought in the District Court, will now be filed in the lowest Court having ordinary jurisdiction to admit them, and thereby much time and unnecessary expense will be saved. We had suggested a provision of this kind to be embodied in the Court of Wards Act, but it was thought that that was not the proper place for such an amendment. That being the case I heartily support the first reading of this Bill as it stands.

* The Bill with the Statement of Objects and Reasons was published in the *Bombay Government Gazette*, Part VII, dated 1st June 1914.

The Honourable Mr. HARCHANDRAI VISHINDAS spoke as follows:—Your Excellency, I wish to make a few remarks on this Bill. So far from in any way opposing this Bill, I am rather in favour of extending it. That is to say, there are certain suits filed in Sind by the Manager of the Incumbered Estates which are not cognisable by the Subordinate Judges' Courts but only cognisable by the District Court. If we carry out the principle of this Bill in the case of the Court of Wards, I should think that this should also be made applicable in the case of the Manager, Sind Incumbered Estates. I do not know whether the Honourable Member in charge of the Bill has had that matter brought to his notice, and it may be that there are certain other officers of Government who have duties like those of the Court of Wards. Would it not be more advisable to make the provisions of the Bill comprehensive enough to include all these cases rather than have them confined to the Court of Wards?

The Honourable Mr. PRABHASHANKAR D. PATTANI:—Your Excellency, there is only one point raised in connection with this discussion and that is raised by the Honourable Mr. HARCHANDRAI. He wants to include in the scope of this Bill the word "Manager of Sind Encumbered Estates." It is quite a good suggestion. But it could only be considered at a later stage, that is if he brings forward this proposal when we are again amending the Act. At present the addition would be beyond the purview of the Bill, for it must go to the Government of India before any new principle is accepted. If the Honourable Member is anxious to have the amendment brought forward and if he suggests a reference to the Government of India, Government will be glad to consider the point, but I hope he will not press for the inclusion of these words in this Bill to-day.

The Honourable Mr. HARCHANDRAI:—Very well, I will not press for it now.

Bill read a first time.

The motion for the first reading was then put to the vote and carried.

The Honourable Mr. PATTANI:—Now Your Excellency, when a Bill is read for the first time, it is customary, though not prescribed by the rules, that a Select Committee is appointed. The Council might proceed straight on with the consideration of the second reading or might appoint a Select Committee if it is an important Bill.

The Bill, as it stands, would appear to be of a very harmless and non-contentious character, and, therefore, I would submit that it might go through all its stages in the present Council. I request, Your Excellency, that the Bill be read a second time.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD spoke as follows:—Your Excellency, I am afraid, we are slowly drifting into the practice of going through all the stages of a Bill at one sitting. I do not agree with my Honourable friend Mr. PATTANI in the proposition he has enunciated that the practice has been not to refer Bills to the Select Committee where the matters were of a non-contentious character. The rule, so far as I know, from my experience in this Council, the unwritten rule, has been that ordinarily all Bills should go to the Select Committee unless the matter is non-contentious and of a very urgent character. If any piece of legislation is of an urgent character and cannot afford any delay, then it is that the standing orders are suspended and the Bill is taken through all its stages. Your Excellency will see, how the proposed hurried procedure affects the public in general.

In the agenda all the notice we have given to the public outside is that the first reading of the Bill will be taken up. So that the public will be under the impression that ordinarily only the first reading of the Bill will be considered. Therefore even if there were any objections to be raised or any suggestions to be made, they would be justified in thinking that they could afford to wait till a Select Committee was appointed. So unless there is any urgency about the measure, I submit, your Excellency, that the safer thing to do is to follow the ordinary procedure of referring the Bill to a Select Committee, I quite admit that if the legislation is non-contentious and is of a very urgent character and if we cannot afford any delay, then quite certainly we can proceed with the measure; otherwise I do think that we ought to adhere to the ordinary procedure. And there are precedents in this Council which I have already brought forward to the notice of the Council shewing the unwisdom of unnecessarily rushing through a measure.

Honourable Members will remember that we had some years back a very small Bill, which looked very harmless and non-contentious, for the amendment of the Karáchi Port Trust Act, having only one section and it was then suggested to straightway pass it through all its stages. If I remember right, I objected on that occasion pointing out that unless there was any urgency, the ordinary rule should be followed and then the President was pleased to follow the ordinary procedure with the result that we had a Select Committee appointed, and, when that small Bill with one section went before the Select Committee, it was there discovered that there were various other things which required consideration, and the result was, when the Bill came back from the Select Committee, it was quite a different Bill altogether from the one that was referred to them. This shows that there are various points in a Bill that may be lost sight of. I therefore submit that it would not be right when all that is advertised is the first reading, to rush through all its stages unless, as I say, there is any urgency about the measure.

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows:—Your Excellency, I am glad that at last this Bill has been introduced into the Council. As for the objection raised by my friend, the Honourable Mr. SETALVAD, I am sorry that I cannot agree with him, as I am satisfied by the reply that was given to one of my questions which I had put at the last session that there is a very large number of Civil suits pending for a long time in the District Courts of the Presidency for nothing. In my own district of Belgaum there are no less than 80 Civil suits in the Court of the District Judge which are pending for years together. The District Judge there is fully occupied; he has to try sessions cases as well as Civil appeals and he does not find time to dispose of the Civil suits, but most of these suits are of a very trivial nature. The subject-matter of most of these suits is an amount of rent. These suits could be disposed of expeditiously provided Subordinate Judges are invested with the necessary jurisdiction. Also from the reply given by Government to my question I learn that about 100 suits are pending in the Courts of District Judges in the other districts of the Presidency. I submit therefore that nothing will be gained by referring this Bill to a Select Committee. All that is wanted under this Bill is that Subordinate Judges, who try suits in cases in which the subject-matter is worth several thousands, may be empowered to try these petty suits. As has already been stated by the Honourable Member in charge of the Bill, the jurisdiction of the District Judge stands unaffected.

On these grounds I request that the Bill may not be referred to a Select Committee and that it may be passed into law at once to expedite justice in the Mofussil Courts.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency, the Honourable Mr. SETALVAD has raised the question in the first place that a Bill when first introduced should always go to a Select Committee. He has been careful enough, however, to say that this practice has been an unwritten practice and not entirely warranted or prescribed by statute. It is true that when a Bill is introduced which requires further consideration or when strong objection has been raised in the Council to justify a reference to the Select Committee, it always would be wise to have such a Select Committee appointed, but in this instance the Bill is a very non-contentious one. Mr. SETALVAD has suggested that on a former occasion a point was made out that a similarly small Bill was non-contentious, and yet, when it was referred to the Select Committee various considerations arose which required a close attention of the Committee. But that was not so. When it was proposed to have all the readings taken at one sitting, strong protests were raised even in the Council. The members for Karáchi opposed that Bill and, if I remember aright, there were other opponents as well and it was therefore—

The Honourable Mr. SETALVAD:—May I point out that the Honourable Mr. PATTANI is referring to another occasion regarding another Bill? On the occasion I refer to there was no dissent and the Karáchi members supported the Bill. I merely pointed out that the usual procedure should be followed. I am referring to one Bill, while the Honourable Mr. PATTANI is referring to another. So my statement of facts is not altered.

The Honourable Mr. PATTANI (continuing):—Well, I am afraid I was referring to another occasion and I am sorry for it; but it does not affect the principle I am enunciating. It does not follow that, because on one occasion a Bill that was submitted had had the serious attention of the Members of the Select Committee, that therefore every non-contentious Bill, that may be brought forward and would not be opposed, should invariably be submitted for consideration and report by a Select Committee. But here it is something more. It is also an urgent Bill, as explained by the Honourable Mr. BELVI who comes from Belgaum and who knows the condition of things operating there. It is on these grounds, Your Excellency, that I would press that the Bill should be allowed to go through all its stages at this session. At the same time this is more a question for the Council to decide and I am quite sure, after these remarks and the strong appeal on the part of the Honourable Mr. BELVI, that the Council will be disposed to decide that the Bill may receive all its readings to-day.

His Excellency the PRESIDENT:—I should like just to add one or two words to the explanation which has just been given by my honourable colleague. In the first place I must take the strongest objection to the remark that fell from the Honourable Mr. SETALVAD when he said that we are slowly drifting into the bad habit of rushing through Bills in a hurry. Now I think I shall have the support of every member of this Council when I say that, since I have occupied my seat as President of this Council, I have deliberately and determinedly set my face against trying to rush through the Bills in such a manner. (Hear, hear). I have always acceded to the view of the Council on this particular matter.

I think Honourable Members will all agree that we are met here to do the business of our Presidency, and, subject to there being any contentious matter in such

business which necessitated delay, we all should like to get on with our business as quickly as we possibly can.

I understand that my Honourable friend Mr. SETALVAD is perfectly ready to admit that a Bill should be put through as quickly as possible if it is a matter of urgency and is non-contentious. That I think will probably be accepted by every member of this Council. Well, my Honourable friend Mr. BELVI has given very strong reasons why this particular Bill is rather urgent at this moment. But again I say to the Honourable Members, as I think I have said very often before, that I should like to leave this matter entirely to the sense of the Council. I have talked to my honourable colleagues and they are all absolutely of the opinion that if it is the opinion of this Council that the Bill should be referred to a Select Committee it should go there accordingly.

Bill read a second time. (The motion for the second reading of the Bill was put to the vote and carried.)

The Bill was then read clause by clause.

The Honourable Mr. PATTANI :—Your Excellency, it only now remains to propose that the Bill be read a third time and passed into law.

Bill read a third time. The motion for the third reading of the Bill was then put to the vote and carried.

**BILL NO. I OF 1914 (A BILL FURTHER TO AMEND THE
BOMBAY DISTRICT MUNICIPAL ACT, 1901).**

His Excellency the PRESIDENT :—A Bill further to amend the Bombay District Municipal Act, 1901, second reading, Mr. PATTANI.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows :—Your Excellency,—I now come to rather a very heavy item on the agenda this session. It is the second reading of the Bombay District Municipal Act Amending Bill.

The first reading of the District Municipal Act Amendment Bill was taken at the last meeting of this Council, when the main provisions of the Bill, including the appointment of a Municipal Commissioner, were generally approved by the Council. At that time I observed that the Council were fortunate in counting among its members a number of gentlemen who had considerable practical experience of the working of Mofussil Municipalities; and a Select Committee was accordingly appointed containing a large majority of non-official members, most of them intimately connected with the working of large Mofussil Municipalities, together with the Honourable Mr. SETALVAD, whose knowledge of the Bombay City Municipality has been of great value to the Committee. As a result of the careful and prolonged deliberations of the Select Committee the various clauses of the Bill, especially those dealing with the appointment of the Municipal Commissioner, have been considerably expanded and improved.

With reference to the criticisms of the Bill at its first reading it will be noticed that the clause regarding resignation by a Councillor, which was the subject of more criticism than any other item in the Bill, has been modified in clause 6 of the Bill, as amended, so that acceptance of the resignation by the President of the Municipality is no longer necessary. Another item which was the subject of criticism at the first reading was the power of the Collector to question the validity of elections. On this point also, though

the clause has not been omitted, the provisions as they now stand are in the nature of a compromise, because in the first place two months has been reduced to one month, and in the second place in sub-section (5) of new section 22A it is laid down that the previous sanction or complaint of the District Judge is necessary before cognizance can be taken by a Court of the offences mentioned in that section. The question of the residential qualification of a candidate who is a tax-payer was discussed at considerable length by the Select Committee, and the majority adopted the view taken by Government at the first reading of the Bill, namely, that such a qualification is desirable in order to foster healthy local self-Government. It may be mentioned that in this respect we are following the Madras District Municipal Act.

Turning now to the provisions regarding the Municipal Commissioner, these are the provisions which were most carefully considered by the Select Committee and which have undergone considerable alterations at their hands. In the first place the general opinion was that the limit of 150,000 entered in the Bill as read a first time was somewhat high, and it has been reduced to 100,000. This alteration is in accordance with suggestions made in this Council at the first reading of the Bill. It has also been provided that a Municipal Commissioner may be appointed for any other Municipality, provided that the application is made to this effect supported by not less than one-half of the whole number of Councillors. It has likewise been made clear at the suggestion of the Karachi Municipality that a non-official as well as an official may be appointed a Municipal Commissioner. Further the Select Committee have been right through the relevant portions of the Act and have decided which sections should be included in clause 186G of the Bill, dealing with the powers of the Municipal Commissioner, and which should be excluded. Some of the clauses dealing with the powers of the Municipal Commissioner will be the subject of discussion on amendments to be introduced; and, while Government will be glad to give careful consideration to the amendments proposed, I would suggest to Honourable Members to make sure that, in proposing the omission or alteration of one clause, they are not affecting other interlacing sections of the Act, and producing inconsistencies or other results that are not anticipated.

Turning next to the minutes of dissent of members of the Select Committee, the Honourable Mr. RAFI UDDIN AHMAD has made two suggestions, one regarding the residential qualification and the other regarding municipal schools. The first proposal may very probably be found to be acceptable in a modified form. The second point is one on which the views of the non-official members of the Council will be very useful.

The Honourable Mr. SATHE in his minute of dissent has four suggestions to make, dealing with—

- I.—Residential qualification;
- II.—The power of the Collector to question elections;
- III.—The salary of the Municipal Commissioner;
- IV.—The powers of the Municipal Commissioner regarding dismissal.

The first point has been already dealt with. In regard to the power of the Collector the Honourable Mr. SATHE will remember that the clauses as approved by the Select Committee are in the nature of a compromise. Moreover, if it is decided, as is proposed by several members of this Council, to omit the clause regarding interference by the

Collector, it will probably be desirable also to omit sub-section (5), new section 22A, as that was brought in on account of the clause giving power to the Collector.

Regarding the salary of the Municipal Commissioner Government will follow with much interest the discussion which may arise on the amendments on this point.

The fourth proposal regarding the power of dismissal by a Municipal Commissioner is one which was considered rather fully by the Select Committee.

I now come to the Honourable Mr. PATEL's minute of dissent. Regarding his objection to the appointment of a Municipal Commissioner at all, I do not wish to make many remarks, as the subject was threshed out at the first reading of the Bill. Moreover, though every one is fully entitled to express his own views, it is only right to note that on the Select Committee there were ten members, of whom only two were officials besides the member in charge of the Bill, and the rest were leading representatives of Bombay, Ahmedabad, Karáchi, Poona, Sholápur and Dhárwár, all non-officials. It is a body thus constituted that has accepted the main principles of the Bill regarding the appointment of a Municipal Commissioner for the large cities in the Mofussil, and the sole dissentient is the Honourable Mr. PATEL, who represents the Local Boards of the Northern Division. I have not the slightest doubt as to which of the two views will appeal to the Council. On this subject there are only two further observations that I would like to make :—

I.—It has to be remembered that the Chief Executive Officer of a big Municipality holds a most responsible and important post, and I am sure that Government will select for the post their best Assistant and Deputy Collectors, and other persons possessing the requisite technical knowledge, and

II.—A strong executive means strength to the Municipality, and the Municipal Commissioner will not merely register the views of Government. You have a case in point in your experience of Bombay. I anticipate in fact that a Municipal Commissioner is more likely to be a champion than the tyrant of the Municipality.

I think that the Honourable Members of this Council from Bombay City, who have practical knowledge of the working of the system of a Municipal Commissioner, will bear me out in these contentions. The other points dealt with in Mr. PATEL's minute will be examined in the consideration of the various amendments.

Your Excellency, I have now discussed the report of the Select Committee with some remarks on the minutes of dissent. However, as soon as the report was published, the Bill, as amended, with the report of the Select Committee, was sent to the large Municipalities in the Presidency, likely to be most affected by it, namely, Ahmedabad, Karáchi, Poona, Surat, Sholápur and Hubli. We have just received a telegram from the Karáchi Chamber of Commerce, and they not only concur with the principle that for a Municipal district having a population of not less than one hundred thousand inhabitants the appointment of a Municipal Commissioner is desirable in the public interest but they go a step further and would give power to the Municipal Commissioner to control Municipal Schools and School Masters. We have received no suggestions from Hubli, so that it may be assumed that they give their tacit assent. The Ahmedabad Committee of Management have sent in some valuable suggestions, which, I believe, will be placed before the Council by the Honourable Mr. RAMANBHAI. The President

of the Surat Municipality has also some useful suggestions to offer, which however are mostly on matters which are not included in the present Bill. The Poona Municipality and the President of the Sholapur Municipality have also communicated some criticisms which are on the whole similar to amendments put in by certain Honourable Members of this Council.

With these remarks, Your Excellency, I beg to move that the Bill, as amended by the Select Committee, be read a second time.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—May it please Your Excellency,—I am sorry to have to oppose the motion which has just been made for the second reading of the Bill. My Lord, it is admitted that the Bill is a contentious one. It has passed through changes in the Select Committee which have made it almost a new Bill. There are 32 clauses in the Bill and almost every clause is touched and amended in some form or another: Clauses 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, 18, 19, 20, 21, 23, 24, 25, 29, 31 and 32; besides there are a number of sections included in clause 32 which have also been all touched more or less. The Bill in the form in which it comes now before us is thus almost a new Bill, my Lord. And then the report of the Select Committee was published only 19 days—I do not know exactly—or 18 days before the sitting of the Council. There was hardly time enough for all the Municipalities to express their opinion on the provisions as they stand in the Bill that is now before us. We are now to consider not the original Bill but the Bill as it has been amended by the Select Committee.

Then we have to send our notices of amendment at least 7 clear days before the Council. We had thus practically only 10 days to consult all the Municipalities, and how many of them are there? There are 157 Municipalities in all and was that time sufficient for us to consult them? I represent the Municipalities of the Central Division and therefore I say for my part there was no time for me to consult them all. Of those that I consulted, only 2 were able to send me their replies and they are strongly against the Bill as it stands.

Then again the original Bill as it was drafted was meant to apply principally to the Ahmedabad Municipality, and, as it was said, to set into order its affairs. It had gone wrong some how or other and is now under suspension; and there was, therefore, urgent need for the appointment of some special officer. That being the case, if it had been limited to that Municipality alone, there would have been no objection. But now the Select Committee has gone further to extend its scope to other municipalities, to all municipalities where the population may be one lakh. They do not stop even there. They go still further and propose that any municipality without any restriction of population may, if it chose, by a simple bare majority, apply for the appointment of a Municipal Commissioner. For removal of a chief officer a majority of $\frac{3}{4}$ th is required. But here by a majority of one-half, the Municipality may apply for a Municipal Commissioner. Thus these provisions will affect all the municipalities together, and it is but fair, my Lord, that more time should be allowed.

We have received Your Excellency's assurance just now that there will be no hurrying through these legislative measures unless they are of an urgent or non-contentious character. Looking to the number of amendments we have received, looking to the number of Honourable Members who have sent in amendments, I dare

say, that the Bill as it stands, does not meet with full approval even from those members. What we have further to notice is that the amendments have come not only from the members who were not on the Select Committee, but also from the members of the Select Committee itself, and three of them, keeping apart the official members, are non-officials. Therefore it is a Bill which, I pray, should be taken up for consideration after giving full opportunities to the bodies concerned and to the public generally to express their views on it. The Bill may be referred for opinion to only the legally constituted bodies who are supervised by Government and we may well hope that these bodies will be able to make reasonable suggestions one way or another. They would either approve or express their disapproval and send in their reasons. Therefore my first suggestion is that if possible, the second reading of the Bill may be taken up after allowing sufficient opportunity for the bodies concerned and the public generally to express their views on its several provisions.

I may further urge,—I doubt if the view that the Honourable Mr. PATEL has put in his minute of dissent was really discussed in the Select Committee. The view which he has put forward will, I think, meet with sympathy from members who are not yet prepared readily to accept for the mofussil municipalities the provisions which are meant to apply to very large municipalities like Bombay. The fact is, under the provisions of the District Municipal Act as they stand now, there is sufficient provision for doing so far as may be necessary all what we desire to do by the present Bill. In fact we first started with ordinary municipalities and then had special legislation for City Municipalities. We have made separate provision for City Municipalities and now the municipalities that are to be affected by this new Bill are also mostly the City Municipalities. In the case of these the sections referred to in the minute of dissent by the Honourable Mr. PATEL show that the municipalities themselves have power to appoint Chief Officers and to delegate as much executive power to their Chief Officer as may be necessary. Government have also power to appoint Chief Officers or to require municipalities to appoint them. The law as it stands now is sufficiently elastic and contains ample provision to meet the actual necessities of the mofussil municipalities. If however any further advance is to be made I would propose that it will be sufficient if all the more important municipalities are required by statute to appoint Chief Officer and to delegate certain more powers in addition to those that are delegated to them under the present Act. The provisions of section 183 may perhaps be extended a little. That would suffice our purpose. The Bill as it stands at present does not provide what class of officers will be selected for the office of Municipal Commissioners, but the Honourable Member in charge of the Bill has explained that they will either appoint Assistant Collectors or Deputy Collectors for those posts. I take it that the appointments will be made of very select persons and so far as Government is concerned, every care will be taken to make the best selection. Even now as matters stand, my Lord, we look up to Government for giving us qualified and competent Chief Officers. Our chief difficulty is that the municipalities singly and separately cannot afford to pay as much as they can to find proper men, and outside Government service there are no men who will come and take up municipal service which does not hold out prospects of further promotion.

The amendment in law which we required was something on the lines of the Local Boards Act which allows of the District Local Boards and Taluka Boards to form

into one constituency so as to be able to entertain for all of them together one or more highly paid expert officers who could supervise the more important executive work done in them all. Taken singly, the municipalities cannot do it. But if there were some arrangements under which all the municipalities in a district could join together to bear their part of the burden we may appoint a highly qualified Engineer for all those municipalities who might attend to the more important works, and have Overseers to look to simpler minor works. That is a matter which should be considered. If the public were allowed time they would be able to suggest other ways than those provided in the Bill to do what is desired. Let the understanding be clear, my Lord, that we who oppose some of the provisions of this Bill are not in the least averse to do anything that will promote the efficiency of the municipal administration in the mofussil. We all desire it as much as Government desire it. It is for our interest particularly and we are more anxious that it should be done in a manner that will suit us and also the wishes of Government.

The present Chief Officers of the municipalities as they stand are for the greater part officers lent by Government. In making those appointments the municipalities actually consult not only the Collectors but also Divisional Commissioners, and the appointments are subject to the veto, or approval of Government. We are thus doing all that the Bill desires and if anything more is to be done we shall be only too glad on our part to make suggestions which will meet all the actual and immediate necessities of the situation, but what I say is that a Bill like this should not be hurried through in the manner it is proposed to be done.

I may say, my Lord, that though we have sent amendments the time at our disposal was not sufficient to fully digest all those provisions and the changes that have been introduced. I do not know if other Honourable Members had more time. But I understand that they are mostly gentlemen with professional engagements who probably will not find as much time as I, being a retired Government seryant could command myself. But then in a case like this we should have time to consult our constituencies. I do not speak about myself but there is another important fact which, I hope, will also be taken note of and that is that in the Select Committee unfortunately there was not a single representative of the mofussil municipalities from the Presidency proper. Three of us are returned by the municipalities to the Council. Then is it not our duty and are we not to be allowed reasonable time and opportunity to consult our constituencies and put forward their views before the Council before the Bill is passed? As we were all absent from the Select Committee as it was constituted we have stronger reason to press for the short postponement of the second reading of this Bill which I beg to move. I will not take more time in going through the detailed provisions, but under these circumstances I will leave it to the Council to decide whether there are not sufficient reasons for deferring the consideration of the provisions of this very important Bill which is to affect the municipal administration of the whole Presidency.

The Honourable Ráo Bahádur SHENIVAS KONHER RODDA spoke as follows:—Your Excellency,—The District Municipal Act is an important Act, and we cannot hold that it will remain a perfect Act for all time to come. Circumstances will change and will necessitate the introduction of amendments often and often, and we know that the exigencies of the present conditions demand a few changes in the Act, the most import-

ant being the appointment of a Municipal Commissioner in large towns, and such towns could be counted on the fingers of one hand. The amendment which is proposed to embody in the Act is in regard to the appointment of Municipal Commissioners for large towns and also what powers should be given to them and they have been gone through at several sittings by the most experienced men having knowledge of municipal matters. As the question at issue involved the appointment of a Municipal Commissioner, the Honourable Mr. SETALWAD, who has had a long connection with the Bombay Municipal Corporation, was specially nominated on the Select Committee, and he was kind enough to assist us a good deal and he purposely came to Mahábaleshwar leaving aside his professional business to assist us. So every consideration has been given to the question, and in the first reading of the Bill the appointment of a Municipal Commissioner was supported by many of the Honourable Members present here, and when that appointment, on principle, was accepted at the first reading, the only thing now remains is to consider what powers should be given to him and how far the Act should be amended. So far as that question is concerned, it seems to me that the Bill has received the careful attention of the Select Committee and that sufficient time was given to the municipalities to express their opinions and if any representations have not come in, it is the fault of the municipalities themselves. I therefore think that the second reading should be taken up without any further adjournment, and I accordingly oppose the motion of my Honourable friend Mr. UPASANI.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows:—Your Excellency,—The whole question before this Council is whether the further consideration of this Bill should be deferred or it should be taken up at this meeting. I must say that my sympathy is with the motion of my friend the Honourable Mr. UPASANI. It was said that this Bill was circulated in the amended form to several municipalities for their opinions and I believe it was so circulated, inasmuch as, it was said by the Honourable Mover of this Bill at the first reading that the Bill would be so circulated at some future time after it was considered in the Select Committee. In view of that statement the Select Committee decided that the Bill should be circulated to all municipalities affected by the Bill.

The Honourable Mr. BELVI:—I rise to a point of order, Your Excellency,—I want to know whether we are discussing the motion for the adjournment for the further consideration of the Bill or whether we are considering the principle of the Bill. I cannot understand what it amounts to. My Honourable friend Mr. PATEL is discussing as if we have got a motion for the adjournment. I should like to know what we are discussing.

His Excellency the PRESIDENT:—I was just considering the same thing. I think the debate could be managed much better if one of the two Honourable Members, either the Honourable Mr. UPASANI or the Honourable Mr. PATEL, will bring this matter to a definite issue with regard to the second reading by a motion for adjournment.

The Honourable Mr. PATEL:—I think, my Lord, Mr. UPASANI was perfectly distinct when he said that he was moving for an adjournment of the second reading of this Bill.

His Excellency the PRESIDENT:—As far as I can see the Honourable Mr. UPASANI never suggested that he wished to move for an adjournment.

The Honourable Mr. UPASANI :—Under the rules I am not required to give notice. But my motion distinctly is for the adjournment of the second reading to the next Session so as to allow more time. That motion we can make at any time under the rules as I understand them. That was what was explained to us last time, and if so, I am ready to make that motion now.

His Excellency the PRESIDENT :—The question before the Council is that the second reading of this Bill be adjourned now.

The Honourable Mr. PATEL (continuing) :—So I understand, my Lord, that we are discussing the motion of my Honourable friend Mr. UPASANI for adjournment of the second reading of this Bill and I hope my Honourable friend Mr. BELVI will now follow the debate on that. As I said, in view of the statement of the Honourable Mover of this Bill at the time of the first reading that the Bill when amended by the Select Committee will be referred to the municipalities concerned, it was so referred after it was amended. I do not know nor does this House really know, when it was so circulated to the several municipalities concerned. But it appears that the Select Committee finished their deliberations sometime at the end of June and the report of the Select Committee was published in the beginning of July, and necessarily at the end of the first week of July or in the beginning of the second week of July, it must have been circulated to several municipalities for their opinions. However that may be, we find as a matter of fact that the Hubli Municipality and the Karáchi Municipality have not yet been able to send in their opinions on the Bill. The Honourable Mover of this Bill has told us that those bodies that have not sent in their representations must be deemed to have tacitly accepted the principles of this Bill. I respectfully submit that that view of the honourable mover of this Bill is entirely wrong. I say that the municipalities concerned had not sufficient time to convene a Meeting of the General Board and then to consider the various provisions of the amending Bill, and therefore they have not been able to send in their representations. The Hubli Municipality and the Karáchi Municipality, it is said, have not yet sent in their representations. Poona, Ahmedabad, Surat and the Sholápur Municipalities have sent in their representations. I ask the members of this House whether they have really read those representations that have been received by this Government. For my part I must say that only last evening when I was going through the papers placed on this Table I found those representations there. Then, again, I ask whether the members of this House had sufficient time to consider the representations that have been sent by the various municipalities concerned, and I appeal to the House to go with me in holding that we have not had sufficient time to go through those representations. I will go a step further and say that, even if we had time to go through those representations and to consider them, are we in a position to move any amendments on those representations? As honourable members know very well, we are bound to send our amendments seven days before the Council Meeting and if we got those representations only yesterday, we were certainly not in a position to consider those representations and send our amendments in the light of those representations. I repeat that the House will not go in with the honourable mover of this Bill in holding that the Hubli and the Karáchi Municipalities accepted the principles of the Bill inasmuch as they did not send in their representations.

The second point I would like to urge upon the attention of this Council is this: the honourable mover has said in his opening speech that he has got a very heavy item

on the agenda. I also say that the changes proposed to be brought about by the Amending Bill concern the very constitution of most of the larger municipalities in the Presidency, and when that is the case, I respectfully appeal to this House to consider this question carefully and not in hot haste. My own point of view is this that the Bill proposes to deprive the municipalities of their right of managing their own affairs, and it is for this House now to consider whether we should all at once in a hurry accept the report of the Select Committee and go on with the second reading or whether we should pause and consider and for the time being defer the second reading of this Bill and then decide what shape this legislation should take. I therefore strongly support the motion of my Honourable friend Mr. UPASANI.

The Honourable MOULVIE RAFIUDDIN AHMAD spoke as follows:—Your Excellency,—I rise to oppose this motion. My Honourable friend Mr. PATEL was himself on the Select Committee and he will bear me out when I say that, at the last meeting of the Committee in Poona, when my honourable friend Mr. PATTANI informed us that with the permission of the Committee he would send to certain municipalities the Report of the Select Committee; we were all agreed, and there was no dissentient voice. My honourable friend Mr. PATEL himself did not say a single word with regard to the time that was necessary for the circulation; my recollection is that we thought, every one of us, that the Bill was very thoroughly discussed in the Committee and the Bill should be taken up in the next meeting in July. I am not surprised at my Honourable friend Mr. UPASANI proposing a motion of adjournment, because as a rule he does it, but I am surprised at my Honourable friend Mr. PATEL, because he will remember that though the Select Committee was to have met a second time at Mahábaleshvar about the 29th of May and for further consideration, the honourable member in charge of the Bill himself wrote to us all that more time would be necessary to prepare the Report, and for that reason it was decided to meet at Poona on the 19th and 20th of July. The Select Committee therefore had ample time to discuss. I must add that whenever a member was absent during the consideration of any clause the same was again taken up to give him a chance. For example, we purposely adjourned the meetings on account of Mr. SETALVAD, who has a good deal of experience about the Bombay Municipality, in order to let him have his say and for this even divisions were taken two or three times. Now the complaint regarding municipalities not having had enough time is also very futile. It is not necessary that the Bill should be referred to every municipality. The Bill has been before the public ever since March. All concerned had ample opportunity to discuss it. They could have sent their views to the Council or to the member in charge. They have not done so, and of the three or four municipalities named by the Honourable Mr. PATEL, I believe the Poona Municipality and also the Ahmedabad Municipality have already sent their representations. The Sholapur Municipality has also done the same. I am not aware of the Karáchi Municipality but we have had the views of that municipality sufficiently discussed in the Committee through its able President, the Honourable Mr. HARCHANDRAI VISHINDAS. So the complaint about important municipalities not having time is very futile. But, Sir, supposing for a moment, we agree to a motion for adjournment, what would be the result? Some of the municipalities would be opposed to the whole Bill on principle. The Honourable Mr. PATEL who had sufficient time to discuss matters with us has again

come forward with an amendment to oppose the principle itself, that is to say, the appointment of a Municipal Commissioner. Supposing we adjourned, the result would be that the principle of the Bill would be opposed by some municipalities. Instead of adjournment, let us hear all the arguments against this principle. The learned representatives of the municipalities are here; the representatives of the various communities are here. Though I have signed the Report of the Select Committee without a minute of dissent, even now if I am convinced against the principle, I will withdraw my support. Instead, therefore, of adopting this motion for adjournment, which in my opinion is not at all necessary, the advisable course would be for the representatives of such of the municipalities as may be against this Bill to argue and convince us against the principle, and I am sure their object will be gained if they do convince us. In that case the consideration of the Bill may be adjourned and I shall be very happy to support the motion; but, at present it seems to me that, it is not an opposition but merely an obstruction.

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows:—Your Excellency,—It seems to me that on looking into the Bill as amended by the Select Committee it is necessary that the motion which has been made by my Honourable friend Mr. UPASANI should be favourably considered by this Council for these reasons:—In the Bill as originally framed the municipalities in the Southern Division and the Central Division were considered to be municipalities that were not to be affected by the Bill at all. And that seems to be the main reason why the two representatives of these municipalities were both left out of the Select Committee. It is evident that the Honourable Mr. UPASANI had not the honour to sit on the Select Committee, because it was thought at the first reading of the Bill that the municipalities that he represented were not to be affected by the principles of the Bill, and that was the reason I suppose why my humble self, that represents the municipalities in the Southern Division, has not also been on the Select Committee. Now I find, on looking to the Bill as amended by the Select Committee, that under clauses (a) and (b) of section 186A, it is likely that the —

His Excellency the PRESIDENT:—Order, order. The honourable member is now referring to certain clauses in the Bill. This debate is purely on the adjournment of the second reading.

The Honourable Mr. BELVI:—I must state my reasons why an adjournment is necessary. My submission shortly stated is this, that the municipalities in the Central Division and the Southern Division had no opportunity to consider this Bill, because it was considered that they will not be affected by this fresh legislation. Again there is another reason. I find that neither the report of the Select Committee nor the Bill as amended by them was ever translated into the vernaculars of the Presidency. I do admit that the usual procedure is that, when a Bill is to be read for the first time, it is to be translated into the vernaculars if the President so desires and when a Bill is referred to the Select Committee, it is for the members of the Select Committee to order that the Bill as amended by them and the report thereof should be translated into vernaculars, but on making inquiries from the Secretary to the Legislative Council, I learn that there was no such order made by the members of the Select Committee in this particular case. I think that this is a Bill, the provisions of which require to be very carefully understood in the mofussil. We are not to suppose that every man in the Presidency

knows the English language, and we cannot presume that, simply because the Bill is published in the English language, and simply because the Bill is discussed here in the English language, therefore, it is to be supposed that every inhabitant of the Presidency knows the contents of the Bill. There are lakhs of people in the Presidency who do not know the English language and it is bare justice that it should have been so translated into the vernaculars. I am really surprised to find that a Bill of this portentous length, a Bill containing so many amendments, was not ordered to be translated into the vernaculars. This is an additional reason why the further consideration of the Bill should be postponed.

There is also a third reason in support of this adjournment. On looking to the papers I find that the report of the Select Committee was signed on the 30th June 1914. But there came in a minute of dissent from my Honourable friend MOULVIE RAFFI UDDIN only on the 14th July 1914. These are very sound reasons for postponing the further consideration of this measure, and it is absolutely necessary that the people of the Presidency, who are to be affected by this legislation, should be given a fair opportunity of considering the measure and formulating and expressing their opinion. I cannot agree with the opinion of the Honourable Member in charge of the Bill that simply because the Hubli Municipality, which I have the honour to represent in this Council, and the Karáchi Municipality, have not submitted their opinion on the Bill, that therefore it is to be presumed that they have tacitly accepted the principle of the Bill. It has already been pointed out to the Council that these Municipalities had not had sufficient time to convene a General Meeting of their Councillors and discuss the numerous provisions of this lengthy Bill. For these reasons I submit that the motion for an adjournment made by my Honourable friend Mr. UPASANI should be accepted by this Council.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD spoke as follows:—Your Excellency, I for one would deprecate any delay in the consideration of this legislation. The Bill was introduced in the Council in March last and since then the parties concerned had sufficient time to have their say about it. My Honourable friend Mr. BELVI says that the Municipalities in the Central Division were not concerned with the original Bill as it was drafted, because the appointment of the Municipal Commissioner was then intended to be confined to towns having a population of a lách and fifty thousand but by the alteration of the limit to one lách it is only Poona that would come in and no other town at all. Possibly Mr. BELVI had in his mind the option which the Bill gives to other Municipalities to ask for a Municipal Commissioner. But it is merely a privilege, a right to make an application to Government to get the Municipal Commissioner. I think, Your Excellency, that no useful purpose would be gained by an adjournment. What the issues are is definitely known, and people are here who take one view or another. Notices of amendment have been given. The best thing to do is to have matters threshed out and come to a decision, and no useful purpose would be served by losing time by postponing the consideration.

The Honourable Mr. UPASANI :—May I know if I have a right of reply ?

His Excellency the PRESIDENT :—Does the Honourable Member want to make any personal explanation ?

The Honourable Mr. UPASANI :—Yes, my Lord.

His Excellency the PRESIDENT:—I think the Honourable Member in charge should reply first, and then my Honourable friend will have a right of reply.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency, I may say at once that the motion of my Honourable friend, Mr. UPASANI, is one which I hope will not appeal to this Council. I shall try and explain my reasons why. In the first instance the reasons given for the postponement are (i) that the Municipalities concerned have not had sufficient time to consider what effect these amendments will have on their administration, (ii) that the Bill has not been before the public for a sufficiently long period of time, and (iii), as far as I have been able to make out, that the Honourable Members, some of them at least, had not sufficient time to carefully consider and bring forward their amendments.

With regard to the first argument that the Municipalities concerned had not sufficient time to consider the measure, I may say at once that when the Select Committee concluded their report the question whether there should be a postponement or not was carefully considered, as has been explained very fully by the Honourable Mr. RAFFI UDDIN; the Select Committee unanimously came to the conclusion that it should be proceeded with, and although, I must admit, the Honourable Mr. PATEL did suggest that it would be well to postpone it, it was decided not to do so and my impression is and it must be the impression of all the Members of the Select Committee that even Mr. PATEL did say that it may be proceeded with. When his minute of dissent came I was really surprised, because, although throughout the discussion he was known to take the opposite view with regard to the appointment of a Municipal Commissioner for towns of importance, yet the very intelligent and sympathetic way in which he did take part in the discussion of other clauses gave us the impression—and I think my other friends of the Committee will bear me out in that impression—that, although he might object to the several clauses giving powers to the Municipal Commissioner, it was not supposed that the Honourable Member would go to the extent of making such a strong minute of dissent as he has afterwards thought fit to submit. I do not, however, challenge his right. I think every Honourable Member on the Select Committee has a perfect right at a later stage to submit whatever views he proposes to advance, and I have nothing to say with regard to Mr. PATEL's right in that regard. But what I most strongly contend is that he did agree to the consideration of this Bill at this meeting; and it is because the Honourable Mr. UPASANI, who did not know what passed in the Select Committee, suggested postponement of the second reading of the Bill that Mr. PATEL, who, I believe, must be congratulated on the tenacity with which he sticks to his view, thought it right to support that motion.

Moreover, the Council will be interested to know that in order that the most important Municipalities may have an opportunity of expressing their views on the Bill, the Bill as amended by the Select Committee was sent to the several Municipalities that would be touched by the Bill. With the exception of two, all the Municipalities have, as I said in the opening speech, sent in their replies. The plea, therefore, that Municipalities had no time to consider the Bill falls to the ground.

Then coming to the other remark that the public had hardly sufficient time to consider the provisions of this Bill I would say this: This Bill, as has been rightly suggested by my Honourable friend Mr. SETALVAD, has been before the public ever since March last, and so far as I know, and I think it will be borne out by all the

Honourable Members of the Council present here, there have not been any vehement criticisms in the papers with regard to the Bill at all, I mean, not to the extent which would require us to consider the importance of the protests in the papers.

The third point is that the Honourable Members had hardly time to consider the various effects of this Bill. Now that plea, I must say, will not hold any water at all, because, if we look at the list of amendments, we will find that the very fact that we have before us such a portentous list of amendments, shows that the Members of the Council not only had sufficient time to consider the various aspects of the Bill, but they also knew their own mind as to the attitude they were going to take with regard to the Bill when it came for the second reading.

But there are other reasons why it should be proceeded with and they are these. At the next sitting of the Council, we have the most important Bill,—the Town Planning Bill—for the first reading. We know that it has been reserved for December and we know the importance of that Bill. It is a very heavy item which will tax the patience of the Council. Then there is probably a chance of another contentious Bill coming on and that is the Gujarát Talukdárs Bill, not to mention of the prospect of other important Bills.

Your Excellency, for these reasons I would urge that the Bill may be proceeded without any further adjournment.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency, before proceeding further, I have in the first place to express my painful surprise that one from among our own body should have thought it fit to characterise my motion as “inspired by a spirit of obstruction”. That was the last thing that I expected from our friends. The honourable member in charge of the Bill, whose motion I opposed, has not been so unkind as to charge me with that motive, and let me assure my Honourable friend MOULVIE RAFI UDDIN that, as the representative of all the municipalities in the Central Division, I have the interest of those municipalities more at heart than he can himself claim, and let me assure the Council that my motion is not meant to put forth my own objections, but to have an opportunity to consult some of my constituents as to what I should say on their behalf on this Bill. It may be that they may not approve of the suggestions and motions which I have put on the Agenda, and I shall be glad if we succeed in getting their opinions one way or the other, so as to be better able to appreciate and to understand how far the provisions of the Bill will in their opinion affect the smaller municipalities. And then, when we legislate, not for bodies who are inarticulate, but for bodies who are legally constituted, I think the representatives of such bodies have a right and a claim to be heard as to matters which affect their interests—not their personal interests—but the interest of the bodies whom they represent. Whenever a measure which in the least degree directly or indirectly might affect the Bombay Municipality, comes before us, our veteran friend the Honourable Sir PHEROZESHAH and other honourable friends from Bombay insist on having an opportunity of being heard. Shall we not be justified in claiming that humble privilege, allowed to a single municipality like the Bombay Municipality, on behalf of all the municipalities in the Presidency.

Then I submit, my Lord, as I have already stated, that the Bill as it comes before us is not the original Bill; almost every clause has been touched in some way or other,

and it is now almost a new Bill, and I think it would have been much better if that new Bill had been put in as a separate Bill rather than retained as the original Bill with several new sections tagged on. Out of 190 sections of the present District Municipal Act more than 125 sections of the Act, as it stands, are touched. A Bill which touches the greater part of the Act is a Bill which should not be passed in such a hurry, and the time that is allowed to the public, *viz.*, 18 days is, I pray, hardly sufficient. Only 2 or 3 of the few municipalities which have been specially consulted have, we are told, sent in their suggestions, but we do not know what they are. At least we had no opportunity to get acquainted with their suggestions before we sent in our amendments; and two of these municipalities are stated to have not yet been able to send any replies and it seems to me, my Lord, unsafe in their case to take silence as acquiescence especially when we are making new legislation. When the legislation affects so many people all cannot be expected to approve of it or to convey to the Council their disapproval of it and, I do not think that we shall be justified in assuming that those municipalities who have not sent in any protests have no objections to the provisions as they stand. In fact there is room for difference of opinion at least with regard to certain provisions. That being the case, I submit, My Lord, that as the time allowed was only 18 days, it was not sufficient, and I pray that more time may be given.

His Excellency the PRESIDENT:—What has particularly impressed my mind during this debate has been one remark made by my Honourable friend Mr. UPASANI and another by my Honourable friend Mr. BELVI. With regard to what Mr. BELVI said as to the municipalities not having had sufficient time to express their views, my honourable colleague has assured him that the municipalities which will be affected by this Bill when it is passed into law have sent in their suggestions and views with two exceptions. Mr. BELVI also made a very strong point with regard to smaller municipalities. But I really do not think that those municipalities come into the argument at all. For after all, I think honourable members will agree with me that the smaller municipalities are under no obligation under this Bill to take the Municipal Commissioner and surely, if in the future they are considering such a step if the Bill becomes an Act, they will have ample opportunity to go into the question thoroughly before they make up their minds.

There is one particular matter that has struck me with regard to the whole of this discussion, and I do not think it has come into the mind, at least I have not heard it expressed, of any honourable member, that if we look through the list of amendments we know perfectly well what the real reason for this motion of adjournment is. It is perfectly clear that this motion so forcibly proposed and seconded by two honourable members, is not really a motion for adjournment but for delaying the further consideration of this Bill. The main object of my two honourable friends is to kill the Bill. Nearly in every section you will find my two honourable friends wish to omit clauses one by one, and I do suggest to this Council that, if that is their object, as I think it obviously is, we should defeat this motion and go on with the second reading of the Bill.

The motion was then put to the vote and declared to have been lost.

The Honourable Mr. UPASANI asked for a division which resulted in 3 voting for and 41 against the amendment.

Ayes.

- The Honourable Mr. Dattatraya Venkatesh Belvi, LLB.
 The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.
 The Honourable Mr. Shridhar Bal-krishna Upasani.

Noes.

- His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay, *presiding*.
 The Honourable Sir Richard Amphlett Lamb, K.C.S.I., C.I.E., I. C. S.
 The Honourable Mr. Prabhashankar D. Pattani, C.I.E.
 The Honourable Mr. W. D. Sheppard, C.I.E., I. C. S.
 The Honourable the Advocate General.
 The Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law.
 The Honourable Mr. B. P. Barrow, I. C. S.
 The Honourable Mr. T. W. Birkett.
 The Honourable Mr. Ghulam Muhammad walad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.
 The Honourable Mr. Fazalbhoy Meherally Chinoy.
 The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
 The Honourable Dr. D. A. D'Monte, M.D., L.R.C.P. (Lond.), L.M. & S.
 The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.
 The Honourable Mr. W. L. Graham.
 The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
 The Honourable Sir Jamsetjee Jeejeebhoy, Bart.
 The Honourable Mr. J. E. C. Jukes, I. C. S.
 The Honourable Mr. Balkrishna Sitaram Karat.
 The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.
 The Honourable Mr. Navroji Dorabji Khandalavala, LL.B.

Ayes.

Noes.

- The Honourable Mr. Jehangir H. Kothari.
- The Honourable Surgeon-General B. W. S. Lyons, M.D., I. M. S.
- The Honourable Sardár Sir Chinubhai Madhavlal, Bart., C.I.E.
- The Honourable Mr. J. A. D. McBain.
- The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
- The Honourable Sir Pheroza Shah Merwanjee Mehta, K.C.I.E., Bar.-at-Law.
- The Honourable Mr. G. P. Millett.
- The Honourable Ráo Sáheb Venkatesh Shrinivas Naik.
- The Honourable Mr. E. Ferrers Nicholson.
- The Honourable Ráo Bahádur Ramanbhai Mahipatram Nilkanth, LL.B.
- The Honourable Mr. Raghunath Purshottam Paranjpye.
- The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
- The Honourable Mr. Abdul Hussein Adamjee Peerbhoy.
- The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
- The Honourable Mr. Manmohandas Ramji.
- The Honourable Ráo Bahádur Shrinivas Konher Rodda.
- The Honourable Ráo Bahádur Ganesh Krishna Sathe.
- The Honourable Mr. Chimanlal Harilal Setalvad, LL.B.
- The Honourable Mr. W. H. Sharp.
- The Honourable Mr. E. G. Turner, I. C. S.
- The Honourable Mr. Harchandrai Vishindas, LL.B.

The Honourable Mr. JEHANGIR H. KOTHARI read the following speech :—Your Excellency, I have much pleasure in supporting the motion for the second reading of this important Bill, particularly because one of its main features is the provision to empower the Governor in Council to appoint a Municipal Commissioner for a municipal district which contains a population not less than 100,000 inhabitants.

Your Excellency will remember that at the Session of this Council held in December last, I withdrew a resolution which stood in my name, relating to the appointment of a Municipal Commissioner for the town of Karachi, because this Bill was likely to come up for the consideration of the Council very shortly, and it is particularly gratifying to me to note the promptitude with which the proposals for the amendment of the law have been dealt with by Government, and I accordingly support very heartily the motion for the second reading of the Bill.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows :—Your Excellency, I am afraid I cannot see my way to support the second reading of this Bill. I believe, and I sincerely believe, that any legislation for the appointment of Municipal Commissioner will be a step so retrograde in character that it is not wise for this Council to lend its aid to that step. But the ground on which I should like to put my case is this, there is absolutely no reason or justification for undertaking the legislation which the amending Bill proposes. My point is that under the existing law there are ample provisions which would enable us to appoint executive officers in the mofussil municipalities who would efficiently carry on the administration of those municipalities. The sole object of this Bill appears to be to have for the executive functions of a municipal body one paid officer to be called a Municipal Commissioner, and I say that, under section 182 of the present Act, you have got already a provision authorising the municipalities to appoint an executive officer. I will read to this House section 182. (Reads the section.) I therefore repeat that there is already a provision in the existing Act to appoint an executive officer to do the executive functions of a municipal body. It may, however, be contended that the municipalities may not appoint Chief Officers, because the section gives only a discretion to municipalities to appoint them. I say that most of the City Municipalities in the Presidency have appointed Chief Officers, not only have they appointed Chief Officers but they have taken as their Chief Officers men from the Government service. However, if it is contended that the law must provide against a contingency of a municipality failing to appoint an executive officer, I submit that under section 177 the Governor in Council has got power to require any municipality, which perversely fails to appoint an executive officer to appoint one. Under section 177 (1) the Governor in Council has got that power. I shall read that section to this House. (Reads the section.) I therefore put it to this House whether we have not got in the existing Act sufficient provisions for the appointment of an executive officer to do the executive work of a municipality. And even if we have got those provisions, it is open to argument that the powers given by the existing Act under section 183 are very few, they are very limited, and the executive officers would not have all the powers that are necessary to carry on the efficient administration of a municipality. I say with regard to this argument that under section 37 of the District Municipal Act the municipality has got power to delegate all its functions to its executive officer. I will read that section to this House (reads). So I say that even though the municipality fails to appoint an executive officer, the Governor in Council could require that municipality to appoint

such officer under section 177, and after such appointment the municipality has under section 37 power to delegate all its duties and functions to that officer.

Then again it may very properly be argued that the Municipality might refuse to delegate all its powers to their executive officer, even though one is appointed. To that I say that under section 177 (3), the Governor in Council has got power to require any Municipality to delegate all its powers to its executive officer after his appointment. (Reads the section). So besides the powers which are vested in a Chief Officer by statute, the Governor in Council could compel any Municipality at any time to delegate all its powers to its executive officer. Under these provisions, if availed of, we would have in the mofussil Municipalities executive officers who would have, if need be, all the powers of the Municipalities, independently of the wishes of that Municipality.

The only point that could be made on behalf of the advocates of Municipal Commissioner is this, that the Municipalities would not appoint strong executive officers. They would appoint Mámlatdárs, or Deputy Collectors or men who have not got sufficient administrative experience, and the Governor in Council would like to have Municipalities managed by people who have had considerable experience of administrative work. That is the only point which could be with some force advanced by those Honourable Members who support the institution of a Municipal Commissioner. I say to that, that the Governor in Council has a right to dictate to the Municipality and say "You shall not pay Rs. 200 to your Executive officer, but you shall pay Rs. 500 or 1,000 or 2,000 per month." The Governor in Council has got that right, and therefore, they can at any time have an executive officer appointed by the Municipality of a grade and efficiency which the Governor in Council considers necessary. On a reference to section 46, Honourable Members will find that the Municipality is bound to frame certain rules. (Reads the section). Then coming to paragraph 2, on page 40, which requires the Municipality to frame rules for determining the staff of officers to be employed, it says (Reads the section). This imposes a duty on the Municipality to lay down rules for determining these things, and these rules are not to come into force unless and until they are approved by the Governor in Council, and that is provided at the end of the section at page 41. (Reads). So no rules made by the Municipality with regard to the staff to be employed, the salary to be paid to its officers, the duties to be performed by them, will have any effect unless they are approved by the Governor in Council, and, at the time of approval, the Governor in Council could very well say, "Oh, you could afford to appoint an executive officer paying Rs. 1,000 or 2,000 per month," and necessarily the Municipality will have to do that. I therefore submit that the existing provisions are so clear and distinct that it is absolutely unnecessary to go further and take away the power which the Municipalities now enjoy of selecting their own executive officer. The only power left in the Municipality at present under the existing law is the power to select an officer, and this power, too, is not quite absolute, for, even after selecting an officer, the Governor in Council has a right to approve or disapprove such appointment. What I want to point out to this Council is that, if, under the existing law, an executive officer with sufficient administrative experience could be appointed, and if there are provisions in the existing law which would require the Municipality to delegate all its powers to that executive officer, I submit that no case has been made out for any change in the existing law.

The point that has been urged by some is that the present institution with regard to the Chief Officer has proved a failure in respect of these Municipalities. But may I ask "how the Chief Officers are appointed, whether they have been appointed by the Municipalities of their own will or at the requisition made by the Governor in Council under section 177, whether the Municipalities have delegated some or all of their powers to their executive officers and, if so, whether such delegation is of their own will, or at the requisition made by Government under section 177 (*iii*)." All these things require to be determined before we can say that the present institution of a Chief Officer has failed. I say that Government is not in possession of this information at all. I put one question in the Council this time (it is question No. 5), and from the reply given it would appear that Government are not in a position to determine really whether the institution of a Chief Officer has been a failure or a success. If the institution of a Chief Officer has proved a failure in the mofussil and I do not admit for a moment that that is so, I say that the Government have not exercised their powers under sections 46 and 177 of the Act. I do not know what reason there was for the higher executive officers not to exercise their controlling powers under those sections. If they had, I am sure, the legislation which we now are considering would not have been before us.

It has been told repeatedly and times without number that they have got a Municipal Commissioner in Bombay for the Bombay Corporation, and that experiment has proved a success there for years, and it is better that the mofussil Municipalities must take up a leaf from that book and go on the same lines. Well, I ask them "what is it that you want us to do? If you want us to have a Municipal Commissioner for the mofussil Municipalities by all means, have one and call him a Municipal Commissioner instead of a Chief Officer, if you want all the powers of a Municipality to be given over to him, I say, here is the power vested in the Governor in Council to require any Municipality to delegate all the powers to him." I say that once the Municipal Commissioner is appointed under the Bill when it passes into law, he will be clothed with very wide powers by statute and the discretion vested in the Governor in Council at present to determine whether a particular Municipality should retain with it certain powers or not will altogether disappear. My point is that the example of Bombay cannot be held out as a model for the mofussil Municipalities to copy. You can very well legislate in one Act for one place giving thereby certain powers to the Municipal Commissioner and others to the Municipality, but when you are legislating for a number of Municipalities in the Presidency you cannot very well say that all the executive officers that are appointed for these Municipalities must have all those powers which are proposed to be vested in them by the amending Bill. Discretion should be vested somewhere with regard to the differential treatment of different Municipalities in this matter, and under the existing law it is vested in the Governor in Council, and the Governor in Council could very well consider the circumstances of each Municipality and say "well here is a Municipality where we do not find a good President, where the Managing Committee is not working well, and therefore we shall require the Municipality to delegate such and such powers to its executive officer." So there is that discretion with regard to the delegation of the powers in the Governor in Council and the amending Bill proposes to destroy it.

I say that we have been legislating for a number of Municipalities and the circumstances of these Municipalities differ considerably, and it is very difficult in one Act to make provision for all the Municipalities of different magnitude. I say that the

present Act, if my interpretation of the law is correct, authorises the Governor in Council in a proper case to do what it is intended to be done by the amending Bill. Under these circumstances, I do not understand why we should have this legislation at all?

One thing that I should like to say in this connection is this, that the present Act, under section 24, vests in the Presidents of District Municipalities certain powers. (Reads). "It shall be the duty of a Municipality (b) watch over the financial and executive administration over which he presides." This is the only section that I can lay my hands on for the time being, which gives the power of supervision to the President, and by the amending Bill it is proposed to take those powers away from him and centre them in the Municipal Commissioner. Under the existing law although there is an executive officer, called a Chief Officer, to be appointed by the Municipality, powers under section 24 in the President of general supervision and control remain as they are. It is now proposed to deprive him of those powers and I believe that is probably the only other point of difference between the present Act and the amending Bill. By the amending Bill you will have a figure-head President and a Municipal Commissioner with powers unlimited. By the existing law you have an executive officer or a Chief Officer with President to exercise control or supervision when it is considered necessary. That is the only other point of difference that I can find between the amending Bill and the existing law. In the Bill as it was brought before this Council for first reading, it was not proposed to deprive the President of his powers, but in the Select Committee, which consisted of several Honourable Members, it was thought proper to also deprive the President of his powers and to vest them in the Municipal Commissioner. My point is that it was not the intention of the framers of the original Bill to deprive the President of all his powers, but in the Select Committee this sweeping change was suggested and ultimately accepted by the Committee.

The second point that I would like to say in this connection is that the Municipalities in the mofussil are comparatively so poor that it is not worth their while to appoint Municipal Commissioners on very high salaries. We have before us with regard to Ahmedabad Municipality the speech of the Honourable Sir CHINUBHAI at the first reading. He distinctly told us that unless Government pays a substantial part of the salary, unless Government pays pension and leave contributions, his Municipality cannot afford to have a highly paid Officer as the Municipal Commissioner is bound to be. He also referred to certain letters by the two Commissioners of the Northern Division, the Honourable Mr. BARROW and Mr. SLADEN, and he also referred to one letter by Mr. Painter, the Collector of Ahmedabad, which pointed to show that the existing financial condition of the Ahmedabad Municipality is such that a highly paid officer could not be retained by it unless Government came to its assistance in the matter of leave and pension contributions and various other concessions. The condition of Poona and Surat Municipalities is comparatively much poorer than Ahmedabad, and certainly they could not afford to retain a highly paid officer. I do not know which of the Municipalities is intended to be affected by the Bill beyond these three. I do not talk about Karáchi at all, and I leave this question to my Honourable friend Mr. HARCHANDRAI, the representative from Karáchi open for discussion. All I say is that the financial condition of the mofussil Municipalities is such at present that it would not be right for us to inflict Municipal Commissioners on them against their will.

It was said at the time of the first reading by some members of this Council that unless you appoint men of the grade of Collector, the institution of a Municipal Com-

missioner is bound to be a worse failure than the measure which we now seek to condemn in regard to mofussil Municipalities. I do not for a moment mean to suggest that under the present system Municipalities have become a failure, but at the same time I do think that if the view of this Council is that the Municipal Commissioners must be men of great ability and experience and that they must be of the Collector's grade, then I say that it is absolutely unnecessary for this Council to waste its time over this legislation at all. No Municipality in the mofussil could afford to retain a Municipal Commissioner of the grade of Collector.

I would further say that the Act of 1901, which for the first time authorised the Municipalities to appoint executive officers, has not been sufficiently tried, and it would not be proper to condemn the provisions thereof unless and until a fair and full trial is given to them. Mofussil Municipalities have appointed Chief Officers only recently, and the Governor in Council has not yet had the opportunity of making use of the controlling sections which are embodied in the Act. It would be really too early for us to pass any decision or criticism adverse to the legislation which was so carefully brought about in 1901. If we were to pass the present Bill into law, it would mean that we do not approve of the provisions with regard to the Chief Officers as contained in the Act of 1901. What I say is, make use and allow the Municipalities to make use of those provisions, for a reasonable time and see whether the institution of a Chief Officer could be made more successful for the efficient working of those bodies.

The last point that I would like to refer to is that when the Act of 1884 was passed, all that the then legislature intended was that the people of this Presidency should be encouraged to learn something in the way of managing their own affairs themselves. That was the intention of the framers of the Act of 1884. It was a policy laid down by Lord Ripon's Government, and I am afraid day after day, by such legislation, we are going back on it. In 1884 the legislature left the entire management of the Municipal administration in the mofussil in the hands of committees. By the Act of 1901, they gave them power to appoint Chief Officers to do executive work. So far it was alright. But the Act went further, and it empowered the Governor in Council to require a Municipality to appoint a Chief Officer, and delegate to him all or any of its powers and this I say is a retrograde step. This Act goes still further and deprives (a) the Municipality of its right to select its own executive officer, (b) the President of his powers of general supervision and control and (c) vests most of the powers of the Municipality in the executive officer to be called the Municipal Commissioner—powers which in a proper case could have been delegated to him by the Municipality of its own accord or under requisition by the Governor in Council. I do not see how, under these circumstances, I can hold with others that this legislation is in the nature of further instalment of self-government and not a retrograde step. Under these circumstances, I strongly oppose the second reading of this Bill, and I do think and hope that my Honourable friends in this House will carefully consider the existing provisions which I have pointed out to them before they make up their minds to vote for or against the second reading of this Bill.

His Excellency the PRESIDENT: Order, Order. I think it will be to the convenience of Honourable Members if we adjourn for lunch and meet again at a quarter to three.

Council adjourned for lunch till a quarter to three.

After lunch.

His Excellency the PRESIDENT: Order, Order. A Bill further to amend the Bombay District Municipal Act, 1901, second reading and discussion thereon.

The Honourable Sir CHINUBHAI MADHAVLAL read the following speech :—I support the second reading of the Bill as amended by the Select Committee. The main feature of this Bill is the provision made in it for the appointment of a Municipal Commissioner as the Administrative Head of all executive work. At this stage I will confine my remarks to some of the principal objections that are urged against this proposal and these may briefly be summarised under two heads, namely :—

1. The taking away from the Municipality concerned the privilege of executive powers and therefore curtailing their rights.

2. The prospect of additional burden of cost which the appointment of Municipal Commissioners will bring upon the Municipalities concerned.

A brief survey of the actual present day working of the Municipalities that are likely to be affected by this Bill as amended by the Select Committee will be helpful in determining the propriety or otherwise of these objections. These Municipalities are Karáchi, Ahmedabad, Surat and Poona. From this category I would exclude Ahmedabad because its regular Municipality is under suspension and the present Administration under the Committee of Management appointed by Government cannot strictly be classed with the working of the Municipalities that enjoy all the rights, privileges and franchise of local self-government according to the District Municipal Act. All the three remaining Municipalities namely Karáchi, Surat and Poona, although enjoying under the existing Act the full nature of the privilege of exercising executive powers, have, as far as I know, delegated to their Chief Officers almost all their important powers as contemplated in the Bill before us. Now what does this mean? It means that these Municipalities have by experience recognised the principle that for efficient, expeditious and satisfactory working and for ensuring successful administration it is essential to invest the executive officer with certain powers more or less of an absolute nature. What they have thus endorsed by practical experience this Bill contemplates to confirm by a legislation and enactment. It is possible for one individual to carry on single handed business in an efficient and successful manner when it is in a small compass but when this business expands considerably it becomes absolutely necessary for the same individual to invoke the aid of another man and to delegate to him some of his authority if he wants to maintain the same standard of efficiency. The man who thus delegates some of his powers to another does not for a moment think that by this delegation he is in any way curtailing his authority but on the contrary he feels a sort of relief that by doing so he is assuring himself of the same if not greater success in his business. Municipal Administration is nothing more or less than a business concern. As long as Municipalities can efficiently look after the health and sanitation of places that count their population by thousands they can and may afford to do the work single handed, that is to say, can keep under their control both deliberative and executive functions, but when these places become big and rise from thousands to lakhs, it is high time in my opinion for such Municipalities to think of devising some means of division of work, if they wish to keep their administration to the same pitch of efficiency and success; and the division that is likely to be more effective and of real help to Municipalities

in this state of affairs in the separation of the deliberative from the executive work and to retain to themselves the more important of the two. In my opinion deliberative work is of greater importance and value than the executive, which is more or less of a mechanical nature and therefore the former should form the legitimate duty of the Municipality and should exclusively be reserved to themselves, while the latter namely executive work can conveniently and with advantage be entrusted to others by delegating it to capable men selected for the purpose. This has actually been done by the Municipalities of Karáchi, Surat and Poona and the present Bill aims at nothing more than this and the Municipalities of Karáchi, Surat and Poona by delegating to their Chief Officers many of the executive powers have virtually accepted this principle of this Bill. The question then naturally arises:—Where is the necessity for legislating for the post of Municipal Commissioner as described in this Bill? The answer to this question is:—The present delegation of powers rests upon the decision of members that form these municipalities. These members change every three years and there is no certainty whether their successors will hold the views and maintain and continue the principle accepted and laid down by their predecessors. To ensure stability and certainty to the present action of these municipalities it is necessary to legislate and if this necessity for such legislation is established, it is quite in the fitness of things that the enactment should be such as to answer the purpose for some time to come and not merely to meet the present exigencies. This can best be accomplished by following as far as practicable the lines of the Act of the Municipality of Bombay which is generally admitted to be successful. It will thus be seen that there is no question involved of any curtailment of rights and privileges as at present enjoyed by the municipalities concerned and therefore this objection in my opinion is more sentimental than real.

As regards the second objection of increased expenditure, the question requires to be viewed from several points before pronouncing a decisive verdict. What may appear to be costly at first sight may turn out to be cheap in the end. It is generally admitted that efficiency is difficult to be secured without paying for it. Result alone proves conclusively whether the price paid in the beginning for efficiency is justifiable, but none the less it is a fact that one has to take in the beginning the risk of costs for the sake of efficiency. If the Municipal Commissioner be considered to be an efficient agency for carrying on the administration of certain municipalities, it must be conceded that these municipalities must be prepared to face in the beginning the extra expenditure of engaging an officer of this stamp. The results alone will justify the wisdom of such a step, till then it is an experiment and the question is whether the municipalities concerned for prospective greater efficiency should try this experiment which is of a costly nature. There is however one re-assuring feature in this experiment and this is the share of responsibility that falls upon Government in giving trial to the experiment of a Municipal Commissioner. I consider this Government share of responsibility even greater than that of the municipalities concerned, because Government not only takes upon itself the onus of recommending a Municipal Commissioner to the municipalities concerned, but the responsibility of fixing the salary to be paid by the municipality for engaging these costly officers. It is well-known how keen and vigilant our Government is in watching the expenditure of our municipalities. Every additional item of expense, no matter however small and insignificant, first of all should receive the sanction of Government before it can be incurred by the municipalities. Can it be

believed for a moment that the Government that is so zealously guarding the financial interests of municipalities will relax in any way their vigilance over municipal expenditure or render itself liable to the charge of remissness in its duties of watching the interests of our municipalities by thrusting upon them such expenditure as will be beyond their capacities to bear? I well remember the protest I made at the time of the first reading of this Bill on the ground of expenditure. This was mainly based upon the provision made in the original Bill for assigning plural duties, both municipal as well as Government, to the Municipal Commissioner. This provision entailed the necessity of entertaining another high and costly officer as an Assistant to the Municipal Commissioner and would certainly be a strain on the resources of the municipalities. As this provision of entrusting plural duties to the Municipal Commissioner has been eliminated in the Select Committee, there hardly remains sufficient ground for any protest.

Objection seems to have been taken to the reduction of population limit from one lakh and fifty thousand to one lakh. I see no good ground for this objection. In the first place the retention of the original limit of one lakh and fifty thousand would have meant at one or at the most two municipalities out of the whole Presidency, and it would hardly be considered proper that so much time and trouble need be taken for legislating for only two cities. Secondly, as already stated by me, it is the bulk and extent of a place that determine the necessity of engaging a particular class of officers to carry on its administrative work and I think that one lakh is not a small number that could not justify the high and superior officer like a Municipal Commissioner to be engaged.

The Honourable Mr. PATEL has cited several clauses from the present Act empowering Government to compel municipalities to delegate all the powers that may be desired to the Chief Officer, but Mr. PATEL loses sight of the fact that they are merely dictatorial clauses not intended for every day use. Surely Mr. PATEL does not wish to make Government into a constant dictator.

I do not think this is the proper time to go into such details of the Bill as pension contribution and the retention or exclusion of certain clauses relating to the powers to be conferred upon the Municipal Commissioner. I see several amendments proposed and these details will be dealt with when the amendments come up for consideration.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD spoke as follows:—Your Excellency,—I confess I am unable to appreciate the attitude taken up by the Honourable Mr. PATEL with regard to this Bill. The main question that has to be decided by this Council with regard to this Bill is, whether we ought to have for the mofussil municipalities the appointment of a Municipal Commissioner. On that main issue I have heard practically nothing from him at all. He left it merely with the remark that the appointment of a Municipal Commissioner would be, in his opinion, a retrograde measure. Having said that, what my honourable friend proceeded to do was this. He referred to the various sections in the existing Act, and argued therefrom that there were ample powers under those sections vested in Government at present under which they could compel municipalities to appoint Chief Officers, and also further compel them to delegate to those Chief Officers executive functions, and that those being provisions of the present Act, it was not necessary, so far as I understood him, to have this enactment at all.

I confess again, Your Excellency, that I am unable to appreciate the attitude taken up by my honourable friend Mr. PATEL with regard to this question, and I do not think Mr. PATEL himself has realised what the effect of what he states will be. He would have the Government to interfere with the municipalities whenever Government thought they were neglecting to appoint Chief Officers, or that they were not making proper provision for the discharge of executive functions; he would have the Government to interfere under what we call the bludgeon clauses to compel municipalities to make the appointment of Chief Officers. Having compelled them to do so in the first instance, and if they do not delegate to him the functions which ought to be delegated, he would have the Governor-in-Council to interfere again, and command them under the bludgeon clauses to delegate the necessary powers to the Chief Officers.

Now I put it to the Honourable Mr. PATEL and the other members of this Council whether that is a position consistent with the prestige and dignity of any municipality. Is it right that the municipalities should be perpetually interfered with in this manner, and I am surprised that people who are standing up for the independence of municipalities, like Mr. PATEL and those who think with him, should advocate such interference. Would it be in the least dignified that Government should be compelled to interfere in this manner and dictate to the municipalities to make the appointment of Chief Officers, and then delegate the powers to them. If experience has brought people to the conclusion that we must have one officer to carry out the executive functions, is it not more consistent with the dignity of local self-government to clearly lay down that the executive functions shall be vested in and exercised by an officer to be called the Municipal Commissioner instead of requiring Government on every occasion to interfere with the discretion of municipalities to compel and order municipalities to do what the Government thinks they should do. I therefore submit that the course suggested by the Honourable Mr. PATEL, *viz.*, "do not enact this Act, do not make this provision for the Municipal Commissioner and leave it to Government"—can only be worked in the manner I have pointed out, by this perpetual interference on the part of Government. Looked at from that point of view, Your Excellency,—I have no doubt that members of this Council would come to the conclusion, that by far the better course, by far the most efficient course, by far the most dignified course, is to adopt the course for which sanction is asked for by this Bill.

Then, as I said, the real and main question is whether the appointment of a Commissioner, such as we have in Bombay, is a thing desirable to be done for the mofussil Municipalities, and that is really a question which Members of this Council have to answer for themselves before they vote for this Bill. Now, Your Excellency, I yield to none in my great desire to give Local self-Government a good chance, and to advance Local self-Government as much as possible. But it must not be forgotten that in the very interests of Local self-Government, in the very interests of making that Local self-Government successful, it is desirable that the activities of Local self-Government should be so directed that it may not end in failure. Now all experience shows that executive duties cannot properly and rightly be carried on by bodies consisting of a large number of people who are rendering honorary service; and when those executive functions grow, as they have grown in the mofussil, with the growth of population, it is more and more obvious that the carrying out of executive duties can only be properly done by one officer in whom those duties ought to be vested. If you leave

them to be exercised, as they are at present exercised in some places by those deliberative bodies, you can never have an efficient administration at all. That principle has been recognised, and it is not a new one. It has already been recognised by the Act of 1901, as the Honourable Mr. PATEL pointed out. The Act of 1901 makes all these provisions for the delegation of executive functions to the Chief Officer, and so far as the principle is concerned, I would ask whether it would not be best to entrust the executive functions to a Municipal Commissioner in the manner they are vested in Bombay. As I have said the principle is to a certain extent recognised by the Act of 1901. All that we propose to do in this Bill is to put it on a more sure footing in the light of experience that we have gained. Instead of having a Chief Officer appointed by the Municipality and leaving it to the Municipality to delegate certain functions to him, and then putting the burden on Government to interfere if they do not do their duty in this behalf, what is proposed to do now is to carefully define what executive functions are to be vested in the Municipal Commissioner, and lay down in so many words in those sections that particular powers are to be exercised by the Municipal Commissioner.

Then the other change is the appointment of Municipal Commissioner, instead of being with the Municipality as is the case with regard to the Chief Officer, is now to be vested in Government. That again is a change which, a little reflection will show, is a very desirable one. If you want to vest executive functions of this character in one officer like the Municipal Commissioner, it is extremely desirable that his appointment should not be in the hands of the Municipality itself. Otherwise do not expect that officer who is to be appointed by the votes of the Municipality itself to be an independent person. He will have to look again for his re-appointment to the votes of the Municipality. In the first instance, too, he has to canvas the members of the Municipality and after all experience shows that, for making appointments of this character large bodies consisting of 40, 50 or 60 people are not the best bodies. Therefore, it is very desirable that the appointment should rest in the hands of an independent body like Government. If, therefore, the Council comes to the conclusion that the principle that has already been recognised in 1901 in the manner I have pointed out, requires to be put on a better basis, on a surer footing, and on a more workable basis, then I submit, Your Excellency, that there cannot be any question that the Bill, as revised by the Select Committee, is a Bill which ought to receive the acceptance of this Council. When I say this, I do not commit myself with regard to the various details of the Bill and with regard to which I shall express my views when we come to the various clauses of the Bill. There are a number of sections which may require a little remodelling, not only to carry out certain views that we have got, but also to give effect to the principles that were agreed to in the Select Committee, but were possibly not quite carried out in the manner we had desired.

I won't go into these details at this stage, Your Excellency, because it is a matter which will be gone into when we come to deal with the Bill clause by clause. But, as I have said, the main principle to be decided by the Council is with regard to the appointment of a Municipal Commissioner, whether it is not desirable to have such an appointment in the interests of the mofussil Municipalities and in the interests of the efficient working thereof.

As I have pointed out, the argument of my Honourable friend Mr. PATEL will lead the Municipalities into a state of things which certainly no lover of Local self-Government can view with equanimity. Honourable Members would certainly not like to degrade the Municipalities to this state, that they are to be compelled at every stage by Government to make this appointment, to delegate powers and so on. Instead of that, as I pointed out, it is much more right and much more dignified to have these matters defined by statute, so that there will be no friction in the working thereof.

It must also be remembered that in amending the Bill in the Select Committee, great care has been taken to see to this, that the Municipality has the real control that they ought to have in municipal affairs. All that is proposed to be done is to vest merely the executive power in the hands of the Commissioner. The words actually used are "the executive power for the purpose of carrying out the provisions of this Act" etc. That is all that is proposed to vest in him, but beyond that the section clearly enacts that the Municipal Government of the municipal district vests in the Municipality. That makes the Municipality the governing body in municipal matters. The Municipal Commissioner is under the Municipality to carry out the executive part, but the whole of the deliberative function is still vested in the Municipality in whom, by law, the Municipal Government is vested. For instance, the Municipality have with them the real control that is needed in the first instance, *viz.*, the financial control. It is the Municipality who will lay down what money is to be spent or can be spent during any one year, and the Municipal Commissioner will have to work within the Budget, and so in that way you have initially the real control, *viz.*, of the finances vested in the Municipality.

Then, further, although the executive work to be carried out will be vested in the Municipal Commissioner, the Municipal Council will always have the general power of supervision and criticism over the acts of the Municipal Commissioner even in matters that are by law vested in him. As you have in Bombay, although the various executive functions are carried out by the Municipal Commissioner, the Corporation have always the power of criticism and expressing their opinion on any particular matter, and though they cannot upset what he has done or cannot direct him to do a particular thing, it is always open to them to express as to what in their opinion should be done in a particular matter. In that sense, therefore, I submit, Your Excellency, that there is nothing in this measure that one need fear. It is not any slur on or discouragement of Local self-Government. To my mind, it is really an attempt to put Local self-Government on a more sure basis, on such a basis that it is more likely to be successful than heretofore. With these words, I support the second reading of the Bill.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH spoke as follows :—My Lord,—after what has fallen from my Honourable friend Mr. SETALVAD who has replied to the arguments advanced by the Honourable Mr. PATEL, I have to say only a few words. The Honourable Mr. PATEL wanted an instance of a Municipality in which the appointment of a Chief Officer has been a failure. I might remind him of a Municipality with which I am intimately connected, which had during the short period of two years three Chief Officers whom we had to send away, because the administration was bad. As the Honourable Mr. SETALVAD put it, one of the reasons why the administration of a Chief Officer has been bad is because they are appointed by the votes of the Municipal

Councillors. Therefore they cannot become independent of them. Hence the necessity of the appointment of a Municipal Commissioner.

Secondly, the work that is done by the Sub-Committees is carried on by men who are busy people and cannot devote much time and attention to municipal matters only. The Hyderabad Municipality is an instance which I may mention, where the administration is in a bad condition, and I am afraid even, there might be a move on the part of the Municipal Councillors, though it has a population of only 75 thousand, for the appointment of a Municipal Commissioner seeing how efficiently the work is carried on by the Commissioner in the City of Bombay.

Moreover, we have to take into consideration the party spirit and the factions and the work becomes so difficult to carry on fairly and honestly. Therefore, I feel that there is great necessity for the appointment of a very efficient Municipal Commissioner not only in large Municipalities but in smaller Municipalities too, for which there is a provision. With these remarks I support the second reading of the Bill.

The Honourable Mr. BALKRISHNA SITARAM KAMAT spoke as follows:—Your Excellency, after the remarks that have fallen from my Honourable friend, I do not think any words are necessary from me to support this Bill. I will only make a few observations regarding what has fallen from the Honourable Mr. PATEL, and in doing so, I may tell Your Excellency I do not propose approaching this subject from the point of view of a lawyer, because I am not a lawyer. I only speak from the little practical experience which I have of municipal matters. The Honourable Mr. PATEL told us that there is already enough power under the existing law in the hands of Government to enforce a Municipal Commissioner on a particular Municipality and he asks Government whether they have exercised that power in the past. He also told us that there is enough power already under section 27, for the Municipality to delegate any powers to the Chief Officer. But by the mere fact that Government have not exercised this power in the past, what does he argue? Does he mean to say that Government should now exercise this power and bring to book *every* Municipality that has not engaged a Municipal Commissioner under the provisions of section 13 which only says that, if in the opinion of Government it is necessary to appoint a Municipal Commissioner to a particular Municipality, they *may* do so. If Government have so long not done it, they might not have thought it necessary to force a Commissioner on a particular Municipality simply because its affairs were being properly managed. Does he wish that Government should come down with this power on every Municipality? and when he has told us that the Municipalities have got the authority to delegate certain powers to the Chief Officer, has he brought forward any constructive evidence about the results? Our friend Sir CHINUBHAI just told us that such powers have in certain cases been delegated. Can the Honourable Mr. PATEL tell us that whenever such power is delegated, all those Municipalities have been doing ideal work? He told us that the example of Bombay would not apply to the Municipalities in the mofussil. But he has not given any reasons. I do confess that the case of Bombay stands entirely on a different footing. But if he says that men in the mofussil are not strong enough to control their executive officer, I can, speaking of Poona at any rate, assure him that his view is mistaken.

Regarding the remarks which the Honourable Mr. PATEL made on the point of salary, he himself has shown that even in the existing Act as it stands at present,

Government have the ultimate power of vetoing or disapproving of the salary which the Municipality may be prepared to give to its Chief Officer. Well, has he shown any particular instance where Government have improperly exercised this power? Can he show or does he prove that in keeping the question of salary in their own hands, Government only wish to bring any Municipality to the brink of insolvency? I do not think he has shown any reason. Of course, from the point of view of sentiment, I have nothing to say. But if even now an appointment of a Chief Officer of a Municipality is subject to confirmation by the Commissioner of a Division, and as long as Mr. PATEL is unable to give an instance of any particular Municipality which has suffered at the hands of the Commissioner, I do not think there is cause for apprehension so far as the question of salary is concerned. The Honourable Mr. PATEL refers to a question regarding Municipalities which he has put in this Session and which, he says, has not been answered by Government. But, in the first place, I wish to say that his very question is rather in very vague terms. I do not know what he proposes to tell you even if his question were answered. I take the case of the Poona Municipality. If I were asked whether the work of the Poona Municipality is a failure or a success and if we are to judge by the standard of work done by the Ahmedabad Municipality, I would say the Poona Municipality is a distinct success. During the last ten years it has done pretty good work and Government Reports would bear out the fact that it has done quite useful work. But is it a success as compared with the Bombay Municipality? Well, if I compare Poona Municipality with Bombay, I may say the Poona Municipality is a decided failure. Therefore I say the word failure is comparative. It is no use hunting out facts about the failure of particular Municipalities. Mr. PATEL asks where was the necessity for this legislation. I think the whole of the reply to this is given in the statement of objects and reasons. The very fact is that the present Chief Officer, whatever his qualifications or abilities may be, is more or less compelled to abide by the orders of the various Committees, like the Managing Committee, the School Board Committee or the Public Works Committee,—and therefore, as long as he is to depend upon these Committees, his work is delayed; and no matter how so clever a man may be or what his capacity for work may be, as long as he has to receive orders from certain Committees and has to accept the decisions arrived at, I think the management by Chief Officers under the present circumstances would be perhaps as unsatisfactory as it is at present. I do not mean to cast any reflection on any particular Municipality. From the very fact that they are hedged in by so many other conditions, it is simply not to be expected that Municipalities can get very satisfactory work out of their Chief Officers as they stand at present. That is the defect in the constitution of the powers of Chief Officer, and that is why it is necessary to do away as far as possible with the present system of Committees and to entrust larger municipal power and municipal control to the Municipal Commissioner.

The fact to which my Honourable friend SHEIKH GHULAM HUSEIN referred, is significant. The thing is when a man knows that he owes his appointment to a particular set of people, naturally it is not to be expected that he will be as independent in his work as perhaps an officer appointed by Government. Besides, the Chief Officer has to take his orders not only from one set of men but probably he has to depend every three years on different sets of men, and as long as the constitution of Committees goes on changing, it is natural that the tendency or the attitude or perhaps the policy of the

Chief Officer is always likely to be subjected to changes according to the changes in the constitution of the Municipality every three years. It is quite necessary that the Chief Officer or Municipal Commissioner whom we appoint should be a man having a distinct policy of his own, whatever might be the change in the personnel of the Municipality. On the whole, therefore, the only fact seems to be that the new proposed change in the law is resented merely on the ground of interference with the ideas of Local self-Government. As the Honourable Mr. SETALVAD put it, I too yield to none perhaps in my desire to see Local self-Government prosper. But the fact is, is the Municipality going to be a kindergarten school for certain Municipal Councillors? Is it to be a training ground in the art of Local self-Government? Possibly it may require 50 years before people can be experts in Local self-Government, and the management might be even then not perfect. Are we to wait till then? I maintain that this question is to be looked at, not only from the sentimental point of view of Local self-Government, but we have also to look at it from the other point of view, that the inhabitants of a particular town, of all sections and of all grades, do require that the management ought to be improved as rapidly as possible. And till then, if there are any faults in the Municipal members who come there to learn their work, I think it is quite reasonable and fair to appoint Municipal Commissioners, until at least perhaps thirty or forty years when the people will have learnt the art of Local self-Government.

After having said this much, I may repeat the same thing as the Honourable Mr. SETALVAD put it, that I do not commit myself to all the different clauses which the Select Committee has introduced. I do say that the appointment of a Municipal Commissioner would be an advantage. Possibly it would be an advantage also in the advance of Local self-Government, inasmuch as people would learn from the Municipal Commissioners how to manage their own affairs better rather than continue to mismanage as they have been doing for some years. But I think that some of the clauses which have been introduced by the Select Committee are of such a nature that they leave too much power in the hands of the Municipal Commissioner. I therefore think that, with certain alterations which perhaps may be discussed when we come to discuss the clauses, the main feature of the Bill as set forth by the Select Committee is of a very wholesome nature, and on these grounds I support the second reading of the Bill.

The Honourable Mr. NAVROJI DORABJI KHANDALAVALA spoke as follows:—Your Excellency, I rise to support the second reading of this Bill. The main question regarding the appointment of a Municipal Commissioner which has been put with reference to this Bill is an exceedingly important one. When the idea of appointing Chief Officers was discussed, and afterwards put into legislation, it was hoped that the Chief Officer of a Municipality would be able to exercise his power in such an independent manner as to carry on the administration and the executive work of the Municipality so as to give satisfaction to those who expected that the Municipality would make progress in various directions, particularly in sanitation. This hope will not be found to have been fulfilled if the work of a number of Chief Officers be taken into consideration. No particular person need be blamed for that, but it will be seen that the appointment of a Chief Officer, resting as it does with the Municipal Councillors, does not prove very satisfactory. The selection of an officer who would exercise his powers in a way that would command the respect of those who hope that he should work independently, is very rare. He is hedged in by many difficulties; he has to look up to many persons,

and consequently he has to give in on those points in which he would like to work according to his own will.

In the case of the appointment of a Municipal Commissioner by Government, it is quite different. Government have a large number of able officers from whom they could select a suitable person who would work with vigour and without being hampered by the views of obstructive persons in the Municipality, and who would hold his own against any unreasonable views of the members of the Municipal body. Such an officer being in charge of the executive function, the work of the Municipality would be performed in a manner which would bring credit to it. He would see whether the work of the Municipality is carried on in such a way as would result in the improvement of the city, its sanitation, its drainage, its water works, and so on, and he would be able to put all the work on a better footing than what it generally may have been. Anybody who has been acquainted with the City of Poona will see that, however good the work that may have been done on this side during the last thirty years, a good deal more remains to be done, and such new work could hardly be done properly unless there is an officer who is able to work independently and vigorously and to carry on the work without being hampered. For this reason I am clearly of opinion, as many Honourable Members in this Council I hope are, that the appointment of a Municipal Commissioner should be made by Government.

The chief difficulty which has been troubling many persons in the Municipality in the cities where Municipal Commissioners are likely to be appointed is the salary of the Commissioner who may be appointed. The resources of the different Municipalities that will in the first instance come in for the appointment of a Municipal Commissioner are not such as to pay the Municipal Commissioner a very large salary, and unless a very good salary is paid, a competent officer will not be coming forward to do the work. For this purpose it is to be hoped that Government will consider the financial aspect of the matter and give such help to the Municipality as may be necessary in the matter of the appointment of a Municipal Commissioner. I do not know whether I am rightly saying that Government do hope to give some assistance in this way, but whether their assistance be given or not, the matter, I am sure, will be carefully considered as to how the Municipalities will be able to meet the very large expense which would have to be met by the appointment of a Municipal Commissioner.

The Honourable Sir CHINUBHAI took objection in the first reading of the Bill with regard to this matter, but he is now of a different opinion because the Municipal Commissioner under the present arrangement will not be saddled with other work as that of the City Survey Officer, and the Municipality will not thus have to employ a second officer, and therefore the salary of the Municipal Commissioner will in his opinion be forthcoming, but although the Municipal Commissioner may not have to do city survey work, his salary will form a heavy item and it must receive very careful consideration at the hands of Government. With these few words I support the second reading of the Bill.

The Honourable Mr. SHELDHAR BALKRISHNA UPASANI spoke as follows:—My Lord,—After what Mr. PATEL has said I need not say more in support of the view which he has tried to put forward so ably and clearly. I have only to correct certain misapprehensions that appear to exist about what he has sought to put forth. I think the point

on which there are no two opinions is the necessity to delegate executive powers to the executive officer according to the requirements of any particular place. In a smaller Municipality it may be possible for the Honorary Committees to do the work but in larger Municipalities it is not possible, and as a matter of fact we know that in all City Municipalities, at any rate, good many of the executive powers have already been delegated to the Chief Officer. Under section 183 to which the Honourable Mr. PATEL drew attention (reads) several of these powers are already delegated to the Chief Officer by statute. In addition to these powers it is open to the Municipalities to delegate further powers to their Chief Officers. As a matter of fact the more important Municipalities have already done it. Now it is proposed to delegate by statute all executive powers to the executive officer in the case of the larger Municipalities that would no doubt be desirable in the case of the more important Municipalities which have a population of 100 thousand inhabitants or more and with that view I have tried to meet half way by consenting to retain for those Municipalities section 186 G which provides for delegation of those additional powers. If we do that now under section 183 it will probably be doing by legislation what is found to be actually necessary. But as regards the smaller Municipalities there may be different opinions as to the two sections. There is no necessity for any sudden sweeping change in the constitution as it stands with regard to these Mofussil Municipalities. Every care has been taken to subject them to all the necessary supervision that is needed. In addition to the clauses referring to Government's powers of control referred to by my Honourable friend Mr. PATEL there are also other sections as pointed out by the Honourable Mr. SETALVAD which give power to the Collector who is near the spot to supervise the Municipal administration. You will see that under section 173 the Collector has the power of inspection and supervision over all the proceedings of the Municipal bodies. Then he has power to suspend the execution of all orders by the Municipality. He has power to do all that is needful to interfere with the executive work of the Municipality. These powers are given to the Collectors in the Mofussil. I do not think these powers have been conceded to the Collector of Bombay with regard to the Bombay Municipality. When Government have already done all that is necessary to exercise close supervision over the work of the Mofussil Municipalities there is no reason to further encroach on their powers or to interfere with their freedom of action. I may say that in most cases the Municipalities have to work in co-operation with the Executive authorities, but if they are to be put under further restrictions under these new provisions I think we should allow them at least sufficient power of control to secure due administration of the work entrusted to them. Now while the Act as it stands gives all the executive powers to the executive officer, shall we not be justified in desiring that the person who represents the whole Municipal body in a material form, I mean the President, should at least have the power of the Collector for general supervision of the work of the Executive Officer. The President is a man appointed either by Government or elected by the vote of a large majority of the whole body. Such being the case I think without any further legislation it will be possible for us by amending only a few of the sections of the existing Act as they stand to secure what is desired to be done by the Bill now before us.

Then as to the Municipalities as bodies not being able to select their own Officers I think if the principle that has been enunciated by some of our friends be accepted, then we need not have powers to appoint anybody at all because the Health Officers, Sanitary

Officers and other subordinates owe their appointment to us and according to our friend's dictum we shall have to hold that they will not be men who will do their work honestly, but we know by experience that they are not the less honest in their work for reason of their being appointed by the Municipal body. When Municipalities are allowed to select their own Chief Officers and to delegate to them the necessary powers why should their right of making selection in the case of the Municipal Commissioner be taken away by Government. Smaller Municipalities do apply to the Collectors for Chief Officers and the larger Municipalities would certainly consult him unless they find an exceptionally good man, and if Municipalities ask Government to select for them a capable Officer within the means which they can command, will Government make a worse choice than they would if the appointment were left to them? I think it need not be assumed that Government will not realize their responsibilities to us. When we ask Government to spare any particular Officer for us will that Officer be less efficient for his being selected by us than if he were appointed by Government direct. What we say is why transfer the responsibility of making the appointment to Government which the Municipality ought to be able to take on itself. The Municipality is entrusted with the deliberative and executive functions, and simply for making the appointment we should leave the matter to Government. I say that the appointment should be made by the Municipalities themselves and we ought to take our responsibility in the matter of the appointment as in all other matters on our own shoulders. I do not think that in leaving the power and responsibility of making these appointments with the Municipalities we shall be making them mere Kindergarten Schools for children as one Honourable Member was pleased to observe. If we are not worthy of exercising the responsibility of making selection for our own staff, which we ought to discharge on our own account, I think we shall not deserve to be entrusted even with the deliberative functions. Well, if we are able to discharge deliberative functions, are we not fitted to discharge the less important executive function of making the selection of our own subordinate Officers, which is not a more responsible thing?

It has been unfortunately our lot to have party-spirit in some municipalities no doubt, but as things improve, as they are bound to improve, let us not by statute take away the power. Nobody is more sorry than myself for any inefficiency that may exist owing to party-feeling but we ought to get over it, and the action of Government in suspending several municipalities I think ought to give us sufficient warning. I think we must look at the matter from the other point of view, and not be nervous about our responsibility nor seek to run from it, but to stand it and to discharge it faithfully as best as we can looking up to Government only for such help as may be absolutely necessary. Even if an Officer be appointed by Government I don't think that we shall be free from all responsibility. In fact as our friend the Honourable Mr. SETALVAD told us the responsibility of general supervision shall still remain with us, I mean the municipalities. When we are to have that responsibility why should the powers of the President as regards supervision over the Executive Officers work be taken away. He must have power and control over the actions of the municipal servants and this is absolutely necessary. The Chief Officer whoever he may be should know that he is not free from all control of the municipality. There are matters in the municipality which require close scrutiny even from outside. If the Collector has this power, should not the body which is responsible for its administrative affairs have that power? Taking away the

power now exercised by the body from the President is certainly a retrograde step and is tantamount to saying that the Presidents whom we have appointed have either failed to exercise their powers properly or as a body the municipalities cannot be entrusted with the power. Nothing is further from me, I may again assure the Council than to obstruct Government in doing that which will improve our condition, but at the same time let us continue to have those responsibilities which are expected to train us for higher responsibilities. We have as much or more interest in our towns than any Officer coming from outside, and I think intelligent men in places like Poona will certainly come up to their responsibilities of citizenship. In the case of Government Officers they will be appointed only for three years. The Assistant Collectors will not spend their life-time in any place they will be more or less birds of passage. But then the members elected by the town have permanent interest in it. There are men who have served Government in as high capacities as the Chief Officers whom we expect to get. Will not such men understand the interests and appreciate their duties to their fellowmen and to their town? We should encourage and awaken greater sense of responsibility and I think if we are able to do it in a proper way, we shall by all means get the sympathy and assistance of Government.

There is yet another point to which I want to invite the attention of the Council. It is only 10 years since the Act of 1901 has come into force and Chief Officers have been appointed within a very short time and so far as I know Chief Officers from Government service have not proved failures. It all depends upon the personnel and the individual whom we are able to select. Sometimes the selection of Government servants is not also satisfactory, but considering all existing conditions I think let us not make so radical a change as to deprive the municipality of what little self-government they have at present. With these few words I wish to support the Honourable Mr. PATEL.

The Honourable Ráo Bahádur SHRINIVAS KONHER RODDA spoke as follows:—Your Excellency,—From the speeches which have now been made I gather that some of the points that came up for discussion were only connected with the matter of amendments brought forward. For example, the appointment of a Municipal Commissioner. Well it is objected to on principle, etc., but that has been admitted in the amending section 186. Now that comes as an amendment and if any discussion is to take place it has to take place on the amendment when it comes in the right time. But on the general principle whether this second reading of the Bill is to be supported or not I think a long speech is simply a waste of time. That is my opinion. Therefore the appointment of a Municipal Commissioner, regarding which discussions have already taken place, is to be considered. The question is not about Chief Officer. The Act is working very well with regard to Chief Officers and smaller municipalities have already been doing good work and selecting Chief Officers. Municipalities which had no Chief Officers are now coming forward and asking for the appointment of Chief Officers though Government do not require Chief Officers for them. That is simply because the appointment of Chief Officers has been doing immense good. But this appointment of Municipal Commissioner is intended in the first place for big towns like Ahmedabad where the work to be done is so great that it requires the energy and talent of a very high Officer. Therefore when the general principle of the Bill is accepted at the first reading the majority of them were for the appointment of the Municipal Commissioner and an amendment has already been proposed. I think there is no necessity to discuss over

the appointment of a Municipal Commissioner. The amendments have already been proposed and when the Bill is read clause by clause whether a Municipal Commissioner is required or not could be considered. So under this particular amendment which has been moved a speech is unnecessary.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH spoke as follows:—Your Excellency, I beg to support the second reading of this Bill. The only ground on which the Bill is now opposed is the provision made therein for the appointment of a Municipal Commissioner. The Honourable Mr. PATEL in opposing the second reading laid great stress on the fact that all the powers which it is proposed to give to the Municipal Commissioner can under the present Act be delegated to the Chief Officer, and he said that in this respect the Act simply effects a change in the name of the authority to which the powers are to be entrusted. Now, in this connection, I would invite attention to clause 9, sub-clause (2) of the Bill. This sub-clause provides: "In a Municipal District for which there is a Municipal Commissioner the executive power for the purpose of carrying out the provisions of this Act rests in the Municipal Commissioner, subject, wherever it is in this Act expressly so directed, to the approval or sanction of the Municipality and subject also to all other restrictions, limitations and conditions imposed by this Act." This is an entirely new provision. It puts upon the Municipal Commissioner the entire responsibility of carrying out the executive administration. The present Act assigns no such responsibility to the Chief Officer. If there is anything in the present Act which can be said to correspond to the sub-clause just quoted, it is the provision of section 182, sub-section (3), which enacts that "When a Chief Officer shall have been appointed, all other officers and servants employed by the Municipality shall be subordinate to him." This does not make the position of the Chief Officer in executive matters identical with the position proposed to be given by this Bill to the Municipal Commissioner. It is one thing to say that all officers and servants shall be subordinate to a head and quite another to say that the head shall have the executive power of carrying out the provisions of the Act. Under the present Act there is no authority on whom rests the responsibility of taking the initiative in executive matters. It is the duty of the President under the Act to watch over the executive administration; but it is not his or anyone's duty to see that progress is made in carrying out the provisions of the Act in matters of administration. There are several provisions in the Act relating to Municipal government which remain unavailed of because there is no authority charged with the duty of putting those provisions into effect. Municipal problems are growing so complex and the area over which they range is becoming so wide that it is imperative that in the larger Municipalities at least there should be an authority of the position and standing of a Municipal Commissioner to develop Municipal government to its full growth. When the present Act was enacted in 1901 the Bill as originally drafted provided for the appointment of a Chief Executive Officer, but when the Bill emerged from the Select Committee the word "Executive" was dropped from the designation of that Officer and with it much executive responsibility also was dropped. It has been found that efficiency can best be promoted by the appointment of an Officer with sole charge of his duties.

The next objection taken was that under the Bill the Municipal Commissioner is to be appointed not by the Municipalities but by Government. I would submit that if the Municipal Commissioner is to be a reality he must be free of considerations that

would limit the scope of his work. He must not be in a position to make him look upon certain Municipal Councillors as those who voted for him and certain Municipal Councillors as those who voted against him. He must not therefore owe his appointment to the Municipality. It was in 1909 that the Ahmedabad Municipality appointed a Chief Officer for the first time and the unpleasant incidents that characterised the scramble for votes are well-known. The Municipal Meeting at which the appointment was to be made lasted for days and days. There were adjournments after adjournments and there was a whole night's sitting. The public of Ahmedabad felt scandalized at the affair. That was the result of making such an appointment depend on votes.

In one of the representations placed before the Council it has been said that the object of Municipal government is to train up people in the art of self-government. With all due deference, I would submit that the correct way of putting things is to say that the object of Municipal government is to promote "public health, public safety, public convenience and public education", and that the machinery of local self-government employed in Municipalities and Local Boards is to give a training in the art of government and to give a voice to those that are governed. In this work of government corporate bodies can act only by transacting business at their own meetings or at meetings of their committees. This procedure is sufficient for deliberative work but not for executive work, and it therefore becomes necessary to separate these two functions. Municipalities will not cease to govern by this division of work. They will lay down policies and the head of the executive will carry out the policies.

With these remarks I support the second reading of the Bill.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE spoke as follows:—Your Excellency, I was tempted not to stand on my legs after hearing the advice of my Honourable friend Mr. RODDA, but I think I will not be doing justice if I left my opinion unsaid.

The objections that have been urged against the main principle of this Bill are four. I have gathered them from the speeches that were made on the last occasion when we met in March and from the speeches which are made to-day by my Honourable friends Messrs. UPASANI and PATEL. The Honourable Mr. PATEL has also given us his reasons in detail in the minute of dissent which all Honourable members had opportunity to read. The main grounds on which he (Mr. UPASANI) and others object to the appointment of a Municipal Commissioner are:—

First, that we will be introducing a system which would have the effect of having taken a retrograde step in Local Self-Government. Secondly, that he being a Government officer and owing his appointment to Government will be an autocrat in Municipal administration. I am not exaggerating, I am only quoting the words of the Honourable member who made a speech on the last occasion. Third, that such an Officer will be beyond the means of several Municipalities. Fourth, that a comparison of Bombay and Mofussil towns is not suitable to make because conditions in Bombay materially differ from conditions in the Mofussil. True it is—I will take the last—we have been told often not only in this Council but at the time when Act III of 1901 was under consideration, by experienced and old gentlemen like the Honourable Sir PHEROZESHAH and the Honourable Mr. SETALVAD, that that system has been approved in Bombay. Naturally, the temptation ought to be to go in for it if we can afford to do so. At the

same time, we must remember the fact that the atmosphere in the Mofussil both official and non-official cannot be as healthy as it is in Bombay, and therefore we should proceed prudently and cautiously. Considering the advancement which we have been making since the introduction of Act III of 1901, in which Act for the first time this principle of division of executive and deliberative functions was introduced, I think and I am proud to say, that there are many cities in this Presidency which have shown a steady advance in Local Self-Government. Are we not expected to be ambitious to go ahead on the example of Bombay so that in time we may come to the level of Bombay? As we have to get Municipal Commissioners appointed in large towns like Poona, Ahmedabad, Karachi and other places, why should we assume that he is likely to be an autocrat? Would that not provide us an occasion to return more efficient, more capable, fearless, straightforward and business-like men in such Municipalities? And, if we secure the best class of men which I am confident we shall secure, I think we shall have made a very great progress in the advancement of local self-government. Besides, this will give a healthy tone to our elections. That is the view which has prompted me from the time I have had some experience of Municipal administration, nay has induced me, to take up an attitude in favour of the division of executive and deliberative functions. No doubt safeguards will have to be preserved; the whole system of Bombay cannot be safely copied in the Mofussil and I think great pains have been bestowed by the Select Committee to scrutinize almost the whole of the Act and to put various sections as to delegations, etc., to a thorough examination so as to be acceptable to all. But as we have here as many as 9 or 10 members of the Select Committee it is not necessary for me to dilate on this at any length. When this Bill will come to be read clause by clause it is easy to delete any sections if we are convinced that delegation under some of these sections is really detrimental to the advancement of local self-government or to the powers of the Local Municipal Corporation. This is what I say so far as the last argument is concerned. As regards the argument, or apprehension, I should say, that the Municipal Commissioner is likely to turn out an autocrat, I think the remedy lies with us to avert that consequence. How, I will state. We are responsible if we allow him to be an autocrat. If you take a short resume of the whole Municipal Act you will find that the intention of the legislature in framing the Act III of 1901 was really to make the Municipal Corporations deliberative assemblies. I am restricting my remarks to City Municipalities; and if we were to scan sections 46 and 48 of the Act we would find that immense powers are given under which we can frame rules and by-laws, and we can also frame general and special rules and lay down for the guidance of our executive Officers. If we take this precaution, if we take this care, I do not think the apprehension on this ground has any reality in it. Because, after all, the Municipal Commissioner will be a responsible nominee of Government. Whether the appointment is first made in consultation with the Municipality or not that is a separate question, and, upon which, we shall discuss later on—but if he is a responsible nominee of Government he will always exercise some discretion in restricting his activities within the bounds laid down for his guidance. Further, if at all, occasions come, when we find that a particular Municipal Commissioner has gone beyond the instructions laid down by the rules made under the Act, I think every Municipal Councillor has a right to question, by bringing a motion, irregularity or illegality of the particular Act complained of. With these safeguards are we to suppose that there is a real danger of these Officers turning out autocrats? To me it seems that the objection on that ground has really no force. Then the third objection which has

been urged is about the means of Municipalities. I will not take up the time of this Council by referring to this subject because I have myself moved an amendment and it is really a point which ought to receive the attention of the Honourable Member in charge of the Bill. The conditions in the City of Bombay where the appointment of a Municipal Commissioner is created are different from those of the Mofussil and therefore in the Act of Bombay City we have the minimum and the maximum fixed. It is not easy to fix some minima or maxima in the Mofussil Municipalities because the circumstances vary in several Municipalities and I think some steps should be adopted which would have the effect of leaving the matter at the discretion of the Municipalities subject of course to the approval or sanction of the Governor in Council and if that is conceded objection on the ground of want of means does not survive and we have no reason to grudge about the appointment of Commissioners. Then the first and foremost argument that has been advanced by the Honourable Mr. PATEL both in his speech and in his minute of dissent is that we are taking a retrograde step. Now turning to the proceedings of Act III of 1901, I find the Honourable Mr. GOKHALE then said that there are two views of this question. After reviewing the policy which was inaugurated by Lord Ripon, Mr. GOKHALE went on to say, that one view was that deliberative work should alone be done by Municipalities leaving executive work to be done by one Central Officer either to be nominated by Government or appointed by Government. And the second view was to mix up the two duties that is the deliberative duties and the executive duties. No doubt after this policy was inaugurated in 1882, Act II of 1884 was passed in consonance with that policy. The frame of the Act will show that it was then found possible to allot both the works to one Municipal Corporate body. But now after a lapse of 30 years when we are making progress in every direction, when our towns are increasing in size, when the work is becoming one of a diverse and complex nature, when schemes like the drainage, water-supply and Town Planning are staring us in the face have we really time to devote to minor details of Executive administration or are we called upon in the interests of efficient administration to devote a better part of the time to the deliberations and to lay down the policy which will be in the interests of the public. These are the points from which I believe we are to look at the new proposal. In the Act of 1884 there are provisions, to get this Executive work done through Sub-Committees but allow me to say, and I am sorry to observe—I do not wish to pass any reflection upon any Municipal body but facts must be stated—that it sometimes so happens that the work takes a very long time to be disposed of and the workers being honorary you cannot compel them to move. In fact you have to make them work. My short experience shows that at least in large towns where the bulk of business has increased immensely the delay is detrimental both in the interest of the public and in the interest of the Municipalities and I for one really think that time has now come when for large towns we should have a division of work and if with this division of work we have all the safeguards which we really desire to keep so as to control the action of the Municipal Commissioner or the Executive Officer, I do not think that we are taking any retrograde step. After all what is he going to do? He has to execute the orders according to the principles we shall lay down for his guidance. If he is doing that instead of the Sub-Committee doing it can we reasonably say that we are taking a retrograde step in the administration of local self-Government? and I believe, with all due deference to those who hold the opposite view, that in doing this right thing we are

not taking a retrograde step but we are calling upon public men, who have a desire to work, men who have intelligence, men who have time to come forward to regulate the business of the Municipality in its largest sphere to come forward to put their shoulders to questions of policy and magnitude but not to meddle with the minor details of Executive matters. That is the view which I now wish to place before Honourable Members. Another objection which was pressed was the existence of the controlling provisions in the existing Act, under which efficiency can be secured. I am sorry for those few of my Honourable friends who were induced to put this view before the Council. What does it show? It shows that there is a controlling Chapter in the Municipal Act under which any action of the Municipality can be controlled by the Governor in Council or by his subordinate officers but anybody having self-respect would resent such an interference, time after time, and I think it is much better to have division of work in this way rather than call for this interference or make it necessary for the Governor in Council or any subordinate officer to come and interfere with the administration of the Municipality. Really with this new provision in law if we can show that no necessity exists for the controlling Chapter on the Statute Book I think every one of us ought to be glad. As to the argument of the Honourable Mr. PATEL that "all these powers already existed there, what was the necessity of having this provision? We could delegate powers to Chief Officers." The necessity was simple enough. Nobody would like this kind of interference of the Government and it was thought much better to have an enactment rather than depend upon the controlling chapter. Then my friend the Honourable Mr. UPASANI, did not take as hopeful a view of the matter as my friend the Honourable Mr. PATEL. He said that "there were mistakes and there may be sometimes wrongs done here and there. But we have been delegating our powers to the Chief Officers. We have been doing the needful. We have been taking all the necessary action." I have no figures with me on which I should base my contention but I am informed that many of the Municipalities are chary of delegating powers to the Executive Officer. That is the experience which I have of my own Municipality (though I am not in it now), I mean the town of Sholapur and on enquiry I find that many other Municipalities have shown reluctance in delegating the powers to the Executive Officers. The result of this is that the Executive administration is suffering and is being found to be inefficient. Is it desirable to allow it to continue in the same hands and in the same unsatisfactory state? So far as the present Bill goes it only affects three towns where the need for such reform is greatly felt. No doubt objection was taken to a short clause in the section under which other Municipalities also can come in and make a requisition, but my Honourable friend Mr. SETALWAD has put it rightly when he said that you have been given that right, you may or may not exercise it. So, that small clause need not create any apprehension as if this wholesale policy is going to be applied to Municipalities irrespective of their size and population. There are other amendments to which I am not referring now because I will have occasion to refer to them later on when these amendments come in proper order. Another point which I have already raised by giving notice of amendment is one of dismissal and I only put it before this Council whether it would be advisable to leave the entire power of dismissal in the hands of the Municipal Commissioner without any right of appeal either to the general body or to any Sub-Committee that will be appointed in that behalf. On other matters of detail I will not unnecessarily take up the time of the Council. With these few remarks I have pleasure to support the motion for the second reading.

The Honourable Mr. RAHGUNATH PURSHOTAM PARANJPYE spoke as follows:— Your Excellency, although several Honourable Members have taken all this trouble to answer the Honourable Mr. PATEL, I still think that they have not been quite successful in disposing of all his arguments and I congratulate the Honourable Member on his speech. In the first place I think the Council has some reason to feel dissatisfied with the report of the Select Committee in that we were distinctly told in the beginning when the Bill was brought forward that it was only an experimental measure and would be made applicable to two Municipalities, namely, of Ahmedabad and Karachi; and for that purpose the limit of population was distinctly put at a lakh and a half. In the Select Committee that lakh and a half dwindled down to a lakh. That itself shows that the idea of an experiment has gone and it has become now the fixed policy to have Municipal Commissioners in as many places as possible.

There is also a clause allowing for an optional appointment of Municipal Commissioner in smaller Municipalities. But I do not so much object to that if the amendment about the option being supported by $\frac{2}{3}$ of the majority is accepted by Government. However, so far as I could see, I thought at first that this was to be only an experiment at Ahmedabad in the first place and if the Ahmedabad Commissioner also proved as successful as the Bombay one then only was the experiment to be extended to other places. But I think this lowering of the limit of population distinctly shews a tendency which we have often observed of putting greater power in individual official hands. I think, Sir, if Honourable Members will read the representation of the Poona Municipality, they will find a long list of various powers that have been delegated already by the Municipality to its Chief Officer. Thus you will find in this case then a growing tendency towards delegating powers. What we contend is that this delegation ought to proceed on the motion of the Municipality itself and ought not to be forced upon it from any outside source.

The Honourable Mr. PATEL has told us that Government had already all these powers given to them and I think it is a very legitimate complaint that Government, not having exercised their power for the last 30 years, now come forward, possibly to atone for their neglect so far, with an Act containing so many drastic clauses. If the provisions in the old Act are to be called bludgeon clauses, the provisions of this Bill may be compared to an axe; and as Government failed to use the bludgeon properly we are now asked to hand this axe over to them. I think that if the choice is to be forced on the Members of this Council, everybody would choose the bludgeon rather than the axe as the smaller evil.

The Honourable Sir PHEROZESHAH: No, no, not the bludgeon.

The Honourable Mr. PARANJPE (continuing): We have always been told that the Bombay experiment has proved a success. Of course we must take the word of the Bombay Members.

The Honourable Sir PHEROZESHAH: You forget the report of the Decentralization Commission.

The Honourable Mr. PARANJPYE (continuing): But all the same even in Bombay we have often heard of the Municipal Commissioner trying to usurp more powers by the

force of his position. We have heard of such a thing as the caucus and several other things. If even in a place like Bombay the Members, who are such great champions of Municipal Commissioner, were themselves complaining of his powers (and we have also heard several other controversies between the Municipal Commissioner and the Municipal body), I think, such affairs are likely to be far more common in mofussil places where the Municipal Commissioner will have all the kudos of Government behind him, and the Municipal Councillors will be the people of comparatively lower calibre.

Well I think we are asked to decide once for all whether we want the Municipalities to be only deliberative bodies or also executive bodies. But I submit, the question of choosing a Municipal Commissioner or an executive officer requires the greatest deliberation and the greatest amount of prudence, and if you are taking away this item in which the best deliberation will have to be exercised, I think, you are taking away the best deliberative functions from the Municipalities themselves. I have had the honour of associating for several years with the Honourable Mr. SETALVAD on another body, namely, the University of Bombay, and I put it to Mr. SETALVAD whether all his love for efficiency will enable him to allow us to have a University Registrar nominated by Government, or whether he would like to have a paid Vice-Chancellor to dominate over the University as was recently proposed in Calcutta.

Again I want to answer one argument of the Honourable Mr. SETALVAD about the power of Municipality of passing a vote by $\frac{3}{4}$ majority and asking Government to take away the Municipal Commissioner. I think this is a most futile clause. Even under the present Act we are told that the Municipality can take away the Chief Officer by a $\frac{2}{3}$ majority. There is at least some remote possibility of securing $\frac{2}{3}$ majority in the case of a Chief Officer as he is appointed by the Municipalities themselves; but this is not the case with the Municipal Commissioner as he is appointed by Government. In every Mofussil Municipality more than one-fourth of the number are nominated members and it is absolutely impossible for Government nominees, almost all of them being Government Officers, to vote for the taking away of a Municipal Commissioner appointed by Government. At present what we have is this. Chief Officers are appointed by a majority but they have a steady position in their place, because in order to do away with them, $\frac{2}{3}$ majority must be obtained before they can be dismissed. Now this is a very great safeguard. Once a Chief Officer is appointed he cannot be taken away unless there is something absolutely wrong. I do not think therefore that the Municipalities ought in any way to be blamed for the changes of Officers. If in Hyderabad there were too many Chief Officers there must have been something exceptional in the case of that Municipality. On the other hand if we go to our experience in Poona, we will find that the same Chief Officer remained for many years. Municipal Commissioners came and went but the Chief Officer stayed on forever; and again in Bombay, if we see the number of Municipal Commissioners appointed during the past few years, you will find that even there there is no steadiness in the Municipal Commissioners. A great number of them have acted in that place in a few years and much less is there likely to be steadiness in Mofussil Municipalities. After all he is likely to be an Assistant Collector and in two or three years he will probably go to a place which is better for him according to the exigencies of service. He will be in the place for a year or two and as soon as he gets some experience he will immediately go away to

some other Municipality or possibly on furlough, or possibly on some other more lucrative appointment. On all these considerations I think, the appointment of a Municipal Commissioner will give us a great number of disadvantages due to want of stability and will only take away from the Municipalities the privilege, call it if you like the sentiment, they have of doing work themselves. They might or might not possibly do it perfectly well. But I think it would be wrong policy on the part of this Council to take away a state of things which has been going on fairly well in order to try and obtain a state of ideal perfection which I am afraid you will find in practice not quite obtainable.

The Honourable Mr. PRABHASHANKER D. PATTANI spoke as follows:—Your Excellency.—The debate has been long and very lively, indeed, but if we analyze the whole thing, I shall not be surprised if we find that the arguments advanced are the same and identical with those that were raised at the time of the first reading. I admit that the language may be different, but the substance and gist of it all are identical to a great extent. With a long list of amendments before us and with the prevailing feeling about the Bill of which I heard, added to the Honourable Members' intention of making speeches, I thought we would have rather a hard time on the Bill, but when we come to the end of the debate we find that, except the Honourable Mr. PATEL and the Honourable Mr. UPASANI (A voice.—The Honourable Mr. PARANJPYE also) all the members that have spoken about the Bill have undoubtedly supported the idea of a Municipal Commissioner for towns with 100 thousand inhabitants and have emphasized the view that there should be a complete separation of deliberative and executive functions. I think I must do a compliment to the Honourable Mr. PARANJPYE also for having supported the motion of the Honourable Members that have spoken against the Bill. The Honourable Mr. PARANJPYE has been mentioned to me, and so that I may not forget him, I think it is necessary to answer his contention in the first place. Mr. PARANJPYE has said that in spite of so many members speaking against the Honourable Mr. PATEL's motion they have failed to convince him (the Honourable Mr. PARANJPYE) of the futility of the remark of the Honourable Mr. PATEL. One of his arguments is that if a Municipal Commissioner is appointed by Government he would only be a Government servant and that, although there is a provision in the Act that if he turns out an autocrat, he could be dismissed by a majority of $\frac{3}{4}$ ths of the total number of candidates, it would be impossible for nominated members to vote in favour of a motion of such a dismissal. I would ask the Honourable Member, the Honourable Mr. PARANJPYE, who is a nominated member himself, whether he seriously believes that the nominated members will not use their independence of opinion, the independence which he has been exercising in this Council and which he has exercised on the present occasion.

Coming to the main part of the debate, I think it will not be possible for me to deal with all the questions raised by answering individual speakers. I would therefore confine myself to the important points only. The arguments are so overlapping, so identical, and so much out of the point that to refer to them member by member would only be sheer waste of time and if I made an attempt, I would be imposing on you an exact replica of my former speech which I made at the last meeting.

The Honourable Mr. PATEL argues that as there is already a provision in the Act for Government to interfere in cases where interference was necessary, there is no

need for going into a legislation of this nature. That argument was sufficiently answered by the very weighty remarks that fell from the Honourable Mr. SETALWAD. The Honourable Mr. SATHE's was a most reasonable statement of facts, and I am very thankful to him for the analysis he gave. That reduces a lot of my labour. The sum total of Mr. PATEL's argument is that because there was a provision in the Act whereby Government could, when necessary, interfere, there was therefore no need, for us to go on with a Bill like this. In reply to this, several members have suggested that the Municipalities would consider it a very undignified position to be ordered by Government every now and then and time after time. That is from the Municipal point of view, from the point of view of the Municipalities concerned. I am now going to speak on behalf of Government, on this point. I would like to say that while the Municipalities naturally would not like to be ordered every now and then, Government on their part are unwilling to call upon Municipalities to do a certain thing in a seemingly arbitrary manner. Because we do not wish to do it, we come before the public, before the Council, and ask them to legislate for certain things, for instance, the appointment of Municipal Commissioners for Municipalities that require a complete separation of executive and deliberative functions. It is with a view to do it with the consent of the Council that we have thought it better to bring forward this measure before you, and if you are convinced that a case has been made out, that the growing needs of big towns do require a whole-time, well paid, responsible executive Officer as Municipal Commissioner, then it is time that we should pass this Bill with as great a majority as possible.

The next point raised by the Honourable Mr. PATEL was that the appointment of Chief Officers has not had sufficient time of trial. When he is saying that, I believe he is speaking of the minor Municipalities. We are not going to have anything by way of interference with minor Municipalities at all. He said that before the appointment of Chief Officers came in, Presidents of Municipalities carried on Municipal affairs. When the Chief Officers came in he admitted that some of the powers had to be delegated to them. Was the point then raised that the appointment of a Chief Officer meant a retrograde step? Was it then said that the taking away of some of the powers of the President by the Chief Officer was an undesirable thing? That was not so considered. No such issues were then raised. Then I argue that when the work of a Municipality has increased to an extent which cannot be properly looked after by the President, then it is time that more powers should be delegated to the Chief Officer. If, however, more powers are to be delegated to him and he is to be made the Chief responsible Officer, surely it follows that with the increased power, the position of the man who has to exercise them should also be advanced. In other words, the position of the Officer should be commensurate with the responsibilities he is to bear and the powers he is to exercise. Mr. PATEL is prepared to give more powers to the Chief Officers, but he forgets that the delegation of more powers to a smaller or minor officer would be a great danger. If the necessity for further delegation of powers is admitted, it follows that more responsible officers should be appointed.

The Honourable Mr. PATEL also asked whether the appointment of Chief Officers has failed in any instance. The Honourable Mr. GHULAM HUSSEIN from Sind gave the Honourable Mr. PATEL the information he required.

A point has been raised with regard to the salary of the Municipal Commissioner. Now this point will come up for consideration when we take the several amendments

that have been proposed in that connection and as the Honourable Mr. SATHE rightly said, the time will be then for raising the question as to how the fixing of his salary should be disposed of. Further, I should like to add here that as there is a maximum and a minimum prescribed in the City Municipal Act it would be a very good thing if Government could by any means prescribe a fixed limit here also. But looking to the conditions of the several Municipalities, diverse as they are sure to be with respect to their population and in regard to their revenues, it would not be possible to arrive at any reasonable amount. It is therefore left open for Government to decide, from time to time as circumstances would demand, the salary of these Commissioners. But I am to say that His Excellency's Government will watch the discussion on this point with great interest, and if it is found that the sense of the Council is to arrive at some decision by which the Municipality can have a voice in the determination of a Commissioner's salary I am sure that will receive the best consideration at the hands of the Government. (Hear, Hear.)

I hope I have dealt with all the important points that have been raised here. I shall only refer to one more point raised by the Honourable Mr. PATEL which though entirely sentimental has a seeming pungency in it. He said that to take away from the Municipality and the President the powers that they have already enjoyed is a very retrograde step in the cause of local self-Government. Now this rhetoric of theory would, when one hears it, sound to be rather unanswerable, but when we put it to the test, when this rhetoric of sentiment is subjected to the fire of experience, it begins to melt away at once. We have here people who have known Commissioner system. The Honourable Mr. SETALVAD's experience cannot be denied. Again we have on one side the opinion of several other members here who have served on the Municipalities in the districts, who have voted against the motion of the Honourable Mr. PATEL and who have supported the view that far from being a retrograde step, it is a step which might some day bring the District Municipal work into line with the civic affairs of the City of Bombay which today enjoys the most enviable position among all the Municipalities of the Continent of India. And why is that? If we look to the history of it, we shall find that nearly 30 years ago the same question was raised with regard to the Municipal administration of the City of Bombay when the champion of the Commissioner system, the Honourable Sir PHEROZESHAH MEHTA strongly supported the view that if the City Municipal affairs were to go on the right lines they must have a Municipal Commissioner who may not have to depend for his existence upon any Councillors of the Municipality. Well, here we have not only a theoretical opinion, but the opinion of one who studied the Municipal systems of almost all the countries outside India, and who put it forward as the result of a very great study of the question—an opinion which has successfully stood the test in Bombay and stands as the unimpeachable instance of the Commissioner system. I am sure the Council will endorse the remark that whatever our differences of opinion with the Honourable Sir PHEROZESHAH MEHTA on other questions, with regard to this particular question of Municipal affairs, even the Government Member in charge of the Municipal portfolio must stand 'hat off' before the great experience of that Honourable Member. Thus in imitating the system so long ago promulgated by Sir PHEROZESHAH and since proved successful we are on a sure ground. In short, theories, as I said before, must give place to practice.

This is all I have to say. If any points are left out, they are likely to come up again when we take the Bill clause by clause and when we begin to consider the amendments as they come up for consideration. With these remarks, Your Excellency, I would urge that the Bill be read a second time.

His Excellency the PRESIDENT:—Nothing can be more satisfactory for me, I can assure Honourable Members, as President of this Council, than to hear the almost complete unanimity of the speeches which have been delivered in favour of the general principle of the second reading of this Bill, and, after the very convincing reply which has been given by my Honourable Colleague in answer to certain criticisms of one or two members who were opposed to it, I think that Honourable Members will agree with me that it would be entirely superfluous of language on my part to say anything on its main principles. I say so particularly for this reason: I think we have heard a good deal about a Municipal Commissioner this afternoon. In fact the whole talk this afternoon seems to be centered round this gentleman. But I can assure the Council that tomorrow when we get on to clauses we shall hear a good deal more about him, and I think it will probably be wise not to say more about that Gentleman this evening (Laughter). I would be very much inclined, in fact I am going to take the admirable advice given—but not altogether acted on—by the Honourable Mr. RODDA not very long ago, when he made the remark that a long speech at this particular period of the debate was entirely waste of time.

Bill read a second time.

The motion for the second reading of the Bill was then put to the vote and carried.

His Excellency the PRESIDENT:—I think it will probably be to the convenience of Honourable Members if we defer consideration of the clauses till tomorrow at half past eleven. The Council will now adjourn.

Council then adjourned till 11-30 on Wednesday the 29th July 1914.

By order of His Excellency the Right Honourable the Governor,

S. G. KHARKAR,

Acting Secretary to the Legislative Council.

Journal of the Proceedings of the Legislative Council of the Governor of
Bombay, assembled under the provisions of the Indian Councils Acts,
1861 to 1909.

The Council met at Poona, on Wednesday, the 29th July 1914, at 11-30 a.m.

P R E S E N T :

- His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E.,
Governor of Bombay, *presiding*.
- The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S.
- The Honourable Mr. PRABHASHANKAR D. PATTANI, C.I.E.
- The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.
- The Honourable the ADVOCATE GENERAL.
- The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.
- The Honourable Mr. R. P. BARROW, I. C. S.
- The Honourable Mr. DATTATEAYA VENKATESH BELVI, LL.B.
- The Honourable Mr. T. W. BIRKETT.
- The Honourable Mr. GHULAM MUHAMMAD valad Khán Bahádur WALI MUHAMMAD
BHURGRI, Bar.-at-Law.
- The Honourable Mr. FAZALBHOY MEHERALLY CHINYOY.
- The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
- The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (Lond.), L.M. & S.
- The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
- The Honourable Mr. W. L. GRAHAM.
- The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
- The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.
- The Honourable Mr. J. E. C. JUKES, I. C. S.
- The Honourable Mr. BALKRISHNA SITARAM KAMAT.
- The Honourable Sardár DULABAWA RAISINGJI, Thakor of Kerwada.
- The Honourable Mr. NAVROJI DORABJI KHANDALAVALA, LL.B.
- The Honourable Mr. JEHANGIR H. KOTHARI.
- The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
- The Honourable Sardár Sir CHINUBHAI MADHAVLAL, Bart., C.I.E.
- The Honourable Mr. J. A. D. MCBAIN.
- The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
- The Honourable Sir PHEROZESHAH MERWANJEE MEHTA, K.C.I.E., Bar.-at-Law.
- The Honourable Mr. G. P. MILLETT.
- The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK.
- The Honourable Mr. E. FERRERS NICHOLSON.
- The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTE, LL.B.
- The Honourable Mr. RAGHUNATH PURSHOTTAM PABANJPYE.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
 The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
 The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHAY.
 The Honourable Sir IBRAHIM RAHIMTOOLA, KT., C.I.E.
 The Honourable Mr. MANMOHANDAS RAMJI.
 The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
 The Honourable Ráo Bahádur GANESH KRISHNA SATHE.
 The Honourable Mr. CHIMANLAL HARILAL SETALWAD, LL.B.
 The Honourable Mr. W. H. SHARP.
 The Honourable Sir FREDERICK L. SPROTT, Kt.
 The Honourable Mr. E. G. TURNER, I. C. S.
 The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI, LL.B.
 The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

His Excellency the PRESIDENT:—Members who wish to take the oath may do so.

(Mr. GEORGE WASHINGTON HATCH then took the oath of allegiance and took his seat.)

His Excellency the PRESIDENT:—Before we begin our business this morning, I should like to read to Honourable Members a telegram from His Excellency the Viceroy in response to the Resolution which was moved, seconded and passed at the beginning of our Council this session.

“ Please inform the Members of the Bombay Legislative Council that I am deeply touched by the terms of the Resolution they have passed and am very grateful for their sympathy with me in my great sorrow.”

I think it will be the wish of the Honourable Members that this should be recorded in our minutes.

His Excellency the PRESIDENT:—A Bill further to amend the Bombay District Municipal Act, 1901.—Clauses.

Clause 1 was put to the vote and carried.

His Excellency the PRESIDENT:—Clause 2—Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—May it please Your Excellency,—Clause 2 refers to the appointment of Municipal Commissioners. It runs thus:—(reads). My proposal, my Lord, is embodied in a suggestion I have made under clause 186G. We have in the Municipal Act itself a provision in respect of Chief Officers of City Municipalities under a separate chapter. I have only suggested that the same name be retained and the provisions under 186G added to it for the Municipalities referred to in section 186A.

His Excellency the PRESIDENT:—Do I understand that the Honourable Member wishes to make a speech on this particular clause and make the same speech under his amendment on 186G? Well, I must tell the Honourable Member that I cannot allow him to make two speeches on the same point on each amendment.

The Honourable Mr. UPASANI:—My amendment relates to the appointment of Municipal Commissioner. I am explaining why I propose to omit clause 2, and it is

because of the amendments I have suggested under section 186G. If necessary, I will not speak on that clause if your Lordship so rules, but unless I refer to it, I will not be able to make my remarks clear.

His Excellency the PRESIDENT :—I am entirely in the hands of the Honourable Member, but I trust he quite sees my point, that he is now referring to the amendment which he has to move under 186G and we are now discussing with reference to this particular amendment that he is moving now.

The Honourable Mr. UPASANI :—The discussion that we had yesterday proceeded on some misunderstanding of my position. I myself am not against the delegation of executive powers to the executive officer and I have expressly proposed that delegation under section 186G. In fact, I have accepted the more important parts of the Bill as it is. I am only anxious that it should be improved. I have proposed my suggestion under clause 32, section 186A (reads). Section 186G mentions all the powers that are now proposed to be delegated. I have retained all those powers with the exception only of those under some 12 sections. The reason for the omission of these sections will be considered when we come to that amendment, but I have now substantially accepted section 186G. Under this section additional powers are meant to be delegated to the executive officers in the case of the larger municipalities and what I propose is simply that it may be more conveniently done under Chapter XIII of the existing Act and with reference to the Chief Officer instead of by adding a separate Chapter XIII-A and the separate designation of "Municipal Commissioner". As I have said, there is already a separate Chapter XIII in the existing Act containing special provisions for the City Municipalities. Instead of having a separate Chapter as XIII-A and the separate designation of "Municipal Commissioner" for "Chief Officer," let us retain the latter designation for the executive officers of all mofussil municipalities and add all the new provisions under Chapter XIII as it stands. That will reduce the number of amendments that we have now to make in the numerous sections of the existing Act. A number of the sections have to be amended simply to add "Municipal Commissioner" to "Chief Officer" and for adding Chapter XIII-A to Chapter XIII wherever these appear in the several sections of the Act. It is proposed to add section 186-B to provide that a "Municipal Commissioner" cannot be removed except by a majority of three-fourths. We have already a provision that a Chief Officer

His Excellency the PRESIDENT :—May I ask the honourable member to what section he is referring in the main Act?

The Honourable Mr. UPASANI :—Section 182, my Lord.

His Excellency the PRESIDENT :—I would draw the Honourable Member's attention that with regard to this clause there is no reference to section 182 in the main Act at all. It is merely the appointment of the Municipal Commissioner under the provisions of sections 186A and 186D. So he makes no reference to section 182 on this particular clause.

The Honourable Mr. UPASANI :—My Lord,—The appointment of the Municipal Commissioner is the subject of this clause 2, and that appointment is made for certain purposes and under certain conditions. By retaining the designation "Chief Officer," we shall get all what we want and at the same time it will reduce the bulk of the amend-

ments. It is only with that view that I have simplified the matter, and then, instead of having two designations it will be better to have one and the same designation for the executive officers of the same class of municipalities. I mean City Municipalities and if that is done most of the new provisions proposed for the "Municipal Commissioner" will become unnecessary as they already stand in the existing Act with reference to "Chief Officer."

For a Municipal Commissioner we have not fixed any minimum limit of pay and for the Chief Officer we have not fixed any limit for maximum. If both these officers may carry the same pay and are to have the same powers, I do not know why the distinction should be made. In deference to the experience of our Bombay friends and also to the members of the Select Committee, we have conceded to allow additional powers to be delegated to the Chief Officer as proposed in the Bill. When that is conceded there is apparently no reason for a separate designation and if that designation of Chief Officer is retained without distinction it would simplify the provisions of the Bill and reduce the number of amendments now proposed to be made under it in the existing Act and I think there will be no loss. If there be any special reason for not retaining the name, then, of course, it is another matter. But, so far as I can see, the retention would simplify the Bill and will make the interpretation of the original Act less difficult. With these words, I will place my remarks before the Council for their consideration.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows:—Your Excellency,—I do not know whether I should really support or oppose the amendment of my Honourable friend Mr. UPASANI. I think we have had sufficient discussion on the question whether we should empower the Governor in Council to appoint a Municipal Commissioner or not for the mofussil municipalities, and, as we found that the sense of the Council was against my proposals, on that point I would rather advise my honourable friend to withdraw all those amendments which strictly relate to the question of the appointment of the Municipal Commissioner, and any attempt on his part to have the phraseology "the Municipal Commissioner" changed into "Chief Officer" would be futile. I therefore respectfully urge my honourable friend to withdraw all those amendments.

His Excellency the PRESIDENT:—I think the suggestion of my honourable friend is an extremely sound one. I think we had better confine ourselves, as far as we possibly can, to the form of the appointment of this particular individual. I think I said yesterday that we shall probably hear a good deal more about this gentleman, but the Council having given a very strong opinion yesterday with regard to the general appointment of the Municipal Commissioner, I think we had better confine ourselves to the form of the appointment only. Does the honourable member wish to withdraw his amendment?

The Honourable Mr. UPASANI:—Unless the question is taken as decided and the sense of this Council is against my amendment, I would put it to the vote.

The amendment was then put to the vote and lost.

Clause 2 was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 3. Mr. RAMANBHAI.

The Honourable RAO Bahádur RAMANBHAI MAHIPATRAM NILKANTH spoke as follows:—Your Excellency,—I beg to propose the following amendment in this clause with reference to section 12 (1) (d) of the Act for “(d) every juror and assessor who, for a period” *substitute* “(d) every juror and assessor, who for a period.”

This is merely a formal amendment intended to correct what is obviously an error of printing. The clause as printed would make the residential qualification prescribed by the provision “who for a period.....” apply only to clause (d) of this sub-section, *viz.*, to Jurors and Assessors. This is not what is meant and this was not so printed in the original Bill. The amendment I propose would make the residential qualification apply to all the clauses (a), (b), (c) and (d) of this sub-section.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows:—Your Excellency,—I have an amendment also of the same nature and I support the amendment that has been moved by my Honourable friend Mr. RAMANBHAI.

The Honourable Mr. PRABHASHANKAR D. PATTANI:—The suggestion of the Honourable Mr. RAMANBHAI is accepted by Government with a slight modification. Government propose that the words from “Who for a period”, etc., should be printed as a separate paragraph. If the honourable member accepts it, then Government is prepared to accept his amendment.

The Honourable Mr. RAMANBHAI:—I accept it.

The clause, as amended, was then put to the vote and carried.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—May I ask Your Excellency whether it would not be proper to take item 5 before item 4, because item 5 raises a general question, while item 4 refers only to the period of time?

His Excellency the PRESIDENT:—Government have no objection to that if the honourable member (Moulvie RAFIUDDIN) is prepared to take that view.

The Honourable Moulvie RAFIUDDIN AHMAD:—I have no objection.

Item 5.

The Honourable MOULVIE RAFIUDDIN AHMAD spoke as follows:—Your Excellency,—This is merely a verbal correction, namely, that instead of “two” the word “seven” should be added. My Lord, the clause gives us two miles and we want seven. The reason for this is that in certain towns like Poona which have cantonment limits a great many professional men as well as other people interested in elections reside outside the municipal district, and if you allow an arbitrary limit of two miles, I see no reason why a little larger limit and a more substantial limit should not be allowed. If for convenience busy professional people reside strictly outside the Municipal district, I say the clause, as it stands, presses very hard upon such of them as live in Poona, in Hyderabad or in Belgaum within cantonment limits.

Take for instance Kirkee. It is really three miles away from Poona, and if a gentleman happens to live, on account of plague or other reasons, outside the Poona municipal district, I think two miles is too narrow a limit for him. I am very grateful to my Honourable friend Mr. PATTANI for his declaration that Government will leave this as an open question. If the Honourable Members of this Council are of opinion that two

miles is too small a limit for reasons explained, I think they ought to vote for seven miles. My Lord, the English Act in this respect, allows seven miles for voters and fifteen miles for candidates; but in the case of both candidates and voters I propose seven miles.

Then there is another little point in connection with this, and that is there is an invidious distinction drawn between property voters and those that have personal qualifications. Property voters are allowed to live two miles outside the town and those that have personal qualifications are bound down to live within the limits of the municipal district. I think that is rather unfair. If you grant the right of voting to a class I do not think that it is just that you should place invidious restrictions on that class as regards its exercise. I think the same facilities should be allowed to those that have personal qualifications as are allowed to property voters. With reference to those who have personal franchise, I may say that they generally live outside the municipal district limits. If you allow a person who pays a water tax of, say, Rs. 2 per annum any facilities, I think the same should be allowed to those who possess intellectual qualifications because they have more than ordinary interests in the good Government of the town and it is rather hard that they should be treated differently. Again it may be urged that a professional man will be necessarily a tax-payer, but I do not attach much importance to this. I stick to the principle. You give a graduate a vote not because of his property but because he has mental qualifications of a higher order. By a differential treatment are you not lowering the value of mental qualifications and putting a premium upon property. Both in the interests of the dignity of literary attainments, as well as in the interests of the Municipalities, I maintain that this restriction should be removed.

The Honourable Mr. V. J. PATEL :—I rise to a point of order. Is it the 5th or the 4th clause that is being discussed?

The Honourable MOULVIE RAFI UDDIN AHMAD :—His Excellency the PRESIDENT has allowed it.

His Excellency the PRESIDENT :—The Honourable Member is only referring to item 5, section (a).

The Honourable MOULVIE RAFI UDDIN :—I think, Sir, I have said enough on this point and I shall now leave it to the sense of the Council. If Government are prepared to accept the amendment, there would be no further debate. If not, I would leave it to the sense of the House.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows :—May it please your Excellency,—The question so far as this amendment is concerned, I think, will arise only after item 6 in connection with which I am moving an amendment, is disposed of; if item 6 fails then I would support the amendment that has been proposed by my honourable friend. My reason why it should be accepted is that the English Act, to which it resembles in some respects, lays down a distance of seven miles and not of two miles, and I think it would give a greater scope for the selection of deserving men if, instead of two miles, seven miles' limit were adopted.

The Honourable RAO Bahádur GANESH KRISHNA SATHE spoke as follows :—The question that is now before us is mixed up with the other two amendments and I will try to explain how it will be necessary to consider amendments Nos. 6 and 7 first, and

after considering those amendments how we shall be in a position to dispose of, in one way or another, the amendment proposed by the Honourable MOULVIE RAFIUDDIN. If the members of this Council will kindly look at the amendment in the Bill and Clause (d), which we have just passed—

His Excellency the PRESIDENT :—I cannot allow the Honourable Member to discuss amendments Nos. 6 and 7 now, because it is decided that we must discuss amendment No. 5 first.

The Honourable Ráo Bahádur SATHE :—I am not discussing amendments Nos. 6 and 7 at all, but I am only pointing out to the members of this Council that these three amendments have relation with each other.

His Excellency the PRESIDENT :—I am perfectly willing, if Honourable Members please, to have a discussion on all these amendments, but it seems to me that on this particular section nearly all amendments hang together. If Honourable Members would like to discuss the question of the substitution of the word “seven” for “two” and the residential qualification question in one amendment and deal with all the amendments in one lot, I do not think Government will object to that.

The Honourable Mr. HARCHANDEAI VISHINDAS :—My Lord, it is a question of order because the subsequent amendments relate to the question of the abolition of the residential qualification altogether. If the Honourable MOULVIE RAFIUDDIN's amendment is discussed just now and afterwards carried, the subsequent amendments would be entirely abortive. There are two points. Some members propose that the qualification restriction should be abolished altogether. You can have a candidate from anywhere in the Presidency, whereas the Select Committee has imposed the restriction of two miles, which is proposed to be extended by the Honourable MOULVIE RAFIUDDIN to 7 miles. The latter amendments which have been put on the agenda are rather in a reverse order and should have come first ; for instance, there is an amendment on which the Honourable Mr. SATHE is entitled to speak.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD :—May I suggest, Sir, that perhaps it would be more convenient if Your Excellency allows the Council first to discuss the general question whether there should be any residential restriction at all with regard, first, to voters and, secondly, with regard to candidates, and when the Council has discussed and come to a decision about that, then will follow next what restrictions, if any, should be imposed in the matter of residence. So really underlying all these amendments is this question, whether there should or should not be any residential restriction at all. If that question is once disposed of one way or another on a general discussion on that point, the whole thing would be easy and the other amendments could then be discussed regarding what the extent of the distance should be.

His Excellency the PRESIDENT :—I think on general grounds I am rather inclined to agree with my Honourable friend Mr. SETALVAD, but I do not quite like the idea that we should have a general discussion. I think perhaps it would suit Honourable Members better and give them a clearer idea of the general situation if I were to take amendment No. 7 of the Honourable Mr. SATHE first and then go on to No. 5.

His Excellency the PRESIDENT :—Item No. 7—the Honourable Mr. SATHE,

The Honourable Ráo Bahádur GANESH KRISHNA SATHE spoke as follows:—Your Excellency,—The amendment No. 7 which stands in my name is this (reads). In the minute of dissent which I have appended to the report of the Select Committee, I have stated not in detail but generally my objections to the clause as it now stands in the amended Bill. If we look at the provision of the old Act on this subject, we will find on reference to section 12 that in clause (e) we have a comma after “in other cases”. I will read the whole clause (reads). That was the original section and if we scan the original section as it stood in the Act, we find that for voters who came within the first part of the section up to clause (d), residential qualification was made compulsory for being a voter as well as a candidate. But if we look at clause (e) that shows that a voter who comes or who becomes eligible under clause (e) of the old section 12 was entitled to be a candidate irrespective of the fact whether he was residing in the District for which he was a voter. In fact the position was this. That those who came within the first category in clauses (a) to (d), were required to be residents in the district if they wanted the privilege of being voters and candidates. But in the latter class of cases they were entitled to be candidates irrespective of their residence and that depended only on the fact whether they were entitled to vote as being tax-payers. Now the proposed amendment says that even in the case of tax-payers, no doubt we allow them the right to vote whether they live within the Municipal District or not, but we restrict their right to be candidates in cases where they do not reside within the Municipal District, and of course by residence is meant, according to the amended section, 2 miles of the Municipal District.

I made inquiries in the Select Committee as to the necessity for such a change. I was not supplied with information as to the real necessity that was felt by Government in adopting a legislation of this kind. No doubt the object of Government in adopting this amendment or in suggesting this amendment must have been to secure people on Municipal bodies who would naturally take greater interest in their own affairs by being residents of that place, the assumption underlying that fact being that those who are outside the Municipal Districts are in the fitness of things not expected to take as much care as those residing therein would ordinarily take. I appreciate the attitude of Government in that direction. But are there any instances in which the electors have exercised this right in a way which would be detrimental to their own interests and is it not reasonable for us to expect that electors would exercise that right in the best interest of their own towns and after satisfying themselves that those whom they are going to return will justly advance their interests in Municipalities? Why should we throw discredit on the capacity of the electors in returning men of a type who are not really expected to work or who on account of their various engagements not being of that place would not be able to devote as much attention to Municipal administration of the town which they represent as they ordinarily should do? I have cited instances where such a restriction would apply. I am aware of one instance from the Poona District. I am only citing that as an instance. There are many others. There is a town called Talegaon on the G. I. P. Railway where a pleader practising in Poona has been doing the work of a President though he does not live there, for over three years, and to my knowledge, I have not heard that he has neglected his duties or that he has not been paying prompt attention to the duties of a responsible

post like the President which he has been holding. There are also other towns like Lonávla, Khandála, Thána and Báandra, and several others of which my Honourable friends Mr. PAREKH and Mr. PATEL may be aware where such things are likely to happen. Particularly when we remember that now the journey has become very expeditious and easy, why should we stand in the way of gentlemen who, notwithstanding the fact that they are not residents of the place, would be willing to come forward to serve on a particular Municipality? I think that there need be no apprehension that if we leave the section as it is, we will have a time when in the City of Poona gentlemen will be returned who may be residing in Sholápur or Sátára. This residential qualification was not there ever since Act II of 1884 was passed. Now we are in the year 1914. After thirty years if we get really many instances of this kind which necessitate the adoption of such legislation and if the officers of Government are aware and would be good enough to place before us the material from which we can judge that this right has been indiscreetly exercised by the voters and that Municipal administration has really suffered on that account, I should be the first person to accept this amendment; but so long as no information has been forthcoming (at least I was not convinced on that point when the matter was discussed fully in the Select Committee), I think such a restriction on the franchise ought not to be placed, and I believe if we look at this question from a broader point of view, *viz.*, of franchise, my Honourable friends will agree with me that it would not be well to depart from the provision which stood in the Act ever since Act II of 1884 was passed. I can quite understand the reason for which the difference was made between clauses (a) to (d) and clause (e). If the Honourable Members will be pleased again to refer to those clauses, they will find that the personal qualifications are mentioned there, and we always have to suppose that those who come within the first four clauses of section 12 have necessarily to reside either within the Municipal District or so near the Municipal District that it will be very easy for them to come and attend. In fact we could not conceive of cases where personal qualifications would exist under clauses (a) to (d) of section 12 and the same gentlemen would be residing outside the District. That seems to me to be the reason why this was designedly kept in Act II of 1884. This amendment was not taken up even when Act III of 1901 was passed and I believe the time has not arrived, in fact no case has been made out why we should go in for this kind of amendment. I therefore place this amendment of mine for acceptance before this Council.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows:—Your Excellency,—I strongly support the amendment that has been moved by my Honourable friend Mr. SATHE. Owing to the development of communications which provide facilities for quick and comfortable travelling it is well known that many persons who find no scope for their skill, intelligence or business in places where there are small city or town Municipalities often go to bigger cities for the purpose of their business. While going there they do not at all lose their interest in their own places. Some of these gentlemen have a strong desire to take part in the administration of local affairs of the towns of their birth and are prepared to put themselves to expense of time and money and suffer personal inconvenience, trouble and discomfort. It appears to me that where a man is prepared to incur the sacrifice of time, comfort and money for the purpose of enabling him to attend Municipal meetings, we may take it that that man evinces a much

greater interest in the work of the Municipality than those people who have not to put themselves to the same sacrifice and those generally are not ordinary people—it is generally the best of the people of the town or the city—that go to other places for the purpose of professional, commercial or industrial business. It is the more enterprising, the more intelligent, the better educated class of people that go to other places for temporary residence in connection with business, and therefore I should think that it would be depriving the Municipality of the help of people who are very capable of looking after their interests, to leave the Municipal elections only to those who live within the Municipal limits or within two miles of the Municipal limits. I think that it would be improper to say, such persons have lost all interest in the area in which they have ceased ordinarily to reside and place a statutory bar to their election. It would be much better to leave the matter to the judgment of the voters to decide whether the man takes interest or not, whether he is a proper person to be elected or not. It would not at all be right to disqualify them, and to take out of the voter's hands the power of electing them or when the voters choose to elect them. In connection with this question, it has been suggested that the English Act lays down a qualification disqualifying people who are not tax-payers and live beyond a particular distance, but so far as the English Act is concerned, I submit that it has no analogy whatever with the present Act. There, when a man is elected to be a Town councillor, it is considered that it is his duty to serve and, unless he is disqualified he cannot get out of his obligation. After being appointed if he does not serve, he has to pay a fine for an omission to discharge his duty. That being the case, I think there would be some reason why people who live at a distance and could not conveniently be present should not have a duty cast on them. The restriction is for the purpose of exemption and not for the purpose of indicating that these people have no interest in the Municipal affairs. As regards the value of the argument that those people who have to go to any distance from the Municipality for the purpose of residence cease to take interest, my Honourable friend Mr. SATHE has given one instance of a person having been the President of the Municipality of Talegaon having a permanent residence in Poona, and I will mention in addition the case of the Thakor of Sarod who was appointed by Government themselves President of the Jambusar Municipality. Government, as a matter of fact, did not consider in the Thakor's case that non-residence was an objection and notwithstanding his non-residence within the Municipal limits or its vicinity the man was held quite competent to work not only as a Councillor, but also as President of the Municipality. That being the case, I submit that it would be a very great hardship and also a loss to the Municipality to disfranchise voters who pay qualifying tax but do not reside within the Municipal limits from appearing as candidates at elections.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows:—Your Excellency,—I heartily support the Honourable Ráo Bahádur SATHE's amendment; in fact, I have given notice of a similar change which stands as amendments No. 9 and No. 13 on the agenda. If my friend the Honourable Ráo Bahádur SATHE's amendment is discussed now, my amendments do not require to be considered at all.

In the first place, we have been repeatedly told about the success of the Bombay Act in Bombay, and on the question of the appointment of a Municipal Commissioner we were repeatedly told that such an institution has been a success in Bombay and that we should follow the Bombay precedent. I would respectfully submit that, if the

Bombay precedent is to be followed at all, we had better follow it completely. In Bombay, as we all very well know, a tax-payer does not require a residential qualification to be a candidate. A man residing, for instance, in Ahmedabad, if he has been paying taxes in Bombay, could be a candidate in the Bombay Municipal election and be a member if elected. Same is the case with regard to Mofussil under the Bombay District Municipal Act, as my Honourable friend Ráo Bahádur SATHE put it, since 1884, and when the law has worked so satisfactorily since then there is absolutely no reason why the proposed amendment should be allowed. I quite remember my Honourable friend Ráo Bahádur SATHE did enquire in the Select Committee whether there were any cases of members residing outside the Municipal limits who have not worked satisfactorily and I am glad to say none were cited by those who support the amendment. One further point that I should like to bring to the notice of this House is that under section 15 of the Bombay District Municipal Act which runs (reads) "if any Councillor during the time for which he is elected.....for a period exceeding six months." A person after becoming a member of any Municipality, is free to go about anywhere he likes in the whole of the Presidency. He may, as a matter of fact, reside in Ahmedabad and yet he is not disqualified from the membership of the Poona Board provided within four months he goes there once. If after a man is a member of a Municipality he is entitled to reside anywhere he likes, I see no reason why the residential qualification should be imposed in the case of a person desirous of being a member. That is an anomaly which I hope the Honourable Mover of the Bill will explain to this House. Then, again, the sole question to my mind is whether the Municipal administration has in any way suffered by the existing provision of the law, which make the election of persons residing outside the Municipal District, valid. That is really the sole question before this House. Is this House in possession of any materials or any facts which point to show that the existing law on the subject of elections has worked to the detriment of efficiency? None at all; and if that is so, does the House see any reason why the existing law should be interfered with? We have the Bombay City Municipal Act, we have the Bombay District Municipal Act of 1884, and, unless a strong case is made out by those supporting the proposed change, I do submit that the House would be well advised to allow the present law to stand and thus allow outside persons to come in as candidates. My Honourable friend Ráo Bahádur SATHE cited a case in this House of a gentleman residing in Poona who has been ably carrying out the duties of President of the Talegaon Municipality for the last three years. I know, as a matter of fact, a friend of mine, Mr. B. J. Desai, an Advocate of the Bombay High Court, has been a member of the Bulsár Municipality for three years. I have never heard any complaint against the work of Mr. Desai on that Board. If men of the type of Mr. Desai—educated men as they are—men who would and could take a more intelligent view of Municipal affairs afford time to attend Municipal meetings even far away from the places where they reside, I do not see why this House should deprive the electors of their rights of electing such persons. In these circumstances, I do support the amendment moved by my Honourable friend Ráo Bahádur SATHE.

The Honourable Mr. G. S. CURTIS spoke as follows:—May it please Your Excellency,—I rise to oppose the amendment of the Honourable Mr. SATHE. The first argument which I think is necessary to deal with it is that in relation to section 12 (a) to (d) and (e). Ráo Bahádur SATHE argues that because the condition of residence

has been definitely imposed with reference to the Fellows of the University, jurors and assessors, that therefore it was omitted of set purpose from clause (e) which relates to the taxpayer. I venture to think, Sir, that this will not hold. It is perfectly clear that, if the condition of residence is not imposed, half the section becomes nonsense. It would be absurd to say that without the condition of residence every assessor, every juror, every Advocate of the High Court, every honorary magistrate should be a constituent of every Municipality in the Presidency. Without, as I say, the residential condition clauses (a) to (d) would become nonsense. Clause (e) must be considered on its own merits with reference to the circumstances of the present day. Now, Sir, what are the circumstances? Ráo Bahádur SATHÉ argues that because in 1884, and again in 1901, the condition of residence was expressly omitted, that therefore we are estopped from considering at the present time as to whether we should have a provision requiring residence in our law. Now I would point out that the English law of 1882 expressly imposed the condition of residence. After all, we know that local self-government in England has been in existence for three hundred years; the general level of intelligence is higher than in this country; general communications and means of locomotion are more advanced, and therefore, if anywhere this condition of residence was to be waived, it might be thought that it would be in a country like England. Notwithstanding that, we find that 32 years ago a very stringent residential qualification was imposed in the English Act. Therefore, I say, Sir, that it is permissible to assume that if the condition of residence was omitted from our Act in 1884, and again in 1901, it was due perhaps to an oversight or to the fact that communications in this country had not yet reached a point at which it would be possible for a man to attend his business one day and run down to a Municipal meeting, three hundred miles away, like a week-end excursion. I say, Sir, that the conditions in this Presidency have at the present time changed and that, therefore, a general change in the law is necessary. Further, Sir, there is another matter which I notice members have not referred to. I refer to the change in the constitution of this Council which has been introduced since the Act of 1909 has been passed. We all know the Municipalities have been given a very definite and very valuable privilege, that of returning three or four members to this Council. Now I say, Sir, that the moral effect of that privilege is likely to be considerable. Many of us who have watched the working of the elections of this Council know that the machinery for canvassing and generally for organising the support of the various candidates, though at present perhaps somewhat in an imperfect state, is gradually improving and, as time goes on, we may expect the organisations to be as complete and as perfect as we see them in England, America and other countries to-day. Now, Sir, I ask the Council to think what a very great danger the absence of residential qualification must entail. I can myself, I think, without much stretch of imagination, see some powerful syndicate established with an office in Girgaum Back Road, or somewhere in Bombay, directing its henchmen to distribute firmans which will sway the result of elections right through the Presidency. Further, Sir, as far as I can make out, Ráo Bahádur SATHÉ places no limits on the number of members who may be elected outside without any residential qualification. As far as I can make out, he has no objection if the whole of the Poona Municipality is managed by residents of Sátára or Sholápur. He would have no objection if, on the American organisation system, the whole of the elected members of smaller Municipalities

in all the divisions were residents of Bombay and sent round to attend the meetings by special train. As his motion runs, there is nothing in law which should prevent that happening. Now, I say, Sir, that is a very great danger. At any rate, we are dealing now with local self-government, and if "local" means any thing, it means local knowledge and a sense of local needs.

My Honourable friend Mr. PATEL has referred to a successful case in which an Advocate of the High Court successfully performs the duties of President in one of the mofussil Municipalities. I have no acquaintance with the place or with the gentleman, but Mr. PATEL yesterday dilated at some length on the duties of a President and I ask this Council to say whether a busy Advocate of the High Court in Bombay can possibly perform the functions of the President as set out by law in section 24 of the Act, which says (reads)—

The Honourable Mr. PATEL:—I have never said that, my Lord. It was the Honourable Mr. SATHÉ who referred to a case of a gentleman who lived at Poona and acted as President of the Talegaon Municipality. I spoke of a man from Bombay who is Member of the Bulsár Municipality.

The Honourable Mr. CURTIS:—I beg the Honourable Member's pardon. I say that without residence within Municipal limits it is impossible to carry out the duties of a President as laid down in section 24 of the Act. He cannot watch over the finances, and he cannot exercise supervision and control over the acts and proceedings of all the officers in the service of the Municipality. It is essential, therefore, if an officer is to take an active part in the management of a local institution, such as a Municipality, that he should be in touch with the locality, in touch with the wishes and the habits of the local population.

All members who have spoken on this amendment have asked for information as to the evils which have occurred in the past as the result of the absence of this residential qualification, and because definite information is not forthcoming or has not been given, they proceed to argue that there is no need for it. I venture to think that this argument is rather far-fetched. To begin with, it is somewhat unpleasant sometimes to furnish definite information as regards the shortcomings of a definite electoral body, but, even if such information is not forthcoming, there is, I contend, no reason to suppose that the dangers which I apprehend will be absent in the future. I therefore think that it is incumbent on this Council to exercise the gift of imagination and look forward and to see all the dangers that may result by the absence of this simple restriction which legislators, such as the English parliament, have considered necessary. For these reasons, Sir, I ask this Council to reject the amendment.

The Honourable Dewán Bahádúr KASHINANH RAMCHANDRA GODBOLE spoke as follows:—Your Excellency,—Speaking with reference to the speeches that have been made in support of the amendment, I must say that they have not been very convincing to me. I think that in the case of Municipalities both the members and the candidates should be resident within Municipal limits, and the provision of section 12 as drafted in this Bill is what we should adopt. I put it to this Council, who will understand the conditions of a town better, whether a man who goes along its muddy roads everyday and whose carriage is spoilt every week, or a man who sits in Bombay or Lonávla, comes from the railway

station, drives in a motor car, attends the meeting and goes back? Who will attend to the water supply of the town better, whether the man who has to use muddy water or the man who sits at the meetings, signs the papers and sees the analysis of the water? I submit, Sir, that the man on the spot who sees the inconveniences of the locality and who feels the inconveniences will try to remove them better than the man who stays at a distance from the Municipal limits.

The two miles limit that has been prescribed in this section is, I think, very reasonable, and we ought to adhere to it. The seven miles limit that is proposed by the Honourable MOULVIE RAFIUDDIN AHMAD, I do not think, will be advisable. It is not a matter of much importance whether we have Fellows of the University or Advocates of the High Court in a Municipality. We would rather have the people the sowcars or local pleaders who live within Municipal limits, who will watch the Municipal administration on the spot, and who will suffer the inconveniences arising from bad roads, bad lights and bad water—it is such Municipal Councillors who will attend to the wants of a Municipality better than a man who lives at a distance.

Then practically I might tell you that even in the case of ordinary Municipal administration, we find that Councillors living at a great distance from the Municipal office generally complain when they are told to stay on a little longer at a committee meeting, they say that they have to catch their train and they must finish the meeting soon—“Oh, I have to catch the train at 5 o'clock, and so let us have the remaining business on another day.” This is an ordinary saying with them. For all these reasons, I think the section as drafted should be adopted by us.

The Honourable Mr. CURTIS has probably exaggerated matters, when he said that a Municipal Councillor would be living in Bombay and attending the Poona Municipal meetings. Practically, as I said, I would prefer to have the Municipal administration put into the hands of Councillors who will be living on the spot and who will feel the inconveniences arising from bad Municipal administration. I therefore vote against the amendment and support the section as drafted in this Bill.

The Honourable Mr. E. G. TURNER spoke as follows:—Your Excellency,—I should like to say a few words with regard to some points which were mentioned by Ráo Bahádur SATHE in his speech and in his minute of dissent which is in the papers before us. He said that the hardship of the amendment regarding residential qualification will be felt along the towns on the Railway lines. He mentioned certain towns amongst which are the three towns of Kalyán, Thána and Bándra with which I am specially acquainted. I made enquiries in these three towns before coming up here and I find that of all the elected members in these three places, there is only one member who lives at a distance of more than two miles from the Municipal limits and that member does not live at a place which is accessible by train.

As regards Bándra which I had the honour of being connected with for about 12 years, I cannot remember a single case in which an elected member has not resided within the Municipal limits, so that I think that the fears expressed by the Honourable Mr. SATHE appear at any rate in regard to these three places to be quite groundless.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency,—I think from the speeches which have been made until now no case has been made out for the restriction that is sought to be placed with regard to the residen-

tial qualification on those who are entitled to vote and to stand as candidates on the ground of their property interests in the Municipal towns. As a matter of fact, it is not a new provision. The English Act was passed before our Act of 1884 and our legislators would certainly not have overlooked the provisions of the English Act if they had thought it suited for us. Even so late as 1901, they did not consider it necessary to incorporate it in the amended Act passed here. The conditions, my Lord, in this country, are different from those in England. With the development of the country and improvements in communications, men residing in one place, have property interests in other places than where they themselves reside, and they have to guard those interests with regard to whatever rates or charges that may be imposed by the Municipalities.

Let us take, for instance, the case of Lonávla. A number of bungalows have been erected by Bombay merchants who come and stay there for a part of the year. Should they not be entitled to anything in the way of Municipal rights or voice in the Municipal administration of that station, or should they leave it to the few owners of houses there to charge assessments on their bungalows in any way they may think fit in their own interests.

With regard to the water-supply of their bungalows, should they not claim any voice in the direction of that supply? There is in Khándesh at Amalner a mill-owner who lives at Chopda, but while living there, should he leave the whole of his concern without claiming any interest in the management of the Municipality when the operation of the Municipal rates and bye-laws will affect his valuable property seriously. Let us take the instance of a gentleman residing in Ahmedabad having a valuable mill property at Nadiád. He will not take more than half an hour by railway to go to Nadiád and come back. Under such circumstances, why should we not let him have a right to a voice in the Municipal administration which affects his property, when we are making the possession of property a qualification for being a voter as well as a candidate. As things stand, even now in the Municipality we have official members who certainly do not live within the Municipal area. The Assistant Collector is the *ex-officio* President of Táluka Municipalities, and he does not live generally within Municipal limits. Even Mámlatdárs in some instances are Presidents and Vice-Presidents of Municipalities in towns within their táluka away from the Táluka head-quarters where they do not reside. They do live beyond two or three miles from the Municipal area and are yet allowed to be members. If they are deemed capable of exercising control and looking after the affairs of the Municipality, could not people who take the trouble to come from a long distance to guard their property interests be expected to take an equal, if not greater interest in Municipal matters and should they not be held equally qualified to be members? I should welcome if they come in in larger numbers, because we will have better light from those people in the smaller Municipalities where the same is so much needed. Therefore, I say, let us not place any restriction. The voters themselves are the best judges of the persons who would deserve their confidence, and if they think that any candidate who offers to take the trouble of coming from a long distance would be more suitable, why not let them return him? I think it is an unnecessary restriction which is proposed to be placed upon their free choice in the matter of election.

Now we were anxious on our part not to refer to the question of election to the Council and in a discussion on the Municipal Act we need not I think go into the question as to how it will affect the elections to the Council. As a matter of fact, those

gentlemen from Bombay who had stood as candidates for election to the Council on behalf of the Municipalities were connected with divisions from which they came. One of them, Mr. KHARE, came from Nasik. He had his house there, and had passed all his younger days there in school, and yet he was declared ineligible. Another candidate who stood was Mr. PAREKH. I think his connection with Gujarat still continues, and he has commanded the respect of that division as a member of this Council on behalf of the Municipalities for the last 18 or 20 years. Gentlemen like these with their sense of responsibility would be most useful members to sit on the Taluka Municipalities of the districts and their qualifications for the membership cannot be questioned. I think we ought to encourage Municipalities, if possible, to secure the advice and help of such members. With these remarks I support the amendment of my Honourable friend Mr. SATHE.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD spoke as follows:—Your Excellency,—I am one of those members of the Select Committee who during the discussions in Committee were against this restriction being imposed on the choice of the electors, and I still adhere to that view, and my Honourable friends Mr. CURTIS and Mr. GODBOLE have still left me unconvinced. Your Excellency, the position is this. If you look to section 12 which lays down the qualifications for voters and candidates, the scheme is this, and it is the right scheme, that such people should be eligible to be voters and candidates as have a substantial interest in that Municipal district.

Now with regard to people falling within clauses (a) to (d) who have merely personal and educational qualifications being Fellows of the University, or being Advocates, Jurors or Assessors, their interest in the district can only be through residence and nothing else. If they are not residents, they can have no interest in the district merely because they possess those personal qualifications. It is therefore that in those cases the residence in the district is made an essential condition.

When you come to clause (e), we are dealing with persons who pay Municipal taxes in that district. With regard to that, a person who has property within the district and who pays Municipal taxes, has a substantial interest in that district, and though he may be residing outside, his case is quite different from the case of those people falling in the previous clauses whose qualifications are only of a personal character and whose interest, as I pointed out before, can only come through residence and nothing else. That is the scheme at present, and that has been the scheme of the previous Acts. Under the Acts of 1873 and 1884 and the Act of 1901 the electors were left absolutely free as regards their choice of election with regard to people who possess property qualifications falling in clause (d), and it has not been suggested that the freedom of choice left to the electors has in any manner been abused so as to work to the detriment of Municipal Government. We in Select Committee asked the Honourable Member in charge of the Bill and the other official members on the Committee to point out to us if any instances of abuse had occurred from 1884 till now, whether this freedom of choice left to the electors under clause (e) was in any manner abused and which required any alteration in the legislature. No instance was brought forward.

The Honourable Mr. CURTIS :—I rise to a point of order, Sir. We stated the case of Mr. DAJI ABAJI KHARE. He had not attended any meetings at all.

The Honourable Mr. SETALVAD continuing :—I have not followed my Honourable friend Mr. CURTIS. I would like to get at the facts. Does he say that one instance has occurred in which the electors elected —

The Honourable Mr. CURTIS :—One case was brought before the Council. There may be other cases also, but this case was specifically brought to the notice of the Committee.

The Honourable Mr. SETALVAD continuing :—I take it now from the Honourable Mr. CURTIS that there has been one instance in which an attempt was made to elect a person not resident in the district, though he had a substantial interest in it and I take it that he suggests that by reason of his being not resident he was not able to attend to his duties.

The Honourable Mr. CURTIS :—I beg the Honourable Member's pardon. The gentleman was elected but the results were not happy.

The Honourable Mr. SETALVAD :—It does not make any difference at all. I start with this fact, that the Honourable Mr. CURTIS states that there has been one instance in which the freedom of choice left to the electors was according to him abused. If that is so, if we have one instance in all these years from 1873 till now of alleged abuse, is that a sufficient ground for altogether taking away this freedom of choice from the electors? The question is not, as my Honourable friend Mr. CURTIS puts it, that because there was no such restriction whether the legislature is now estopped from restricting the freedom of choice. The real position is this. If this freedom has been there all these years, and if you cannot point to any more than one instance in which according to you the freedom was abused,—I do not admit it was abused, for it may be a very good election made by the electors (Hear, Hear),—I am not going into the merits of that case but I am assuming the fact as put by the other side, that it was abused in one instance,—is that a sufficient reason for altering the legislation? I say the onus of proof lies heavily on those who want a change in the legislation, and they must establish an overwhelming case before they can ask this Council to do so. I maintain that producing one instance of that character in all these years from 1873 till now is certainly not discharging that onus. One can well conceive a member living outside the Municipal district but still having a substantial interest in the district by having large properties there, taking a greater interest, taking a much more keen interest in Municipal affairs, than an apathetic man living in the town.

What I am pleading for is this, leave to the electors a free choice. Surely all the drawbacks that you point out in electing a person living outside are perfectly true, nobody denies that. Everything else being equal, certainly a man who is living outside the district will be less useful than a person living inside. But surely are not the electors competent to judge of that? (Hear, Hear.) Surely they have the fact before their mind that a person is not a resident within the district, and they are aware of the disabilities entailed by reason of his non-residence. Even after considering those disabilities, if they think on the whole that they should still in an individual case prefer a non-resident, why forsooth do you deprive him of that choice of election? Surely, you can trust the elector to use his discretion in his own interest. Surely, you ought to give them complete freedom in the choice of election, and the heavens are not going to fall if you allow the electors to retain this freedom of choice that they have enjoyed all these years and which it is alleged has been abused only once.

Further, the Honourable Mr. TURNER pointed out that in Bandra and other places, although there was this choice of election, candidates living outside have not been

elected. If so, it is really proof positive that the elector has very wisely used the discretion vested in him, and there is no reason whatever why in 1914 his liberty in that direction should be taken away.

Then the Honourable Mr. CURTIS referred to the English Acts, but he kept absolutely silent as to what my Honourable friend Mr. PAREKH said, that there is no analogy between the English Act and the Act here, because as he pointed out—I have not the data to verify myself what the Honourable Mr. PAREKH pointed out—that under the English Act a person who is elected has no option of refusing that honour, he is bound to accept it, and if he does not do so, he can be hauled up before a Magistrate and fined.

The Honourable Mr. CURTIS:—I have the Act here. As a matter of fact it is not so.

The Honourable Mr. SETALVAD:—I am only pointing out what my Honourable friend Mr. PAREKH said. Perhaps, Mr. PAREKH would give us the sections.

The Honourable Mr. PAREKH:—45 and 46 Vict., Chap. 50, section 7 (1).

The Honourable Mr. SETALVAD continuing:—What I was pointing out was that, if the enactment is there in the manner stated by Mr. PAREKH, then one can understand that as a very good reason why a residential qualification is there introduced, because if the person to be elected has no choice in the matter, then one can well understand that you cannot force a person living outside to be a member and who is not in a position to make it convenient to attend.

But there is one point which has been entirely lost sight of by those who advocate this change. While it is intended on the one hand to lay this restriction on the choice of the elector, Government, on the other hand, are left entirely free to nominate anybody they like. If the principle is that a person living outside the district is not a fit person to be a councillor, why don't you lay down the same restriction on the choice of Government? On the one hand, you tell the elector 'we shall not allow you to elect a person outside the district, however qualified he may be'. On the other hand, you allow Government to nominate anybody they like. Why don't you lay down the same restrictive principle with regard to the choice of Government?

The Honourable Sir PHEOZESHAN MEHTA:—They ought to be trusted!

The Honourable Mr. SETALVAD continuing:—I also maintain that voters can be trusted and ought to be trusted. I submit, Sir, that becomes altogether a one-sided arrangement. There has been no serious abuse of that freedom of choice and really no reason pointed out why that freedom should now be taken away. I therefore maintain, Sir, that no case has been made out for the proposed change. But the Honourable Mr. CURTIS depicted to us various things that he imagined might happen in the future with the development of Council elections, and he imagined some office being opened in Bombay to regulate all the Municipal elections in the Northern Division, in the Southern Division and in the Central Division. There will be time enough to deal with a development of that character, if it ever occurs. Would it be right for the legislature to speculate in that direction, and imagine evils which have not shown themselves at all till now?

The reference by Mr. CURTIS to Council elections brings me to a matter which I would really have not to refer to and in saying what I am going to say, I should not be understood as myself making any suggestion whatever to the effect that there is any

ulterior object in suggesting this alteration. I do not say that for a moment myself, but what I do say is, that if you embark upon this change in the section in spite of the fact that there has been no serious abuse in the past, in face of the fact that really no case has been made out for the change advocated, you certainly lay yourself open to very serious misunderstanding as regards the real reason and motive for this change, and I have heard the suggestion made that the real reason why this is embarked upon, is to prevent the election of people like Mr. PABEKH who are generally resident in Bombay, but who are connected with various districts and have got themselves elected to various Municipal bodies and returned to the Council by the groups of Municipalities or Local Boards, that the object is to prevent such people from getting elected to the District and Municipal Boards and coming into the Council through them. Now, Your Excellency, if it is thought undesirable that people like Mr. PABEKH and others who are residents of Bombay, and who are not residents within the division which they represent, should be Members of Council representing those divisions, by all means deal with that situation squarely and fairly. You can do that, if you choose, by amending the Council's Act, or the regulations thereunder but do that courageously, do that boldly, but do not lay yourself open to this charge that you are doing a thing circuitously by the method now proposed. (Hear, Hear.) That is what I am pointing out, that your action is likely to create a grave misunderstanding, and I beseech Your Excellency's Government not to do anything which lays you open to a charge of this character. I do not say for a moment that it is well founded, but your action is certainly likely to be misunderstood in that manner, and people who are carried away in that way, will certainly have some justification for the view they are putting forward. I submit, therefore, that no case has been made out why we should alter the section which has stood on the Statute Book all these years ever since 1873, and no reason is shown, to my mind, why a change should now be made.

The Honourable Mr. R. P. BARROW spoke as follows:—Your Excellency,—I regret very much that the Honourable Mr. SETALVAD should have felt obliged in putting before us his own views, to touch on the suggestion that we might possibly be charged with having manipulated the law under the Municipal Act in order to touch certain Honourable Members who have been elected to this Council, for that, I think, is what the suggestion amounts to. Well, Sir, as the Honourable Mr. SETALVAD himself admitted, he is perfectly well aware that such change as we are attempting to make in the Municipal Act is not due to any such desire of that kind. This Council is perfectly well aware of that fact. It is on general principles that we seek to make the change. If the outside world is likely so far to misjudge this Council and Government as to assume that they would make use of their powers in amending the Municipal Act to set right what they consider wrong in the matter of elections to this Council, then, Sir, I do not think it will seriously hurt either this Council or Government if that charge is made. The Honourable Mr. SETALVAD certainly uses a powerful argument when he says that we must trust the electors, for that is precisely what we are desirous of doing. We hope that the electors will exercise their discretion and use their common sense in electing members to represent them; but as a matter of fact we happen to know that they do not always do so. We know what elections sometimes do mean, and I think that there are reasons why, with this knowledge, we should hesitate to rely entirely on the common sense of the electorate coming into play in deciding whether they should

select their representative from outside their limits or not. The Honourable Mr. SETALVAD urged, I think, that if a man is qualified under clause (e) by paying taxes within Municipal limits, he has a substantial interest in the welfare of the affairs of the Municipality. Honourable Members are well aware that in many of the Mofussil Municipalities the qualifying taxation is an exceedingly low one, and I ask whether the mere payment of Rs. 5 or Rs. 10 a year by a gentleman seeking election to a Municipality is really tantamount to his having a substantial interest in the welfare of the Municipality.

Then considerable stress has been laid on the fact that those of us who support the change which we propose to make in the Act have not produced evidence that during the currency of the present Act any serious harm has been done by electors within Municipal limits in electing as their representatives residents outside those limits. Well, Sir, we have had one instance given to us,—the name has been mentioned, Mr. Daji Abaji Khare. The Honourable the Chief Secretary said that the results were not particularly happy in that case. I think what he meant was, if I may venture to interpret him, that in that case, that particular gentleman was unable from lack of time or from other reasons to attend meetings of the Municipality and could take no part in transacting the business which had to be done. I would observe that it is exceedingly difficult to answer the question that has been asked. For the reason that every non-resident, every outsider, if I may use the term, who is elected, and who is unable or unwilling to take his share of the work of the Municipality is by the mere fact of his election keeping from the service of the Municipality a resident who might be devoting his time to the work of the Municipality. We cannot say what the results might have been had the qualification which it is now sought to impose been in force of recent years. It is to guard against the possibility of Municipal interests suffering that it is desired now to alter the law.

Reference was made to a discretion being allowed to Government which is to be withheld from Municipalities, the point being that with reference to official nomination, Government are under no restrictions. It is difficult to see how in the matter of the nomination of officials the restrictions of a residential qualification could be imposed. There must be officials on these Boards as well as non-officials. As a matter of fact, I can assure the Council from my own experience, and I feel sure that every other officer here who has had anything to do with nominations will support me, that as a matter of practice, the non-official nominees of Government are invariably residents of the Municipal districts. They live in the district and belong to it—

The Honourable Mr. LALUBHAI SAMALDAS :—What about the Thakore of Sarod who is the President of the Jambusar Municipality and whom my Honourable friend Mr. PAREKH referred to?

The Honourable Mr. BARROW continues :—Thank you. I have no particulars at hand about the Thakore of Sarod's nomination as President, but I have no doubt that the Thakore has some very substantial interest in the Municipality; moreover, he, probably, has some property within Municipal limits wherein he resides from time to time during the year. I cannot say that that is so, but in all probability it is. I maintain that as a matter of practice, the nomination of non-officials is entirely confined to the residents within Municipal limits. In the case of officials, it is impossible to require that they

shall reside within the limits of the Municipality on the Board on which they are to sit. They have constantly to move about within their jurisdiction and an Assistant Collector or a Mámlatdár may have in his charge, as many as three or four Municipalities, and he cannot be a resident within the limits of each.

I do not follow my Honourable friend the Chief Secretary all the way. I do not share altogether his fears of what might happen (Hear, Hear). Nor do I think it likely that a state of things such as he pictured would ever exist. It is not quite impossible, but I do not think it is probable. I would only support his remarks by reminding this Council that, although there be no analogy between the English law which has been much discussed (the Honourable Mr. PAREKH has not yet pointed out the particular provisions on which he relies) although there be no analogy between the English and the Indian law, there is a strong analogy between conditions in the Bombay Presidency and in the Presidencies of Bengal and Madras, in both of which the local Government has found it necessary and advisable to impose a residential qualification.

The only other point, on which I would touch is the Honourable Mr. UPASANI'S reference to Lonávla. I think he quoted Lonávla as an instance. Under section 14 of the Act, of course his remarks would not apply. He has probably overlooked the section.

The Honourable Dewán Bahádur GODBOLE laid his finger on the right spot when he took the points of the bad roads and the unclean water. It is well to remember that the man who wears the shoe is most likely to feel the pinch of it, and most likely to try and ease it. The Honourable Dewán Bahádur made a strong point in urging that the man always on the spot is far more likely to take interest in such matters and trouble in removing the impurity or insufficiency of the water supply than a gentleman who lives far away in Bombay.

The Honourable Mr. SETALVAD:—Your Excellency,—I have found the sections. They are 44 and 45 Vict. Chap., which say (Reads) “Every elected member shall accept the honour.”

His Excellency the PRESIDENT:—He is perfectly at liberty not to stand. I am not sure, I have not looked at the other sections.

The Honourable Ráo Bahádur SHRINIWÁS KONHER RODDA spoke as follows:—Your Excellency,—This matter of residential qualification was sufficiently discussed in the Select Committee, and a few Members opposed that residential qualification. I for my part oppose the amendment, and I am fully in accord with the views expressed by my Honourable friend Dewán Bahádur GODBOLE. Any gentleman coming from outside the Municipal limits would scarcely be able to attend all the deliberations of the Municipality. He may be a member of the General Committee attending only on technical grounds to avoid being disqualified for non-attendance, but at the same time, however intelligent he may be, however proficient he may be, whatever his interest may be, it cannot be expected that he will do all that is required of him. If he is elected a Member of the Managing Committee, he cannot possibly attend the meetings of the Managing Committee. If he is appointed on the Schools Committee which meets sometimes once, sometimes twice a week, if there is any emergency, he cannot attend it, or if there is any special Committee appointed to consider any subject, he cannot be expected to meet other members. The very idea of his living far away

from the Municipal limits is itself a disqualification for his coming in direct contact with the affairs of the Municipality, and hence it is necessary that the residential qualification should be one of the conditions on which a Municipal government ought to be carried, and election should be put on the same principle.

Much has been said of the voters. Well, it is the voters' choice, but at the same time it should also be considered that everything cannot be left to the choice of the voters, and it is for that very reason the city or the town has been divided into wards. There the election rules have been so framed as to give a single vote for a single candidate. All these restrictions have been kept even within Municipal limits for voters, because it is a restriction on the voters to see that special qualifications obtain in the candidates to justify their election, and from what has now passed, if the voters are to reside for six months in any Municipal district for election purposes, why should it not be enacted that there should be residence very near the town for which they are working. As the Honourable Dewán Bahádur GODBOLE says, if he stays away during the monsoon, he cannot see the state of the roads, he cannot see whether there was a water scarcity, and what steps should be taken to alleviate or to remedy the grievances of the people, if any. Once he comes in three months, attends the General Committee, and that too for the sake of avoiding the technical difficulty.

Now with regard to the allegation made by my friend Mr. SETALVAD that this is a measure which would prevent people from coming into the Council, I do not think that concerns us at present. We are now only looking to the interests of the Municipalities, and whether the Councillors that will come within it can be in direct touch with it, is rather a far-fetched argument which he laid before the Council, and he did say that in rather an unpleasant manner which he ought not to have done in this Council.

Now with regard to nominations, as the Honourable Mr. BARROW has already remarked, except the Government Officials, and who are they? the Medical Officer, the Mámlatdár, the Assistant Collector or the Executive Engineer, these are the only persons for whom there is no residential qualification. These are special men whose advice in matters professional, in sanitary or public works is quite essential, and they are special advisers of Government, and sometimes they are ex-officio members in some of the Municipalities by special notification.

With regard to the persons who are nominated, I can safely say that invariably in almost all the Municipalities every Councillor nominated is a resident of town. Therefore I strongly oppose the amendment proposed and fully support the views expressed by the Honourable Mr. BARROW and Mr. GODBOLE.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATTALLAH spoke as follows:—Your Excellency,—So far as the personal qualification is concerned, we have a long list of the Fellows of the University, Advocates of the High Court, etc., in fact they are the best talents of the city, and they are thrown out, because they are not resident in those towns, even if they are resident within a stones-throw of Municipal district. Take the instance of a man who resides in the cantonments bordering on the district Municipal limits, yet he is not qualified to be a voter or a candidate, even though he is much more interested than a tax-payer; he may be an Honorary Magistrate, a Fellow of the University or an Advocate practising within the Municipal limits, but may not be residing there, and so he is disqualified.

It appears to me rather anomalous that so much has been made of a tax-payer who may be paying only Rs. 2 as water tax, residing 50 or 100 miles away from the Municipal limits, and he is considered fit to be a candidate or a voter. Persons who pay a nominal tax of Rs. 15 or so as water tax or house tax a year, though they never care to come to the town, are allowed to be voters or candidates, and though they have in fact no interest in the working of the Municipality. This is really an anomaly, to my mind. With these remarks, I oppose the amendment.

The Honourable Mr. HARCHANDRAI VISHINDAS spoke as follows:—Your Excellency,—As a member of the Select Committee who strongly supported the section as it now stands, I feel it my duty to speak and to oppose the amendment, and in doing so, I express my regret that I have in this instance to differ very strongly from my Honourable friend Mr. SETALVAD, for whom I have the highest regard, and in deference to whose opinion on the question of a Municipal Commissioner, I had to sink my own strong opposition to these clauses and sign the Select Committee's Report without any minute of dissent. I might say that several provisions of the Bill, as originally drafted, were placed by me before the Municipal Corporation of Karáchi, and they were unanimously of opinion that this residential qualification must be imposed, and although that was the unanimous opinion of the Karáchi Municipality at that time, if I had been since then convinced of the cogency of the arguments urged on the other side, I should have very easily given my opinion according to my own conviction, but I do confess that up to now none of the arguments that have been advanced on the side of the Honourable Mr. SETALVAD have been convincing at all. I am quite prepared, as far as lies in my humble power, to give an answer to each and every one of them.

The Honourable Mr. SATHE followed by the Honourable Mr. SETALVAD laid very great stress upon the fact that as hitherto no instance of an abuse has been pointed out, there is no necessity of making any alteration. I will take my stand upon the hypothesis that no abuse has been pointed out. At the same time, the Honourable Mr. SATHE said that it is urged on the other side that persons who are not residents within the Municipal limits are not likely to have the same kind of concern in the Municipality as people who are residents. He did not refuse the soundness of that contention, but simply said that no instances have been found in actual practice of any abuse having resulted by this provision which means that if any instances had been pointed out, then he would have been quite prepared to concede to the alteration. But I say that this argument is not sound at all. You are not going to legislate after a mischief has actually been pointed out or a mischief has appeared in practice. If it is pointed out to you that the legislation, as it is now standing, is capable of creating any mischief, I think it is the bounden duty of the legislature to effect a change, otherwise it would come to this, that you allow some enactment to remain on the Statute Book which at any time may be abused, and you have simply to pay homage to the argument that because an abuse has not been brought to your notice during the time of your experience, therefore you should not effect any change. I cannot see the soundness of this argument at all. There are many provisions of law which should be altered, although it has not been found in experience that any mischief or harm has occurred by their standing on the Statute Book so long as it can be easily and successfully pointed out that they are capable of producing mischief.

Another argument upon which the Honourable Mr. SETALVAD laid great stress was that restriction should not be imposed upon electors, to whom free choice should be given to elect whomsoever they like. I think, on the one hand, while there is some force in this argument on the other hand, it might be carried too far. If you carry it too far, then you should not impose any kind of qualification or restriction upon the voters or candidates at all. Now, for instance, we have got the rule that females who possess certain property qualifications are entitled to vote, but they are not entitled to stand as candidates. Do you give your voters the choice of returning a female candidate to the Municipality? The Honourable Mr. SETALVAD, although he may have suffragist sympathies or tendencies will not go so far as that. Likewise I say that, whilst there is a good deal of force in that argument at the first blush if you carry it to the extreme, if you examine it very carefully, you will find that that argument cannot stand for our circumstances. As the Honourable Mr. RODDA has pointed out, there are several other restrictions that you have imposed upon voters which restrictions otherwise would not be necessary at all if you were to carry this argument to its logical conclusion.

Then again it is said that whilst in the first three clauses of what I call the brain qualification, the restriction of residence is imposed, in the last clause of property no restriction should be imposed, because persons who have got properties within Municipal district may be presumed to have sufficiently substantial interests in those Municipalities to have the right of standing as candidates. Now in this regard I make this distinction that persons possessing properties within Municipal districts have certainly a voice in the administration of that Municipality, but to a limited extent, that is to say, they have a voice in selecting the candidates and in saying 'we shall elect A but we shall not elect B', but when they come and say that they should also themselves be given the privilege of standing as candidates, then we can very easily tell them 'yes, we can give you that right if you are residents'. Although in the past, as pointed out by the Honourable Mr. SETALVAD, exclude the case of Mr. KHARE entirely from consideration, it may have so happened that no person has been really elected who has neglected his duties as Councillor, if it can be very easily shown that once you allow this restriction to be removed, there is just a possibility of electors who may not be able to attend meetings, I say it is the bounden duty of the legislature to make that necessary alteration, and I quite agree with the argument that has been advanced by my friend the Honourable SHEIKH GHULAM HUSSEIN that whilst you are making this restriction applicable to the case of those candidates who come in on account of their mental or brain qualifications, who are Advocates of the High Courts, etc., you want to remove that restriction in the case of those people who certainly in the absence of mental qualification must be considered to be inferior; for instance, a cartman who pays a certain amount of property tax or a small householder who pays some property tax, surely in his case you do not want to make the residential qualification necessary, but in the case of an honorary magistrate, you do impose that residential qualification, which is certainly anomalous. Here also is an answer to the Honourable Mr. SETALVAD's argument. Why should you make residence a necessary condition in the case of an honorary magistrate and all those people who do possess other qualifications, and why should you not make it in the case of people holding properties.

Now I am entirely in sympathy with the argument advanced by the Honourable Mr. SETAJVAD that the restriction that exists in the case of electors should likewise exist in the case of nominations by Government, and I for one surely would be entirely in favour of any provision which enacted that. It is no argument that because no amendment has been suggested, or the Government while proposing this amending Bill did not propose an amendment on these lines that therefore there is no necessity for any alteration; because two black stones cannot make one white you cannot say that because one black stone remains, therefore you should not improve this black either. I think it is quite clear that the legislature ought to see that only such persons are elected to the Municipality who, by reason of their continued residence in Municipal districts or within such distances as may be now determined, would take sufficient interest in Municipal affairs. For instance, we have got two miles in the Select Committee's Report, and seven miles being proposed later on, which question of course has yet to be decided by the Council. I simply say this, I have no quarrel with the distance that may be prescribed, but so far as the residential qualification is concerned, I am strongly of opinion that the legislature will be doing its duty to the public if they laid it down that only persons who are connected by residence with the Municipal district or who are very near Municipal districts who can take sufficient interest in Municipal affairs and who are so much in touch with Municipal needs that they can be trusted to carry on their duties efficiently and diligently would be elected. I am perfectly sure that once you leave the door open to the candidates outside the Municipal districts, there will be some people of wealth and influence who, if elected, will surely not be able to pay proper attention to Municipal affairs which you would expect from persons who are actually residing in Municipal districts. It may be that an exterior polish is shown to you, but I can assure you that they would not in the long run, they would not as a matter of fact be capable of taking that amount of interest which should be expected from Municipal Councillors, and as I said, we should almost always make a distinction between the qualification of a voter and that of a candidate. It is no argument that because you have made him a qualified voter, you must make him a qualified candidate also. There are certain provisions which make that distinction, for instance, a man who is a bankrupt or who has been previously convicted is entitled to vote, but who is not entitled to stand as a candidate for Municipal election, therefore you cannot say that because he has property qualification you should give him the privilege of voting as well as standing as a candidate. The two things are quite apart.

His Excellency the PRESIDENT:—Order, order. The Council will now adjourn till half-past-two. The Council then adjourned for lunch.

After Lunch.

His Excellency the PRESIDENT:—Order, order. A Bill further to amend the Bombay District Municipal Act, 1901. Clauses. Discussion on the clause moved by the Honourable Mr. SATHE.

The Honourable Mr. GHULAM MAHOMED VALAD KHAN BAHADUR WALI MAHOMED BHURGRI spoke as follows:—My Lord, I would like to know from the Honourable Member in charge how many Members coming from outside the Municipal limits are really sitting on the District Municipal Boards in the Presidency as a whole.

From the few inquiries which I have made, I understand, and I stand open to correction, that there are very few cases of that kind. For instance in the whole of the Northern Division there are only three such cases of Members who really reside outside the boundary of Municipal Boards and reside in Bombay. It strikes me that it is really an advantage to mofussil Municipalities to have such Members especially when there are only one or two Members coming from outside and from bigger towns where they are in touch with more advanced civilization. They will thus be able to impart fresh ideas in the proposals which they might make. That is an argument which is in favour of the amendment moved by the Honourable Mr. SATHE and I hope the Council will see that to have one or two such Members on Municipal Boards is really an advantage to such Municipalities and not a drag on them as some Honourable Members tried to make out.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA spoke as follows:—Your Excellency,—We have heard the arguments of both sides. We have also heard from the Chief Secretary about the speculative formation of Syndicates to organize Municipal elections in the Central Division and the Northern Division, and on the other hand, we have also heard the rights of electors to return whomsoever they like. The crucial point, I think, my Lord, is whether this restriction is necessary in the interests of Local self-Government. Some advocates of Local self-Government say that they do not want this residential qualification. If in the interests of Local self-Government, it is necessary that there should be this restriction of residential qualification, I would go in for it. But so far nothing has been shown to prove that it is essential for Local self-Government or that it will in any way assist Local self-Government. I therefore propose to support the Honourable Mr. SATHE.

The Honourable MOULVIE RAFIUDDIN AHMAD spoke as follows:—My Lord,—I think I can offer my opinion on this amendment with a very clean conscience, because, I was not present on the Select Committee when the decision was arrived at. But upon a fair consideration, my Lord, I think, that the point which has been brought by my Honourable friend Mr. LALUBHAI is worth considering. Even taking into consideration the interests of Local self-Government, I do not think that it is a wise policy for persons who live at a considerable distance to come forward and offer themselves as candidates in local areas.

My Lord, it has been pointed out for Bombay as a self-denying ordinance that our friends allow outsiders to come and stand as candidates in Bombay. But this is an act of sacrifice which costs nothing. Indeed who would go there from outside considering the wealth, intellect and other considerations of Bombay? There is hardly any chance for any outsider to go and stand in Bombay as a candidate for the Corporation.

In this connection, my Lord, it should also be taken into consideration that the intelligence of the electors of Bombay is comparatively higher than the intelligence of the electors of most of the Municipalities. Therefore the electors of Bombay are in a much better position to exercise their right with commonsense than the electors of other places. It is useless to ignore the fact that the electors of Mofussil Municipalities do not bring to bear the same amount of interest, the same amount of intelligence, upon elections, as is done in Bombay and in big Presidency Towns.

My Lord, I have listened with very great respect, as I always do, to the speech of my Honourable friend Mr. SETALVAD. I think it is just due to him to say that the Bill, as it stands, owes to him a good deal. If his argument had been sound in this respect, I should have certainly supported him. But this is a matter really of local self-interest, interest of local people, and there is one thing, my Lord, which perhaps has not been sufficiently taken notice of, it is that if we adopt this amendment, there will be a very serious break in the system of our elections. We do not allow people of this Presidency to stand for other Presidencies for the Imperial Council. We do not allow people of other Presidencies to stand for the Local Councils. If there is any force in the argument at all, I think, with regard to the Supreme Council, where high Imperial questions are taken into consideration, there ought to have been an agitation for any man irrespective of his Presidency to be allowed to stand as a candidate for the Imperial Council, but no such agitation has taken place. Therefore the inference is that it is wise to have local candidates to stand for their respective Presidencies. If this argument has any value, I think, Sir, for Municipalities also the same consideration should be given. It is true, as my Honourable friend Mr. SETALVAD says, that it is rather hard for outside persons who take substantial interest, not to be allowed to become candidates. But it is rather hard also that persons who only come for the sake of getting elected to the Council and who have no other interest should be allowed to stand as candidates. It is hard upon local members. On that score again it is rather prejudicial to the interests of Local self-Government that people from outside should be allowed to come over. I know of an instance in which I think my Honourable friend Mr. BARROW was very kind to a candidate. A gentleman from Bombay stood up from Bándra as a Mahomedan candidate for the Northern Division. Of course he was a voter in Bándra. After the elections very little interest was taken by him in the Division. Now, Sir, if people from Bombay desire to take interest in mofussil Municipalities, they should come forward and show that they love to mofussil Municipality more than Bombay. Sir, it is necessary for us who live in the districts to guard our own interests. It is very easy as things go for Bombay people, as I said, with their intelligence and with their wealth, to come forward and to become Members of Municipalities and stand as candidates, candidates for Presidentships of Municipalities, candidates for Local Councils and so on. But it entirely destroys the objects of territorial limits. To be consistent with our rules regarding elections, I think, it is right that this change should not take place.

Then, my Lord, my Honourable friend Mr. BHURGRI said that it would probably increase the intelligence and activity of the local people. It is all very true, but at the same time, when you come only for the sake of honours—I do not say that all people will come for the sake of honours—but I do say that there are persons in Bombay who have got wealth, but no intelligence, but who do desire honours, there is a serious danger as my Honourable friend Mr. CURTIS said, such people might pour into the mofussil in large numbers and prejudice the interests of the local Members. Therefore I believe I am right in the inference that in such cases people ought not to be allowed. If they take intelligent interest, they should come forward and show their interest by coming to reside in the district.

I have got an amendment on this question. But I am opposed to my Honourable friend Mr. SATHE'S amendment to remove the residential qualification altogether.

The Honourable Mr. BALKRISHNA SITARAM KAMAT spoke as follows :—Your Excellency,—I will not take the time of the Council for more than a few minutes. I rise only to criticise one or two remarks which fell from my Honourable friend Mr. GODBOLE. He told us that a man who wears the shoe knows where it pinches ; so one who knows about and suffers from muddy roads and impure water would perhaps be better able to attend to municipal affairs of that place. My own experience is that people who are members of municipal committees, although they are living perhaps at a stone's throw of the municipal office, are much more irregular than members who come from a distance of two or three miles. The Honourable Mr. GODBOLE also told us that such members are anxious to return early. It only shows that those who are careful enough to come and attend the meeting punctually are perhaps anxious to return earlier. It only proves that they are after all anxious to come and attend the meetings even from a distance, but owing to the convenience of trains they only sacrifice a few minutes at the end ; it does not prove that such members do not take any interest at all. Regarding the other question I have only one thing to say that I am inclined to think that a member can take interest in his municipality although he may live 100 or 120 miles away ; however, I think, there ought to be a reasonable limit of distance. A candidate should be entitled to come in and take part in the affairs of the city or the town in which he has the deepest interest if he chooses to come. If members so living something like 100 or 120 miles away from their municipalities are not wanted in this Council, perhaps the only remedy is to amend the rules of election to this Council, and not to mix up the two things together, so far as the amendment of the District Municipal Act is concerned.

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows :—Your Excellency,—As a representative of the municipalities of the Southern Division, I think, I should say something about this amendment. It seems to me that this residential qualification is a very wholesome and very salutary thing, and I am in favour of it ; my reasons shortly stated are these : It is said by my Honourable friend Mr. SETALVAD, for whom I have very great admiration, that there should be no restrictions imposed upon the choice of voters ; but we were told yesterday that the people chosen by these electors themselves should have no voice in the election of their own executive officer or their Municipal Commissioner. It is rather difficult to reconcile these two positions. If the candidate is to have no restrictions imposed upon him, why should there be any restrictions imposed upon the municipal councillor after he is chosen ? It is absolutely necessary that the people living in a particular locality should return as their representative to the Municipal Corporation men who have got a living interest in the locality itself. That is but common sense. I know of instances in which people live at distances but wish to have the honour of being elected as members. They manage to be present at one meeting out of every three General Meetings, because, they know that if they happen to be absent at all the three successive meetings, they run the risk of not being municipal councillors any longer. Such a state of things should not be allowed. Of course, I do not mean to say that the Bombay people will monopolise all the seats in the Legislative Council. We need not go so far. Our object is to see that people of a particular locality do take a living interest in their municipality. Who are the people that may be expected to take such real and living interest ? Is it reasonable to suppose that a man who simply wants to be a municipal councillor for the sake of

honour will take such living interest or is it more probable that a man who lives within the area itself will do it? Another argument that was advanced by my friend the Honourable Mr. SETALVAD was that if such restrictions are to be imposed upon the choice of private voters, why should there not be similar restrictions upon the choice of nominations which Government itself makes? I think that is a strong argument of which Government will be pleased to take a note. I shall be very glad to see that Government itself nominates people to whom these qualifications apply. My point shortly stated is this, that Government itself should nominate people who live within the locality and who also pay taxes. I shall be very glad if Government also ties down its own hands with similar restrictions.

On these grounds I oppose the amendment brought forward by my Honourable friend Mr. SATHE.

The Honourable Mr. NAOROJI DOBABJI KHANDALAVALA spoke as follows:—Your Excellency, with regard to the amendment by the Honourable Mr. SATHE, a great deal of stress has been laid on the fact that the present Act of 1901 has not in it any restrictions regarding the residence of those persons who pay qualifying taxes. Now that portion of section 12 has been amended and altered in the present Bill, in which there is no restriction put upon those who pay qualifying taxes to become voters even if they live outside the strict limits of the municipal district. Only as regards their coming forward as candidates there is a restriction, that they should be residents within municipal limits and must live within two miles thereof. It is said that such a restriction should not be put. But we have to take into consideration the altered state of the circumstances. When the municipal administration was first introduced, it was very difficult to find persons who would come forward as candidates and who possessed qualifications for councillorship. After so many years of successful municipal administration it is now found that almost everywhere, wherever there are municipalities, men of various grades, position and professions as well as Government servants living within the municipal districts, are exceedingly eager to come forward as candidates for membership of the municipality. In such a state of things, it is not at all necessary that municipalities in towns should have councillors from outside, merely for the fact that they pay some qualifying taxes. Since so many persons are likely to come forward and as municipal administration is called Local Self-government, persons who reside within local limits ought certainly to be chosen as councillors rather than those who live far away. In the Act as it at present stands even a distance of two or three hundred miles would not disqualify a person from standing as a candidate, if he was paying the qualifying taxes. Now it is quite evident that at present some sort of restriction ought to be placed upon this distance, and the present amending Act has put that distance at two miles only. Regarding this again there are other amendments and they will be considered later on. But apart from that, it is quite evident to everyone that those who live within municipal limits are in a much better position to look into all the questions that come before the municipality. They are likely to have actual experience of the grievances of the people of the locality, and therefore they would be in a much better position to remedy defects than those who may be living at a great distance, and who may simply come on a few occasions to attend certain meetings. On these grounds, I vote against the amendment that has been brought forward by Mr. SATHE.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency, it was expected that this should be one of those clauses on which the Council would like to speak out what they actually felt. I am not surprised therefore that so many honourable members have expressed their views on this subject. The arguments put forward by the several members are again in this case also the same or to a great extent identical, and it will not be possible for me to treat them as they have come. In the discussion on this clause I will have to mention the honourable members who raised these arguments, and if I leave out the honourable members that have spoken in favour of it, they should not consider that while mentioning the honourable members who spoke against it have been paid a compliment, they have been left out. If I do not mention them they may take it from me that it is because in my reply I incorporate their views. Let me say at the outset that I am going to oppose the amendment that has been put forward so ably by the Honourable Mr. SATHE.

In the first place I find that most of the Honourable Members who have spoken in favour of the amendment have, in their anxiety to put forward a very strong case, brought in arguments the weakness of which frustrates the very object of their contention. As I go along, I will show why it has so happened. Now, taking the Honourable Mr. SATHE first, he puts this amendment on the ground that all these years there has been no necessity found of describing a residential qualification for the tax-payers and, therefore, he argues, that because all these years no necessity has been found for such a change, that therefore today and in future no matter what the development of Local Self-Government, the condition of things should remain as they used to be in the past. This means that we should never be wiser for our experience. Now with regard to this argument, I would say (and here I will quote the argument advanced by the Honourable Mr. PAREKH, a friend of the amendment, where he says) that in these days of development of industries it has been necessary for local tax-payers to run down to bigger centres of the Districts in order to attend to their industries, etc. Now when the laws were first enacted these industries were not existing in quite the number that they are existing today, which means that the local tax-payers had not the opportunities, or rather the necessity, then of going away from local areas as the necessity has arisen today, and it is thus, therefore, that it becomes incumbent that Local Self-government should have the best brains on the spot. They are going away where their self-interest takes them, and it is with a view to create local interest in people who would and can really take intelligent interest in local municipal affairs that this restriction should be brought in.

Another argument of Mr. SATHE is that the electors should have a free voice in the matter of election. Now that is a rhetoric of theory which the Honourable Members who opposed his view have very successfully met. The electors should have certainly a voice within a certain limit. The electors have not been given fullest latitude of electing people as they liked. If there are other restrictions placed, this is certainly a case in point in which similar restriction is necessary, and why? Here comes in the argument of Mr. SETALVAD. The Honourable Mr. SETALVAD when he began his argument stated that it is entirely necessary to put down residential qualification for those who are Fellows of the University, Graduates, Honorary Magistrates, traders, and so on. He would have a strict residential qualification prescribed for people with

personal qualifications, and why? Because unless this is done these people, unless they have some interest in the Municipal affairs of the place, are not likely to take sufficient and keen interest. There should be either a statutory obligation on them to take interest or they should have some self-interest which would make them to take interest in Municipal affairs. It is therefore considered necessary that a residential qualification should be imposed upon them. Well, I say this—I would urge the Council to keep their mind on the argument that the first and the most important point in the consideration of this matter is that those who vote and those who become candidates must take real and intelligent interest and participation in the Municipal affairs of the place, and it is with this view that outsiders are debarred from taking part in Municipal affairs if they are not residents within certain limits of the Municipal area. Now that is the real point which we have to decide in this Council. The Honourable Mr. LALUBHAI has raised that point very clearly. He says is it or is it not in the interests of Local Self-Government that this qualification should be imposed; and the Honourable Mr. SETALVAD himself in saying that people with personal qualifications must be made to reside in the local area gives a case in point on the question raised by the Honourable Mr. LALUBHAI. Now, following that argument a little further what does it come to? The resident tax-payer has an interest to the extent that he has interest in his property; and if he is a resident, he wishes to be there to have a voice in the affairs which would deal with his property, and it is right that the resident tax-payer should not only be a voter but should also be a candidate. But what happens with an absentee tax-payer. His interest in the property is only restricted to the extent of his property. He has really nothing to do with the general Municipal administration of the place at all. He does not care for it and, therefore, to the extent of the interest that he takes, he is given a voice in the Municipal affairs by being a voter; and unless he resides on the spot to be able to take very intelligent interest in the administration of the Municipality, I think it is but fair on the argument put forward by the Honourable Mr. SETALVAD himself, that his right to be a candidate should be restricted. On these grounds I am opposed to the view taken by the Honourable Mr. SATHE that the electors should have a free voice to do as they please. I think the franchise should be in proportion to the interest the candidate or the voter is willing to take in those affairs.

I now come to Mr. PAREKH's argument, which has also been used by the Honourable Mr. SATHE, which relates to the fact of there being expeditious means of journey at present. The Council will remember that in spite of more expeditious journies in England, a similar restriction has been placed even on people there. The argument put forward by the Honourable Mr. PAREKH that in England the restriction was laid down, because the Member elected had no voice in refusing the obligation put upon him for standing on the Council but that he must, as soon as he was elected, take part in the local Council, has now fallen to the ground by the suggestion just made in the Council that the obligation arises only after election and that there is nothing to prevent him from not standing as a candidate. But even accepting the argument as it stood and as it was put forward by the Honourable Mr. PAREKH, it follows that a Member in England is required to be a resident. It is accepted that if he is elected he can refuse the honour and if he accepts the honour he has to fulfil the obligation of residing within seven miles of his municipal district in order that he can take an intelligent part in the municipal affairs of that district. This goes to prove, even as put forward by the

Honourable Member himself, that whoever cares to be a Councillor must also take care that he is in a place where he can give the best of his brains, the best of his powers, the best of his knowledge, for the City or the place which he takes himself the honour of representing.

A great point has been made of the argument that there has been no hardship proved and no case cited. Now, Your Excellency, it must be remembered that these provisions have not been taken in hand to remedy past evil at all. At least that is my point of view. I say that it is taken in hand with a view to create agencies which could take intelligent part in the administration of the municipal affairs in order that the cause of the Local Self-Government may be furthered; indeed, it is possible only for local people to take interest in local affairs, and if you bring in absentee men it stands to reason that it is not possible always for these men to devote as much attention as those who are residents. What I have already said also takes in most of the arguments of the Honourable Mr. PAREKH. Mr. PAREKH has further said that people who may be willing to sacrifice their time and money should not be debarred. But may I ask if with all this desire to make the sacrifice, granted that there is the willingness to take part, is it physically possible for these men to every now and then run down to the municipalities on which they have the honour to stand? I have deprecated the mention of names in this matter—I mean with regard to the point raised as to who are debarred from, and who should not come to, the Legislative Council. I am not going to touch that question at all. But in spite of that desire not to mention names, may I ask the Honourable Member who represents the Municipalities in the Northern Division how many times in the year he has found it necessary to run down from Bombay and attend the affairs of the Municipality of which he is a Councillor. If he searches his own memory, I am quite sure he will find, and he must confess that it is not easy, for an absentee Member to attend Meetings as easy as it is for Members who are on the spot. This clearly must show that local Members can take greater interest in Local Self-Government.

Most of the Honourable Mr. PATEL's arguments have been answered by what has gone before, and I do not think I should take the time of the Council any longer on them.

I have also met Mr. SETALVAD's suggestion that there should be no distance limit and argued that it is the proportionate rights that are intended to be given under this amendment. It is a question of the capacity of the man to take interest in local self-government and in the direct proportion to that capacity alone can a voter or a candidate enjoy these rights. Issues sometimes seem to have been mixed up. It has been argued here that even though he be a tax-payer, a non-resident tax-payer has not been allowed any voice. But that is not so. He is allowed a voice in voting but he is not allowed to stand as a candidate. If that difference is kept in view, probably no hardship will be felt. I think the onus of proof that the Honourable Mr. SETALVAD said rested on the Honourable Mover of the Bill has been clearly met. I admit that onus does certainly rest on the man who has brought forward this innovation. I accept that onus, but do hope that the Council will agree that, I have tried to meet it sufficiently successfully. Of course, as suggested by the Honourable Mr. SETALVAD, the heavens are not going to fall if the new clause is not accepted, but at the same time I am bound to say that local self-government is certainly going to undergo a great detrimental effect.

Now there is one point which is raised very pertinently in this discussion and that is a point on which I think an answer is necessary. It has been said that if Government are going to restrict a tax-payer's eligibility for a candidateship, why should not Government themselves take care that they shall always nominate their nominated Members who are resident in the particular municipal area. It has been suggested that a particular Thakore in the Northern Division has been a President of a Municipality. Now when arguments are put forward in which sentiments loom largely, reason sometimes takes the second place. I may mention, as I said before, that it is not with a view to remedy any evil in the past, that this step is taken. The idea is to further the interests of local self-government, and if Government are prepared to force those restrictions, Government are also prepared to say that whenever a case of a nominated Member arises they shall always take care to nominate people who belong to the local area. As I said before, these instances of the past are no good. The case for complaint will only arise if Government, after this Act comes into force, nominate people from outside: and then there will be time for this Council as well as for any other body to represent to the Government that the principle that has been so forcibly enunciated has been in this particular instance departed from. I have His Excellency's permission to assure the Council that Government will always take great care in the matter of nominating their nominated members from those who are residing in the local areas concerned.

The Honourable Sir PHEROZESHAH MEHTA :—Then why not put it in the Bill?

The Honourable Mr. PATTANI (continuing):—I do not think there are any rules in the existing Act which regulate Government nominations and the other difficulty is, I must explain at once, that Government must appoint certain officials, and officials cannot be expected to remain in places where these Municipalities are. But with regard to non-official nominated members, I have been asked to announce that Government will always take great care and the case will arise only when, after this assurance in full Council, Government depart and deviate from what has been explicitly put here.

With these remarks, Your Excellency, I suggest that the motion be rejected.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE spoke as follows :—Your Excellency, when I stood on my legs to move this amendment, I least expected that it would occupy something like three hours of this Council. Though I am sure as to the fate this amendment will receive, still I am glad for one fact, and that is that it has evoked a very intelligent and a sharp criticism from almost all members of this Council. Arguments have been advanced in favour and against the amendment which I have proposed. It is not necessary for me to go over the same grounds again, but as I have a right of reply, I should, in my own humble way, try to place my own view about the objections that have been pressed forward by several Honourable Members against the amendment. In the first instance I must say that I refrain from referring to a point which the Honourable Mr. SETALVAD referred to in his speech, because, I think, for a junior member like myself it will not be discreet enough to discuss it. There are others abler than myself who will, when opportunity comes, take care of that question. But at the same time I am very thankful to my friend the Honourable Mr. CURTIS for the frankness with which he has told us as to one of the reasons for this amendment being that Government wanted to see that men from Bombay do not make themselves eligible for being returned to Councils through Mofussil Municipal Corporations. Apart from

this there is one thing to be said to Your Excellency on this account; this is after all a side issue and I am quite sure Your Excellency's Government will not allow this side issue to influence the discussion and the decision of this amendment which I think stands on quite an independent footing. My Honourable friend Mr. KHANDALAVALA and other friends have stated "what are you doing by proposing this amendment? You call it local self-government and you want men from outside the local limits to serve on your Municipal Bodies". True. I bow to the soundness of the argument they have advanced. It is never my desire and it would be never my desire to say that those who really do not take interest should have the least chance of coming and serving upon Municipal bodies. It was out of a desire to see whether this franchise has been ever abused that I wanted an information upon that point; it is not forthcoming for one reason or another. The Honourable Mr. BARROW fairly stated that it was not possible to supply that information, because, how could it be said whether the local representatives would have worked better instead of representatives coming from outside places? That was rather a difficult question to answer, I do admit. But at any rate there was no difficulty for the information being supplied on the point as to how many such representatives have been serving on the several local Municipalities during the last 12 or 13 years. On that point, I think, Government was perfectly in a position to supply information. My position is this: What is the occasion for amending our legislation? The very idea that we have to amend a particular enactment shows that the necessity for the change is felt. No doubt the Honourable Member in charge of the Bill said we have taken up this amendment as we have become wiser. But wiser in spite of experience? I think not. If experience has made us wiser we are perfectly entitled to take up legislation in hand. My point throughout the speech and in giving a minute of dissent on this particular section was that though it is necessary and desirable in every way for efficiency in Municipal administration that local representatives should be returned still so long as there has been no abuse of that exercise of the power, there arises no occasion for such an action. That is the position which I have taken from the beginning, that is, from the time when this question was under discussion before the Select Committee.

Then, Sir, there is another point to be noted in connection with this question. The Honourable Member in charge of the Bill referred to a complaint on the ground that Government does nominate or at least the Government has a right to nominate gentlemen even though they do not reside within Municipal limits; and I was glad to hear the assurance that it would not be done at least in the case of non-official gentlemen. But he at the same time said that no amendment in that direction is necessary until there was such a case or until such an occasion did arise. If I can reply in the same strain and in the same way, I should say, better why not wait until we are convinced that the electors have been exercising the existing right to the utter detriment of their own interest and that they have abused the power given to them. Then alone there will be time for us to reconsider the provisions of section 12 and take up legislation in hand.

Then the Honourable Mr. BARROW said that this was a safe-guard against not a contingent evil, but an evil of a speculative character. It won't look well for us to take up legislation, because we apprehend a certain danger. If we have basis, if we have any evidence before us, from which we can conclude that there is a reasonable probability of the apprehension being proved to be true, then do take up that legislation in hand

against it. But in the absence of such a state of things no precautionary measure is needed. That is what I have to say against the argument urged by my Honourable friend Mr. BARROW.

The Honourable Mr. CURTIS put the case the other way. He said in reply to my argument that though ever since the introduction of Act II of 1884, we have not got such a restriction, there was good reason for it. There were no railway communications, in fact as many conveniences as we have now, and the people were not expected to go far away from their own places and exercise their rights in the way in which they are now apprehended or expected to exercise. Well, I submit that even with expedition and convenience of travel and other things, have we any appreciable instances during the last 25 years where advantage has been taken of this privilege? I think no case seems to have been made out for engrafting that amendment in the old Act III of 1901.

Then, Sir, he cites English authority. Of course I must confess my inability to reply to him in that respect. But I have made an humble attempt and I speak with the greatest diffidence on that point not having known anything first hand of English Constitution. I read a passage in a Lecture given in the year 1907 by Professor Goodnow and I find therein that 68 out of 118 elected members of the London County Council live outside of their districts. I have already stated that this is subject to correction. I find that in some cases the residential disqualification does not exist even in the English enactment. Whatever it may be, we must decide our case on its own merits and if it is not really advantageous to take the analogy of English law for our guidance, why go to that enactment and try to incorporate that in the present amending Bill? Then the Honourable Mr. BARROW said, "well we know what our elections mean, we know how intelligently they exercise their rights." There may be some truth in what he says. But is not the same standard of intelligence, does not the same unsatisfactory state of things prevail in the case of returning local men? Why should a different standard be laid down for their intelligence, in the returning of local and mofussil men. If they are wanting in intelligence, if they are really not exercising their rights in a proper spirit, we have to deplore it. But I cannot see any ground upon which we can differentiate the case of one election from the other. And if we are depending upon their common sense, however poor it may be, then we have to give them a consistent treatment so far as their common sense is concerned, and I do not think for a moment that differentiation should be made in their capacity to choose local men and in their capacity to choose non-residents. Mr. BARROW further added that there is a very low minimum for eligibility of a voter and one who pays three or four rupees becomes eligible to vote and to be a candidate (that minimum is left to be determined by several Municipalities individually. Then how do you expect such a voter to be eligible as a candidate?) But that point has not great relevancy on the discussion of the present question. I would point out to the Members of this Council and to the Members of the Executive Council that I have made a similar suggestion by sending a representation to Government in the year 1912 and I do say that if it be the sense of this Council or if the Executive Government thinks that the standard for eligibility of a candidate ought to be greater than the standard which has been prescribed for a voter, I and many of us will be certainly in favour of it, because it is our persistent endeavour to secure intelligent and public-spirited good men to come and work on Municipal Councils and if that is our object, then every one of us will be in favour of having such a standard

differentiated from the standard of eligibility of a voter. When that question will come up before the Council, I will have an opportunity and other members also will have an opportunity to have their say, and I will not digress, because, I have sufficiently digressed on this point.

I was amused to hear the remarks of my Honourable friend Mr. HARCHANDRAI. He said that rich men might come and command votes of these people as if riches do not play a part in the ordinary local elections. These are arguments which ought not to be accepted because they are arguments which can be refuted by equally strong arguments, and if there are such temptations in the way of voters, they are none the less in the case of local candidates. I must confess that it may be due to my own lack of intelligence that I was not able to follow the reasoning of my Honourable friend from Sind. He said why should there be any restriction on those who come within the qualifications (a) to (d), and the same argument was referred to by the Honourable Member in charge of the Bill. In one case we have the property test, in the other case we have certain voters coming in on account of personal qualifications. If we were to remove the restriction of residence in the case of voters who come under clauses (a) to (d), we shall make the section most absurd and we shall be opening a wide *vista* for our election rolls in Mofussil Municipalities.

The Honourable Mr. PATTANI:—That question has not arisen yet. We have not decided that people with personal qualifications shall have freedom to reside outside.

The Honourable Mr. SATHE (continuing):—My only object in referring to this is to answer my Honourable friend from Sind who said something about it. I am quite alive to the fact that the question whether the limit should be 2 or 7 miles or 15 miles is yet an open question and we have to hear arguments on that amendment, but I am only referring to the fact when the Honourable Member from Sind says that why should there be a residential qualification in the case of voters who come in under clauses (a) to (d) and no similar qualifications in the case of tax-paying voters.

His Excellency the PRESIDENT:—I really think I must ask the Honourable Member to restrict his remarks to his amendment. It may be that the Honourable Member from Sind did not keep himself strictly to the amendment under discussion, but I must really inform the Honourable Member that he has taken a good deal of time in proposing his amendment and I must ask him to keep to his amendment entirely.

The Honourable Mr. SATHE (continuing):—I will not take any further time of the Council and if that was out of order necessarily my reply would be out of order. But in any case the fact is there whether the time has arrived when we should introduce the change which we are now trying to introduce by the amended Bill. I have had my sufficient say on the point and as all the *pros* and *cons* of the question have been placed before the Council, I am quite sure all the Honourable Members are in full possession of the facts to be able to give a vote on the question. With these remarks I resume my seat.

His Excellency the PRESIDENT:—My Honourable friend Mr. SETALVAD in the course of his speech made a suggestion, which he assured us he did not suggest, that the Government through this clause had a deep and machiavelian design against certain individuals, one of whom I understand is an Honourable Member of this Council, and I think it has a reference to other Members of whom he did not tell us, and he also went on to say—and I took down his words very carefully—that the Honourable Mr. PAREKH,

it was true, had his residence chiefly in Bombay and also was a Member of several Municipalities. Well, if that is a fact, let me say to my Honourable friend that I as the head of Government am all the more delighted that Government is proposing this particular clause to stop what I consider to be a most scandalous state of affairs that any Honourable gentleman in any part of the Presidency should have his residence in a particular City and be able to be a Municipal Councillor for several Municipalities in the Presidency. For after all let me assure Honourable Members who are moving this amendment that that is the defect which we are proposing to remedy. Now I do not wish to detain the Council any longer as I am quite sure they have heard quite enough on this particular amendment, but it seems to me, to put the matter very shortly, the whole question is this: We all wish, I am sure, to have the best people we can have in administering the local Municipalities, but the question as between us is this: Some of us think that we should have men, who live in a particular locality and whose interests are in a particular locality, to be Members of the Municipal Council, and on the other hand there are other gentlemen who say that they see no reason why an individual, who pays taxes in a particular locality although his commercial interests, and his place of residence may be entirely in another part of the Presidency, should not come and exercise his privilege as a Member of this Municipality where he pays taxes. Let me say to my Honourable friend Mr. SATHE that I think the real effect of this amendment is this: He has no confidence that in the Municipalities throughout the Presidency there are individuals, and a sufficient number of individuals to become electors and Members of those Municipalities, and he therefore wishes to spread the constituency out over the whole Presidency. Well I am glad to be able to inform him that Government have got more confidence in Local Self-government than that. Government are of opinion that Municipal Government is improving in all the Municipalities, that there are sufficient people of responsibility and thought in various Municipalities to provide a perfectly sufficient number in those various Municipalities. We wish to extend Local Self-government within a Municipality and to a fixed certain area outside. The Honourable Mr. SATHE and his friends wish to extend Local Self-government with the whole Presidency as their constituency. I sincerely trust that after these few observations Honourable Members will show their opinion in a very convincing way of the unsoundness of my Honourable friend's amendment.

The amendment was then put the vote and declared to have been lost.

At this stage the Honourable Mr. PAREKH rose to make a personal explanation and said:—Your Excellency, I have a personal explanation to make. So far as a reference has been made to me, I wish to state that I only represent one Municipality. I do not represent more than one Municipality. At present I am not representing any Municipality.

The Honourable Mr. SATHE then asked for a division which resulted in 12 for and 34 against as follows:—

Ayes.	Noes.
The Honourable Mr. Ghulam Muhammad valad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay, <i>presiding.</i>

- The Honourable Mr. Balkrishna Sitaram Kamat.
- The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
- The Honourable Sir Pherozeshah Merwanji Mehta, K.O.I.E., Bar.-at-Law.
- The Honourable Mr. Raghunath Purshottam Paranjpye.
- The Honourable Mr. Gokuldas Khandas Parekh, LL.B.
- The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.
- The Honourable Mr. Abdul Hussein Adamjee Peerbhoy.
- The Honourable Mr. Manmohandas Ramji.
- The Honourable Ráo Bahádúr Ganesh Krishna Sath
- The Honourable Mr. Chimanlal Harilal Setalvad, LL.B.
- The Honourable Mr. Shridhar Balkrishna Upasani.
- The Honourable Sir Richard Amphlett Lamb, K.C.S.I., C.I.E., I. C. S.
- The Honourable Mr. Prabhashankar D. Pattani, C.I.E.
- The Honourable Mr. W. D. Sheppard, C.I.E., I. C. S.
- The Honourable the Advocate General.
- The Honourable Moulvie Rafuddin Ahmad, Bar.-at-Law.
- The Honourable Mr. R. P. Barrow, I. C. S.
- The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
- The Honourable Mr. T. W. Birkett.
- The Honourable Mr. Fazalbhoy Meherally Chinoy.
- The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
- The Honourable Dr. D. A. D'Monte, M.D., L.B.C.P. (Lond.), L.M. & S
- The Honourable Dewán Bahádúr Kashinath Ramchandra Godbole.
- The Honourable Mr. W. L. Graham.
- The Honourable Mr. G. W. Hatch, I. C. S.
- The Honourable Sheikh Gulam Hussein Hidayatallah, LL.B.
- The Honourable Sir Jamsetjee Jeejeebhoy, Bart.
- The Honourable Mr. J. E. C. Jukes, I. C. S.
- The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.
- The Honourable Mr. Navroji Dorab i Khandalavala, LL.B.
- The Honourable Mr. Jehangir H. Kothari.
- The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
- The Honourable Sardár Sir Chinubhai Madhavlal, Bart., C.I.E.

Ayes.

Noes.

The Honourable Mr. J. A. D. McBain.

The Honourable Mr. G. P. Millett.

The Honourable Ráo Sáheb Venka-
tesh Shrinivas Naik.The Honourable Mr. E. Ferrers
Nicholson.The Honourable Ráo Bahádur Ra-
manbhai Mahipatram Nilkanth,
LL.B.The Honourable Sir Ibrahim Rahim-
toola, Kt., C.I.E.The Honourable Ráo Bahádur Shri-
niwas Konher Rodda.

The Honourable Mr. W. H. Sharp.

The Honourable Sir Frederick L.
Sprott, Kt.The Honourable Mr. E. G. Turner,
I. C. S.The Honourable Mr. Harchandrai
Vishindas, LL.B.

His Excellency the PRESIDENT:—Item No. 5 (a), the Honourable MOULVIE RAFIUDDIN AHMAD.

The Honourable MOULVIE RAFIUDDIN AHMAD spoke as follows:—Your Excellency, I certainly have not got much to say upon this amendment. After the lucid debate that we had I appeal to Your Excellency's Government now that it is declared authoritatively that even nominations will be made of people who reside within or near the area of the Municipal Districts, that it would be even harder for people who are a little further off than 2 miles to be excluded from being Councillors or voters in a Municipal District. My Lord, this case is altogether different from the amendment which was just discussed, because in this case there are professional men and business men who do their business the whole day almost in the city, who take a lively and active interest in the affairs of a Municipal District, though they happen to be living outside for particular reasons. So I believe this is altogether a different case and therefore this ought to be accepted. It may be said that the limit of 7 miles would be a little too wide. But then, my Lord, I do say that if an arbitrary limit has to be placed, then it is much better to follow the English law and take the 7 miles limit. It would be prudent for many considerations, though I confess three or four miles or perhaps 5 miles would have satisfied me, but it would be in conformity with the rules that obtain in England. I think there will be no grievance whatever if the 7 miles limit is adopted. In England my Honourable friend Mr. CURTIS tells us that it is 15 miles for a County, and I have just heard my Honourable friend telling me that as many as 50 per cent. reside outside the County. That is all the more reason for us to see that many more people are

enabled from a reasonable distance to come and attend meetings now that there are greater means of locomotion, namely, motor-cars, etc. Also in view of the fact that the Town Planning Schemes will come into force for all these places, it would be wise for us to adopt this 7 miles limit.

The Honourable Mr. VITHALBAI JHAVERBHAI PATEL spoke as follows:—Your Excellency, I beg to support the amendment moved by my friend, the Honourable Mr. RAFIUDDIN. I think that the present state of development of the country and the easy modes of communication do make it easy for Members residing within 7 miles of a particular Municipal District to go and attend Municipal meetings if they like. There is a case in point—say, for instance, Bandra. People residing within 7 miles could easily go and attend meetings of the Bandra Municipal Board and there is absolutely no reason why such people, if they pay taxes, should not come in.

The Honourable Sir PHEROZESHAH :—What about people from Kirkee?

The Honourable Mr. PATEL (continuing) :—If Kirkee is within 7 miles of Poona and has a Municipality, people from Kirkee will not be allowed under the amendment to be on the Poona Municipal Board. Under these circumstances I should like to support the amendment of my friend the Honourable Mr. RAFIUDDIN.

The Honourable Ráo Bahádur SHRINIVAS KONHEER RODDA spoke as follows:—Your Excellency, I do not know with what object this 7 miles limit has been proposed instead of two miles which was arrived at by the Select Committee. No town in the mofussil has people residing outside the Municipal District at a distance of 7 miles. Now, my Lord, 7 miles is a very large area and in mofussil towns to go 7 miles and to come 7 miles is rather a very difficult task. Now, taking places like Gadag and Hubli, within that area of 7 miles forming a group of villages, anybody can live anywhere. But in big towns, it is necessary that there ought to be a particular limit and with that view the present condition of two miles which has been laid down is quite sufficient. I therefore think that the 2 miles limit should be retained, and I accordingly oppose my Honourable friend's amendment.

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows:—Your Excellency, it is rather difficult for me to follow my Honourable friend Mr. RODDA. It seems to me that the Honourable Member is labouring under an impression that it is compulsory for any member to reside at a particular distance from a Municipality. If I have understood aright the amendment proposed by my Honourable friend Mr. RAFIUDDIN it means this: That any gentleman who chooses to live within a distance of seven miles from any Municipal area may be allowed to stand as a candidate in a Municipal election. We know that in these days in which sanitation is advocated on all sides people choose to build bungalows in convenient places and they live in those bungalows. It is to enable gentlemen of education who work in towns in which there are Municipalities but who choose to live on sanitary grounds in well-ventilated bungalows outside those towns that this limit is intended. It is to enable such people to stand as candidates for election to a Municipality that the amendment has been proposed. If my Honourable friend Mr. RODDA labours under the impression that it is obligatory on any person to reside at a particular distance from any Municipal area, he is making a great mistake in my humble opinion. Now we know that many people in Bombay live at a distance

of several miles but they go to the city every day, do their business either in shops or in their offices but return home in the evening. It is to make provision for people of this kind that this amendment is proposed, and I think that it is very good that the distance is to be extended from two to seven miles. We know that in days of plague people sometimes live in neighbouring villages and some of them have to live there for months together. From my own experience I am able to say that sometimes we have to stay for six months outside our towns.

The Honourable Sir PHEROZESHAH :—How many miles from the Municipal area ?

The Honourable Mr. BELVI :—I live at a distance of three miles but there are instances in which my friends live even at a distance of ten miles from Municipal limits. In my part of the country we have heavy rains and it is sometimes necessary for us to find lodgings in neighbouring villages separated from Belgaum at a distance of four and five miles according to convenience. There are places in the Belgaum District like Athani in which it is absolutely impossible to build huts in days of plague. People of Athani have necessarily to reside in neighbouring villages and there are villages only at a distance of seven miles and more. It is to provide for men in this predicament that this amendment is designed and I think that it is a very useful amendment and I am therefore prepared to give my whole hearted support to it.

The Honourable Mr. RAGHUNATH PURUSHOTTAM PARANJPYE spoke as follows :—Your Excellency, I have to oppose this amendment, because, I do not think that the Council will logically be able to support it. I was first half tempted to find out how many Municipal limits are touched in a circle of seven miles radius from the house of the Honourable Mover of the amendment. But whatever that may be, I think that the Honourable Mr. BELVI's objection to living outside the city at a distance of ten miles or so during plague time cannot have any effect upon this because this means that the residence should be his principal place of residence. Plague hut is not a residence. A temporary residence outside will have no effect so long as it is not the principal place of residence, and again on the old argument of muddy roads and dirty water he will not have the advantage of muddy roads and muddy water (laughter) if he lives seven miles away from the Municipal area. So if you really want local men who would take keen interest I think the interest will be all the keener on the part of members who use the muddy water and muddy roads. On account of this if we are to be logical we ought to be quite strict and make the people live within Municipal limits (hear, hear). So I am not willing to extend this limitation, seeing the decision that the Council has arrived at on the amendment which has gone before.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows :—Your Excellency, this is a very simple question. The proposal only is that seven miles limit should be granted for people residing outside the Municipal Districts to come and vote and to stand as candidates. The Honourable Sir PHEROZESHAH MEHTA suggested that a man residing in Kirkee

The Honourable Sir PHEROZESHAH :—I only inquired and did not suggest anything.

The Honourable Mr. PATTANI (continuing) :—With regard to that inquiry I may suggest that if a man residing in Kirkee having personal qualifications is a man paying taxes then I believe he has a right to come and vote and stand as a candidate, because,

in these days of motor cars, it is just possible for the man within seven miles to come and take an intelligent interest; of course when the time of airships comes then the limit might be extended. Government, unless there is a strong opposition, is quite prepared to accept this amendment.

His Excellency the PRESIDENT :—Does the Honourable Member wish to reply ?

The Honourable Moulvie RAFIUDDIN AHMAD :—I think I need not reply.

The amendment was then put to the vote and carried.

His Excellency the PRESIDENT :—Item No. 4, the Honourable Moulvie RAFIUD-DIN AHMAD.

The Honourable Moulvie RAFIUDDIN AHMAD spoke as follows :—Your Excellency, I was rather sorry to hear my Honourable friend Mr. PATTANI refusing to extend the professional men and people possessing personal qualifications the same rights as are granted to property holders. Well, I have not heard any intelligent reason for it. I should say, Sir, that it is a very great injustice. I am ready to believe that many professional people who have got personal qualifications are also property holders. But as a matter of principle I want to protest against any legislation which has the effect of raising property above intellect.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows :—Your Excellency, I beg to oppose this amendment. I must say that my Honourable friend Mr. RAFIUDDIN was not present in the Select Committee when intelligent reasons were given against this amendment. He now wants to know what intelligent reasons there are which prompted the Select Committee to drop the proposed change. Take one single case. Take the case of Bándra. Now if you allow people residing within seven miles of the Municipal limits of Bándra to become voters and candidates although they do not pay taxes, the result will be that you will have people from Santa Cruz, people from Andheri and people from several other villages on the Bándra list. People who are Honorary Magistrates, professional gentlemen as Advocates, Pleaders, Jurors and Assessors and all such people residing within seven miles of Bándra will come in as voters and candidates and the list will be swelled like anything and may I tell the Council that such people neither residing within the municipal limits nor paying taxes have absolutely no interest in the administration of the Bandra Municipality, and therefore they have no right to be voters or candidates for that Municipality. Under these circumstances and considering these arguments the Select Committee dropped the suggestion of two miles limit proposed by the original Bill and curiously enough my Honourable friend proposes seven miles limit. I strongly oppose any such change and therefore oppose the amendment.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows :—This again is a very small matter. The real fact is this. The man with personal qualifications enjoys a privilege. The man who is a tax-payer enjoys it as a right. He can demand it, because, he has interest in it for which he pays a tax. The man with personal qualifications has no doubt the capacity to administer the affairs but unless he contributes by his residence in the place, towards the revenue of the municipality, or shows a desire to take part in the administration of the municipality, which he could only do, if he is residing on the spot he should not have this privilege allotted to him. After all it comes to this: That there should be no representation without taxation. He pays no taxes, he

has the capacity but he has not the living interest in the municipality. On these grounds Government are disposed to think that the amendment should not be accepted.

The Honourable MOULVIE RAFIUDDIN AHMAD spoke as follows :—My Lord, I can only say as the Honourable Mr. PATEL has pointed out that I was not present in the Select Committee when this amendment was discussed. But I am not at all convinced by the explanation that has come from the Honourable Member in charge of the Bill, and I think it is most illogical to say that people who contribute by money and those who contribute by brains cannot be put on equal terms.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT :—Item No. 5 (b). The Honourable Moulvie RAFIUDDIN AHMAD.

The Honourable Moulvie RAFIUDDIN AHMAD :—I beg to withdraw the amendment.

The amendment was by leave withdrawn.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows :—Your Excellency, I should think my honourable friend is perfectly wrong in withdrawing his amendment No. 5 (b). I should certainly have not supported his previous amendment if I had been told that he was going to withdraw amendment No. 5 (b), because both, in my opinion, go together.

His Excellency the PRESIDENT :—I am afraid the honourable member is too late. I am extremely sorry that he did not realise the situation when I put the amendment to the vote. I have just now ruled that the amendment is by leave withdrawn.

His Excellency the PRESIDENT (after a pause) :—On the whole, I think, that I should withdraw my suggestion to the honourable member. If he wishes to propose the amendment I will let him take charge of it.

The Honourable Mr. PATEL :—I would like to move that amendment. The amendment that I am going to move is No. 5 (b), and it says :—Add at the end the words “provided that the place of his residence within 7 miles of such limits is not in any other municipal district”; I move that these words be added as proposed. When I was supporting the first part, namely, 5 (a) of the amendment, of which my Honourable friend has given notice, my honourable friend Sir PHEROZESHAH MEHTA during my argument inquired if a man living in Kirkee was entitled to become a voter or a candidate in the Poona Municipality, and then I replied that he could not, because, Kirkee had a municipality.

(A voice: No, Kirkee has not got a municipality.)

The Honourable Mr. PATEL :—I was told then that it had. I supported amendment No. 5 (a) on the understanding that amendment No. 5 (b) was also going to be moved. Now that the Honourable Moulvie RAFIUDDIN has withdrawn it, I have with His Excellency's permission moved it and I say that the Council should accept it. We have by accepting amendment No. 5 (a) of the Honourable Mr. RAFIUDDIN enabled a person to be a voter or a candidate in a municipal district although he lives within seven miles of the limits of that district. My contention now is that the place of residence although within seven miles must not be situate within the limits of another municipal district; otherwise that person will obtain a right to vote or be a candidate at both the places. Under these

circumstances, I hope the Council will see their way to consider this question and add the words proposed to be added.

The Honourable Mr. RAGHUNATH PURUSHOTTAM PARANJPYE spoke as follows:—Your Excellency, I wish to point out to the honourable member that this will not attain the object that he has in view. Suppose, for instance, two municipal districts are contiguous to each other and a man is just outside the limits of both the municipal districts, in that case nothing will prevent him from becoming a voter in both cases. But only if he is unfortunate enough to live within the limits of one of the municipal districts, he will be entitled to be a voter in that district alone. I think this is an absurdity on the face of it. If it is proposed to enact that no person shall be a voter in more than one municipal district, the clause required shall have to be somewhat on the lines of the plural voting Bill; but I think that the added clause will not have the desired effect.

The Honourable Mr. BALKRISHNA SITABAM KAMAT spoke as follows:—Your Excellency, I may just point out to my Honourable friend Mr. PATEL, that the two municipalities, the Suburban and the City Municipalities of Poona are contiguous municipalities, I mean they are within two or three miles of each other. If this amendment were accepted what happens is that a man will not be qualified to be a member of the Suburban Municipality although he may be desirous of becoming a member there, and may be capable of attending the business of that municipality. I therefore think that this proviso should be dropped in order to enable some people who are anxious to take interest in both the municipalities to do so, provided they have a contiguous area like the Poona City and Suburban Municipalities. There should be no bar on such people interesting themselves in contiguous Municipal Boards. For these reasons I oppose the motion of my Honourable friend Mr. PATEL.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency, it is necessary to make this point a little clearer, and then the Honourable Mr. PATEL might himself consider whether he should press it. The point in question is this. This amendment proposed by the Honourable Mr. RAFIUDDIN and since dropped by him refers to a candidate or a voter who has property in more than one place. This has nothing to do with personal qualifications at all. It only applies in cases where a man who wants to vote in two places owns property in both the places in which he pays taxes. That is really the question. Now I put it to the Honourable Mr. PATEL whether after this two mile limit being extended to 7 miles, he would not give the tax-payer an opportunity in these days of expeditious conveyances,—a property holder, a house-owner and a tax-payer, if he is able to take interest in the two municipalities taking advantage of his rights under the Bill. It has nothing to do with personal qualifications at all, but only relates to tax-payers and property-holders; and if the honourable member thinks that in spite of this explanation he is in favour of retaining the proposed amendment, the question will be left open to the good sense of the Council to decide as they please.

The Honourable Mr. PATEL:—With Your Excellency's permission I beg to withdraw the amendment which I have moved.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT:—The Honourable Mr. PATEL's amendment will lapse as it has the same effect as the Honourable Mr. SATHE'S. The same remarks apply to the Honourable Mr. UPASANI'S amendment.

His Excellency the PRESIDENT :—Item No. 10, the Honourable Mr. NAIK.

The Honourable Mr. NAIK :—My object for the change of these words is

The Honourable Mr. PATTANI :—Probably it will save the time of the Council if I say at once that Government is prepared to accept the amendment proposed by the Honourable Mr. NAIK.

The Honourable Mr. NAIK :—I thank the Honourable Member and the Government.

The amendment was then put to the vote and carried.

His Excellency the PRESIDENT :—Item No. 11, the Honourable Moulvie RAFIUDDIN.

The Honourable Moulvie RAFIUDDIN :—This is necessary because this forms part of the other amendment. For the word “two” *substitute* the word “seven”. It is consequential.

The amendment was then put to the vote and carried.

The Honourable Mr. PATTANI :—Government is prepared to accept this amendment.

His Excellency the PRESIDENT :—Item No. 12. Mr. UPASANI.

The Honourable Mr. UPASANI :—I beg to withdraw my amendment.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT :—The Honourable Mr. PATEL.

The Honourable Mr. PATEL :—I also beg to withdraw my amendment.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT :—The Honourable Mr. PAREKH.

The Honourable Mr. PAREKH :—Mine is a consequential amendment, so I withdraw it.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT :—Clause (4). The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows :—Your Excellency, my amendment is only to omit the words “undivided family” in lines 3 and 4 of the last paragraph of the clause (reads). In the case of an undivided family, my Lord, generally if there be a property qualification, the property is entered in the name of some one individual who will be entered on the roll as a voter with reference to that property qualification and if any other members have personal qualifications each individual is entitled to come in on the ground of his personal qualification, and so the case of an undivided family would not naturally come under the other cases which are referred to in this clause. If they have one property it stands in the name of one person. If two or more they may stand in the names of two or more members of the undivided family. If there are three or four members in a family one may be a Pleader, another may be a Fellow of the University, and so on. In such cases if we allow only one vote to the undivided family we unnecessarily reduce the number of votes to which that family would be legally entitled. An undivided family should therefore, I think, be excluded from the clause.

The Honourable Mr. PATTANI :—We have no objection to accept that amendment.

The amendment was then put to the vote and carried.

Clauses 3 and 4 were then put to the vote and carried.

His Excellency the PRESIDENT :—Clause (5). The Honourable Mr. PAREKH.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows:—Your Excellency, the object of the amendment that I propose is to leave section 15 in the same form in which it is under the existing Act. The reason why I move this amendment is that it is proposed that the words “as debaring him from re-employment” should be removed. I think that it is not proper to remove these words. Dismissal from Government service may be for various reasons and some of those reasons may not at all signify any moral depravity. In cases where a man is not guilty of any improper conduct which would make him unworthy of serving on a municipality he should not be debarred from serving as a Municipal Councillor. Government often state that this dismissed officer is debarred from re-employment in the public service. I think only in those cases where Government specify in their resolution that a man has been dismissed on account of moral turpitude, that the man should be disqualified, but not otherwise.

The Honourable Mr. G. S. CURTIS spoke as follows:—Your Excellency, I should like to point out that the only effect of the amendment which we propose in the Act is to bring the law in conformity with the existing practice. The former practice of Government was to notify all persons who had been guilty of heinous offences as debarred from further employment. Under the orders of the Government of India, that practice is now stopped. The present procedure is to notify the fact of dismissal in the *Bombay Government Gazette* and that is only done in cases of very heinous offences. The omission of the words “debarred from further employment” is merely to bring the Act into consonance with the existing practice.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA spoke as follows:—Your Excellency, the Honourable Mr. CURTIS just now said that the present practice is to notify in the *Government Gazette* only cases of heinous offences. Will he refer us to the Government resolution in which this subject is dealt with?

The Honourable Mr. CURTIS:—I do not remember the exact number of the resolution, nor can I give the exact wording of the resolution. I have not got the resolution by heart I am afraid.

The Honourable Mr. LALUBHAI:—Is the resolution here now?

The Honourable Mr. CURTIS:—No, it is not here.

At this stage a consultation took place between His Excellency the PRESIDENT and the Honourable Members of the Executive Council for a few minutes.

The Honourable Mr. SETALVAD:—May I suggest, Sir, that if this clause requires consideration it may be kept back from consideration and dealt with to-morrow.

The Honourable Mr. PRABHASHANKAR D. PATANI:—The question on the part of Government does not require any further consideration at all, and if any honourable member is not disposed to speak on the amendment of the Honourable Mr. PAREKH, I am prepared to make a reply to that.

(After a pause.)

I believe that there is no honourable member who is going to support this, and I will therefore go on with what I have to say on the subject. The position is this: in the original Act the words that the Honourable Mr. PAREKH wants to be inserted do exist. But they have been taken out by the resolution of the Government of India which we cannot publish

without the permission of the Government that issued it. It has been ruled that in future when a dismissal is gazetted, there is no need at all of showing the reasons to justify the dismissal of any officer, and it has been also ruled that while dismissals will be gazetted, removals from office shall never be gazetted, so that removals from departmental inquiries will not debar any removed servant from standing as a candidate. Only those dismissed will be debarred and therefore there need be no hardship. Dismissals can be only for heinous crimes or misconduct or heavy offences proved. After this explanation I trust that the Honourable Mr. PAREKH will be convinced that there is no further need for adding the words that he has now proposed to add.

The Honourable Mr. PAREKH :—As I understand from the Honourable Mover of the Bill that a man will be debarred from serving on a Municipal Committee only in case of dismissal on account of heinous crimes or misconduct or heavy offences proved, I would submit that some such words should be added that no dismissal on other grounds may render him unfit for municipal work.

The Honourable Sir RICHARD LAMB spoke as follows :—With Your Excellency's permission I would add one further word of explanation. I should like to point out that if we were to read the clause as the Honourable Mr. PAREKH proposed, the clause would become absolutely inert. What he proposes to read is "having been dismissed from Government service, such dismissal having been notified as debarring him from re-employment". That is what he proposes to read. We do not ever notify as debarring from public employment. We do not use the word "debar" at all. We simply notify the dismissal, and that is all. And since we do not notify as debarring from re-employment, it will be absolutely useless, and render the clause totally inert, if you insist that the dismissal shall have effect only when those words are added. What he proposes is that the disqualification imposed by section 15 (e) (ii) shall have effect only when the dismissal is notified as debarring from public employment. The fact is, that we notify the dismissal only without saying one word more. Therefore since we never notify those words, the clause itself would become absolutely inert. I do not know whether I have yet made it clear, but that is what the point is.

The Honourable Mr. PAREKH :—After the explanation that has been given, I withdraw my amendment.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT :—Clause (5). The Honourable Mr. RAMANBHAI.

The Honourable Ráo Bahádúr RAMANBHAI MAHIPATRAM NILKANTH spoke as follows :—Your Excellency, I move that provision (vi) to clause (f) of section 15 (1) be amended by adding the words "or hire" after the word "purchase". Section 15 (1) prescribes that certain circumstances shall be disqualifications for becoming a municipal councillor and one of these disqualifications is having an interest in a contract with the municipality. Under sub-section (2) of the same section this disqualification if acquired after becoming a councillor terminates the councillorship. Now the expression "contract with a municipality" is a very wide term and the purchase of a few flowers from a municipal garden would be a disqualification. To remedy this, this section is being amended by this Bill by including certain purchases in the exemption clause. I would point out that hiring is also a contract and the hiring of bunting or flower pots from the municipality on festive occasions ought not to be a disqualification.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Government have decided to accept the suggestion of the Honourable Mr. RAMANBHAI in some modified form. To include the word “hire” here would not carry out the intention of the honourable member, and it is therefore suggested that the same amendment may be accepted in the form that I now place before the Council. I would substitute in sub-clause 2 (a) clause 5 for the word “proviso” the word “provisos”. We make a separate proviso providing for “hire from” and “hire to” the municipality and therefore it is necessary that instead of one there shall be two provisos. (Here reads the Government amendment.) That is the amendment suggested in lieu of the amendment proposed by the honourable member and I believe that it will be accepted by the Council.

The Honourable Mr. HARCHANDRAI VISHINDAS:—May I inquire from the honourable member of the effect this amendment will have on the hire of a steam-roller by a municipal councillor for use inside his house? Will that depend upon the value of the steam roller or on the value of the work done?

The Honourable Mr. PATTANI:—On the value of the article. The wording that the honourable member read showed the value of the article.

His Excellency the PRESIDENT:—Does the honourable member wish to withdraw his amendment?

The Honourable Mr. RAMANBHAI:—Yes, my Lord.

The amendment as amended was then put to the vote and carried.

Clauses 5 and 6 were then put to the vote and carried.

His Excellency the PRESIDENT:—Clause (7). Honourable Mr. SATHE.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE spoke as follows:—Your Excellency, at this time of the day I do not think I should make a long speech, particularly because I have stated at sufficient length the reasons and grounds on which I ask the deletion of this clause. If we look at the Statement of Objects and Reasons which was submitted to this Council last March, we find that it is the desire of Government to secure purity in our elections, and every effort which is directed to attain that object is to be welcomed. With a view to ensure that purity in elections we have introduced another clause in the section by which we have penalised certain corrupt practices by making it an offence under the latter clause of the same section. The question now before us is whether, in addition to the rights which the electors and candidates have already got to come forward and set aside elections by making applications to the District Judge, the Collector should be invested with the power of taking the initiative and moving the District Judge like an ordinary applicant in the position of an elector or of a candidate. The section, as it is, appears to be really a wholesome one; it is not the principle which is to be looked at in such cases, but it is the way in which that principle will be worked out. If I am able to convince honourable members of this Council that the way in which the section will be worked out will be more to the prejudice of the candidates and voters, and that it will supply an easy handle to most unscrupulous people to prejudice the Collector with anonymous applications on those points, I think this amendment of mine will be accepted. Ordinarily we have 10 days during which election petitions have to be filed, and every one of us who has had experience of municipal elections in the mofussil is aware of the

fact that no election goes unchallenged and there are applications made to the District Judge either by voters or candidates to set aside elections. In fact, what I want to make out is that this right is being freely exercised by those whose interests are affected by corrupt practices adopted by one side or the other. If a responsible District Officer like the Collector is informed of any corrupt practices having taken place in municipal elections what would he do ordinarily? Looking to the various responsible duties he has to perform, he will necessarily have to transmit this business for enquiry to his subordinate officers (revenue or police), and it is not really to be expected of such an already heavily worked officer that he should give personal attention to these questions. The danger lies when these matters go into the hands of lower officers. I am ready to admit that if they are entirely left in the hands of such a superior officer like the Collector, we would be much safer in his hands, but when these matters can be dealt with by subordinate officers and a sort of enquiry is started, what would be the feelings of witnesses and persons who come forward to support the anonymous petitions which have already been submitted to the Collector? I think credit must be given to some of us who have experience in these matters, and we claim to know the ways and means that are adopted in bolstering up false claims and indirectly bringing before the Courts claims which people have not the courage or the means to bring forward on their own responsibility. Then, again, another effect, of which I am afraid, will be this: When an enquiry is started and if on such an enquiry the Collector is satisfied that he should take an action, the matter will come up to the District Judge. No doubt, much safety lies in the fact that the application is to be eventually decided by the District Judge, but if honourable members will only look at the question from the position of the opponents who are to oppose the application of the Collector and the dangers to which they are exposed and the difficulties which are placed in their way in bringing forward evidence in support of their cases, then I think honourable members will agree with me in thinking that an amount of labour and an amount of money will be required to meet such a case when it is started or launched by the Collector. If it is really required that he should have the power to start the prosecutions, the prosecutions in cases where corrupt practices are proved by enquiry before the District Judge, then the only answer I have to make is that everyone, including the Collector and District Magistrate, has a right to invoke the assistance of the District Judge to grant sanction for prosecution. If there is an apprehension on the ground that even notwithstanding the fact corrupt practices have come to light in the enquiry by the District Judge, there is a likelihood of both parties combining and stifling the penal clauses that we have now on the Statute Book, then I say that apprehension has no foundation. In such cases when an action has to be taken under criminal law anyone outside the purview of the enquiry whether he is a candidate or not, anyone can set the criminal law in motion and make an application to the District Judge for sanction against the delinquent and bring him to book. If that is really the object of investing the Collector with the power, I have no reason to complain; my complaint is that the Collector should not be authorised to start civil proceedings and my objection is based upon that ground alone. If any measure is required which would place the Collector in a position to move the criminal law, a provision to that effect might be inserted but no provision is necessary because under the ordinary law he can move and secure sanction. There are other grounds also on which I move the amendment but all of them

have been sufficiently stated by me in my minute of dissent, and without taking up any further time of this Council, I beg to move the amendment which stands in my name.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD spoke as follows :—Your Excellency, I am going to support the amendment moved by the Honourable Mr. SATHE. This point was very much debated in the Select Committee and the conclusion arrived at was arrived at by the casting vote of the Chairman of the Committee. I am only mentioning this for the purpose of showing that there was a great difference of opinion even in the Select Committee itself with regard to this provision. Honourable members will see what it is proposed to do by this amendment. As the section stands at present, the validity of any election of a councillor can be brought into question by any person qualified to vote. Now, as the Honourable Mr. SATHE has pointed out, in almost every election which is held in the mofussil or held in Bombay the experience is about the same, *viz.*, that elections are questioned. So you cannot say that people who are interested in the election are not alive to their rights in the matter. There is no need really to devise one further agency that can interfere with regard to elections. Now, as the Honourable Mr. SATHE has pointed out, the proposed amendment is of such a wide character that it would enable the Collector to interfere not only when an offence has been committed, such as is provided in the amending section, but even where the validity of elections is questioned on grounds which do not bring in any corrupt practices at all. There may be many other grounds that one can conceive on which the validity of an election can be questioned. The words proposed are (reads). So he can apply to the District Judge on any ground whatever, not necessarily depending on corrupt practice. There may be technical grounds or any other grounds. If a person, a candidate, or a voter or any person interested feels aggrieved at any election, it is perfectly open to him in law to take steps. If he does not want to take the responsibility of openly doing so, he will move the Collector to take such steps. Now why should that be so? If a man has the courage of his convictions, there is nothing to prevent him from going to the Court and stating his case. Why is he afraid of doing it? The result would be that people who are not prepared themselves to go to the Court and make any statements or give evidence, may try to put up the Collector to take steps in the matter. It means, again, he may give the Collector information which may not be quite borne out after the ordinary test of Judicial evidence is applied. I submit it would not be safe for the Collector to act upon the information placed before him in that manner, and in every case he would be obliged to sift the matter himself to enable him to see whether he ought to take action on it. It means that, instead of one enquiry, we shall have two enquiries. In the first instance, people would apply to the Collector, who would have to satisfy himself in each case and will have a sort of preliminary enquiry, which means annoyance and expense to the opposing party, as the result of which it may be that he may put an end to the question or it may be that he may decide to take further action, in which case there will have to be a regular enquiry before the District Judge, which will be the second enquiry in that matter. Now is it at all desirable to do that? All that was suggested in the Select Committee was that it was possible. Mr. CURTIS said in his own experience he had found that in various places—that people who would have gone to the Court of Law to set aside elections are persuaded to think that their interests lay in not taking proceedings, and that therefore some petitions might be smothered in that way. Now take it to be so. Even then, is it desirable to allow the Collector to interfere in the matter? After all, it should be left to the people who are most concerned about it. If the candidates who

take part in the election feel aggrieved and want to take steps, they will do so. If they won't do it, why should we allow the Collector to interfere and take steps? We have no such interference in Bombay and we have no such interference in other places that we know of. As the Honourable Mr. SATHE has pointed out, it would necessarily lead to great annoyance and inconvenience to many people. The Collector cannot himself attend to all these things. His duties are multifarious, he is a very hard-worked man and he would necessarily have to take action on the reports of the subordinates whom he would ask to make enquiries. In these circumstances, I submit, Sir, that really no case has been made out why the Collector's interference should be provided for. As the Honourable Mr. SATHE has rightly pointed out, if it is intended that the Collector should have power to take criminal proceedings, if it is established after an enquiry in the District Court that some malpractice has been committed, and which comes within the penal operation of the Act, then, Sir, it is open to him to move the District Court to give sanction to proceed against the delinquent. Therefore, viewed at from any point of view, my submission is that any interference on the part of the Collector, instead of doing any good at all, would lead to unnecessary machinations to gratify personal feelings. As I say, all the necessities of the case are met by the present Act, which leaves it open to the parties interested to go to the District Court if there is a question of the validity of an election. Our experience has shown that they have always used that power, that privilege, and we have never heard of an election which has not been followed by various petitions to the District Judge for questioning the validity of an election. I submit, therefore, Sir, that this clause should be deleted.

The Honourable Mr. G. S. CURTIS spoke as follows:—May it please Your Excellency, as the case against the Bill was so forcibly put by the Honourable Mr. SETALVAD in the Select Committee, I have endeavoured to the best of my ability to ascertain, as far as possible, what has been done in other countries in order to secure the purity of elections. Now, Sir, I am not a lawyer, but the facts which I have discussed are so striking, and the principles therein enunciated are of such value, that I think perhaps I am justified in endeavouring to place them before this Council, so that they may receive the consideration which in my humble opinion they deserve. I beg to remind the Council first of all, the condition of law as it was and as it is. Under the old Act the option of instituting proceedings in the District Court was left entirely to private persons. In the Bill as it came before us at the March meeting you will find that opportunities to private persons of moving the Court were still left, but, in addition as I understand from section 21A of the draft Bill, the private person had the option of going to a criminal Court and prosecuting the person whom he believed to be guilty of corruption. If that section had passed into law it would have been left to a Second Class Magistrate to decide on the very difficult and very technical questions of illicit gratification. Accordingly, when the matter came up before the Select Committee, I tried, as far as possible, to eliminate proceedings before the subordinate magistracy and as a result you have the present section 21A. Under this section no criminal Court can take cognisance of a charge of bribery until there had been a preliminary enquiry in the District Court. But, Sir, if this principle is admitted to be sound, that there should be a preliminary enquiry by the District Judge before any criminal prosecution is undertaken, then I say it becomes absolutely necessary that

there should be some authority on the part of Government—I do not say that it should be the Collector or the Public Prosecutor, you may call him by whatever name you like—but there should be some person empowered on the part of Government to move the Court in the case of corrupt practices, where no private party is willing to act. I contend, Sir, therefore, that the principle that we propose to lay down is perfectly sound, that it is essential in the interests of the general good of the community that purity should be maintained at public elections, and that there should be some central body or authority charged with taking steps necessary to ensure that being done. Now, Sir, I propose to quote English practice in support of that principle. Under the English Acts passed in 1882, 1883 and 1884, an important change was introduced in the conditions under which elections were carried on, while the law left it open to private individuals to complain to the Courts, and a new officer called the Director of Public Prosecutions was created whose duty it is to take action of his own motion in cases where he suspects bribery and to attend the hearing of private complaints. There is further a statutory provision securing that no compromise of a petition with reference to corrupt practices shall be accepted without full information being sent to the Director of Public Prosecutions. Now, Sir, these are striking facts. In England the idea of a central authority, such as the Director of Public Prosecutions, is the creation of the last half century and, Sir, it is remarkable that authority to interfere with elections has been delegated to him. From this it is clear that impurity in elections is treated in England as a very serious offence indeed. It is treated as an offence, the concealment of which should not be allowed under any circumstances whatever, and it is held to be the duty of the central authority to follow it up, drag it to the Court and suppress it as far as possible. Now, I am not particularly keen on the Collector taking up the duties of a central authority in this respect. I am quite prepared, if Mr. SETALVAD thinks it desirable, to restrict his interference to the few cases of corrupt practices, pure and simple; I agree that the questions of the validity of elections and so forth should not come within the purview of his authority, but I submit that there should be some person charged on behalf of Government with the surveillance of public election, some person who can be trusted to see that the general level of morality does not fall low, and that this authority should have the power of asking the District Court to make a preliminary enquiry prior to the necessary proceedings being instituted. There is only one other remark that I have to make. As a matter of practice, the Collector could, if he likes, always move the Court. The Collector almost invariably is a rate-payer and, as such, he could approach the Court and ask them to make a preliminary enquiry, but that is perhaps rather a mean way of getting round the difficulty, and it would be very much better, I think, if the statute recognised his position in this respect and gave him power of moving the Court.

These shortly are the grounds on which I would urge that the power be given to the Collector as is now proposed. The authorities I quoted relating to elections are here and, if any honourable member wishes to look into them, they are welcome to do so.

The Honourable Sir PHEROZESHAH MEHTA :—Do they refer to parliamentary elections as well as local elections?

The Honourable Mr. CURTIS :—They refer to both.

The Honourable RAO Bahádur SHRINIWAS KONHEER RODDA spoke as follows:—Your Excellency, sections 22 (1) and 22 (a) were discussed at great length in the Select

Committee, and in the first instance, if my memory fails me not, there were four members voting in favour of the section and four against it, but when the Honourable Mr. CURTIS explained the whole thing, the matter was reconsidered and then there was, I think, no dissentient vote.

Now coming directly to the clauses, section 22 (1) is clear enough for those individuals who wish to dispute the validity of an election and have recourse to law. He is entirely at liberty to go to the District Judge. But circumstances in the mofussil are such that when there is an election, when there are two parties, when one gets the upper hand by means rather foul than the man who has not the courage to go and apply to the District Judge, because he is afraid of some mischief being done to him by the stronger party, to whom then has he to go for redress in such cases? Because he himself cannot take the initiative being afraid of the stronger man, therefore somebody ought to come to his assistance in such cases. That is the reason why section 22 (1) (a) has been inserted, because if the Collector sees that in elections any extraordinary cases crop up, then only he can exercise his right of applying to the District Judge if he has sufficient evidence to show that. What the Honourable Mr. SATHE apprehends is, he thinks that sometimes the Collector may have his ears poisoned and some person may go and speak to the Collector, but the Collector will not always be guided by such things, because this is a very serious matter, and he will give the matter his due consideration, and before applying to the District Judge, he will sift the whole evidence, and then only if he is satisfied, he will apply to the District Judge. So the protection of the Collector is needed in extreme cases, and not in the ordinary cases. In the ordinary way section 22 (1) (a) which has been inserted is a safeguard to prevent mischievous persons from taking undue advantage of the weaker party. With that view the Collector's interference in such cases is necessary. On these grounds I wish to oppose the Honourable Mr. SATHE's amendment.

The Honourable Mr. HARCHANDRAI VISHINDAS spoke as follows:—Your Excellency, I think it my duty to correct my Honourable friend Mr. RODDA who seems to be labouring under a misconception as to what actually happened in the Select Committee. He is quite right in regard to the version that he has given, that there was a division first, and there were four against four, but when he says that eventually there was no dissentient voice, he is mistaking the fact about the period and the actual merits of the section. After the first division when by the casting vote the section as it stood was carried, the discussion centered round the point as to whether the period of two months should be retained or reduced to one month. Of course, after the first point of the merits of the section had been actually settled against the dissentients, they all joined in having one month, in that I think I will be corroborated by others who were present in the Select Committee. In fact those Members who opposed the enactment of this clause were so very strong about it that they could not possibly abandon their position. So far as regards the Honourable Mr. RODDA's version.

As regards the arguments that have been advanced by the Honourable Mr. CURTIS, he was very strong about it in the Select Committee, as he has been strong here, but the point that he urged does not seem to have such a force as he would give to it. He seems to think that in very many cases the defeated party would fight shy of coming to the Court, and therefore the object of having corrupt practices brought to light in a

Court of law would not be served as often as ought to be served. I think, in the first place, he is wrong in not having a correct view of human nature. At least some of us have learnt this, that feelings run so very high at elections that the defeated party is so excited that he runs to the Court; very often the defeated party has such a weak case that he gets defeated in the Court even. Therefore the apprehension that the Honourable Mr. CURTIS entertains really has very little existence in fact. But assuming for the sake of argument that that was so, some instances would arise of parties being squared up, as the Honourable Mr. SETALVAD puts it, that is, that they must be at a disadvantage. Now let us put that disadvantage in one scale, and the other in the other scale, and let us see which would preponderate. I am clearly of opinion that in the circumstances of this country, the disadvantages of allowing the Collector the power of interference do preponderate. The Honourable Mr. CURTIS has quoted us speeches on English practice, and the Honourable Sir PHEROZESHAH MEHTA put a question as to whether that related to merely Parliamentary elections or local elections, and the answer was that it related to both elections. Assuming that it is so, I submit that the conditions of this country are so widely divergent from the conditions existing in England, that those provisions cannot be safely embodied in the provisions of Indian law for this reason. The relative position of the Director of Public Prosecutions in England as against the people there is not exactly the same as the relative position of the Collector in this country. If a provision like this is allowed to be inserted, I can picture to my mind's eye as to what would actually happen. Instead of the defeated party going to the Court, as he now does, he would go to the Collector, because in the first place, he would be free from the expense, and in the second place he would be free also from the worries of the litigation and the evil consequences of it, and in the third place, he will find that certainly by far the more advantageous course is to go to the Collector who, if he chooses to go to the Civil Court, will have the enormous resources and help of the Government by his side, and if he happens to be the complainant in the case against the successful Municipal candidate he will also have at least in the eyes of the public a very unfair advantage even in litigation, because he will come with all the prestige of the Government, and it will be supposed that he must have a very strong case before he comes to Court, so that in nine cases out of ten, the other party will be at a very unfair disadvantage. Taking all these things into consideration, that the Collector has got a period of 30 days instead of 10 days, the advantage would lie in the man's approaching the Collector rather than the Civil Court direct, so that the direct effect of this provision would be to relieve the party whose duty it is to go to the Court of the responsibility, burden and cost of that which will be put on the Collector who will have to spend all that money in litigation which would come from the revenues of the State.

Then the Honourable Mr. CURTIS told us that, as a matter of fact, even under the present law, it is open to the Collector to go to the Civil Court as a rate-payer, but you want that this power should be distinctly given to him, but I say that if that is so, if the Collector has even under the present state of law power to go to the Court, that is a strong reason why this provision should not be inserted here, because it is superfluous. In this country, as has been pointed out, and although I would not like to repeat what has been already said by the Honourable Mr. RODDA and the Honourable Mr. SATHI, I think we ought to be very careful to see how we insert a provision of this kind, as it will open a wide door to unscrupulous and malicious people who will just run up to the

Collector in order to avoid all that responsibility which would devolve upon themselves if they were to go to the Court direct. I think it will be very harrassing to the public if power in this form is vested in the Collector, or a Subordinate Officer or the Director of Public Prosecutions. I think that even if we take into consideration the disadvantage and the evils that have been pointed out by the Honourable Mr. CURTIS, even then I say that the balance of convenience and the balance of safety lies in not having this provision, because the disadvantages do really preponderate. For these reasons I strongly support the Honourable Mr. SATHE.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA spoke as follows:—Your Excellency, I beg to support the amendment moved by my Honourable friend Mr. SATHE. I had no time to look at the English Act which the Honourable Mr. CURTIS kindly placed at our disposal, but I find that the office of the Director of Public Prosecutions is not like that of the Collector of a district. Here if the Collector of a district in which the Municipality is situated wishes to question the validity of an election, he applies to the District Judge. There the Director of Public Prosecutions is practically a Court. Not only that. The expenses and the cost of litigation will not be paid from His Majesty's Treasury, but will be borne by the parties themselves. The proceedings are open, there is a regular application, and the cost has to be borne by the parties. Therefore the argument of the Honourable Mr. CURTIS does not hold good. Moreover, the Honourable Mr. CURTIS himself by saying that he was prepared to restrict the operation of this section to corrupt practices, pure and simple, has given away practically three-fourths of his case.

As regards the purity of elections, I want to have as much purity as possible, and it is only on moral grounds that I support this amendment.

My Lord, if a man has not got the moral courage to go to Court and file a case for corrupt practices, it means that if he cannot do so, he ought not to be allowed to come in in an underhand way, through somebody to go to the Collector to represent his case in any way he likes. It will be practically demoralisation of the constituency if we are going to allow electors to go to the Collector in this way, and on these moral grounds, I support the amendment.

The Honourable Sir IBRAHIM RAHIMTOOLA spoke as follows:—Your Excellency, I understand that there are a great number of speakers on this amendment, and if it is Your Excellency's intention to adjourn, I would suggest that we might adjourn now, because I do not think we are likely to finish till a late hour. If Your Excellency wishes me to proceed with my remarks, I will do so, but I am likely to take a little time with my observations.

His Excellency the PRESIDENT:—I should very much like to hear them.

The Honourable Sir IBRAHIM RAHIMTOOLA (continuing):—The question that has to be considered on the present occasion, as it occurs to me, is whether the power which is at present given to every voter and every candidate to appeal on the question of the validity of elections should be supplemented by giving the same powers to the Collector also. I do not think I need say that I yield to none in my desire to secure purity of elections. As a matter of fact, in the Bombay City Corporation, I have taken not an unimportant part in trying to get our election sections amended with this object in view.

When legislation was undertaken by this Council to amend the Bombay Municipal Act I had a humble share in securing election sections amended. Even now an important Committee of the Corporation is sitting for the purpose of suggesting to Government certain further amendments. I need hardly say that every one of us is very strongly in favour of securing purity of elections. However anxious we are in this respect, I think the people of the City of Bombay would emphatically protest against any official interference in the matter of taking action to question the validity of elections. The reasons which would induce the citizens of Bombay to resent this interference are, to my mind, largely accentuated by the difference of conditions prevailing in the Presidency towns and in the districts. The Collector's position in the district is that of the head of the administration and it appears to me that once you provide that the Collector can take action in the matter of questioning the validity of elections, very serious consequences will result. In the first place I should like the Council to consider what will be the effect of providing that a voter or a candidate must institute proceedings within 10 days and the Collector within 30 days. Would not a likely appellant prefer to move the Collector on the chance of his taking up the matter? If a reference is made to the Collector he will have to decide whether he will take it up, or whether he will not. If the Collector decides not to take up a case for questioning the validity of an election the object of securing purity of election will in reality be defeated. The party wanting to appeal would be deterred from filing his application in time in the hope that the Collector would take the matter up. So that though the right of appealing to the District Judge still remains, the very fact of the alternative having been provided would reduce the number of appeals and would in that way defeat the very object, with which this additional provision is proposed to be made. Let us now examine what would be the result if the Collector decides to take up the case and becomes a party to an appeal questioning the validity of an election? The Collector, who, as I have said, is the head of the administration in the district will be held to adopt a partisan attitude. I would venture to ask Your Excellency's Government to consider whether in such a matter as elections it is desirable that the Collector should be placed in that position. I hold, Sir, that having regard to the official position of the Collector it is highly undesirable that he should be allowed to mix himself up in these matters of election.

Now, Sir, I should like to call attention to another point. The Collector before deciding to take up such a case will have to make enquiries probably through his subordinate officials. Relying upon such enquiries he will have to produce as witnesses the very people who would have if this alternative had not been provided gone to Court under the existing law. If they break down in cross-examination and if in spite of all the careful preliminary enquiries, the case is decided by the District Court against the Collector he would be held liable for the costs of the other side. Will the Collector pay these costs out of public funds or will he get a guarantee from the party who may have moved him and who should therefore be regarded as the real complainant? In any case, I would ask Your Excellency's Government to consider whether in these matters it is desirable to place the Collector in such a position? I venture to submit that it is wholly undesirable to do so.

Further I should like to invite the attention of Your Excellency's Government to another aspect of the question which, to my mind, is of far greater importance in considering this matter, and it is the effect which this amendment will have upon the

candidates desiring to stand for election. Now, Sir, I do not think that anyone will deny that the success of municipal administration will depend upon the class of men who could be drawn to do this honorary service. It is eminently desirable that every thing should be done to induce the best men to come forward and offer their services for the local administration of mofussil districts. If this power of questioning the validity of elections is conceded to the Collector, this Council has to consider what effect it will have upon the candidates desiring to offer themselves for election. It has been repeatedly stated in the course of this discussion that there is considerable party-feeling in the mofussil municipalities and we have heard of one instance in which on the question of the appointment of a Chief Officer this feeling was carried to the extent of a whole night's sitting without any decision being arrived at. When such strong party-feeling exists in the districts, it is to my mind totally undesirable for the Collector to take up the cause of any person in questioning the validity of any election. If intending candidates feel that the weight of the Collector's name will be added to the election petitions which might be made against them before a District Judge, I venture to think that most of them will be discouraged thereby and local self-Government will be seriously affected by the want of suitable and qualified men essentially necessary for its success. Sir, it appears to me that the arguments advanced by the Honourable Mr. CURTIS can hardly apply. The conditions as my Honourable friend Mr. HARCHANDRAI has pointed out are entirely different. In England the population consists of one race belonging to one religion and what is of even greater importance, they are all literate. Primary education was made compulsory in England many years ago. These conditions do not obtain in India. In Bombay City with the advance that it has already made, those Councillors who have gone through Municipal Elections as I have done, know that even there, there is a good number of illiterate voters who at the time of attending the polling booth put their mark on the voting paper. There is another class of men who do not regard it in the slightest degree as a corrupt practice for a son to vote in his father's name, for the father to vote in his son's name and for a brother to vote in his brother's name. These practices are corrupt and illegal in law, but in actual practice these people do not regard them as such and in the cases which have gone to the Small Causes Court the Chief Judge has held that votes given in this way are bad votes in law and has expunged them but has not regarded them as immoral or casting any reflection upon the candidates. Now, Sir, with these conditions prevailing in a City like Bombay and looking at the illiteracy that must be prevailing amongst the voters in the districts, with the low qualifications laid down and in view of the sentiments of the people in the matter of voting for a brother or a son or a father, what a wide scope there must be for the prevailing party-spirit to assert itself and discourage in consequence of this amendment the candidature of really qualified men. I beg to submit that looking at the question from every point of view the proposed interference of the Collector is undesirable. Examining the question from the point of view of Government, I am sure they will themselves recognise that it is undesirable to allow the head of the administration to create an impression that he is taking a partisan view in going to Court for the purpose of questioning the validity of elections. I have argued the matter in view of the comprehensive nature of the proposed section but if it is restricted as the Honourable Mr. CURTIS pointed out to corrupt practices, it would still be open to serious objection. I have already pointed out that what is a corrupt practice in law is not regarded as such by popular sentiment.

But apart from that Your Excellency will see that sub-section 5 of clause 8 lays down that "No Court shall take cognisance of any offence under this section except with the previous sanction or on the complaint of the District Judge." It therefore follows that if any compromise of the kind mentioned by the Honourable the Chief Secretary is likely to be made which would result in a suppression of proceedings, the District Judge is given the power of preventing it by sending such cases to a First Class Magistrate. If this power is being vested in the District Judge, there appears to be no reason why it should also be given to the Collector. To my mind the Collector's position ought to be one as the head of the administration and he should not risk creating an impression of having anything to do with any party-spirit prevailing in the district. His function is to try and mete out even handed justice to all parties without identifying himself with any. Your Excellency, I hope, this amendment in the law will not be passed.

His Excellency the PRESIDENT.—I think it will be to the convenience of honourable members if we now adjourn till 11-30 to-morrow morning.

The Council adjourned till 11-30 on Thursday, the 30th July 1914.

By order of His Excellency the Right Honourable the Governor,

S. G. KHARKAR,

Acting Secretary to the Legislative Council.

Journal of the Proceedings of the Legislative Council of the Governor of
Bombay, assembled under the provisions of the Indian Councils Acts,
1861 to 1909.

The Council met at Poona on Thursday, the 30th July 1914, at 11-30 a.m.

P R E S E N T :

His Excellency The Right Honourable Lord WILLINGDON RATTON, G.C.I.E.,
Governor of Bombay, *presiding*.

The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S.

The Honourable Mr. PRABHASHANKAR D. PATTANI, C.I.E.

The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.

The Honourable the ADVOCATE GENERAL.

The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.

The Honourable Mr. R. P. BARROW, I. C. S.

The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.

The Honourable Mr. T. W. BIRKETT,

The Honourable Mr. GHULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD
BHURGHI, Bar.-at-Law.

The Honourable Mr. FAZALBHOY MEHERALLY CHINYOY.

The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.

The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (Lond.), L.M. & S.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.

The Honourable Mr. W. L. GRAHAM.

The Honourable Mr. G. W. HATCH, I. C. S.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.

The Honourable Mr. J. E. C. JUKES, I. C. S.

The Honourable Mr. BALKRISHNA SITARAM KAMAT.

The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.

The Honourable Mr. NAVROJI DORABJI KHANDALAVALA, LL.B.

The Honourable Mr. JEHANGIR H. KOTHARI.

The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.

The Honourable Sardár Sir CHINUBHAI MADHAVLAL, BART., C.I.E.

The Honourable Mr. J. A. D. MCBAIN.

The Honourable Mr. LALUBHBI SAMALDAS MEHTA, C.I.E.

The Honourable Sir PHEROZESHAH MERWANJEE MEHTA, K.C.I.E., Bar.-at-Law.

The Honourable Mr. G. P. MILLETT,

The Honourable Ráo Sáheb VENKATESH SHRINIVAS NAIK.

The Honourable Mr. E. FERRERS NICHOLSON,

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.

The Honourable Mr. RAGHUNATH PURSHOTTAM PABANJPYE.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.

The Honourable Mr. ABDUL HUSSEIN ADAMJI PEERBHOY.

The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.

The Honourable Mr. MANMOHANDAS RAMJI.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE.

The Honourable Mr. W. H. SHARP.

The Honourable Sir FREDERICK L. SPOTT, Kt.

The Honourable Mr. E. G. TURNER, I.C.S.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.

The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

His Excellency the PRESIDENT :—Order, order. A Bill further to amend the Bombay District Municipal Act. Clause 7. Before we continue the discussion of this particular clause that we are on at this moment, my Honourable Colleague has a certain suggestion to make to the Council, which I hope will receive their attention.

The Honourable Mr. PRABHASHANKER D. PATTANI then spoke as follows :—Your Excellency, Government have heard with great interest the speeches that were made here yesterday, and are of opinion that the best course would be to delete clauses 7 and 8 and take up later on a separate Bill dealing with the checking of corrupt practices at all elections including the Legislative Council, the Local Boards and the Municipalities with a view to secure purity of elections. I hope that this course would be acceptable to the Council. What the Council wants to-day is the deletion of clause 7. Government instead propose that both the clauses may be deleted in order that these may be dealt with fully later on.

The motion was then put to the vote and carried.

Clauses 7 and 8 were therefore omitted.

His Excellency the PRESIDENT :—Clause 9. The Honourable Mr. UPASANI.

The Honourable Mr. UPASANI :—After what has fallen from the Honourable Member in charge of the Bill I beg to withdraw my amendment.

His Excellency the PRESIDENT :—Amendment by leave withdrawn.

His Excellency the PRESIDENT :—Clause 9. The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL then spoke as follows :—Your Excellency, section 23 (a) which is a new section added by the Select Committee says (Reads) . . .

This is entirely a new provision. In the Bill as it stood originally this provision did not exist but the Select Committee thought it desirable that the power of criticising the actions of the Municipal Commissioner should be given to the Municipality and it is with that view alone that this clause has been inserted. It appears that in the Bill as amended the Municipal administration of a District Municipality is divided into two parts by the Select Committee, *i. e.*, the municipal government and the executive government and it is provided that the municipal government shall vest in the Municipality and the executive government shall vest in the Municipal Commissioner. So far I have no

criticism to offer. But, it was suggested by the Honourable Mr. HARCHANDRAI VISHINDAS in the Select Committee, and I assume that he has not changed his opinion since, that the words "except as in this Act otherwise expressly provided" must be dropped; because when it is the intention of the legislature to vest the Municipal Government in a Municipality, the clause "except where it is otherwise expressly provided" would throw doubt on the question whether the absolute municipal government vests in the Municipality or not. If we substitute instead of the words "except as in this Act otherwise expressly provided" the words "notwithstanding anything contained in this Act", the object, I believe, of vesting the municipal government in the Municipality would be carried out. I do not really understand how there could be any exception to the absolute right of a Municipality to have the municipal government vested in itself. If the conduct or the actions of a Municipal Commissioner with regard to matters vested in him by the Bill were not approved by the Municipality they must be open to fair and full criticism by the body; and unless you allow the Municipality to do that, I am afraid the Municipal Commissioner will be an autocrat. This is a check and a very healthy check on the actions of a Municipal Commissioner as he will always feel that whatever he does is subject to criticism by the Municipality. I therefore submit that the amendment should be accepted.

The Honourable RAO Bahádur RAMANBHAI MAHIPATRAM NILKANTH spoke as follows:—Your Excellency, I am afraid that this amendment is liable to several objections. The Honourable Mr. PATEL has, it seems, overlooked the fact that the District Municipal Act provides for cases where acts of municipal government are to be performed by authorities other than the Municipality. For instance, section 174 (1) of the Act enacts, "If, in the opinion of the Collector, the execution of any order or resolution of a Municipality, or the doing of anything which is about to be done or is being done by or on behalf of a Municipality, is causing or is likely to cause injury or annoyance to the public, or lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature suspend the execution or prohibit the doing thereof". Similarly section 175 (1) enacts, "In cases of emergency the Collector may provide for the execution of any work, or the doing of any act, which a Municipality are empowered to execute or do and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the Municipality". When these contingencies occur the municipal government in these particular matters in question does not for the time being vest in the Municipality. Again section 179 of the Act provides for the supersession of a Municipality. If the wording of the present sub-section were "Notwithstanding anything contained in the Act the Municipal Government of a Municipal District vests in the Municipality", it would mean that in spite of the provisions of sections 174, 175 and 179 the Municipality would exercise the powers which are dealt with by those sections. There would thus be a conflict between the provisions of section 23 (a) (1) and sections 174, 175, and 179. Further, the present Bill provides for the Municipal Commissioner exercising certain powers without there being an appeal to the Municipality, and those provisions would conflict with section 23 (a) (1) if it is amended as proposed. I therefore oppose this amendment.

The Honourable Mr. PRABHASHANKER D. PATTANI spoke as follows:—Your Excellency, this clause was very carefully considered in the Select Committee and the reasons the Honourable Mr. RAMANBHAI has just now given for its inclusion in the Bill had been put forward even then. It was further added that this clause was on the lines of a clause in the Bombay Municipal Act, and I trust the Honourable Mr. PATEL will admit that if the experienced Corporators of Bombay had not found it derogatory to their dignity to accept the conditions, I think that smaller District Municipalities will not do so. In view of the fact that if the Honourable Mr. PATEL's amendment were accepted it would conflict with the other provisions of this Act, I hope the Honourable Mr. PATEL would see his way probably to withdraw his amendment.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows:—Your Excellency, I am very sorry I cannot see my way to withdraw my amendment. I cannot understand how it can interfere with certain powers vested in the Collector or the Municipal Commissioner. All that is intended by this clause is that the Municipality should have the power of criticising the actions of executive officers. If the clause has any meaning at all, this is the only meaning, and I therefore do not understand how it can in any way interfere with the powers of the Collector under sections 174, 175 or 177 just cited by my Honourable friend Ráo Bahádur NILKANTH. If the Collector under the powers given to him by the Act does anything, is not the Municipality entitled, if it is of opinion that the powers exercised by him are to the detriment of the Municipal administration, to pass a Resolution criticising the conduct of that officer. I therefore submit that, unless it is made clear to the Municipal Councillors in the mofussil that they have an absolute right to criticise the conduct or actions of any authority who exercises the powers given to him under the Act to the prejudice of the Municipality they will be working under the impression that they are not so authorised. It has been urged that there is already a provision in the Bombay Act similar to that in the Bill. I quite see that, but I would submit that the conditions of Bombay are quite different. There is a strong public opinion in Bombay, and they have also very strong representatives on the Municipal Corporation like my friend the Honourable Sir PHEROZESHAH MEHTA and the Honourable Sir IBRAHIM, and I would certainly like to have it made quite clear to the Municipal Councillors in the mofussil where the conditions are quite different that they have a power to control or criticise the actions of the Municipal Commissioner. Unless we make it expressly clear by statute, I am afraid that they will always be under the impression that they have not got that power.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT:—Clause 10—the Honourable Mr. UPASANI,

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency, this clause runs thus:—(Reads). In my humble opinion with the provision that is already made in clause 9 as it stands, there is no need for the addition of this clause. In clause 9 we have made it absolutely clear that where a Municipal Commissioner is appointed, the executive functions shall vest in him, and that the government of the Municipality shall vest in the Municipality. My Honourable friend Mr. PATEL wanted to have it made more clear that the government shall vest absolutely in the Municipality, but that amendment has not been accepted and that being the case if now

we retain clause 10, and deprive the President of the powers vested in him under section 24, the Municipal government will be only nominally vested in the Municipality and practically the Municipal Commissioner will be the master of the situation, with the result that the powers of general supervision and control now exercised by the President will not be allowed to be exercised by him. This practically makes sub-clause 1 of clause 9 almost nugatory. The powers vested in the President under clauses (b), (c) and (d) are only these:—(Reads). I ask if it is not necessary that when the government of the Municipality is to vest in the Municipal body, that body should have the power to watch over the financial and executive administration? What shall we mean by having the government vested in the Municipality if all these powers are not to be exercised by the Officer who represents the opinion of the Municipality. The Municipality as a corporate body cannot express itself except through its President. The President is in many cases appointed by Government, or elected by a large majority of Municipal Councillors. He is in a way the chosen Lord Mayor of the town with the votes of all the Members. He holds a much higher position and higher responsibility than the ordinary Members of the Municipal council, and his election is not only by a bare majority, but by a majority of two-thirds. That being the case, I think if you want to keep any semblance of power of government in the Municipality itself, the clauses (b) and (c) in section 24 ought to be allowed to remain as they are, and the new clause 10 ought to disappear.

Now clause (c) of section 24 says: (Reads). If we do not allow the President to exercise his powers under clauses (c) and (d) of section 24, he will be a mere figure-head. The Municipal Commissioner, though he may be a high functionary in the Municipality, will after all be a servant of the Municipality and if that servant is to have the absolute control over the finances, this clause will make him absolutely free from all control and check by the Municipal body. You may pass any resolution, but his action will be uncontrolled, whereas the Collector, who is not directly responsible for the government of the Municipality, has the power expressly given to him in the Act of not only exercising general supervision but of even interfering with every act and staying the execution of any order. He has ample powers given him under the section just read by my Honourable friend Mr. PATEL. If these powers are given to the Collector, is it not fair that the officer who is actually responsible for the efficient government of the Municipality should also have those necessary powers? Without these powers what will he be? Moreover, these powers are to be exercised subject to the rules framed by the Municipality. Those rules will be framed consistently with the powers that are to be given to the Municipal Commissioner and subject to the sanction of government.

If you desire that the Municipal administration should go on smoothly and efficiently, it is absolutely necessary that there should be something requiring the President and the Commissioner to give and take and to co-operate with each other, and in fact to understand that it is their mutual interest that they should help each other in the satisfactory and efficient administration of the Municipality. Already the ample powers vested in the Commissioner are calculated to make his position more secure than it need be, and it would be, I think, anomalous that the head of the body in whom the Municipal government is vested should not have the power to supervise and control its own financial or executive administration. In routine executive work you may not allow the power of interference, but the general power of watching over the financial administration of the Municipality in any matter which to the President may appear to be irregular or against

the rules should remain with him. In ordinary Municipalities we see that the President has very little power over the proceedings of the working committees and yet the President of the Municipality is held by Government responsible for the due administration and not the working committees or the chief officer who is after all a servant.

Then we shall get Municipal Commissioners of different grades and different status according to the means of the Municipalities. That being the case, and bearing in mind that these provisions are meant to be extended to a number of Municipalities even in towns with less than 100,000 population. I think it would be better to allow section 24 to stand as it is, and to delete clause 10 as I propose.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows:—Your Excellency, I am afraid I am unable to appreciate the arguments of the Honourable Mr. HARCHANDBAI. He was on the Select Committee and there he expressed himself strongly in favour of retaining the powers of the President. And, when votes were taken both the Honourable Ráo Bahádur SATHE and the Honourable Mr. HARCHANDBAI opposed the proposed change and, on a reference to page 541 of the Report of the Select Committee, we find the following comments added regarding the most important clauses of the Bill (reads).

His Excellency the PRESIDENT:—Order, Order. I really do not think it worth while knowing all that has happened in the Select Committee. We want the Council to go on and not hear all what the Honourable Mr. HARCHANDBAI did in the Select Committee.

The Honourable Mr. PATEL (continuing):—If Your Lordship refers to the Select Committee's Report, Your Lordship will find that in the Select Committee the question was discussed and three gentlemen were in favour.

His Excellency the PRESIDENT:—Order, Order. I have already told the Honourable Member that he must not make reference to the Select Committee. I hope he will obey my ruling.

The Honourable Mr. PATEL (continuing):—In the first place the reasons why I support the amendment of my Honourable friend Mr. UPASANI is that so far as the original Bill is concerned, it did not propose to disturb in any way the powers of the President although it did so with regard to most of the powers of the Municipality or the Committees. It is quite clear that section 24 was left untouched by the framers of the original Bill. But subsequently somehow or other, not at the first meeting of the Select Committee but at the second meeting, a copy of the revised draft Bill came in and it was therein proposed by one of the clauses that the powers of the President under section 24 should be given over to the Municipal Commissioner. I do not know how the clause originated but it did appear in the revised Bill and ultimately it was decided by the majority of the Select Committee to give those powers over to the Municipal Commissioner. I am sorry that my Honourable friend Mr. SETALVAD is not here to-day, otherwise I would have asked him whether in his opinion, legislation which deprives the Municipality and Committees of most of their powers and the President of all his powers is really in furtherance of the interest of local self-government. If these powers for watching over the financial administration of the Municipality and the powers of general supervision and control are not left with the President, I am afraid, in the management of the Municipality by the Municipal Commissioner as Executive Officer, he will turn

out to be an autocrat. He must feel that there is at least one person on the Municipal Board who is entitled to control his actions. I can quite understand my Honourable friend Mr. UPASANI's argument that the President will be a mere figure-head if these powers which are now vested in him by the existing law are taken away and I quite sympathise with his statement that the President is the Lord Mayor of the place. It has been contended, and, with some force, by the Honourable Mr. HABOCHANDRAI that if we allow the duality of control there would be a conflict. May I ask him that since the Act of 1901 was passed up to the present day although his Municipality has got an Executive Officer since years and although there is that power under section 24 (b) and (c) remaining with the President, has there been any occasion of a conflict of authority between himself in his career as President and the Executive Officer, or between his predecessors and the Executive Officer? Certainly not. On the contrary, it will serve as a healthy check on the actions of Municipal Commissioner. I, therefore, heartily support the amendment moved by the Honourable Mr. UPASANI.

The Honourable Sir IBRAHIM RAHIMTOOLA spoke as follows:—Your Excellency,—There appears to be some misapprehension in regard to the amendment that we are now considering. Under the original law the executive authority vested largely in the President. In those Municipalities in which a Municipal Commissioner is now going to be appointed, the executive authority will vest in the Municipal Commissioner. That being so, the controlling power under the altered circumstances will vest in the Municipality as a whole, and not in the President of the Municipality. Where there will be a Municipal Commissioner, the executive power will vest in him, and the Municipal government will vest in the Municipality, not in the individual hands of the Municipal President.

It has been argued that the President will then become a mere figure-head. It has to be remembered that the division of executive and deliberative functions implies that the President will be the head of the deliberative part of the proceedings while the Municipality as a whole will control all financial and other matters.

In this connection, with Your Excellency's permission, I will inform the Council of the practice that prevails under the Bombay Municipal Act. The executive powers vest in the Municipal Commissioner, while the Municipal government of the City vests in the Municipal Corporation. In order to exercise efficient financial control two specific provisions have been enacted in the Bombay Municipal Act. One of them is that no payment shall be made except by cheque. All the revenue received by the Municipality is paid into the Bank of Bombay, and the sums required for Municipal purposes are drawn by cheques. It is provided in the Municipal Act that no cheque can be honoured by the Bank unless it bears the signature of three parties, the Municipal Commissioner as the head of the executive authority, one Member of the Standing Committee, which is the same as the Managing Committee in District Municipalities, and the Municipal Secretary, a highly paid officer appointed by the Corporation, and controlled by them. It is through the Municipal Secretary that the financial control in regard to all payments is exercised by the Municipality over the Commissioner. The Commissioner cannot pay any amount whatsoever under the Municipal Act, unless a Member of the Standing Committee and the Chief Officer of the Corporation, who is the Municipal Secretary, sign those cheques. I do not know whether some such provision is proposed to be

provided in this Bill to control payment. It appears to me that some such safeguard is very desirable. However dealing with the amendment as it stands, I think that if you have an Executive Officer of the kind that is contemplated under the Bill, then most or the functions which the President has been exercising in the past can be only exercised by the Municipality as a whole by specific resolutions which the Municipal Commissioner will be bound to carry out, of course if they do not conflict with the duties which the law imposes upon him. Even in regard to these there are efficient safeguards, but I do not wish to deal with them on the present occasion. I merely wish to point out, that, if the Members of this Council representing the District Municipalities are so anxious to have a Municipal Commissioner, then these powers can no longer be exercised by the President but must be conceded to the Commissioner, subject to the general control of the Municipality as a whole.

The Honourable Sir CHINUBHAI MADHOWLAL spoke as follows:—Your Excellency, I fully endorse the remarks made by the Honourable Sir IBRAHIM RAHIMTOOLA. With reference to the remarks that he made in regard to the mofussil Municipalities, I would say in connection with the practice followed by the Committee of Management of Ahmedabad Municipal affairs that payments are generally made by cheques first signed till now by the Chief Officer and then by the Chairman or Vice-Chairman of the Committee. Thus the President or the Vice-President of the Corporation will still have to sign cheques if this procedure be adopted and this will act as a sort of control over the Municipality as a whole. I think this safeguard ought to be considered sufficient to maintain the controlling power of the Municipality as a whole.

The Honourable Rao Bahadur SHRINIWAS KONHER RODDA spoke as follows:—Your Excellency, this is a subject which was well threshed out in the Select Committee. Looking to section 24, there is an amendment to delete the whole thing but clauses (b), (c) and (d) which are uncontested. As the Municipal Commissioner is the head of the establishment, it is he who is to exercise supervision and control over the acts of the servants of the Municipality. The accounts and records of the Municipality must be in his charge. So there is not the slightest objection with regard to clauses (c) and (d).

Now the question is with regard to clause (b). (b) is a clause under which the Municipal Commissioner has to work within a limited sphere as it were, because the budget is framed and the amount which he has to spend is fixed, and it is he who has to see that the finances do not run either short or more than what are prescribed in the Budget. It is he who has to account to the general body as to how much of the budget has been exceeded, what re-appropriations are to be made, and what is wanted for further expansion in the way of repairs of buildings, roads, etc. All this is the work of the Municipal Commissioner. It is only because (a) does not come in, so clauses (b), (c) and (d) were kept up, and when under the preceding clause 9 everything connected with the Municipal Government vests in the Municipality, it is a sufficient safeguard against any of the dangers apprehended from the delegation of these powers to the Municipal Commissioner, and now the practice of drawing cheques is prevalent even in smaller Municipalities. As a President I sign all the cheques, although the Chief Officer makes out those cheques. So even in places where there is a Municipal Commissioner, the cheques are signed by the President or the Vice-President as a sufficient safeguard, and he exercises control over the finances of the Municipality. So I do not think that there

is any danger in the delegation of the powers under clauses (b), (c) and (d) to the Municipal Commissioner. On these grounds I oppose the amendment.

The Honourable Mr. PRABHASHANKER D. PATTANI spoke as follows:—Your Excellency, there has been a sufficient debate on this clause. The most telling explanation against the acceptance of the Honourable Mr. UPASANI's amendment, is the one given by the Honourable Sir IBRAHIM RAHIMTOOLA. He speaks from his experience in Bombay, and he has seen that wherever there is a Municipal Commissioner appointed, the need for the interference of the President is not only unnecessary, but extremely undesirable as tending to create trouble by way of introducing dual authority. He has, however, raised one point. He says that in spite of the Commissioner being left in full control of all executive affairs, there is need in payment of money that the cheques should be signed by the President or Vice-President and one of the Members of the Committee, etc. Now the Honourable Sirdar Sir CHINUBHAI has met that point very strongly. If there is no provision already existing in the Act or if there is no practice already prevailing in any Municipality, of that nature, under Chapter 5, section 46 (a) of the Act, there is power given to the Municipality to regulate the conduct of their business, and under that power under the Act the Municipality by the power vested in them of enacting by-laws can very well lay down that all money will be paid by cheques, and that these cheques shall be signed by so many officers. With these safeguards, Your Excellency, and with the experience that we have in Bombay, I urge that this amendment of the Honourable Mr. UPASANI may be rejected.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency, I am sorry I have not been able to follow the arguments urged by our friends the Honourable Mr. HARCHANDRAI and the Honourable Sir IBRAHIM and by the Honourable Mover. I think I must first remove the misapprehension, that in proposing to retain the powers of the President, I wish to propose that he should have the power to interfere with any executive functions of the Municipal Commissioner with regard to ordinary routine executive work. The power of drawing cheques, etc., will be part of the routine work which the Municipal Commissioner should do in his executive capacity. Now we have an express provision in the Act that whenever a Municipal Commissioner is appointed, then all the Municipal officers will be subordinate to him and subject to his control. That being the case who is to exercise control over the Municipal Commissioner himself? Is the President who is responsible to Government for the administration of the Municipality not even to watch over the proceedings of the Municipal Commissioner? There is no dual control over the subordinates. Here the Commissioner will continue to have absolute control and supervision over them, but if anything wrong occurs or if there is any irregularity in the Municipal Commissioner's proceedings who is to look into it and to check it? Shall we expect that each individual member or the Municipal body as a whole be able to do it? Government has the power of control but it is exercised through some functionaries. Government has the power, but it is delegated to the Collector. We should have some body, some concrete individual, who will be held responsible for the exercise of that supervision which you desire. We must take into consideration the fact that the Commissioner in Bombay is drawing Rs. 3,000, while in the mofussil we will have an officer of the rank of a Deputy Collector drawing Rs. 300, and do you think that an officer who draws one-tenth of the salary of the Municipal Commissioner in Bombay will not require supervision? At

present the Chief Officer is an executive officer, and then he is given numerous powers under sections 183 and 184 and yet he is subject to the general control and supervision of the President. Nothing wrong has happened until now. Now the Municipal Commissioner is to exercise still wider powers under more than 60 sections in addition to those under sections 183 and 184 and to have the absolute control over all the subordinates, and do you think he should have his hands absolutely free, and should not have any supervision and watching over him? What will the Municipal Bodies then have to do? Then it would be much better to leave the whole thing to the Municipal Commissioner, for on each occasion where an irregularity comes to the notice, the Municipal body will have to go to the Collector and ask him to interfere. Will that be a suitable thing? Yesterday we heard a good deal about the undesirability of the Collector interfering under the bludgeon clauses of the Act, and here we are asked to-day to actually sanction that very procedure? Supposing the President and all the members together find that there is some irregularity, should they have to ask each time the help of the Collector to interfere? But before they move the Collector, who will bring the irregularity to the attention of the general body? Each Member cannot be expected to do it. It is much better to have a responsible officer to do it, and the President will be the right man whose business it will be to watch over the Municipal Commissioner's work and if need be to take needful action to put matters right in proper time.

I think we ought to have sufficient confidence in an experienced gentleman of position who is elected as President by the whole body and subject to the approval of Government, and if you want to keep up his responsibility,—I do not mean the position, but it is the responsibility that I care for—then you must in the interest of the efficiency of the Municipal administration let him retain the powers which are given him under the existing law for due discharge of that responsibility. The Municipal Commissioner will no doubt be responsible for the executive work, but he will not be able to attend to everything personally and will have to delegate part of his powers to his subordinates and that being the case for their and his own work general supervision by the President who voices the experience of all the Members will be most desirable. It will be through the President that the Municipality will speak and exercise its power of control over its own administration. Of course, he will be bound to consult the general body whenever any serious action is to be taken. These powers given by statute, have been exercised for over thirty years without any objection. The present Chief Officer is an executive officer with less powers than we propose to confer on the Municipal Commissioner and will you give him wider powers and also say he should be free from the control of the Municipality. It is essential that either we should take out the first paragraph of clause 9 and relieve the Municipality of all responsibility in respect of executive administration or let the President retain the powers already vested in him by statute for the discharge of that responsibility. I think Honourable Members will realise the need of these powers, and if we now pass clause 10 as it stands, it will relieve not only the President but all the Members of their responsibility in respect of the executive portion of the Municipal Government which is to formally vest in them under clause 9 and it will leave the executive administration in the hands of the Municipal Commissioner free from all supervision and control which I think will not be desirable in the interests of the efficiency of the administration. My Lord, it is not for the honour of any individual, who may happen to be the President but in the interests of the efficient administration of the Municipality

that I ask that, however high a Municipal Commissioner may be, the President who is directly responsible to Government, should have the power given under section 24 to watch over his proceedings. That section does not give any specific executive powers but a general power to watch and supervise the financial and executive administration of the Municipality. The President has under that section the power to bring to the notice of the general body any irregularity that may come to his notice and to take needful action also himself. The Officer whom Government holds responsible for any irregularity is the President, and Government has the power to remove the President or interfere with his acts. The Collector has power——

His Excellency the PRESIDENT:—Order, order. The Honourable Member is repeating himself over and over again.

The Honourable Mr. UPASANI continuing:—With these remarks I leave my amendment to the Council.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT:—Before going further with our discussion I should like to say that while I do not wish to criticise the length of any speeches that have been made I feel quite certain that Honourable Members are anxious to get on with the business of the Council. I would suggest to Honourable Members that the debate on second reading is the time for full speeches and that in moving amendments on clauses it is quite easy to condense their remarks into a few sentences, in explanation of their reason for putting forward any amendment. It is really not necessary to make long speeches on every amendment that comes before the Council. I leave this suggestion to consideration of the Council.

His Excellency the PRESIDENT:—Clause 11—Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows:—Your Excellency, the amendment which I now place before this House is that in section 26A, clause 11, the words from “Municipal Commissioner” to “instead” be omitted and the words “with the permission of discussions thereat” be substituted.

All I want to say in support of this amendment is that conditions of the mofussil Municipalities are quite different from those prevailing in Bombay. In Bombay a Municipal Councillor could talk more independently in the presence of the Municipal Commissioner about a thing which he considers the Municipal Commissioner should not have done, but in the mofussil the Municipal Councillors would, it is said, hesitate to speak out what they think with reference to the doings of a Municipal Commissioner in his presence. To allow, therefore, the Municipal Commissioner to be present at every meeting independently of the wishes of the Municipality is a clause which I would certainly think is not conducive to good Municipal administration. Suppose for instance a question for the removal of the Municipal Commissioner is under discussion, then to allow the Municipal Commissioner to be present in that meeting and to take part in it as a Municipal Councillor is a thing which I certainly would consider as most undesirable. Under these circumstances, I say that we should follow the precedent which we have under the existing law as regards the Chief Officer. Under the existing law a Chief Officer, although he is appointed executive officer, has no right without the permission

of the President to be present at every meeting of the Municipality. As a matter of practice, a Municipal Commissioner will always remain present in a Municipal meeting but it is really too much to give him an absolute right to be so present by statute. On the contrary, the President should have the power to ask the Municipal Commissioner to withdraw from the meeting, if in his opinion, the question or questions to be discussed at that meeting necessitate the exercise of such power.

The Honourable MOULVIE RAFIUDDIN AHMAD spoke as follows:—Your Excellency, I really do not understand the amendment proposed by my Honourable friend Mr. PATEL. A Municipal Commissioner, he thinks, should be only asked by the President on occasions to attend meetings and not always. But, Sir, this would be altogether inconsistent with his duties as an Executive Officer. As an Executive Officer of the Municipality he ought to be present at every meeting to explain his conduct if any explanation were necessary. The rules already lay down that he cannot vote, and what he wants is the right to be present at meetings just like a Councillor and I do not believe that any reasonable person can deny to him such a right as that to be present only, and, if he thinks necessary, to say what he has got to say. If such a right were denied to him, I think it would be a deprecation of his powers and derogatory to his dignity. My Honourable friend thinks that the Municipal Commissioner's presence would place other members at a disadvantage, and that he will be an autocrat at the Municipal table. My Lord, this is taking altogether a wrong, and a prejudiced view, of the independence of the *mofussil* Members. I do not think there is any member who would be so terribly frightened by the Municipal Commissioner's presence, and if there were any, I do not think that such member has any business to sit in any Municipality. Therefore, My Lord, I think the law as it stands gives the Municipal Commissioner only the right which is necessary for his purpose and in my opinion the amendment should be rejected.

The Honourable Mr. HARCHANDRAI VISHINDAS spoke as follows:—Your Excellency, it is a very wise suggestion, Your Excellency, that we should get on with our business quickly. I should have expected that most of the amendments that are on the agenda should be withdrawn not only on account of their futility but because they become absolutely inconsistent with the appointment of a Municipal Commissioner. One can very easily understand that all these amendments should be pressed home so long as the question of Municipal Commissioner was in abeyance, but in my humble opinion most of the amendments that are being pressed become almost inconsistent with the appointment of Municipal Commissioner. There is also another thing which I would humbly request my honourable friend to bear in mind that after you have appointed the Municipal Commissioner, you should forget the provisions of the District Municipal Act, but that you should bear in mind the provisions of the City of Bombay Act. Of course, it is very difficult to get away from the grooves in which one has found himself so many years, but if he had a sense of reasonableness, I think he ought to take the bidding with a good heart and with some courage. (Laughter.)

I was one of those members of the Select Committee who was fighting for the non-appointment of the Municipal Commissioner, but when I found that the forces were against me, I put myself into a reasonable frame of mind and reconciled myself in favour of the appointment of the Municipal Commissioner. (Hear, hear.) That being so, I also signed the Select Committee's Report without any minute of dissent. If you

take the appointment of a Municipal Commissioner as a '*fait accompli*' as it is, then we should look to the City of Bombay Act for our guidance, and I myself in the Select Committee was in favour of the suggestion that has been now put forward.

His Excellency the PRESIDENT:—Order, order. I am afraid my Honourable friend is not talking on the amendment strictly.

The Honourable Mr. HARCHANDRAI:—By my next sentence Your Excellency will see that I am confining myself strictly to the amendment. My first sentence is that this clause is word for word a copy of the clause as it stands in the City of Bombay Municipal Act. If that is so, and if in the City of Bombay this clause has worked all right, I do not think there should be any objection to that. As my Honourable friend MOULVIE RAFIUDDIN pointed out, the Municipal Commissioner will be able to enlighten the Corporation on many matters which might otherwise be very obscure. As a matter of fact, even under the present practice although the permission of the President has to be obtained for the Chief Officer's presence, as a rule that permission is taken as a matter of course. Whenever a Chief Officer wishes to speak on any resolution, he is at full liberty to do so, because the President does not think that he should stop him at all. So I do not think that this provision will do any evil at all, and therefore with Your Excellency's permission, I would request the Honourable Members to cut the discussion short.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE:—I do not know whether I would be in order, but Your Excellency has the power to allow me to move an amendment if it appears to Your Excellency to be sound.

His Excellency the PRESIDENT:—Does the Honourable Member wish to move an amendment to this amendment?

The Honourable Ráo Bahádur SATHE:—Yes, my Lord.

His Excellency the PRESIDENT:—Very well.

The Honourable Ráo Bahádur SATHE then spoke as follows:—Your Excellency, I quite appreciate the apprehension that has been put forward by my Honourable friend Mr. PATEL. I have perused that section. It entitles the Municipal Commissioner to be present at a meeting and to take part in the discussion, and I think a responsible officer who has got all the executive functions in his hands ought to be present on the scene just to offer explanations at the general meeting whenever any occasion arises, but if we substitute or incorporate the following words in the section, I think that will meet the requirements of the case, and if Your Excellency is pleased to accept it, my Honourable friend Mr. PATEL would perhaps think of taking back his own amendment. After the words "being present at a meeting of the Municipality" add the words "unless his presence is not required by a resolution arrived at by two-thirds of the members for the time being present at the meeting". Your Excellency, there will be very few occasions when such contingencies might arise. They will only arise when there is a vehement criticism to be made on his action, and let us have a provision of that kind on the statute, so as to exclude his presence on a particular occasion, not by a bare majority, but by a resolution passed by two-thirds of the members present. That will show that the majority of the Councillors, two-thirds at least, require the exclusion of the Municipal Commissioner. If Your Excellency permits me to move my amendment, I think that would meet Honourable Mr. PATEL's wishes and ought to satisfy him.

His Excellency the PRESIDENT :—Does the Honourable Mr. PATEL wish to withdraw his amendment ?

The Honourable Mr. PATEL :—Yes, my Lord ; I withdraw my amendment and accept my Honourable friend Mr. SATHE's amendment.

(The Honourable Mr. PATEL's amendment was by leave withdrawn.)

His Excellency the PRESIDENT :—The Honourable Mr. SATHE's amendment is now for discussion.

The Honourable Mr. SATHE :—I need not say anything further in support of my amendment.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows :—Your Excellency, this is another of the clauses that came in for very great discussion in the Select Committee, and it was resolved after a great deal of consideration that the clause should stand in the form in which it is included in the Bombay Municipal Act. The position is, as I understand, that while in Bombay they would resent the absence of the Municipal Commissioner, here in the mofussil the tendency of the Municipality is to exclude him whenever they do not want him. I should like to know what would be the occasions on which the Municipal Commissioner shall not be required (Hear, hear). In the first place, if you are going to criticise his actions, the man should be on the spot to give his explanation, so that much of the misunderstanding that might arise out of his absence might be dispelled. The only occasion I see that might arise of his being absent would be in the event of your criticising anything relating to his personal self as for example when a Municipality might want the Government to take the Commissioner back by the majority that is allowed under the Act to the Municipality by which they can send away a Municipal Commissioner ; but as always happens, and as has always been our experience on such occasions, the person himself might wish not to take any part in the matter, and I would therefore suggest that the amendment that has been proposed by the Honourable Mr. SATHE cannot be accepted.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE spoke as follows :—Your Excellency, I am sorry I did not say what I ought to have said in support of the amendment moved for which permission was kindly given by Your Excellency because I was led into a belief that it was being accepted. However, after having heard the Honourable Mover of the Bill, I think I ought to state some reasons which would go to support the amendment.

The Honourable Sir PHEROZESHAH MEHTA :—The Honourable Mover of the Bill is not bound to reply.

The Honourable Mr. PATTANI :—We shall see whether there is any need for a reply.

The Honourable Ráo Bahádur SATHE (continuing) :—Even the one occasion which is contemplated is such an occasion on which many of us who have to discuss these questions in Municipalities would not like to have the presence of the Municipal Commissioner. True it is that he would not take part in it. It is not for taking part—

His Excellency the PRESIDENT :—Will the Honourable Member give me instances ?

The Honourable Ráo Bahádur SATHE :—That is what I mean to do. Though it is true that all the executive duties have been now vested in the Municipal Commissioner,

every Municipal Councillor has a right of giving a motion to criticise such an action if he thinks that the way in which the Municipal Commissioner has acted is against the rules or the bye-laws that have been laid down for his guidance. There might be some occasions of this kind in Municipalities, though they may not be many. In some cases his executive action will have to be criticised with a certain amount of sharp personal criticism. Some Councillors are likely to fight shy on account of the presence of the Municipal Commissioner and we shall be indirectly curtailing the liberties of individual Councillors. On such occasions therefore particularly as we are making an experiment in the case of mofussil Municipalities by giving a Municipal Commissioner, it will be better that at least the Municipal Councillors should have a free hand in the deliberations. My submission is that if we include this clause, there need be no apprehension that Municipal Councillors will exercise the powers indiscreetly; and I think we can safely depend upon the good judgment of the Municipal Councillors who will, before they decide any question, give opportunity to the Municipal Commissioner to give explanation on certain points, and I think it is but fair and right that we should depend upon their judgment. It will be an exceptional case when such right will be exercised by them and besides we are providing that the resolution should be passed by two-thirds majority of the Councillors.

His Excellency the PRESIDENT said:—I do not quite understand the Honourable Mr. SATHE's argument, but, as far as I can gather, it is this, that, if there is any occasion when any Councillor wishes to criticise the action of the Municipal Commissioner, the Commissioner should be requested to absent himself from the discussion. Well, I am bound to say that in all fairness if any Councillor is going to stand up and make speeches criticising the action of the Municipal Commissioner, surely the latter should be given a chance to answer those criticisms. With all respect to my Honourable friend Mr. SATHE I do not think his arguments are very convincing and after what my Honourable colleague has said, I cannot believe that the Council will be much improved as to the fairness of the argument he has put forward. I hope that the Council will negative the amendment when I put it to the vote.

The amendment was then put to the vote and lost.

Clause 11 was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 12—the Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—I beg to withdraw my amendment, Your Excellency.

The amendment was by leave withdrawn.

Clauses 12 and 13 were then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 14—the Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—I beg to withdraw my amendment.

The amendment was by leave withdrawn.

Clause 14 was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 15—the Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—I beg to withdraw my amendment, Your Excellency.

The amendment was by leave withdrawn.

Clause 15 was then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 16—the Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows :—Your Excellency, with reference to this, I have only to urge that we have in the Act as it stands already Chapter XIII for special provisions relating to City Municipalities, and if these additional provisions came under that Chapter, probably the necessity to introduce all the amendments in the numerous sections referred to from clause 12 up to the end of the subsequent clauses as regards addition of Chapter XIII A will be avoided. It is only a formal suggestion, My Lord.

The Honourable Mr. HARCHANDRAI VISHINDAS :—Will Your Excellency permit me to enquire whether or not this clause as it now stands is consequential on the appointment of a Municipal Commissioner?

His Excellency the PRESIDENT :—I think the Honourable Member has already said that it is consequential.

Clauses 16 and 17 were then put to vote and carried.

His Excellency the PRESIDENT :—Clause 18—the Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—This amendment is consequential, My Lord, and I beg to withdraw it.

The amendment was by leave withdrawn.

Clause 18 was then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 19—the Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—I think it is also consequential, and I withdraw it.

The amendment was by leave withdrawn.

Clause 19 was then put to the vote and carried.

Clause 20 was then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 21—the Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—I beg to withdraw my amendment with respect to this clause also.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT :—The Honourable Ráo Sáhib NAIK.

The Honourable Ráo Sáheb VENKATESH SHRENIWAS NAIK :—If Government are prepared to accept my amendment, I have nothing to say.

The Honourable Mr. PRABHASHANKAR D. PATTANI :—Government are not prepared to accept the word "Mahálkari" but would rather have the word "Mámlatdár" substituted for the word "Mahálkari". Is that acceptable to the Honourable Member?

The Honourable Ráo Sáheb NAIK :—I accept it. I have no objection.

Clause 21 as amended was then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 23—Mr. PAREKH.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows :—Your Excellency, my object in moving the amendment that stands in my name is to

differentiate the case of the fixing of road lines from the other resolutions of the Municipalities. So far as ordinary resolutions of a Municipality are concerned, there would be no harm if a resolution which favoured the Municipality at one time is proved to be objectionable at another, but the question of road lines is not of that kind. In the matter of road lines you cannot have one line for one man and another road line when the question arises in another case two years after and a third road line a year afterwards. That would not be proper, because it would rather be against the object for which road lines are fixed. Therefore, if a road line is once fixed, so far as the Municipality is concerned, it ought to be a permanent thing and the Municipality ought not to have any power of altering the road line from time to time, and it is with that object that the amendment has been put before the Council. I can well understand what has been stated in the Minute of the Select Committee in reference to this, that this is a hardship which will occur even if this power is placed in the hands of the Municipality. I would further say that the wording of the clause is so vague that it must cause hardship by conferring on the Municipality a general power which may mean that it may alter road lines as many times as it likes and for whatever reasons it may think proper. I think in reference to the question of altering road lines once fixed that it should be subject to the sanction of controlling authorities.

The Honourable Sir PHEROZESHAH MEHTA :—For a time only.

The Honourable Sir IBRAHIM RAHIMTOOLA spoke as follows:—Your Excellency, I should like to say a few words in regard to this amendment, because an identical point arose in regard to the Bombay Municipal Act. In the Municipal Act of 1888, it was laid down that the Municipal Commissioner may lay down a regular line on any side of a public street, and that such line, when once laid down, shall be called the regular line of the street, and no building was allowed to be constructed within that line. The Municipal Commissioner assumed that the power of laying down the regular line of a street given to him by law implied also the power to revise the same and he proceeded to act upon it by revising and altering the regular lines of streets previously laid down. This right was questioned and the matter was taken to the High Court. The High Court ruled that under the Act as it then stood a regular line of a street once laid down could not be revised or altered. The Municipality then approached Government, with a request that the Act should be amended. Government accepted the suggestion, legislation was introduced in this Council and was carried. The effect of that legislation is that the regular line of a street which may have been once laid down can be legally revised. The procedure, however, in regard to the revision of a regular line is different. In the first place the Municipal Commissioner can lay down the original set-back line without any reference to the Municipality and the Corporation has no controlling power except in the matter of providing funds for the purpose of acquiring set-backs under these regular lines of streets. Under the amended law it has been enacted that when a regular line once laid down is to be altered, and that is the point my Honourable friend Mr. PAREKH is raising in his amendment, then notice of the intention of such revision shall be given to the house-owners affected by the revised line. After the required notice has been given, it is the Corporation and not the Municipal Commissioner who is empowered to revise the line after taking into consideration any objections that may have been urged. I am not in favour of the amendment of the Honourable Mr. PAREKH, which lays down for all time a regular line of a street and ignores altered circumstances,

growth of towns requiring wider roads than those originally contemplated variation of the alignment for valid reasons and so forth. I therefore think that that power must remain with the Municipality for the purpose of revising these lines. I would personally prefer if in the case when revision is being considered that previous intimation should be given—

His Excellency the PRESIDENT :—Order, Order. May I tell the Honourable Member that it is in the Bill. The question we are now discussing is that raised by the Honourable Mr. PAREKH as to whether a road line once fixed should remain permanently for ever.

The Honourable Sir IBRAHIM continues :—That is exactly, Sir, what I say in explaining this point, that it is essentially necessary in the interests of each important town that the power of revising regular lines of streets once laid down should be retained, and I therefore am opposed to the amendment of the Honourable Mr. PAREKH.

The Honourable Mr. R. P. BARROW spoke as follows :—Your Excellency, I should like to oppose the acceptance of this amendment. The main consideration, I think, has been overlooked by the Honourable Mr. PAREKH. The question of the road line in District Municipalities is one of the most important that we have to deal with. Amongst other things it is of very great importance that Municipal land should not be encroached upon, and that encroachments when detected should not be condoned. It will be observed that the power in question is one of those reserved specially to the Municipality, and not to the Municipal Commissioner. It is not correct as the Honourable Mr. PAREKH would appear to argue, that the Municipalities are likely for inadequate reasons to change from year to year the line which they have once laid down. A distinct advantage is to be gained by retaining the clause now in the draft Bill. At present we are often handicapped by the fear of compensation. A Municipality is often held up by the fear of being called upon to pay compensation which it cannot for the moment afford.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH interrupting.—I withdraw this amendment after what has fallen from the Honourable Mr. BARROW.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT :—The amendment moved by the Honourable Mr. RAMANBHAI 91 (2) is consequential as also that of the Honourable Mr. UPASANI which is the next amendment.

The Honourable Mr. PRABHASHANKAR D. PATTANI :—May I say that Government is prepared to accept the addition of the word “re-construct”.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows :—Your Excellency, the duty is laid down by the new section, as enacted by the Select Committee, on the Municipality to lay down lines of public streets. In view of that provision, they will have to lay down the lines. Let us now see how it works in Ahmedabad. The Municipality will proceed, after the clause is passed into law, to lay down the lines of streets. In laying down these lines I am afraid a number of buildings now in existence or portions thereof will come within that line, and supposing some of these buildings or parts thereof require re-roofing or any wall of any such building or any step-door requires reconstruction, in such cases and in view of the addition of the word “reconstruct” in this section at the suggestion of my Honourable friend Mr. RAMANBHAI, it appears to me that unless power is reserved to the Municipality to

grant permission in such cases of reconstruction in the case of existing buildings, the section will work a great deal of hardship. I do not for a moment suggest that, when a material portion of a building is burnt down or pulled down or taken down, the Municipality should be authorised to grant permission. It may be said that cases of hardship could be met by the Municipality laying down fresh lines, but in laying down fresh lines other cases of hardship will arise. I therefore submit that, with regard to existing buildings, where some alteration is necessary, power should be given to the Municipality to grant permission. I rather think that an alteration in the existing buildings is sometimes more hygienic than their present condition and, if the Municipality has no power whatever to grant permission in such cases, such houses will be absolutely useless and the Municipality under section 91-A has no power to give compensation and acquire them, and, for aught I know, the Municipality will not care to acquire even if they have the power. Therefore, I respectfully suggest that in the absence of any provision requiring the Municipality to acquire such buildings after paying compensation, the legislation ought to provide for the grant of permission to reconstruct to the owners in proper cases.

His Excellency the PRESIDENT:—Order, order. Government were considering this particular amendment, and I should like to try and explain exactly what our position is in the matter. Government is ready to accept the first line of the Honourable Mr. PATEL's amendment, but the suggestion of Government would necessitate the withdrawal of the Honourable Mr. RAMANBHAI's amendment, and the suggested sub-clause 3 of section 91 (a) would run under the Government proposal as follows:—"Except under the provisions of section 113 no person shall construct or without the permission of the Municipality under section 96 reconstruct any portion of any building within the regular line of the public street."

The Honourable Mr. RAMANBHAI:—I accept it.

The Honourable Mr. PATEL:—I also accept it, as it meets my requirements.

The amendment as amended was then put to the vote and carried.

His Excellency the PRESIDENT:—The Honourable Mr. UPASANI

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency, my amendment runs as follows (reads). What I want is that in addition to this special notice in a street notice should also be served "on each house-owner if known or occupier." These words may be put in in the last line to proviso (a) between "prescribed" and "and." When you change the whole line of street it may affect each house-owner very seriously.

His Excellency the PRESIDENT:—Will the Honourable Member read exactly what he wants.

The Honourable Mr. UPASANI:—The amendment is 'between the words "prescribed" and "and" in section 91 (a), insert the words "on each house-owner if known or occupier" between the words "thereof" and "in" in line 5 to proviso (a).'

The Honourable Mr. PRABHASHANKAR D. PATTANI:—Your Excellency, I should think that there is hardly any need for the addition of these words, because a public notice will be a sufficient notice to every house-owner or occupier, and it is not likely that anybody will remain unacquainted with the wishes of the Municipality. I would therefore propose that the amendment may be rejected.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—A public notice is generally given by a beat of drum, and it may happen that the house-owner may be absent at the time when the notice is issued. I think therefore it is desirable to give specific notice to each owner. Otherwise it will affect all the house-owners seriously. It is only a small matter of procedure.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT :—The Honourable Mr. RAMANBHAI.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH spoke as follows:—Your Excellency, I move the following amendment:—

After clause 23 add as under:—“ 23 A. To section 96 of the said Act the following paragraph shall be added:—‘The word “Building” throughout this chapter means a building as defined in section 3’ ”.

This amendment was part of the present Bill as originally drafted, but it has been dropped in the Bill as revised by the Select Committee. The report of the Select Committee gives no reasons for the omission but I understand that it was realized that there would be difficulties in adopting the amendment. I would, however, submit that the difficulties would not be insurmountable. I would make my position clear. Section 96 of the Act provides that before beginning to erect any building a person shall give notice to the Municipality and await the orders of the Municipality for a month. The explanation given at the end of the section says that the expression “to erect a building” includes any material alteration, enlargement or re-construction of any building. The necessity for adding the sentence now proposed has arisen, as stated in the Statement of Objects and Reasons, in consequence of the ruling of the Bombay High Court reported at page 494 of XIII Bombay Law Reporter. That ruling is to the effect that the material re-construction of a small wall does not necessarily constitute “the erection of a building,” which means that there may be cases in which it may not be necessary to give notice to the Municipality before materially reconstructing a wall. The two Honourable Judges of the High Court before whom the case first came up differed in opinion, one being of opinion that notice to the Municipality was necessary in the case, and the other being of opinion that notice was not necessary. The matter was in consequence placed before a third Judge and he agreed with the latter view. I may point out that the judgment does not give any opinion as to what the law ought to be; nor, does it say that any different provision in the law on the subject would be a hardship to the public. The judgment is simply based on the construction of the section under the ordinary canons of interpretation. The judgment is based on the view that the definition of “building” given in section 3 (7) of the Act does not necessarily apply to all cases falling under section 96. That definition provides that “building shall include any hut, shed or other enclosure, whether used as a human dwelling or otherwise, and shall include also walls, verandahs, fixed platforms, plinths, door-steps, and the like.”

This interpretation of the operation of section 96 would I submit create difficulties in the regulation of buildings by Municipalities. A Municipality ought to have notice of all material construction of buildings whether such buildings be entire houses, walls of houses, or, compound walls. This is particularly necessary in the matter of enforcing what is generally called “a road line” and what has been called in this Act “the regular

line of a public street." If no notice to the Municipality were necessary when the wall of a house or a compound wall falling on a road line is to be materially re-constructed, the Municipality would not be able to enforce a set-back. What happens in large cities is that when the re-building of a house becomes necessary, the owner in order to avoid a set-back re-builds without notice to the Municipality the upper portion of the house allowing the walls on the ground floor to remain as they are, putting up props to keep the walls standing. This hampers Municipal administration considerably. This state of things would be cured by providing that notice to the Municipality is necessary in such cases. This would create no difficulties, as there is no hardship in giving notice to the Municipality and as the Municipality can issue only such orders as are consistent with the Act. If the Municipality wishes to acquire any land it will have to pay for every inch of it. For these reasons I commend the amendment for the acceptance of the Council.

The Honourable Mr. G. S., CURTIS spoke as follows :—Your Excellency, I submit that the amendment moved by the Honourable Member does not meet the difficulty of what he complains. As far as I can remember, in the case to which he referred, the third Judge laid down that in certain circumstances a " wall " is not a building, that in that case the permission of the Municipality was not required for its construction. The mere repetition of this definition which has already been given in sub-section 7 of section 3 will not cure any of the defects in the law of which the Honourable Member complains. We discussed this point at great length in Mahableswar, and we finally came to the conclusion that we had better leave the Act as it is.

The Honourable Mr. RAMANBHAI at this stage rose to reply, when the Honourable Mr. PATTANI intervened and said :—Your Excellency, as the Honourable Member stood up directly before me, I thought his intention probably was to withdraw his amendment. The explanation has been just given by the Honourable Mr. CURTIS. The point was very well threshed out in the Select Committee at Mahableswar, and we came to the conclusion that even if the addition of the amendment suggested by the Honourable Mr. RAMANBHAI was accepted, it will not affect the decision of the High Court as the Honourable Member thinks, and we therefore came to the conclusion that the addition was a superfluous one. This particular clause was in the original draft, as the Honourable Member will remember, and it follows that if it is omitted, it could not have been without going thoroughly into the question in the Select Committee. I hope after this explanation and the explanation given by the Honourable Mr. CURTIS, the amendment will be withdrawn.

The Honourable Mr. RAMANBHAI :—I have no objection to withdraw my amendment. I have only to point out that the definition was not applicable.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT :—The Honourable Mr. PATEL. Item 41. Sub-section (3) of section 91 (a).

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows :—Your Excellency, this amendment is merely consequential upon the adoption of amendment No. 41 which I had just moved. Amendment No. 41 as accepted on behalf of Government amounts to this that when a line of a public street is laid down and any building or part thereof falling within that particular line requires reconstruction, permission of

the Municipality could and must be obtained. That being so, necessarily some provision ought to be made for imposing an obligation of notice on the part of the owner. In the absence of any such provision, it is just likely that the Municipality might refuse permission even if the owner applies for it. I therefore submit that the consequential change must be made in section 96.

The Honourable Mr. HARCHANDRAI VISHINDAS:—Your Excellency, this amendment that is now proposed is merely consequential upon the adoption of amendment No. 41; otherwise there would be inconsistency in the Act.

The Honourable Mr. G. S. CURTIS:—He cannot obtain the permission without applying to the Municipality and giving such details as would support his application, including plans and so forth. So, therefore, it is unnecessary to lengthen what is already a long sentence by a reference to all this reconstruction. They can only reconstruct subject to permission; otherwise they cannot construct at all.

His Excellency the PRESIDENT:—I do not quite see the object now of my Honourable friend's amendment. Really, if he reads 96 (1), it seems to give him what he wants. He wishes to add, I think, superfluous words. Now he has taken the word "reconstruct." It seems to me that anyone can re-construct, and that is really what he wishes for under his amendment.

The Honourable Mr. PATEL:—What I ask for by my amendment is this, that if reconstruction requires permission, provision must be made enabling the owners to apply for and the Municipality to grant such permission.

His Excellency the PRESIDENT:—But that is the case under clause under 96(1) A (reads).

Does not that carry out what the Honourable Member wishes? I wonder if this will be satisfactory to the Honourable Member; I think he wants to get this into the clause if possible:—"to reconstruct any projecting portion of a building in respect of which a Municipality is empowered by section 92 or is empowered by section 91A to give permission to reconstruct" and so on.

The Honourable Mr. PATEL:—That, Your Excellency, will meet my requirements I have no objection to it.

The amendment, as amended, was then put to the vote and carried.

Clauses 23 and 24 were then put to the vote and carried.

His Excellency the PRESIDENT:—I think perhaps it will be to the convenience of Honourable Members if we had a little lunch now. We will meet again at half-past-two.

The Council then adjourned for lunch.

After lunch.

The Honourable the VICE-PRESIDENT:—In the absence of His Excellency the PRESIDENT I take the chair.

The Honourable the VICE-PRESIDENT:—Clause 25. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—I beg to withdraw it.

The Honourable Mr. PATEL:—I beg to withdraw my amendment also.

The amendments were by leave withdrawn.

Clauses 25 and 26 were then put to the vote and carried.

The Honourable the VICE-PRESIDENT :—Clause 27. The Honourable Mr. RAMANBHAI.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH spoke as follows:—Mr. President, I move that in section 151 of the Act in the marginal note for “trades” the words “offensive or dangerous practices” may be substituted.

The marginal note of section 151 at present stands as “Regulation of certain trades.” Reading the section we find that the section provides for the regulation of practices which are not “trades.” For instance, when it refers to lime kilns, the kilns may be those put up by traders or those put up by private individuals while building their houses. The regulation of private kilns erected in the midst of thickly populated localities is greatly necessary. If however the section refers to trades only, a Municipality would not be authorized to issue directions or make by-laws for the regulation of private kilns. No doubt the High Court has ruled that a marginal note is no part of the law, and, that in order to gather the meaning of a section the wording of the body of the section must be looked into. But the general public looks to the marginal note and considerable misunderstanding is caused. It is therefore desirable to alter the marginal note so as to make it read “Regulation of certain offensive or dangerous practices.”

The Honourable Mr. G. S. CURTIS :—Sir, I rise to point out that the words objected to are contained in the marginal note, and that marginal note is no part of the law. The point is that section 151 is not one of those touched on in the original draft Bill, and it was decided not to alter the marginal note. Possibly it might be advisable later on to amend the head-note.

The Honourable Mr. RAMANBHAI :—I beg to withdraw my amendment.

The amendment was by leave withdrawn.

Clause 27 was then put to the vote and carried.

The Honourable the VICE-PRESIDENT :—Clause 28. The Honourable Mr. PAREKH.

The Honourable Mr. GOKULDAS KAHANDHAS PAREKH spoke as follows:—Mr. President, this amendment arises in this way. The existing law provides by section 160 that where there is any difference between the Municipality and a private person in reference to compensation, damages, costs or expenses, then the matter will be made the subject of reference to arbitration. Now the present Bill retains the arbitration remedy with reference to compensation and damages but takes it away in connection with costs and expenses. I submit that in matters of costs and expenses it is not at all desirable that the remedy of arbitration should be taken away from the private individual where differences in these matters do arise, and therefore the remedy of reference to arbitration in connection with costs and expenses should remain as it is in the present Act.

The Honourable Mr. G. S. CURTIS spoke as follows:—Mr. Chairman, as I pointed out before, this point again was discussed in the Select Committee, and it was decided that as regards the costs or expenses, any person considering himself an aggrieved party has the option of recourse either to a Civil Court or a Magistrate under the ordinary

procedure under the Act, and that arbitration was only necessary with regard to compensation and damages. For that reason it was held that the costs or expenses should be omitted as originally proposed in the draft Bill.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE spoke as follows:—Mr. Chairman, this was an amendment which was taken up in hand on my suggestion, and the difficulties which are occasionally perceived in dealing with cases of costs and expenses are real. In fact, it amounts to this; that when there is a difference between the occupier or house-owner—who is charged with costs and expenses—and the Municipality, then the Act, by section 160, allowed him to refer the matter to arbitration and if we were to look at the section on arbitration, we would see that the procedure is dilatory. We have to appoint sur-punchas or umpires. Then a great deal of time is taken up in convening the meeting of these arbitrators. I have suggested this amendment after experience which I have got in my own Municipality; and similar delay must have been experienced by other gentlemen who have had experience of the working of this Act. If they are dissatisfied with the bill of costs or expenses, they have a remedy to go to the Civil Court and get matters set right. It is in the interests of the Municipalities themselves that I propose this amendment and I think, instead of having a dilatory method, it is much better to adopt the amendment.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows :—Mr. President, The Honourable Mr. SATHE has adequately replied to the amendment proposed in this behalf. The idea is that the actual costs and expenses, I mean the out-of-pocket expenses, should be recovered in the same way that taxes are recovered, and that if the party concerned has any objection, he is quite free as the Honourable Mr. SATHE has explained to appeal and go to the Court. There will therefore be no hardship in this matter. I therefore propose, Sir, that the amendment may be rejected.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows :—Mr. President, I think that if there is any difficulty in continuing the remedy of arbitration in connection with costs and expenses the difficulty will be increased rather than diminished by its being taken away. The remedy of reference to arbitration is retained in relation to damages and compensation. This saves the necessity of going to Courts. If disputes about costs and expenses are simple and capable of easier solution, the reason is greater for extending to them the provision of arbitration and avoiding resort to Courts. There may be no question about the right of a Municipality to recover costs or expenses and yet there will be questions as to whether any portion thereof is proper or improper, and whether such portion ought to fall upon the private party or be borne by the Municipality. These are matters upon which I think it is better that the provisions of the present law should continue.

The Honourable the Vice-PRESIDENT spoke as follows :—The amendment practically amounts to a proposal that clause 28 be struck out. The form of it is :—in clause 28, to add after the words “ compensation or damages ” the words “ costs or expenses ”.

The amendment was then put to the vote and lost.

Clause 28 was then put to the vote and carried.

(At this stage His Excellency the PRESIDENT arrived and occupied the Chair.)

His Excellency the PRESIDENT :—Clause 29. The Honourable Mr. PAREKH.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—I beg to withdraw my amendment, Your Excellency.

The amendment was by leave withdrawn.

Clauses 29 and 30 were then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 31. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—I beg to withdraw my amendment.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—I beg to withdraw my amendment also.

The amendment was by leave withdrawn.

Clause 31 was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 32. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows:—Your Excellency, the first part of the amendment I beg leave to withdraw. With regard to the second part, the amendment which stands in my name runs thus (reads). This portion of the amendment is one which, if carried, will have the effect of giving some voice at any rate to the employer in the selection of his employee. As the subsequent clauses of the Bill will show, it is the Municipality on whose funds the burden of the pay of the Municipal Commissioner and the consequent other expenses will fall, and I really think that the Municipality should have some voice in the selection of a person whom it employs and pays. We have heard enough on the question whether the Municipal Commissioner should or should not be appointed in the mofussil but when it comes to the question of the authority who is to appoint a Municipal Commissioner, I think, if the Municipality is not to be given an absolute right to select a Municipal Commissioner, it must at least be authorised to suggest the names of some persons from whom the Governor in Council may make the appointment. It has been said that, if the voice is given to the Municipality in the selection of a Municipal Commissioner, it is just likely that the persons who voted in favour of the particular appointment will always influence the Municipal Commissioner; but under my amendment the Municipality has to select three persons and from the list of those three persons the Governor in Council is to be empowered to make the selection of one. Not only that, but after the Governor in Council makes the appointment of a Municipal Commissioner from the list submitted by the Municipality, he is not liable to be removed unless and until three-fourths of the members of the whole body of the Municipal Councillors pass a resolution to that effect and make a recommendation to the Governor in Council. So once the Municipal Commissioner is appointed, he is absolutely independent of the Municipality. I therefore think that on general grounds the employer must be given at least some voice in the selection of the person to be employed.

The Honourable Mr. R. P. BARROW spoke as follows:—Your Excellency, it seems to me that the very terms in which the honourable member's amendment is couched are sufficient to ensure its rejection; for, what is suggested is not, as the honourable member put it, that the Governor in Council should be empowered to select a man from the list submitted to him, but should be *required* to do so. That is to say, if a Municipality draws up a list of three names, every one of whom may in the opinion of His Excellency the Governor in Council be entirely unfit to occupy the post to be

filled, nevertheless, His Excellency the Governor in Council shall be compelled to appoint one of them. The amendment if accepted would deprive the Governor in Council of the power of selecting the best man for the appointment. I think honourable members of this Council will agree that in this country it is far better that in making an appointment of this nature there should be no opening for any member of a Municipality to make suggestions. I consider the amendment put in by the Honourable Mr. PATEL is most injudicious and I strongly recommend that it be rejected.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency, the question as to in whom the power of making the appointment of a Municipal Commissioner should vest was very thoroughly gone into in the Select Committee, and the Honourable Mr. PATEL will remember the various arguments that were put forward against his proposals. There he did not put the proposals in the form he has done here, but he suggested that the Municipality should have some voice in the selection of its officers. I think the Honourable Mr. BARROW's argument is very sound and correct, and the acceptance of the Honourable Mr. PATEL's suggestion would contravene the previous portion of the clause, which empowers the Governor in Council to appoint a Municipal Commissioner who is, in his opinion, a suitable person to be so appointed. The choice of the Municipality may or may not be such as to allow the selection by the Governor in Council of any one of those candidates. As the Honourable Mr. BARROW has suggested, none of the candidates so selected by the Municipality may be qualified to exercise these powers. Again, the field from which the Governor in Council can select is such a wide one and the experience of their officers is so near at hand that to rely upon Government for the best selection would be the best solution. With these words, Your Excellency, I would suggest that the amendment be rejected.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows:—Your Excellency, the arguments of my honourable friend, Mr. BARROW, amount to this, that the Municipalities in the mofussil will so perversely and so stupidly use their discretion in the selection of three persons that it will not be possible for the Governor in Council to select any one of them. Well, to that argument I cannot reply. I ask this House to consider whether any Municipality would ever go to that extent.

With regard to the point raised by the Honourable mover of the Bill that the previous provision empowering the Governor in Council to make the appointment would be nullified if my amendment were accepted? Not at all. The previous clause merely gives the Governor in Council power to appoint a Municipal Commissioner, and I merely desire to have a proviso added to it, *viz.*, that the Governor in Council shall select a person from that list. That is what it comes to. Under these circumstances, I hope the House will see their way to accept the amendment.

(The amendment was then put to the vote and lost.)

His Excellency the PRESIDENT:—The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—My amendment is consequential, my Lord. It goes away.

(The amendment was by leave withdrawn.)

His Excellency the PRESIDENT:—The Honourable Dewán Bahádúr GODBOLE.

The Honourable Dewán Bahádúr KASHINATH RAMCHANDRA GODBOLE spoke as follows:—Your Excellency, the amendment, of which I have given notice, in paragraphs (a) and (b) of section 186A (1), reads as follows:—(reads).

His Excellency the PRESIDENT :—Does the Honourable Member wish to take both his amendments in one ?

The Honourable Dewán Bahádur GODBOLE :—I will take both (a) and (b) together for discussion.

The Honourable Mr. HARCHANDRAI VISHINDAS :—Your Excellency, I rise to a point of order. There may be some members who will be in favour of (a) and others in favour of (b), and they will be in a difficulty. Your Excellency, under your powers as President of any assembly, has got the power to split any amendment.

His Excellency the PRESIDENT :—I think I must take them separately.

The Honourable Mr. DATTATRAYA VENKATESH BELVI :—I rise to a point of order, Your Excellency. There is an amendment standing in the name of the Honourable Mr. UPASANI. That is the same thing as (b) of the Honourable Dewán Bahádur GODBOLE. Your Excellency may be pleased to see that there is an amendment standing in line 56. The Honourable Mr. UPASANI says that the limit should be three-fourths. So it is much better to take that first.

His Excellency the PRESIDENT :—My Honourable friend, Dewán Bahádur GODBOLE, has the precedence. If he chooses to insist upon it, he can stick to it.

The Honourable Mr. BELVI :—My suggestion is that the first amendment of the Honourable Dewán Bahádur should be considered and, when it is decided, the Honourable Mr. UPASANI may be asked to move his amendment. Then, if that fails, the Honourable the Dewán Bahádur may be asked to—

His Excellency the PRESIDENT :—My position is that the Honourable Dewán Bahádur GODBOLE has got the priority and it is entirely within his right to say that he moves his amendment first. That is entirely for him to decide.

The Honourable Dewán Bahádur GODBOLE :—I accept, Sir, the proposal made by my Honourable friend, Mr. BELVI, and I will begin with the first portion of my amendment and then the Honourable Mr. UPASANI can go on with his, and if that fails, I will proceed with portion (b) of my amendment.

His Excellency the PRESIDENT :—I think that I must ask the Honourable Member to take his two amendments as they come, we cannot be jumping about on the paper. Then the Honourable Mr. UPASANI can move his amendments in the order they come.

The Honourable Dewán Bahádur GODBOLE spoke as follows :—Your Excellency, the trend of the discussion that we had day before yesterday during the second reading of the Bill was convincing, and we all agreed on that day that in the case of larger Municipalities, Committee Government was not desirable, and that such Government was not beneficial to the interests of large Municipalities. With that principle I agree. My experience also is similar. In the case of large Municipalities, where large sums of money have to be handled and where large, complex and important questions come up for decision, it is impossible that the work can be satisfactorily performed by Committees. In the case of large Municipalities, Municipal Commissioners are necessary, but what I contend for is that these Municipal Commissioners should not be thrust on the Municipalities against their will. I am aware that in the case of Municipalities, Municipal Councillors are always averse to giving away any of their powers. They want to keep all executive power to themselves as far as they can, and they are always chary of

giving power to any of their officers. In some cases we have found that Chief Officers also have not been given powers which they should be armed with, and under these circumstances, in some large Municipalities there is chance of Municipal administration coming to a deadlock. So I have no objection, in the case of large Municipalities like Ahmedabad, if Government obtain the power of appointing Municipal Commissioners even without the consent of the Municipality concerned. A Municipal Commissioner can be forced upon such a large Municipality even against their will, but in the case of other Municipalities I think the Municipal Commissioner should not be appointed except with the consent of the Municipality concerned. I have no doubt that with the intelligence that is being displayed by Municipal Councillors in other large Municipalities, they will be convinced that their administration will be greatly improved by placing it in the hands of a Municipal Commissioner, instead of running it by Committees, and I should not be surprised if some of them should come forward and ask Government of their own accord, to appoint a Municipal Commissioner for them. The suggestion is that, except in the case of very large Municipalities where the danger of mismanagement on account of the absence of a responsible executive officer is felt to be serious, Government should not thrust Municipal Commissioners on Municipalities against their consent, the consent being real and not illusory as contemplated in section D. The question is, how shall we discriminate as regards the large Municipalities which must have Municipal Commissioners? The original draft Bill, I think, put down the limit at a proper level. I think the limit should be a lakh and fifty thousand population. In the case of Municipalities having a population in excess of 150,000, they should have no option; they must take the Municipal Commissioner. In the case of other Municipalities, the Governor in Council should appoint a Municipal Commissioner for them, if they come up to Government and ask for one. In the first place, this is the provision that Government thought fit to embody in the first draft Bill, and to that position they should adhere, in my opinion. In the second place, the proposal which I have put forward is more in consonance with the principle of local self-government. The guiding principle of local self-government is, that there should be independent action on the part of local bodies with the least outside control. In consonance with this principle, I think Municipalities generally should not be compelled to take Municipal Commissioners against their will. This is the view that has been adopted by several Municipalities, including the Poona City Municipality—I have seen all the papers on the table, but the representation of the Poona City Municipality is not amongst them. I believe it came too late, so it has not been placed on the table. I have it however in my hands. They have expressed by a general Resolution on the 23rd July 1914 the following opinion:—(reads). Then they give their reasons. I won't trouble the Council with the reasons. This is what I have to say with reference to clause (a). What I wish is that the Municipal Commissioner should not be forced upon a Municipality with a population of less than 150,000 inhabitants. Then with reference to clause (b)—

His Excellency the PRESIDENT:—The Honourable Member will move his first amendment first and then we will deal with the second.

The Honourable Dewán Bahádúr GODBOLE (continuing):—For the reasons I have given, I think the limit ought to be raised from 100,000 to 150,000, and the clause should read “for any Municipal district which contains a population of not less than 150,000 inhabitants.”

The Honourable Mr. HARCHANDEAI VISHINDAS spoke as follows:—Your Excellency, now that the question of the Municipal Commissioner has been settled that there ought to be a Municipal Commissioner and that the old order of things should be changed, I would rather, instead of supporting the Honourable Dewán Bahádur GODBOLE in the matter of increasing the limit from 100,000 to 150,000, suggest to Your Excellency a reduction to 75,000 and I have got very good reason for that. But if Your Excellency would think that I have not given previous notice of this amendment and so I am not within my right, I would say that I have consulted some members of this Council and they agree with me. I will explain to Your Excellency my reasons. The civic conscience of every resident of Sind is of the opinion that, if there is any Municipality, next to Ahmedabad, that stands in need of a Municipal Commissioner, it is the Hyderabad Municipality. Your Excellency yourself must have observed that during your tour. The population of Hyderabad (Sind) is 75,000 and my brother Member, Mr. GHULAM HUSSAIN HIDAYATALLA, who is from Hyderabad, has given me his permission to state that he is also of the same opinion, namely, that this limit should be reduced. So, if Your Excellency could see your way to grant the amendment, I would suggest that the population figure should stand at 75,000.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—I want to oppose—

The Honourable MOULVIE RAFIUDDIN AHMAD :—We do not know what is the ruling.

His Excellency the PRESIDENT :—My Honourable Colleague will state the Government view when he replies.

The Honourable Mr. UPASANI (continuing) :—I want to oppose what has fallen from my Honourable friend, Mr. HARCHANDEAI. I think we had in the original Bill the population limit at 150,000 and now the Select Committee went further and fixed it at 100,000, and if at this discussion we go still further, it would not be at all proper. There is a provision already in the amending Bill to meet contingencies of Municipalities like Hyderabad—

The Honourable Sir IBRAHIM RAHIMTOOLA :—May I rise to a point of order, Your Excellency? I feel that in regard to the wording of the amendment that is before the Council the Honourable Mr. HARCHANDEAI'S speech was out of order, and I think any further discussion on it would also be out of order. What we are at present concerned with here is whether the limit of 100,000 is to be raised to 150,000 or not, and the discussion, I venture to submit, Sir, should be confined to that and to nothing else.

His Excellency the PRESIDENT :—It will perhaps be to the convenience of the Council if I were to say on behalf of Government that I agree that the discussion should be as between 150,000 and 100,000, and that Government is not disposed to reduce the limit any further than 100,000.

The Honourable Mr. BALKRISHNA SETARAM KAMAT spoke as follows:—Your Excellency, I had expected that I would not have to speak on this amendment, but the Honourable Dewán Bahádur GODBOLE practically persuaded himself into saying that the appointment of the Municipal Commissioner should not be made applicable to towns with a population less than 150,000. He has now moved his amendment and has given his reasons. In the first place, he admitted that committee management in town Municipalities is a failure. He went a step further and said that towns having a population of 100,000 should not have Municipal Commissioners. He admits committee

management is a failure, but he has failed to prove that it has not been a failure in Poona, where we have numerous committees, such as they had had at Ahmedabad. If committee management is bad in one place, it ought to be bad in another. Yet my Honourable friend would have a Municipal Commissioner at Ahmedabad, but not at Poona. He has also made a further admission that it would be proper for large towns to have a Municipal Commissioner forced on them by Government. That is what he said. The only question now is, which is a large town? He talks of a large town on the test of population. I think that is not the only test. As I have shown at the first reading of the Bill, the importance of a town does not rest merely on the basis of population alone, as there are so many other things to be considered, and if my Honourable friend admits that in 'large' towns Municipal Commissioners should be enforced by Government, no matter what the population is—whether it be 100,000 or 150,000 or 25,000—I think, according to his dictum, Government should force a Municipal Commissioner on such a Municipality. In that way a Municipal Commissioner should be appointed for the Poona Municipality also. I for one do not maintain that Government should force it, but he himself has suggested that for all 'large' towns Government should enforce a Municipal Commissioner. The only question now is whether a city like Poona could be called a large town. I say it is a large town. He quoted the representation of the Poona Municipality, in which they say they should not have a Municipal Commissioner, but he did not accept the reasons given by the Poona Municipality. On the contrary, he said that the experiment should be made at some other Municipality, namely, Ahmedabad. I do not think that it is a very good desire that one Municipality should point its finger to another and ask Government to make an experiment, at the cost of some other Municipality. If the principle involved is a good one, it should be good for all Municipalities. At any rate, my friend should have taken his stand on the reasons given by the Poona Municipality and not upon his mere wish that the experiment should be made at the cost and sacrifice of some other Municipality. For these reasons, I oppose the amendment of my Honourable friend, Dewán Bahádur GODBOLE, and I hope he won't press for it.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows:—Your Excellency, I support the amendment which has been moved by my Honourable friend Mr. GODBOLE. The reason why I think the limit of 150,000 should be adhered to is that it would be worse than useless if the Municipal Commissioner is not of the high standard which is expected of him, and I think, unless the pay of the officer is sufficiently high, he would not be the sort of the officer that would be needed for the purpose. I know only of one city which has a population of over 150,000, and so far as that city is concerned, it may perhaps be able to afford the salary which it would be necessary to pay to have such an officer. In case you are not able to provide for such an officer, then the population limit would come in as a hindrance. You ought to see that the provision is applied only to those places which are able to bear the salary with ease. Now my Honourable friend, Mr. KAMAT, considers that the population is not the only test. It may not be the only test, still I should consider it is one of the most important tests, and so far as I am able to see, I do not think cities which have a population under 150,000 have means upon which they could be expected to pay the high salary to a high officer such as would be required to act as a Municipal Commissioner.

The Honourable MOULVIE RAFIUDDIN AHMAD spoke as follows:—Your Excellency, I do not think that it is relevant to speak of the salary of the Municipal Commissioner when discussing this amendment. We are only concerned just now with the amendment whether a city having a population of 100,000 should be given a Municipal Commissioner or that having a population of 150,000. The Honourable Dewán Bahádur GODBOLE was good enough to admit almost everything as regards the principle of the Bill. For example, he admits that the Municipal Commissioner is desirable, he admits that administration by a committee is a failure, but he says that the experiment should be confined only to Ahmedabad. In other words he says "it is a very good thing, but do not give it to my city." Well, this is not the attitude which we should take. If it is a good thing, if it is sound in principle, my friend Mr. GODBOLE should be the first to come forward and say that as committee Government is a failure, and as the Municipal Commissioner's appointment is likely to be very useful so give it to my city in the first place. As it is, his attitude shows that he is not convinced at all. He thinks it an evil, and he wants to transfer that evil to Ahmedabad.

Again, Sir, if we were to adopt 150,000 population test, that would be only applicable to Ahmedabad. It would be not applicable to Poona or Surat, and I am afraid it would not be applicable even to Karáchi, so that for all practical purposes we might drop the population test and simply say that Ahmedabad should have a Municipal Commissioner.

I think by adopting this amendment, we would be defeating the object of this Bill. If there is any place in the Presidency where the provisions of this Bill should be first applied and its experiment tried, in my opinion it is Poona, because it is the capital of this Presidency for four months, and because its Municipality does not fully represent and cannot carry out the wishes of its citizens. We suffer from the failure of water works, we suffer from bad drainage and many other defects in the administration of the city, and I maintain that the provisions of this Bill should be applied to Poona in the first instance.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows:—Your Excellency, I do not want to take up the time of the Council. I really cannot appreciate the argument of the Honourable Dewán Bahádur GODBOLE. I have my entire sympathy with the amendment, but on entirely different grounds. I say if the institution of the Municipal Commissioner is good for Ahmedabad, it is good for Poona too, but I say that it is not a good institution at all. I support my Honourable friend Dewán Bahádur GODBOLE's amendment because if it is carried, it will have the effect of restricting the institution to one municipality only.

The Honourable Ráo Bahádur SHENIWAS KONHEB RODDA spoke as follows:—Your Excellency, I rise to oppose my Honourable friend Mr. GODBOLE's amendment. In the first place if the amendment is accepted it will mean throwing away the Bill. The Bill was mainly introduced in order to secure a very responsible officer to perform the executive functions of important cities. With that view the Bill was introduced, and when the appointment has been accepted by the majority, it seems to me that the

system should be extended throughout. Bringing forward every obstacle which would not in any way justify the appointment of a Municipal Commissioner, is in fact practically killing the Bill, and I might still say that the labours of the whole Council have been wasted. It was also suggested at the Select Committee that only the Municipalities having a population of one lakh and fifty thousand should have a Municipal Commissioner, and it was subsequently reduced to one lakh: and it was optional for those Municipalities where the number was less than one lakh to have a Municipal Commissioner or not. If any Municipality thought that the Municipal resources were good, it had full liberty to apply to Government in such cases. We may state in a liberal spirit that it should be the desire of every Councillor to improve the Municipalities and if possible to have well qualified officers for the discharge of their executive functions. On this ground it is necessary when the principle of the acceptance of a Municipal Commissioner has been accepted, to lower the population standard. We have also made a provision for Municipalities to apply for a Municipal Commissioner if their population is less than one-hundred thousand. I do not see why the limit of one lakh and fifty thousand should be confined to one Municipality, namely, the Municipality of Ahmedabad alone. This is the District Municipal Act and not the Ahmedabad Municipal Bill.

On these grounds I oppose my Honourable friend Mr. GODBOLE's amendment.

The Honourable Mr. RAGHUNATH PURSHOTAM PARANJPE spoke as follows:—I just wish to point out, Sir, as I did last time when the Bill was introduced, that it was intended mainly at present for application to the Ahmedabad Municipality which is under suspension and which is under a committee of management; thus at Ahmedabad there is no Municipality at all; so that Government might have thought that Ahmedabad was a good place to make that experiment and if that succeeds, then to extend it to other Municipalities. Then we can follow the Honourable Mr. CURTIS' brilliant idea and send a special train with all the Municipal Councillors of Poona round to Ahmedabad so that they might see what a great advantage it is to have a Municipal Commissioner. Then it will be time to bring forward a special, one clause Bill for Poona, so that simply the 150,000 may be changed to 100,000. We might, therefore, first of all see whether the experiment has been successful at Ahmedabad. That was the obvious object indicated in the initial speech of the Honourable Member in charge of the Bill in introducing this Bill, and therefore I think that this amendment is not against the first object of the Bill when it suggests that the experiment should be made in Ahmedabad. Another point I might mention to show that since the very beginning it was obviously intended to apply it only to Ahmedabad. No attempt was made to put a member from the Poona Municipality on the Select Committee, and the Honourable Mr. SATHE was put on the Select Committee as a representative of the Municipalities which it was not intended to affect immediately. I think it would have been a good thing, if it was intended to apply the principle immediately to the Poona Municipality, to put a member from the Poona Municipality or a representative of the Central Division on the Select Committee. Simply because it was not intended—

His Excellency the PRESIDENT:— I cannot see that what the Honourable Member is talking about has any relevancy to the present amendment. My Honourable friend seems to think that we have put wrong people on the Select Committee.

The Honourable Mr. PARANJPYE:—I leave that point aside, Sir. The Poona Municipality are already against it, so that, as I say, we must, first of all, restrict the Bill to Ahmedabad and, when the experiment succeeds, apply it to other places. I therefore cordially support the Honourable Mr. GODBOLE's amendment.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency, I do not see that any very sound reasons have been put forward in favour of the amendment of the Honourable Dewán Bahádur GODBOLE. The only argument that I heard throughout is, I believe, the argument that, because in the first instance in the draft Bill the population limit was a lakh and a half, Government should not now go back upon the original proposal and reduce it to a lakh of souls. The Honourable Mr. PARANJPYE is entirely wrong when he says that Government had only intended this Bill for Ahmedabad. I do not think that anybody said that we were going to try this as an experiment. On the contrary, I would remind the Honourable Member that when the Bill was first brought before the Council for the first reading, some Honourable Members suggested that Government might see their way to reduce the limit to a lakh, and I believe I then promised consideration to this suggestion in the Select Committee. It was due to that suggestion made in this Council that the Select Committee gave their best consideration to the question and they have all, I believe, only with one or two exceptions, come to the conclusion that it would be a good thing to reduce the limit in order that the Municipalities whose needs would require a whole time Municipal executive officer might be enabled to get a Municipal Commissioner.

Again, I would suggest that, although in the legislation the population basis has been provided for, it cannot be the sole test to induce Government to consider whether they shall or shall not appoint a Municipal Commissioner. Therefore it is that they have not taken an arbitrary power under the Act, but a power which is permissible. The wording is "the Governor in Council *may* appoint," which means that, if on enquiry it is found that a particular Municipality does require a Municipal Commissioner, then only will Government appoint a Municipal Commissioner, so that Mr. GODBOLE need not be afraid of any arbitrariness in the matter. Where a case is not made out, there the Municipal Commissioner will not be appointed. Again, if we restrict the population limit, what would happen? Ahmedabad has got the required 150,000, but Karáchi has not. From the point of view of revenue and wealth, Karáchi will be able to bear the Municipal Commissioner much sooner and easier than Ahmedabad, and yet it may happen, looking to the Administration in these two Municipalities, that Karáchi may escape the necessity of being forced a Municipal Commissioner and Ahmedabad may be asked to accept one. These are the considerations, Your Excellency, which have induced the Select Committee to reduce the limit. I have not many arguments to advance against the adoption of this amendment because there have not been advanced any very tangible arguments in favour of it, but I would make one remark with regard to the acceptance of the clause as it stands in the Bill. As Your Excellency rightly suggested in the earlier debate on this Bill, it does seem to me that the intention of some Honourable Members was probably to kill the Bill. Well now it happens that, if we do not retain this limit of a lakh of inhabitants only, although the Bill will exist, the real object of the Bill will simply be killed, because the operation of the Bill will be reduced to only one Municipality, namely, Ahmedabad, and I believe that it is the opinion, not

only of Government, but also of those who have heard this debate for three days continuously, that it is a good thing to have a Municipal Commissioner for every Municipality whose needs may require him. With these suggestions, Your Excellency, I oppose the amendment.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE spoke as follows :—I think, Sir, that I am not likely to get much support for the present amendment. My principal point is that the appointment of a Municipal Commissioner is an interference with local self-Government and no Municipal Commissioner should be appointed except on the application of a Municipality. However, as I find that I am not likely to find much support in this Council on this point, I do not wish it to be carried to a division. So I withdraw my amendment.

(The amendment was by leave withdrawn.)

His Excellency the PRESIDENT :—Does the Honourable Member wish to move his next amendment ?

The Honourable Dewán Bahádur GODBOLE spoke as follows :—I will now consider the second amendment which I have put forward with reference to sub-clause (b), clause 186 (a). With reference to this amendment I will ask the Council to refer to section 10 of the main Act. In section 10 it is laid down (reads). This section means that in a Municipality half the councillors will be Government nominees, either nominated by Government or by the Commissioner. Half of the nominated councillors may be Government servants. The other councillors will be elected representatives. Now this clause (b) is intended to give an option to Municipalities for applying for a Municipal Commissioner. Viewed in this light, this section is quite illusory and I will tell the Council how it is illusory. The nominated councillors of the Municipality are generally in favour of the idea of a Municipal Commissioner, and if their number is one-half, they can combine and say 'give us a Municipal Commissioner, we must have him even against the wishes of all the elected councillors'. Practically, therefore, the clause as drafted means that a Municipal Commissioner can be appointed wherever the Government nominees desire for the appointment. I think this is very unfair. Elected councillors should have a voice in saying that they want a Municipal Commissioner and this can only be secured by increasing the proportion.

The Honourable Mr. R. P. BARROW :—I rise to a point of order. Is the Honourable Member in order in putting as facts before the Council that which is not correct? As a matter of fact, our elected members in all Municipalities, I may say, amount to two-thirds, and not one-half.

The Honourable Dewán Bahádur GODBOLE :—I read the section as it is. In the case of Bagalkot Municipality, which is a city Municipality, the number of elected councillors is only one-half of the total number of councillors. There are other Municipalities also, and I should not be surprised if their number is large, in which the number of nominated councillors is half of the total number. Now these half are likely to combine together if they are satisfied that a Municipal Commissioner is wanted for a particular Municipality, say the Bagalkot Municipality, or any other small Municipality with a population of 25,000 or 30,000; the nominated half of the councillors can say 'Oh, this Municipality is being mismanaged and we will ask for a Municipal Commissioner for it.' They have simply to put in an application and they can get a

Municipal Commissioner. This in my opinion is very unfair and, therefore, the proportion should be increased from one-half to two-thirds, so as to allow some of the elected councillors at least, to have a voice in the application for a Municipal Commissioner. It is on these grounds that I have suggested my amendment and I place it before the Council for their consideration.

The Honourable Mr. G. S. CURTIS spoke as follows:—Your Excellency, I am not in a position to contradict the statement that Bagalkot is comparatively a small place with a population of about 25,000 to 30,000 and that it is not a town which, in the ordinary circumstances, could accept a Municipal Commissioner. The second clause of this section is meant to deal with middle-sized towns with a population varying from say 30,000 to 100,000, and all these, as far as my experience is concerned, have elected presidents and two-thirds of the councillors are elected. If this is so, the arguments adduced by the honourable member lose their force altogether. It seems to me, Sir, that it would be sufficient if an ordinary majority were to decide this question. Possibly the section would “read” better from the drafting point of view if it provided that the application should be previously supported by a whole majority of the councillors in each case. But there is no reason whatever, why for the benefit of Bagalkot there should be any variation in the clause as put forth by the Select Committee.

The Honourable MOULVIE RAFIUDDIN AHMAD spoke as follows:—Your Excellency, I rise to oppose the amendment. In the course of his remarks the Honourable Mr. GODBOLE was very unkind to the opinions of nominated members. My Lord, as it happens almost all the Mahomedan members are nominated and indirectly therefore the remark insinuates that the Mahomedans are always dictated to by the officials and always give opinions which they themselves did not hold. Such a remark, I think, is an insult. My Lord, in this matter there is no question of elected or nominated members at all. The question is that if a majority of the councillors of a particular Municipality desire to have a Municipal Commissioner, is there any reason why a Municipal Commissioner should not be given to them? I have not heard a single argument against this proposition. What Mr. GODBOLE says is this, that there will never be a majority of elected members, there will only be a majority of nominated members, which is an evil and for this reason the Bill as it stands should not be accepted. He puts an extra premium upon the opinion of elected members, which is not justified. I believe he is altogether wrong in saying, as has been pointed out by my Honourable friend Mr. CURTIS, that almost all the smaller Municipalities will be affected by the Bill. It is a question of Municipalities which have a population of between 30,000 and 100,000, and in almost all such Municipalities there are non-official members in the majority Hindu and Moslem. But I have pointed out, in almost all the mofussil Municipalities the Mahomedan members are nominated and unless my friend thinks that there is a compact between them and the officials their voice should not be discounted because they are nominated members. I have seen no reason for changing my view and therefore I think the amendment should be rejected.

The Honourable Mr. BALKRISHNA SITARAM KAMAT spoke as follows:—Your Excellency, I had not the slightest sympathy with the previous amendment, but I have some sympathy for this amendment and I am prepared to support this amendment, that the majority, as proposed by my Honourable friend, should be two-thirds instead of

one-half ; but with regard to his remarks about nominated members and his fears that they will combine together, I must take the very strongest objection to such remarks of my honourable friend. Similar remarks were made the other day in connection with the argument advanced by Mr. PARANJPYE. You will allow me to refer to it to show how hollow that argument is in the light of facts. The honourable mover of this Bill, in replying to the Honourable Mr. PARANJPYE the other day, has shown that nominated members can show their independence whenever necessary.

The Honourable Mr. R. P. PARANJPYE :—As a personal explanation, I would say that at that time when I said nominated members I meant nominated members who were officials. The Honourable Member in charge of the Bill did not hear my qualifying clause of “officials”.

The Honourable Mr. KAMAT (continuing) :—I can show that nominated members of this Council have held independent views and have never sided with the Government, simply because they were nominated members ; and if my honourable friend will look into the Journal of the Proceedings of this Council, during the last 18 months if not more, I think he will have ample evidence of that. The Honourable Mr. GODBOLE referred to the representation of the Poona City Municipality ; I would say that that representation itself is ample evidence that nominated members *as a rule* do not favour the views of Government in all cases. The Honourable Mr. GODBOLE is himself a nominated member of the Poona City Municipality (laughter). When a sub-committee was appointed by that Municipality to send a representation on this Bill to Government, I think there were five members on the Committee. I find that no less than three out of the five, including the President of the Municipality, were nominated members, and yet all these three nominated members have courageously and independently given their opinion that this measure is not wanted by them. That is distinct and clear evidence that nominated members can rise to the occasion and can give their opinion as freely and as courageously as the Honourable Mr. GODBOLE has done. I will go one step further in this particular case and point out that out of the three nominated members one is an official and an Englishman—a well-known Principal of a College in Poona.

His Excellency the PRESIDENT :—I really must ask the Honourable Member to confine himself strictly to the amendment. I am sure that he has been very much ruffled and thinks that his honour has been assailed.

The Honourable Mr. KAMAT (continuing) :—I think the Honourable Mr. GODBOLE is entirely wrong when he says that nominated members would give a particular opinion either in favour or against the Municipal Commissioner, and I therefore, except for those remarks, support his amendment on different grounds, namely that half the total number of members is not after all an overwhelming majority, but if the majority were two-thirds, that would be a clear indication of the overwhelming sense of the opinion of the Municipality. On these grounds I am in favour of the amendment moved by my Honourable friend Mr. GODBOLE.

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows :—Your Excellency, I rise to support the amendment proposed by the Honourable Dewán Bahádúr GODBOLE. My reasons are these. In places where there is an elected President, Government has laid it down as a rule that there shall not be an elected President

unless three-fourths of the total number of Municipal Councillors are in favour of having an elected President. Looking to the frame of the present Bill, we find that section 186-B provides that, where a Municipal Commissioner is to be removed, the number of Councillors who desire the removal should be three-fourths and I think it will be consistent on our part if we were to rule that, when a Municipal Commissioner is to be appointed, the request should proceed from at least three-fourths of the total number of Councillors; but it seems to me that I cannot now demand three-fourths when considering the amendment moved by the Honourable Dewán Bahádur GODBOLE. It is a matter of misfortune that the Dewán Bahádur's amendment precedes an amendment which stands in the name of my Honourable friend Mr. UPASANI. I cannot, therefore, discuss it now. But I think I shall discharge my duty by saying that I am in entire sympathy with the amendment of the Honourable Dewán Bahádur GODBOLE.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE spoke as follows:—Your Excellency, I strongly support the amendment moved by the Honourable Dewán Bahádur GODBOLE, and I support it on a very simple ground. This section, as it is, applies to towns having a population of less than one lách, and it is in those towns that we have to introduce the institution of a Municipal Commissioner on the recommendation of the Municipality. Now the question is who should recommend, that is, how many members of that body are to be considered as sufficient for the resolution to be passed by a Municipality. Whether it is one-half or two-third of its Members? When you have to change the constitution of your own body, when you to bring in a new element, then a greater and more deliberate thought is required to be given to that subject. If you have to ascertain the general feeling on the point, you must ascertain it in an effective manner. The greater the number of Municipal Councillors supporting, the greater the reason for us to hold that the proposal commends itself to so many people, and I think nothing is lost by raising the limit of one-half to two-thirds. After all we are leaving it to the Municipality whether to have a Municipal Commissioner or not. I therefore think that without going into the other minor points to which reference was made, I want to put it only on this ground, *viz.*, that if you want to get the sentiment of the people and feeling of the Municipal Councillors, we can better understand it if we raise the limit from one-half to two-third.

With these few remarks I strongly support the amendment moved by my Honourable friend Dewán Bahádur GODBOLE.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency, as referred to by the Honourable Mr. BELVI, I have on this very point an amendment by myself. I have suggested that 'three-fourth' should be substituted for 'one-half' and in line 5 of this clause and, therefore, if that is not accepted, I would rather support the Honourable Mr. GODBOLE's suggestion for two-thirds instead of 'one-half'. When for the removal of the Municipal Commissioner section 186B (3) requires a majority of three-fourths—we have to insist upon a majority of at least two-thirds for his appointment which involves a change in the constitution of the Municipality and binds it to undertake pecuniary responsibilities which are expected to be far more heavy than those under the present constitution. If under the Bill as it stands a majority of three-fourths is required to remove the Municipal Commissioner it is but fair that the same majority should be required for his appointment. It would certainly be unfair to allow

him to be appointed by a bare majority and to insist on a majority of three-fourth for his removal. The majority in both cases ought properly to be the same and it was for that reason that in my own amendment I suggested 'three-fourths'. In any case considering the responsibility involved, I think it will be but bare justice to accept the amendment of the Honourable Mr. GODBOLE.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows:—Your Excellency, I rise to support the amendment of my Honourable friend Mr. GODBOLE. I think the arguments advanced by my Honourable friend Mr. BELVI are perfectly sound and it is only right that Government should consider them. When the Municipality wants to elect a President, the existing law requires a majority of three-fourths. When it wants to ask the Governor in Council to remove a Municipal Commissioner, the Bill requires a majority of three-fourths. There is absolutely no reason why when the very question of the constitution of mofussil Municipalities is to be considered that there should be this difference, I think it is only right that the motion should be considered very favourably. What I do not understand really is that the Governor in Council is empowered to appoint a Municipal Commissioner for bigger Municipalities without consulting any Councillor, on the other hand, in the case of smaller Municipalities you want to consult two-thirds or one-half of the Councillors for such appointment.

The Honourable Mr. NOWROJEE DORABJEE KHANDALAWALLA spoke as follows:—Your Excellency, in 186A, sub-clause B, it is provided that such applications shall be from not less than one-half the whole number. If one-half of the total number ask for a Municipal Commissioner and the other half do not wish to have him, will Government take only the wishes of the one-half and reject the wishes of the other? I think this is a point which requires very careful consideration. I submit that there must be something more than a majority of one-half before a Municipal Commissioner is given to a Municipality which has less than a lakh of inhabitants. I need not say more on this subject. I simply bring this point to the notice of the Council.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency, in view of the speeches that have been made here on the subject, Government consider that it would probably be a good thing to make a concession in the matter. (Hear, hear.) Government would be willing to accept a majority of two-thirds of the members present, and I hope this will satisfy the Honourable Member.

The Honourable Sir IBRAHIM RAHIMTOOLA:—Have I Your Excellency's permission to say a few words in regard to the suggestion which the honourable member in charge of the Bill has just made?

His Excellency the PRESIDENT:—Yes,

The Honourable Sir IBRAHIM RAHIMTOOLA then spoke as follows:—Sir, I do not think the suggestion would be acceptable to me, because under the present law, as the Honourable Mr. KHANDALAWALLA has very pertinently pointed out, there may be half the number in favour of the appointment of a Municipal Commissioner and the other half may be against it. Under such circumstances Government would get the power of appointing a Municipal Commissioner. I do not think it is right that such power should be given. The compromise offered by the honourable member appears to me even worse than this provision. Under the Bill, as it stands, if there are 20 councillors in a municipality 10 must vote in favour before Government can take action, while under the

compromise, when the quorum fixed is comparatively small, as is usual, two-thirds of the number of members present may be even less than ten. So that instead of an improvement, the compromise may work quite the other way. It appears to me that if Government are willing to offer a concession to the general feeling which has been expressed here to-day it should be on the same lines as the amendment before the Council, that is, by the vote of two-thirds of the total number of members. There is an additional reason why I support that view, and it is that in the case of municipalities having a population of 100,000 and over Government have taken the right of appointing a Municipal Commissioner irrespective of any reference to the municipality itself, but even in such cases Government have not bound themselves to do so. All that the law provides is that it gives Government the discretionary power of appointing a Municipal Commissioner in the case of cities with a population of 100,000 and over, and it may often happen that in the case of a city with a population of even 120,000, Government may not be disposed to exercise such right for financial and other considerations. When that is so in regard to municipalities with a population of over 100,000, I think it is obvious that unless a general consensus of opinion in the municipal town in favour of the appointment of a Municipal Commissioner is previously ascertained, it would not be right to appoint a Municipal Commissioner in that municipality. It appears to me that the only way in which Government can ascertain whether such a general consensus of opinion exists in that town is by the votes of at least two-thirds of the total number of councillors of that municipality, and that alone would in my opinion justify the appointment of a Municipal Commissioner in smaller municipalities having a population under 100,000 and much more so in municipalities with a population as the Honourable Mr. CURTIS put it, of say 30,000 or so. Under these circumstances, I think, that the Council would be well advised if they accepted the amendment of the Honourable Mr. GODBOLE, which lays down that in the case of smaller municipalities a Municipal Commissioner shall only be appointed if the votes of two-thirds of the total number of the members of that municipality have been previously recorded in favour of that proposal. (Hear, hear.)

The Honourable Ráo Bahádur GANESH KRISHNA SATHE:—May I have permission to speak on the proposed amendment of Sir IBRAHIM RAHIMTOOLA? I will take only two minutes.

His Excellency the PRESIDENT:—Very well.

The Honourable Ráo Bahádur SATHE (continuing):—I will ask the attention of the members of this Council to clause 7 of section 26, which runs as follows (reads):—In City Municipalities we have got a quorum of one-third. I will illustrate a case and show that the proposal made by the honourable member in charge of the Bill will make our position worse. In a town where there are 30 members, the quorum will be of 10. Two-thirds of 10 is about 7 and we are much better under the existing Bill than under the proposed amendment. The result would certainly be worse. It would not in any way meet the desire of the several members who have spoken on the point. On the contrary we shall be much worse off if we accept the suggestion of the Honourable Mover.

His Excellency the PRESIDENT:—Government have no particularly strong feelings with regard to this question, but I own that it seems rather a pity if in the Select

Committee a certain decision is come to that honourable members should wish to upset the settled opinion of that committee altogether. Government did make a concession just now in suggesting two-thirds of those present. Government was hopeful that the general opinion would be that in all municipalities where a Municipal Commissioner was going to be appointed the members would show such keenness to take their share in his selection that they would all be present. My Honourable friend Sir IBRAHIM rather disappoints me as to this and suggests that it is quite conceivable that only a few members might appear and that therefore there will be considerable difficulty as to the election being confirmed. I hope that he will be wrong and that my expectations may be right. But, under the circumstances, I think on the whole, as there seems to be a good deal of difference of opinion with regard to this, that it would be better if we were to leave it to the judgment of this Council and let every honourable member vote as he feels disposed.

(The amendment was then put to the vote and carried.)

His Excellency the PRESIDENT :—186 A (4)—The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—My Lord, I beg to withdraw this item of my amendment in view of the amendment which has just been passed.

(The amendment was by leave withdrawn.)

His Excellency the PRESIDENT :—186 A (5)—The Honourable Mr. UPASANI.

The Honourable Mr. UPASANI :—I withdraw it.

(The amendment was by leave withdrawn.)

His Excellency the PRESIDENT :—186 B—The Honourable Mr. UPASANI.

The Honourable Mr. UPASANI :—I withdraw that amendment also, my Lord.

(The amendment was by leave withdrawn.)

His Excellency the PRESIDENT :—186 B (3)—The Honourable Mr. GODBOLE.

The Honourable Dewán Bahádúr KASHINATH RAMCHANDRA GODBOLE spoke as follows :—Your Excellency, the amendment which I wish to move runs thus :—(reads). I beg to point out, Sir, that in this case the provision is illusory and I will tell the Council how. In the case of all Municipalities one-fourth of the councillors may be salaried servants of Government and in many cases they are. These salaried servants of Government are seldom likely to vote for the dismissal or removal of a Municipal Commissioner. We have to bear in mind that half the number of councillors of a Municipality may be nominated by Government, and of this half again one-half may be salaried servants of Government. Under these conditions it is hard to believe that in the case of Municipal Commissioner that has been appointed by Government the salaried servants and nominated councillors of Government will vote against his removal or—

His Excellency the PRESIDENT :—I am afraid that the Honourable Member is making the same speech again that he made before. I feel sure Honourable Members will agree with me that we want to get on with our business as quickly as possible, and I am sure that I can rely on the Honourable Member's assistance.

The Honourable Dewán Bahádúr GODBOLE :—I have simply to say that, if any real power is proposed to be given to the Municipalities as regards the removal of a

Municipal Commissioner, the proportion given in this clause should be reduced from three-fourths to two-third, if not half. I would prefer half, but I believe that will be impracticable and would make the position of the Municipal Commissioner very unstable. I propose, therefore, Sir, that the words "two-third" should be substituted for "three-fourth".

The Honourable Mr. G. S. CURTIS spoke as follows:—Your Excellency, I rise to point out that, under the existing law, the Chief Officer or the Engineer cannot be removed unless by the votes of three-fourths of the whole number of councillors, and the Municipal Commissioner is, of course, an officer of a higher calibre and it is somewhat illogical that, while a Chief Officer, who is generally a Mámldár, is entitled to demand that there should be a three-fourth majority, the Municipal Commissioner should be dismissed by a majority of only two-third. I hope, Sir, that this Council will reject the Honourable Member's amendment. I would add, Sir, that it seems a little ungenerous on him to reflect on Government officers as being members of a Municipal body likely always to support the Municipal Commissioner. Probably I think a Government servant may be trusted to exercise his judgment, as well as, I may say, a pensioned Government servant. I would suggest that these reflections on nominated members and pensioned or other Government servants are not in the best taste.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows:—Your Excellency, I have an amendment on that point which asks the Council to substitute five-eighths instead of three-fourths. This amendment I have based on the Bombay Act. Under the Bombay Act by five-eighth majority the Municipality could ask Government to remove a Municipal Commissioner, and as we have taken most of the provisions regarding Municipal Commissioner from the Bombay Act, I do not know why we should not adopt a similar provision from that Act on this point.

His Excellency the PRESIDENT:—The Honourable Member's amendment is coming along in due course. His amendment comes up next.

The Honourable Mr. PATEL:—If my Honourable friend accepts the amendment that I have given notice of—

The Honourable Dewán Bahádúr GODBOLE:—I propose that my amendment should be gone on.

The Honourable Mr. PATEL:—In that case I support my Honourable friend for the present. If his amendment is rejected, I shall move my amendment.

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows:—Your Excellency, I support the amendment brought forward by the Honourable Dewán Bahádúr. As I have said, consistency demands that, if two-thirds of the total number of municipal councillors are sufficient in requesting Government to give a Municipal Commissioner, I think the same proportion ought to be considered sufficient when the time comes for the removal of a Municipal Commissioner. There is no reason at all why there should be a larger number of councillors who should demand a removal of a Municipal Commissioner than when a Municipal Commissioner is to be appointed. I referred to the present rules obtaining as regards the election of Presidents and I showed that the rule now obtaining under a Resolution of Government is that three-fourths of the total number

of municipal councillors shall elect a President where a President is allowed to be elected. I wish to give the Council a concrete instance of the rigidity which is enforced when the privilege of electing a President is granted to a municipality. Two or three months ago a President for the Belgaum Municipality was to be chosen. There were 24 councillors. Out of 24, 13 members happened to be present at the general meeting and out of 13, 16 voted in favour of a particular gentleman, and yet it was held that the gentleman had not been formally elected, because 16 was less than three-fourths of 24. You will thus see how rigidly Government enforce the rule of three-fourths when a President is to be chosen. I submit that, when such rigidity is enforced in the case of the President's election, it is but justice to allow the municipality to remove an unpopular Municipal Commissioner when two-thirds of the total number of councillors do not want him. I do not think this is a point which need be laboured at greater length. It is obvious that, if on two-third members of a municipality making a request Government may be disposed to give a Municipal Commissioner, he should be liable to be removed at the request of two-thirds.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—My Lord, I rise to support the amendment. I have only to say a few words with reference to what fell from the Honourable Mr. CURTIS. He has pointed out that under the existing Act a three-fourths majority is required to remove a Chief Officer, and therefore it ought to be so also in the case of the Municipal Commissioner. There is no doubt some force in that, but I have to point out that the Chief Officer is allowed by the present Act to exercise powers under only 24 sections. The new officer is to be allowed to exercise *all* executive powers. Another thing is that the Chief Officer is subject to the supervision and control of the municipality and its President. The Municipal Commissioner is independent of that control, and it may happen that there may be very much higher or unnecessary expenditure due to the administration of the Municipal Commissioner whom they are not able to control than would be the case under the Chief Officer. Therefore, the analogy drawn by the Honourable Mr. CURTIS with reference to Chief Officers does not apply. A Municipal Commissioner's appointment will involve higher expenditure, and will also imply higher delegation of powers without the supervision of the whole body, and if, under these circumstances, they for any reason consider that the appointment should not be continued in their interests, I think it would not be reasonable to insist on a majority of three-fourth for the removal and two-third would be reasonable and proper.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency, I am surprised at the argument just put forward by my Honourable friend Mr. UPASANI. He says the reason for the necessity of a three-fourth majority for the dismissal of a Chief Officer is that he is a smaller officer and that he is appointed by the municipality, whereas the Municipal Commissioner will be a higher officer with more responsibilities and put on by Government. Now I really cannot understand the weight of this argument at all. It should be the other way, as put by the Honourable Mr. CURTIS. Higher powers and higher responsibility must be regarded with greater respect and greater consideration than lower powers and lower responsibilities, and I should think that, if Chief Officers could not be dismissed without three-fourth majority, surely, Your Excellency, it follows that the Municipal Commissioner should stand the chance of being

dismissed only when there is not less than three-fourths majority. No other arguments have been advanced, and I think this will be enough to show that the amendment proposed by the Honourable Mr. GODBOLE should be thrown out.

The Honourable Dewán Bahádúr GODBOLE :—I do not wish to reply.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT :—186 B, sub-section 3.—The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows :—Your Excellency, I should have withdrawn this little amendment, but it is difficult for me to get out of the fact that we really have got the precedent of the Bombay Act on the point; then, why, I ask, we are not disposed to follow that Act in this particular matter. As a matter of fact, it is not so easy to get five-eighth councillors in the mofussil towns to vote in favour of a proposition to remove a Municipal Commissioner as it is in Bombay. Difficulties are greater there. In Bombay there are, it is said, members who could exercise their independence and intelligence in a greater degree than in the mofussil. I submit that I am putting this amendment for the consideration of the Council just on the Bombay lines and I do not see why mofussil municipalities should have a differential treatment.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—I beg to support this amendment on the ground that the Municipal Commissioner in Bombay is a higher officer and a majority of five-eighth is required for the removal of that officer. I do not see why we should insist upon a higher majority in the mofussil. Our experience is that it is more difficult to get a majority of three-fourths in the mofussil than in Bombay.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows :—Your Excellency, I rise to suggest that the amendment as proposed may be rejected. My grounds are these :—In Bombay the number of councillors are fixed by statute to be 72. In the district municipalities the number of councillors often changes according as it may be decided by the Governor in Council, and therefore it would not be possible always to keep to the five-eighth ratio. Besides five-eighth is only a fraction lower than six-eighths, which is three-fourth. I do not see there is much weight in the arguments that have fallen from the Honourable Member. Again, on a reference to the Madras Act, I see that the majority required is even more than what is now proposed, so that I hope the Council will reject the amendment.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency, I do not see my way to withdraw this amendment. I have not been able to follow the Honourable Member in charge of the Bill in the fractional considerations which he has put before this Council. I merely quote the example of Bombay and I see no reason, if there is, as they say, less of intelligence and independence that law should require a greater number of councillors voting in favour of a proposition for the removal of a Municipal Commissioner.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT :—186 C (1)—The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—I beg to withdraw it.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT :—186C, sub-section (1)—The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows :—Your Excellency, this is really a very important amendment and I ask the Honourable Members to consider it very carefully. What I ask by this amendment is that, if we are going to empower the Governor in Council to thrust a Municipal Commissioner, in the words of my Honourable friend Dewán Babádur GODBOLE, Government should give half the amount of salary which the municipality shall have to pay to him. My reasons are these: As the Honourable Members of this House know very well, a right to appoint its own servants has been exercised by all the municipalities since the passing of the Act of 1873. By this legislation we are depriving the municipality of that right and to hand over that right to the Governor in Council, and I am, therefore, entitled to ask this Council to consider the question whether or not the Government should be made to give some substantial consideration by way of contribution towards the salary of a Municipal Commissioner in lieu thereof. Then, again, it has been repeatedly told to us that the institution of Municipal Commissioner for the mofussil municipalities will further the advancement of local self-government. If that is so, it is only proper that we should, by legislation, encourage municipalities to appoint Municipal Commissioners as executive officers, and the only way to encourage them to do so, would be by contributing towards the salary of a Municipal Commissioner. My Honourable friend Sirdár Sir CHINUBHAI at the first reading of this Bill very distinctly told us in his speech, which I have read over and over again, and committed to heart that the Ahmedabad Municipality is really not in a position to afford the luxury of a Municipal Commissioner unless Government in various ways comes to its aid. He seems to have changed his opinion now, but I assure this House most emphatically that the financial condition of the Ahmedabad Municipality has not changed with this change of Sir CHINUBHAI'S view. I therefore request the members of this House to consider the financial aspect of the question and embody this provision in the present Act, so as to encourage mofussil municipalities to appoint Municipal Commissioners inasmuch as this House holds that the appointment of Municipal Commissioner will further advance the cause of local self-government, a view to which I do not for a moment subscribe.

The Honourable MOULVIE RAFIUDDIN AHMAD spoke as follows :—Your Excellency, I have very great pleasure in supporting the amendment of my Honourable friend Mr. PATEL, and unlike my friend I support it, because, I want that a Municipal Commissioner should be appointed in as many places as possible, and I hold that the Municipal Commissioner will be popular in proportion to the amount of money that would come from Government towards his appointment. In order, therefore, my Lord, that the Municipal Commissioner should be, as I say, appointed in as many places as possible, I maintain that a contribution from Government is necessary. My Lord, I would quote the opinion of my Honourable friend Sir PHEROZESHAH MEHTA on the occasion of the debate on the Municipal Bill in 1901. With regard to the salary of the Municipal Commissioner, he said (reads).

Then, my Lord, this is as reasonable as anything can be, and as a friend of this institution and as an admirer of the Municipal Commissioner of Bombay, I certainly say, Sir, that if that principle is to be carried, Government should liberally come forward to contribute towards the maintenance of this institution. Perhaps it would not be right for me to say that half only should be contributed, if they contributed three-fourth, it would be better but I would at least say that a very large sum should come from Government. The Provincial Government is very much interested in the administration of mofussil municipalities, and when they spend so much for the efficient administration of all the departments, it is but right that they should give a little more dole to every municipality, and they could not spend their money for a better purpose. My Lord, if you appoint a low-paid officer as a Municipal Commissioner, say of the salary of Rs. 300,—I would withdraw all my support to this institution. In that case the Municipal Commissioner would be perhaps a worse evil than the system we have at present. In the interests, therefore, my Lord, of better municipal administration in the case of bigger municipalities, I would strongly request Government to come forward and show their liberality.

The Honourable Mr. G. S. CURTIS spoke as follows:—Your Excellency, I am somewhat amused at my Honourable friend Mr. PATEL's position. He has been a strong opponent of the Municipal Commissioner system and he has done his best to prevent its introduction in any town whatever in the mofussil. Now, Sir, so far as I can make out, he contends that no town in the mofussil can possibly support a Municipal Commissioner. If, therefore, he leaves the matter alone the whole Bill is a waste paper and there will be no new Municipal Commissioner. But instead of doing, Sir, this he comes forward and asks that Government should contribute half the salary of the Municipal Commissioner. I object to it, because he seems to place all municipalities on the same footing. It seems to me quite possible that Government may assist a few towns who embark on this very desirable experiment, but it would be undesirable to lay down that it should assist every town in precisely the same way. One constantly finds on going through the finances of municipal towns, that there are extraordinary differences between the income and expenditure between towns of very much the same importance. We can trust Government, after all, if they pass this Bill, to see that it is a success, as it will be the foster child of their own. We can also trust Government to exercise the same degree of liberality in this connection, that they have shown of late in relation to works supply projects, &c. In short, I would ask this Council not to lay down that the same principle shall apply everywhere but to trust Government to do its best.

The Honourable Mr. HARCHANDBAI VISHINDAS spoke as follows:—Your Excellency, I would not have risen but for the fact that my Honourable friend MOULVIE RAFIUDDIN has quoted from Sir PHIROZESHAH MEHTA in support of his amendment.

The Honourable Sir PHIROZESHAH MEHTA:—I am certainly not in favour of the amendment.

The Honourable Mr. HARCHANDBAI (continuing):—I also oppose the amendment on the ground that such an amendment should not remain on the Statute Book at all. They can do so as the Honourable Mr. CURTIS has very clearly pointed out if the

Government are prepared to contribute. Besides in some cases it may work injustice. There might be some Municipalities of which the revenue is large, but there are others whose revenue would be so small that they would not be able to contribute even half of the salary. At any rate the Karachi Municipality is not going to beg of Government to contribute anything. If we want a Municipal Commissioner we have got sufficiently large income to afford the salary of a Municipal Commissioner. So far as Ahmedabad Municipality is concerned, there the income comes to about eight lakhs and they can surely afford to pay a salary of Rs. 1,500 per mensem. So the Council should certainly reject this amendment.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency, I have not a word to add to what the Honourable Mr. HARCHANDRAI and the Honourable Mr. CURTIS have said. It would be merely a repetition of the same arguments and I would therefore recommend that the amendment may be rejected.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows:—Your Excellency,—My Honourable friend Mr. CURTIS told the house that it would be inconsistent on my part to ask for a quota of the salary of a Municipal Commissioner, when I am so much against the institution of a Municipal Commissioner. May I tell him that it is not the choice of the Municipality to have a Municipal Commissioner, but it is the legislature that is going to empower the Government to thrust a Municipal Commissioner on Municipalities against their will, and when Municipalities have got to employ Municipal Commissioners against their wishes, it is the ratepayers that will suffer. His pay will come from the pockets of the ratepayers of Poona, Ahmedabad or whatever place it may be, and it is on their behalf that I ask Government and this house to consider the financial aspect of the question. There are so many works of public utility on which the Municipality has to spend money and we know what funds they have for this purpose. Government have desired that most of the City Municipalities should appoint Health Officers and Government have consented to pay two-third of the salaries of those Health Officers. It is only with a view to encourage Municipalities to appoint Health Officers. Why, then, if the Government is anxious that mofussil Municipalities should appoint Municipal Commissioner they should not come forward to encourage them by contributing towards his salary. I, therefore, put this amendment for the consideration of this House.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT:—Item No. (61), section 186 (c) (1), the Honourable Mr. PATEL.

The Honourable Mr. PATTANI:—Will the Honourable Member allow me to make a suggestion with regard to this amendment? Government is prepared to accept the amendment proposed in this behalf by the Honourable Mr. SATHE with the addition of these words: "Municipality shall, subject to the approval of the Governor in Council", so that the clause will read "A Municipal Commissioner shall receive from the Municipal fund such monthly salary as the Municipality shall, subject to the approval of the Governor in Council, from time to time determine".

The Honourable Mr. PATEL:—Then I withdraw my amendment.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT:—Item No. 62, section 186 (c) (1), the Honourable Mr. SATHE.

The Honourable Ráo Bahádur SATHE:—I accept the amendment proposed by the Honourable Mover of the Bill.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT:—Item No. 62, the Honourable Mr. GODBOLE.

The Honourable Dewán Bahádur GODBOLE:—I beg to withdraw my amendment.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT:—Item No. 64, the Honourable Mr. UPASANI.

The Honourable Mr. UPASANI:—I beg to withdraw my amendment.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT:—Item No. 65, the Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows:—Your Excellency, this is another amendment which if carried or accepted would go towards the relief of the already over-burdened Municipalities who are to be given Municipal Commissioners. What I want by this amendment is that wherever a salaried servant of Government is appointed as Municipal Commissioner, the pension and leave allowances of that salaried servant of Government must be exempted. My amendment runs thus: (reads). In this matter I am quoting the instance of Bombay where the Municipal Commissioner is exempted from pension and leave allowances. The Presidents of the Rangoon Municipality and Municipal Corporation of Madras as well as the Chairmen of the Cawnpore and Allahabad Municipalities are exempt from this contribution. This is probably with a view to encourage the appointment of these officers. However I brought this matter before the Select Committee and I cannot quite understand why it was not considered. It was probably because there was some difficulty in the way of Government taking up the question at all. But when you by statute say that the contribution of the leave and pension allowances of a Municipal Commissioner shall be borne by the Municipality, I say that this Government will not then be in a position to go to the Government of India and ask them to exempt the Municipal Commissioner from the pension and leave allowances. I therefore submit that looking to the financial condition of most of the Municipalities this is a matter for the serious consideration of this Council. I am glad to say I am going to be supported strongly even by the Honourable Mr. RAMANBHAI in this amendment.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency, I want just to make a short explanation. I refer to the last portion of the argument advanced by the Honourable Mr. PATEL. He admits that there is as stated in the Select Committee an objection to the acceptance of this proposal on the ground that the Local Government cannot legislate against existing rules and regulations of the Government of India. That is exactly our difficulty. The Honourable Mr. PATEL argues that if that is the difficulty of the Local Government, why should not Government allow the municipalities the option of appealing to the Government of India with a view to get the exemption. That is I think a point that needs careful consideration and must be left to Government. And Government at the same time propose that the following words be added to the existing clause. "In sub-section (1),

new clause 186E, after the word 'shall' the following words shall be substituted, namely, 'unless specifically exempted wholly or in part from liability by the Governor General in Council'". It is that authority only who can make exceptions and I believe that after the addition of these words, the Honourable Mover of the amendment will be satisfied.

His Excellency the PRESIDENT:—Clause 186G (1).—The Honourable Mr. RAMANBHAI.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH spoke as follows:—Your Excellency, I beg to withdraw this amendment. I had proposed the amendment with the idea that when a Municipal Commissioner is appointed to a particular municipality he may automatically be invested with the powers given to the Chief Officer of that municipality by its rules and bye-laws. But I find that it may be possible that the rules and by-laws of some municipalities may have given to their Chief Officers some powers which by the Act as amended by this Bill are not to be given to the Municipal Commissioner. To prevent this inconsistency it would be best for me to withdraw the amendment so that the matter of further powers to be given to the Municipal Commissioner may be left for the consideration of individual municipalities.

The Honourable Mr. PATEL:—I accept it.

His Excellency the PRESIDENT:—The Honourable Mr. RAMANBHAI.

The Honourable Mr. RAMANBHAI:—I withdraw my amendment.

The amendment of the Honourable Mr. PATEL as further amended was then put to the vote and carried.

His Excellency the PRESIDENT:—Item No. 67, the Honourable Mr. UPASANI.

The Honourable Mr. UPASANI:—I beg to withdraw this item of my amendment.

His Excellency the PRESIDENT:—Item No. 68, the Honourable Mr. RAMANBHAI.

The Honourable Mr. RAMANBHAI:—I withdraw my amendment.

His Excellency the PRESIDENT:—Item No. 69, the Honourable Mr. UPASANI.

The Honourable Mr. UPASANI:—I would drop part (1) of my amendment. As regards part (2), I would urge that section 186 (g) gives the Municipal Commissioner powers under a number of sections of the Act in addition to those now enjoyed by the Chief Officer. Section 65 (3) refers to the hearing of objections against assessment. I think the Municipal Commissioner may have the power to assess but the power of hearing appeals against his own order should not be with that officer. Therefore I think that the section I have mentioned may be omitted.

His Excellency the PRESIDENT:—Is the Honourable Member anxious to discuss his amendment section by section?

The Honourable Mr. UPASANI:—I will myself discuss it all together (after a pause). On reconsideration, I think that it will facilitate discussion if we dispose of the amendments section by section.

Now coming to section 66, my Lord, this section refers to a similar provision. It also refers to the hearing of objections against the additional assessment levied. That power also, I propose, should rest with a different body than the officer who has to pass those orders.

As regards sections 71 and 90, I shall not press for them. As regards section 91 I have to say that it refers to new streets. The power of sanctioning these new streets I believe should be with the municipality.

His Excellency the PRESIDENT :—I think the Honourable Member's idea is that he wants to take away from the Municipal Commissioner the powers suggested and leave them as they are. If he would make a sort of general suggestion on this, then we might take all the clauses and shorten the debate considerably.

The Honourable Mr. UPASANI :—I will not press my amendment with regard to the remaining sections.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT :—Section 186 (g) (2), the Honourable Mr. UPASANI.

The Honourable Mr. UPASANI :—I beg to withdraw my amendment.

Amendment was by leave withdrawn.

His Excellency the PRESIDENT :—Item No. 70, the Honourable Mr. RAMANBHAI.

The Honourable Mr. RAMANBHAI :—I withdraw my amendment.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT :—Item No. 71, the Honourable Mr. UPASANI.

The Honourable Mr. UPASANI :—I withdraw my amendment.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT :—Item No. 72, the Honourable Mr. GODBOLE.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE spoke as follows :—Your Excellency, the object of my amendment is to leave some power in the hands of the municipalities to which the Municipal Commissioners are to be appointed. To take the instance of the Poona City Municipality, it is true they will appoint the Engineer, the Health Officer and the Chief Accountant. They will have only one appointment of Rs. 150 per month outside the scheduled appointments in their gift and what I plead for is that the privilege of making some of the minor appointments also should not be done away with, and with that object I have brought forward my amendment before the Council.

The Honourable Mr. BALKRISHNA SITARAM KAMAT spoke as follows :—Your Excellency, I heartily support the amendment proposed by my Honourable friend Dewán Bahádur GODBOLE. If the Poona Municipality has only one appointment of Rs. 150 we can well conceive that other smaller municipalities may not probably have even one, carrying a salary above 50 rupees. I therefore think that the question be left in the hands of the municipality as proposed. For these reasons I support my Honourable friend Mr. GODBOLE.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows :—Your Excellency, I rise to support my Honourable friend Mr. GODBOLE. In the Select Committee this question was considered and I was of opinion that the Municipal Commissioner should be given the power to appoint officers whose salary does not exceed Rs. 30. My Honourable friend Mr. SATHE, although he has not mentioned it in his Minute of Dissent, was of opinion that power should be given to the Municipal Commissioner to appoint officers whose salary does not exceed Rs. 50; and the amendment of the Honourable

Dewán Bahádur GODBOLE is on a line with the Honourable Ráo Bahádur SATHE's suggestion. As my Honourable friend Mr. KAMAT said there are very few posts of the salary over Rs. 50 in most of the mofussil municipalities and therefore it is only right that those places must be allowed to be filled by the municipality. I therefore support the amendment.

The Honourable Mr. HARCHANDRAI VISHINDAS spoke as follows:—With Your Excellency's permission I might inform the Council that under the existing law it is left open to the municipalities to delegate to their Chief Officer the power of making appointments to any posts exceeding Rs. 50 and under Rs. 150. The law gives him that power. Now in exercise of that power the Karáchi Municipality have delegated to their Chief Officer, subject to the control of the President of the Municipality, the power of making appointments up to Rs.75. Therefore I think the power of appointing upto Rs. 100 is not too much for a Municipal Commissioner, subject to the control of the municipality.

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows:—Your Excellency, as it is likely that municipalities which have a population of even 30,000 or so may be saddled with Municipal Commissioners, it will be but justice to allow them to appoint their own servants whose salary is less than Rs. 100 a month. At Belgaum it is only the Chief Officer who gets Rs. 150. His salary was at first Rs. 125 and now it is raised to Rs. 150. All the other servants of the municipality get less than Rs. 100 per month. It is necessary that every municipality should have some real power and that the Municipal Commissioner should not have the sole privilege to carry things in his own way in appointing and dismissing every servant of the municipality.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency, I too wish to support the amendment and on this ground that in Government service Assistant Collectors have not ordinarily power to appoint officers higher in rank than clerks of Rs. 15. A Subordinate Judge drawing Rs. 800 cannot appoint anyone drawing more than Rs. 9, and it would not be proper to give the Assistant or Deputy Collector when he happens to be a Chief Officer absolute power to make all appointments up to Rs. 100. Moreover it is to be borne in mind that the Chief Officer will himself be engaged temporarily, that is to say, for three years, and the officers appointed by him will be permanent fixtures on the municipality; and it is, therefore, much better that appointments above Rs. 50 should be left to the municipality and only those below that amount may be allowed to be made by the Municipal Commissioner. I therefore support the amendment proposed by our friend the Honourable Mr. GODBOLE.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency, this question has been very carefully considered in the Select Committee. The point is that if the Municipal Commissioner is to carry on his duties with zeal and in such a way as to ensure discipline which alone can secure efficient work, it is necessary that he should have the power to appoint people who are capable of doing work in the interests of the municipality, and to reduce this would mean that people who draw a higher salary than 50 rupees but are under him may not be as careful to carry out orders as is expected of them.

Besides, it is said that in smaller municipalities there are not men with higher salaries than Rs. 50. My reply is that in the first place the experiment, as some Honourable Members have put it, would begin with the bigger municipalities. There

are already existing servants drawing over Rs. 100. Again the Collectors have power to appoint officers on Rs. 120 or Rs. 150, and the Divisional Commissioners hold still higher powers in the matter of appointments. The Commissioner in the municipal area therefore can be well trusted to exercise this power and he can be depended upon to use it with care. With these remarks, Your Excellency, I would oppose the motion.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE spoke as follows:—Your Excellency, the municipality which pays the salary of the Municipal Commissioner and the salaries of all the municipal servants should have some power and patronage in their own hands. I therefore hope that the amendment will be carried.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT:—Item No. 74, the Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows:—My Lord, this is a very simple amendment. My object in moving this amendment is that the Municipal Commissioner's orders in certain cases should be made subject to appeal to the general board. Supposing the Municipal Commissioner dismisses under the amending Bill a servant drawing Rs. 50 per month or suspends any servant, there is no remedy as there is no appeal provided. Under the existing law a Chief Officer could appoint anyone to a post of Rs. 15 only, and he could inflict on a municipal servant a fine not exceeding one week's salary. He could neither dismiss nor suspend him. If he does that it is subject to appeal to the General Board. I therefore say that dismissals and suspensions are very serious matters and once a man is dismissed, Your Excellency will see that there will always be a stigma attached to his character and the servant so dismissed will find it extremely difficult to secure employment anywhere else. I therefore think that the aggrieved party should be given some opportunity to go to the General Board and place his case before them.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE spoke as follows:—Your Excellency, before I support the motion of my Honourable friend Mr. PATEL, I have to draw the attention of Your Excellency to Item No. 77, and ask whether I would be considered to be in order, if I were to speak while supporting this motion on that amendment also.

His Excellency the PRESIDENT:—I am bound to say that my honourable friend's amendment is practically the same as that of the Honourable Mr. PATEL just moved. I think if he wants to speak he had better speak on the present amendment.

The Honourable Ráo Bahádur SATHE:—When I move my amendment I will have my own say.

His Excellency the PRESIDENT:—The Honourable Mr. SATHE wishes to get an appeal to the municipality, my Honourable friend Mr. PATEL by his amendment wishes to do exactly the same thing. I was suggesting to the Honourable Member that if he wishes to make any representation on that matter, he had better say that on the Honourable Mr. PATEL's amendment.

The Honourable Ráo Bahádur SATHE:—All that I have to say in respect of the amendment which is now under discussion is this that it is not a desirable state of things that an order of dismissal should be final when it is passed by a Municipal Commissioner.

The only safeguard which we can put in the Act is to provide some appeal to the Municipal Body as a whole or to any Sub-Committee that may be appointed in that behalf. Dismissal is a very serious matter and it means a bar to him for re-employment to any responsible post. It is true that such a responsible and a highly paid officer like the Municipal Commissioner will exercise his discretion in a majority of cases in the best manner.

The Honourable Mr. HARCHANDRAI VISHINDAS:—I rise to a point of order, Your Excellency. Are we discussing the Honourable Mr. PATEL's amendment or the Honourable Mr. SATHE's amendment.

His Excellency the PRESIDENT:—We are discussing Mr. PATEL's amendment.

The Honourable Mr. HARCHANDRAI:—But Mr. SATHE is speaking on his amendment which relates to punishments exceeding a fine of one week's salary.

The Honourable Ráo Bahádur SATHE (continuing):—Though it may be accepted that such a highly paid and responsible officer like the Municipal Commissioner would exercise his discretion soundly, still if we take the analogy of other departments, we find that even in the case of Government servants though orders of dismissals are made by responsible officers like the District Judge or Collector, that they are subject to appeals to superior officers. In the Judicial Department (I have referred to the fact in my Minute of Dissent) an appeal is provided against an order of dismissal even in a case where the holder is paid Rs. 10 or 12, and it seems to me quite fair that there should be in such a case a right of appeal, from an order of this character, and to approach the Municipal Board or such other Committee, which might have been appointed in this behalf, which can either set aside or confirm that order of dismissal. I have suggested the amendment, and I am supporting the amendment of the Honourable Mr. PATEL not with a view to diminish the authority of the Municipal Commissioner in the least, but with a view to safeguard the interests of the person who is to suffer by the order of dismissal. In fairness to him it is but right that the person aggrieved should have a right of appeal to the general body.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency, I rise to oppose this motion, and on the same ground that I advanced while rejecting the last proposition about the Commissioner appointing officers upto Rs. 100. It is really on account of the responsible position of a Commissioner who wants the work done efficiently that he has the power to enforce the duties on his subordinates. To distrust a highly placed officer is to say that you have no trust in the man you took up for the better Government of your municipal affairs. This is all I have to urge against the acceptance of the amendment moved by the Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows:—Your Excellency, highly paid officers surely have their subordinates under them and they have not such absolute powers to fine them to any extent. Even for a Magistrate the Legislation has laid down certain limitations as regard his powers to fine persons accused before him. Here you lay down no limitation in the case of a Municipal Commissioner. This is the only thing that I have to urge in reply.

The amendment was then put to the vote and lost.

The Honourable Mr. PATEL then asked for a division which resulted in 11 for and 32 against as follows:—

Ayes.

- The Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law.
 The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
 The Honourable Mr. Ghulam Muhammad valad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.
 The Honourable Mr. Navroji Dorabji Khandalavala, LL.B.
 The Honourable Mr. Raghunath Purshottam Paranjpye.
 The Honourable Mr. Gokuldas Khandas Parekh, LL.B.
 The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.
 The Honourable Mr. Abdul Hussein Adamjee Peerbhoy.
 The Honourable Ráo Bahádur Ganesh Krishna Sathe.
 The Honourable Mr. Shridhar Balkrishna Upasani.
 The Honourable Mr. Harchandrai Vishindas LL.B.

Noes.

- His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay, *presiding*.
 The Honourable Sir Richard Amphlett Lamb, K.C.S.I., C.I.E., I. C. S.
 The Honourable Mr. Prabhashankar D. Pattani, C.I.E.
 The Honourable Mr. W. D. Shepard, C.I.E., I. C. S.
 The Honourable the Advocate General.
 The Honourable Mr. R. P. Barrow, I. C. S.
 The Honourable Mr. T. W. Birkett.
 The Honourable Mr. Fazalbhoy Meherally Chinoy.
 The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
 The Honourable Dr. D. A. D'Monte, M.D., L.R.C.P. (Lon.), L.M. & S.
 The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.
 The Honourable Mr. G. W. Hatch, I. C. S.
 The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
 The Honourable Sir Jamsetjee Jeejeebhoy, Bart.
 The Honourable Mr. J. E. C. Jukes, I. C. S.
 The Honourable Mr. Balkrishna Sitaram Kamat.
 The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.
 The Honourable Mr. Jehangir H. Kothari.
 The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
 The Honourable Sardár Sir Chinubhai Madhavlal, Bart., C.I.E.
 The Honourable Mr. J. A. D. McBain.

Ayes.

Noes.

The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
 The Honourable Mr. G. P. Millett.
 The Honourable Ráo Sáheb Venkatesh Shrinivas Naik.
 The Honourable Mr. E. Ferrers Nicholson.
 The Honourable Ráo Bahádur Ramanbhai Mahipatram Nilkanth, LL.B.
 The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
 The Honourable Mr. Manmohandas Ramji.
 The Honourable Ráo Bahádur Shrinivas Konher Rodda.
 The Honourable Mr. W. H. Sharp.
 The Honourable Sir Frederick L. Sprott, Kt.
 The Honourable Mr. E. G. Turner, I. C. S.

His Excellency the PRESIDENT :—Item No. 74, the Honourable Mr. PATEL.

The Honourable Mr. PATEL :—I withdraw my amendment.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT :—Item No. 75, the Honourable Mr. KAMAT.

The Honourable Mr. BALKRISHNA SITARAM KAMAT :—Your Excellency, as I find that a similar amendment stands in the name of the Honourable Ráo Bahádur SATHE, I beg to withdraw my amendment.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT :—Item No. 76, the Honourable Dewán Bahádur GODBOLE.

The Honourable Dewán Bahádur GODBOLE :—I also beg to withdraw my amendment in view of the Honourable Mr. SATHE's amendment.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT :—As regards Item No. 77, namely, the amendment proposed by the Honourable Mr. SATHE, I rule that it is out of order as it has already been discussed with the amendment proposed by the Honourable Mr. PATEL.

His Excellency the PRESIDENT :—Item No. 78, the Honourable Mr. RAMANBHAI.

The Honourable Ráo Bahádur RAMANBHAI :—I beg to withdraw it.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT :—Item No. 79, the Honourable Moulvie RAFIUDDIN AHMAD.

The Honourable Moulvie RAFIUDDIN AHMAD spoke as follows :—Your Excellency, my amendment is a very simple one. I maintain that it would be altogether inconsistent for all those Members of this Council who have supported the institution of the Municipal Commissioner and also the view that he should have full authority and exercise the same over all the servants of a municipality in an efficient manner, that they should withhold their support from my amendment. It has even been admitted by those who were opposed to the institution of the Municipal Commissioner that administration by committees in municipal districts is a failure. Therefore, Sir, I do want to know why particularly the power of supervising schools and school-masters should be taken away from the Municipal Commissioner. I find that Municipal Commissioner has power over water-works and sanitation, etc., but he has no power over the School Board. I assure Your Excellency that if there is any committee in the municipalities which is inefficient, it is the School Board Committee, and if the supervision of the Municipal Commissioner is at all desirable, it is in the direction of the School Boards.

My Lord it may be argued that this is not so in Bombay, and that it has not been therefore provided for mofussil towns. But in Bombay the circumstances in this respect are entirely different. In Bombay they have a highly paid Secretary whose pay I think ranges from Rs. 350 to Rs. 500. They have a highly paid Superintendent of Schools and they have on the Schools Committee, members who can afford to give their time and talents and who are able to control in an efficient manner the Municipal Boards and discharge their duties very satisfactorily. After Bombay, in the Central Division, at any rate, there is the Poona Municipality. Well, Sir, take the instance of the Poona Municipality. Poona is supposed to be the centre of intellect. There are supposed to be more Professors here than in other parts of the Presidency, and what is the state of affairs here. The Schools Committee is not presided over by the best man, not by any Professor, not by any Graduate, but it is presided over just now, on account of party-feelings, by a gentleman who does not know English and who has never been to school (laughter), I mean municipal school.

The Honourable Mr. PARANJPE :—The Chairman of the Schools Committee is an educational man.

The Honourable Moulvie RAFIUDDIN (continuing) :—I am only talking of affairs about two months ago.

The Honourable Dewán Bahádur GODBOLE :—It is nearly six months ago that the present gentleman was appointed.

The Honourable Moulvie RAFIUDDIN AHMAD (continuing) :—I need not name the gentleman, but, my honourable friends know him, and if they compel me to do so, I will give his name. It may be six months ago, but are my honourable friends prepared to say that my statement is wrong? The matter has been as I stated. And why? simply because of party-feeling. Some gentleman happens to command a number of votes and he gets pitchforked into a position for no fault of his. Such a state of affairs exists everywhere, and therefore, you require at the head of a municipality a man who will not at any rate be swayed by party-feelings or by the heat of the moment, but who will be above it. And if the Municipal Commissioner is competent to supervise efficiently

over the sanitary works, over the water-works, over the markets Committee and so on, I really do not understand why he should not be competent to supervise the Schools Committee. He is not to lay down any text-books or any literary programme. It is all done by the Educational Department and I for one, therefore, fail to see why such a power should be taken away from him. On the contrary in the mofussil towns, in educational matters, there is the question of education of the young. I do not want to introduce any controversial elements, but my honourable friend the Director of Public Instruction in his report the last five years points out that the only municipality that is doing their duty to the Urdu Schools is the Bombay Municipality and the mofussil municipalities do not do their duty as far as the Urdu schools are concerned. I will read his report. He says (reads). Well, I do not say, my Lord, that it is so because of any particular prejudice. But it invariably happens that when the representatives of a particular community are not on a Board, their claims therein are naturally neglected. So if there be a responsible officer of the authority of a Municipal Commissioner he would be able to do his duty in an impartial manner if Committee government is really bad and we require one man to look after the work that is now carried on by committees, I maintain that it is absolutely necessary that we should give the Municipal Commissioner this power in educational affairs. In the case of Bombay I have pointed out that there is a permanent Secretary drawing from Rs. 300 to Rs. 500, who can look after these matters.

The Honourable Sir PHEROZESHAH :—That is not the function of the Secretary. He only carries out all the work of the Committee.

The Honourable Moulvie RAFIUDDIN AHMAD (continuing) :—But there are excellent men in the Committee. I believe the Honourable Mr. SETALVAD has been the Chairman of that Committee for a long time, and this question does not arise in Bombay at all. Therefore the case of Bombay is altogether different.

I have tried to place before the Council exactly the facts as they existed in the municipalities and I leave the question to the decision of the House.

The Honourable Ráo Bahádur SHRINIWAS KONNHER RODDA spoke as follows:—Your Excellency, the question is of very great importance. My Honourable friend Moulvie RAFIUDDIN does not fully understand the state of affairs as regards the schools and the Schools Committees. We cannot entrust our schools to the executive officer of the position of a Municipal Commissioner, because, the management of schools requires special qualifications. It is not building up a lane or destroying a house or collecting assessment, etc. A land-revenue man is not well fitted to discharge the duties of an Inspector of Schools. Inspection of Schools should be left to persons who will be in touch with the Educational Department and devote their sole attention to the management of a particular branch of education, and we cannot entrust the work to a man who is to do one thousand and one things. And coming to the fact that even if we entrust the work to the Municipal Commissioner what is he to do? Can he delegate that duty to any of the subordinates? If you give him that power, then the Chief Officer can appoint any school-master. Why should that be left to a single individual and the management of the school is not an executive function, but it is a deliberative and an executive function which in the present state of things is, in my opinion, not at all advisable. If leave is to be granted to school-masters it is the Schools Committee only

that knows whether a substitute can be had for the person to whom leave is to be granted. Well, in all municipal schools there are Committees and there is a regular inspection. Every Member of the Schools Committee has charge of two or three schools under him. He makes weekly or monthly inspections and he is in touch with the work done by every school-master. He knows all the assistants and all the Head Masters. He can regulate all these things. But in case that duty is assigned to a Municipal Commissioner what can he do? He will simply go there and say that such and such amount is wanted in the Budget. Beyond that he cannot do anything else. Experience has shown that even the members of the Managing Committee who do many other things cannot be entrusted to look after the schools. In my opinion the whole function of supervising the schools should be left in the hands of the municipality instead of in the hands of the Commissioner and the municipality will then appoint a person who is best fitted and well qualified for the supervision of those to train the minds of the young. My Honourable friend Mr. RAFIUDDIN says that circumstances in the mofussil are quite different from Bombay. Bombay people are sane enough and they have not entrusted their schools to the Municipal Commissioner, but they have entrusted them to the management of a Special Committee composed of talented men with two separate Deputy Inspectors to inspect, while the Secretary, although he is not a very highly paid person, has a Head Clerk who gives notices and does so many other things. If the Municipal Commissioner only acts as Secretary of the Schools Committee or as Head Clerk, I would have no objection to give him that work, but to allow him to exercise all the duties of a Schools Committee is not desirable. The Schools Committee is generally composed of five or six persons out of whom generally one or two are men from the Educational Department who are able to grasp things better than any Municipal Commissioner.

I therefore appeal to this Council not to accept the amendment brought forward by my friend Moulvie RAFIUDDIN but to leave the things as they are. A committee of six or nine persons chosen from among the Councillors is preferable to entrusting those functions to the Municipal Commissioner.

With these observations, Sir, I entirely oppose the amendment and fully support that the existing rules should remain and that the Schools Committee be independent of the Municipal Commissioner.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH spoke as follows:—Your Excellency, I am very much amused that after a hot discussion of two or three days in the Council, Government and almost all Members of this Council having supported the principle of separating the deliberative and executive functions of the Municipalities, this opposition should have arisen. Every one of us says that the Municipality should be a deliberative body, and that the executive functions should be vested in the Municipal Commissioner. And the reason that we assigned was that the Committees do not do the work efficiently and my friend the Honourable Mr. RODDA also took part in that discussion and he joined in most of the amendments and thought that it was safe to vest almost all the powers in the Municipal Commissioner. But Mr. RODDA now comes forward and says that he would prefer to entrust the work to Sub-Committees. Perhaps in his opinion the Schools Committee is a most intelligent Committee and other Committees are absolutely unfit. Now what are his reasons? The

first reason is that generally in the Schools Committee Members are to be found who know educational problems. But I challenge Mr. RODDA's statement—I have served on Municipal Committees for a very long time—I know of many School Board Members who are not graduates or in any way connected with educational matters.

The second question Mr. RODDA asks is how the Municipal Commissioner can appoint a suitable school-master when any one is to be transferred or goes on leave. He says we have to consult the educational authorities in appointing that man. I think the Commissioner would also have to do the same. I do not think the Municipal Commissioner, who is a highly paid officer, is unable to do the work of appointing a successor to a man going on leave. The Schools Committee does not go to teach the boys in the School. You entrust the Municipal Commissioner with all the responsible executive work which is more responsible than looking after the schools. Text-books are set by the Educational Department, the school-masters have to teach, and the Municipal Commissioner has simply to look to the administration of the school, appoint substitutes or grant leave or dismiss. I think we have wasted both the days in advocating ardently the appointment of a Municipal Commissioner if we take strong objection to entrusting the Municipal Commissioner with the supervision of schools.

With these remarks I support the amendment of my Honourable friend Moulvie RAFIUDDIN.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATEAM NILKANTH spoke as follows :—Your Excellency, I beg to support this amendment. I would submit that there are no adequate reasons for differentiating the appointment of teachers in Municipal Schools from the appointment of other Municipal servants. It has been said that the Municipal Commissioner would not be an educational expert; but, neither would he be an expert in engineering or sanitation and yet those departments would be placed in his charge. As a matter of fact section 186K refers simply to the matter of appointments of teachers and the question is confined to that subject. The general control of schools is not at issue. The Honourable Mr. RODDA argued as if the schools were to be handed over to the Municipal Commissioner and expressed the fear that he may be ignorant of geometry. But the Municipal Commissioner will not under this proposal lay down the school curriculum or regulate the course of studies. All that he would do is that he would make appointments of teachers, give leave to them, etc. Mr. RODDA said that the present state of things should be continued. But in several Municipalities, the present arrangement is that the Chief Officer makes the appointments of teachers. And it may be said that it is desirable that the appointment of teachers should not depend upon the votes of Councillors. I have been connected with the Schools Committee of the Ahmedabad Municipality for some years and I have found that in the interests of the teachers themselves they should not be placed under the temptation of canvassing votes for their promotions. I do not take my stand upon any apprehensions of sectional or communal jealousy, but I support the amendment on the ground that it is best that like other appointments, the appointments of teachers too should be made by the head of the executive.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows :—Your Excellency, this is a matter which I think it would be well to leave to the sense of the Council, and therefore without any further remarks Government is disposed to take the view of the Council.

The Honourable Moulvie RAFIUDDIN AHMAD spoke as follows :—My Lord, I am very glad that the Honourable Member in charge of this Bill has left the amendment open to the sense of this Council. I will only say, Sir, that not a single argument has been advanced by my friend the Honourable Mr. RODDA against not handing over the supervision of the Schools to the Municipal Commissioner. Of course he was good enough to say as usual that he had a good deal of experience in Educational matters. What is wanted is some reason why the power of supervision should be taken away from the Municipal Commissioner and the Honourable Member has not given any. I certainly would be the first person to hand over these schools to the Educational Department as was the case before. But now as schools are handed over to Municipal administration, we have to find out means for their good management. I do not say that experts should not be consulted, I do not say even that there should not be Committees. There will be Committees even after the appointment of a Municipal Commissioner and these Committees will do deliberative work and from time to time give the Municipal Commissioner the benefit of their experience and knowledge, but they will remain deliberative bodies and all executive functions will be exercised by the Municipal Commissioner alone. Sir, I am right in saying that nothing has been advanced against my amendment.

The motion was then put to the vote and lost.

The Honourable Moulvie RAFIUDDIN AHMAD asked for a division which resulted in 17 for and 20 against as follows :—

Ayes.	Noes.
The Honourable Ráo Bahádúr Ramanhbai Mahipatram Nilkanth, LL.B.	The Honourable Mr. T. W. Birkett.
The Honourable Mr. Abdul Hussein Adamjee Peerbhoy.	The Honourable Dr. D. A. D'Monte, M.D., L.R.C.P. (Lond.), L.M. & S.
The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.	The Honourable Sir Jamsetjee Jeejeebhoy, Bart.
The Honourable Mr. W. H. Sharp.	The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.
The Honourable Sir Fræderick L. Sprott, Kt.	The Honourable Mr. Navroji Dorabji Khandalavala, LL.B.
The Honourable Mr. E. G. Turner, I. C. S.	The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
The Honourable Mr. Harchandrai Vishindas, LL.B.	The Honourable Sardár Sir Chinubhai Madhavlai, Bart., C.I.E.
The Honourable the Advocate General.	The Honourable Mr. J. A. D. McBain.
The Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law.	The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	The Honourable Sir Pherozechah Merwanjee Mehta, K.C.I.E., Bar.-at-Law.
The Honourable Mr. Ghulam Muhammad walad Khán Bahádúr Wali Muhammad Bhurgri, Bar.-at-Law.	The Honourable Mr. G. P. Millett.
The Honourable Mr. Fazalbhoy Meherally Chinoy.	The Honourable Ráo Sáheb Venkatesh Shrinivas Naik.
	The Honourable Mr. E. Ferrers Nicholson.

Ayes.

The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.
 The Honourable Mr. G. W. Hatch, I. C. S.
 The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
 The Honourable Mr. Balkrishna Sitaram Kamat.
 The Honourable Mr. Jehangir H. Kothari.

Noes.

The Honourable Mr. Rangunath Purshotam Paranjpye.
 The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
 The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.
 The Honourable Mr. Mánmohandas Ramji.
 The Honourable Ráo Bahádur Shriníwas Konher Rodda.
 The Honourable Ráo Bahádur Ganesh Krishna Sathe.
 The Honourable Mr. Shridhar Balkrishna Upasani.

His Excellency the PRESIDENT:—Items Nos. 80 and 81, the Honourable Mr. UPASANI.

The Honourable Mr. UPASANI:—I withdraw my amendments.

The amendments were by leave withdrawn.

His Excellency the PRESIDENT:—Item No. 82, the Honourable Mr. KAMAT.

The Honourable Mr. BALKRISHNA SITARAM KAMAT spoke as follows:—Your Excellency, the small amendment that stands in my name relates to clause 86 (*f*). This relates to the question whether decisions of the Municipal Commissioner regarding house-assessment should be appealable or not. Appeals should lie to the Municipality as a whole. The object of this amendment is this: At present the assessment of house-tax and other properties would be made in the first instance by the Municipal Commissioner himself and secondly he would be also perhaps a revising officer.

Now the matter of assessment is not merely a question of executive power; for instance, it is not the repair of roads, lighting of streets or of getting other things done, but it is more a question of valuation, whether in the case of a particular man he should be asked to pay less or more. My own opinion is that the rate-payer should have the opportunity of carrying the appeals as far as possible over the authority of the Municipal Commissioner to the general body of the Municipality. I am sure I will be told that there is another section under which the rate-payers will have an opportunity of filing appeals, and that is, in the Courts of Magistrates. But as everybody knows it is rather a very bad avenue and a very cumbrous agency to go to every now and then, namely, to file an appeal to a Magistrate's Court, when perhaps the aggrieved party might easily get justice at the hands of the Municipality as a whole. I therefore think that rather than drive people to Magistrate's Courts, for a simple matter, if rate-payers are allowed to file appeals to the Municipality as a whole over the orders given by the Municipal Commissioner, it would be showing a sort of consideration to the rate-payers and also giving some sort of deliberative work to the Municipal body, which will perhaps now be relieved of a good deal of executive functions under the new clause which we have inserted. I therefore think that by the addition of this clause 65 (*c*), it will not be interfering with the executive work of the Municipal Commissioner, but it would be giving an opportunity to the general body of hearing the grievances of the rate-payers.

For these reasons I beg to recommend this amendment for the consideration of the Council.

The Honourable Mr. G. S. CURTIS spoke as follows:—Your Excellency, I beg to oppose the amendment moved by my Honourable friend. Under the present procedure under section 65, an assessment list is first published. Then the Managing Committee or any other Committee to whom the powers are delegated by the Municipality will proceed to hear objections. That is all.

Now if my Honourable friend's amendment is carried, there will be all the trouble and worry of a double appeal. First of all there will be the publication, then there will be the hearing of objections by the Municipal Commissioner under 180 (g) (2), and then there will be a second appeal to the General Body of the Municipality. I do not think this is desirable, and, I venture to point out to the Council that it is unnecessary in the matter of house-tax.

After all when any house-owner thinks that he has a grievance all that he has to do is to go to a Magistrate and file an appeal and the case will then be decided by the Court.

I submit, Sir, it is undesirable that a deliberative body such as the Municipality should go into the minutæ such as the fixing of assessment on individual houses. After all, Sir, the assessment of house-tax is becoming in most places more or less stereotype. I think, Sir, that it is not desirable that a deliberative body should decide such questions connected with it.

I therefore oppose the amendment.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE spoke as follows:—Your Excellency, I am sorry I cannot agree with the view put forward by the Honourable Mr. KAMAT. If we accept his amendment, the evil will be very great. Under the present law those who have to take any objections to the assessment made by the Municipal Commissioner, get an opportunity of stating their case before him. In fact they are heard before any alterations are made or new assessments are made. After having done that, if the Chief Officer according to the present Act, and if the Bill is passed, the Municipal Commissioner is satisfied that the assessment he fixed was a correct one, he will stick to it. If he is convinced by the complaining person that it is not correct, he will see his way to amend it. Again you have a power to appeal under section 86 of the Act. That has been provided for already even in cases where Chief Officers have been assessing or the Managing Committee, or, in some other places the Vasuli Committees are exercising these powers.

Now take a case like Poona. There are houses over 10 or 12 thousand. And if you are going to allow appeals against the orders of the Municipal Commissioners to the Municipality, wherein we have got 38 Councillors, do you ever expect that these things will be properly attended to the satisfaction of the person appealing and of the Municipality as a whole? What a trouble it is for the Municipal Commissioner, or whoever the authority might be, to go and inspect a house and fix the valuation or to fix the rate of rent that is prevailing in the locality? Are we expected—I only put before the Council from a commonsense point of view—to sit in appeal and to go to the several houses and to test the correctness or otherwise of the rates fixed by the Municipal

Commissioner? I believe not. Under these circumstances if we accept the amendment suggested by the Honourable Mr. KAMAT, we would make the work of revision almost impossible.

On these grounds I beg to oppose the amendment proposed by the Honourable Mr. KAMAT.

The Honourable Mr. PRABHASHANKAR D. PATTANI spoke as follows:—Your Excellency, I have not much to add to what has fallen from the Honourable Mr. SATHE and the Honourable Mr. CURTIS. There is already a provision made in the Act for the dissatisfied man to go to the Court. Mr. KAMAT thinks that a Court is not a satisfactory avenue.

Well, I am afraid I cannot agree with him. It is the general belief that a Court is always considered to be the most impartial authority to which any man can resort. Mr. KAMAT does not see that, if the appeal is left to the Municipality, several appeals are likely to be made to that body on flimsy grounds and it is not likely that a Municipal Body with a considerable number of Councillors can sit in judgment on such appeals.

With these remarks, Your Excellency, I oppose the acceptance of the amendment.

The Honourable Mr. BALKRISHNA SITARAM KAMAT spoke as follows:—Your Excellency, I have very little to say in reply except this fact that before a man can go to the Magistrate's Court, he has to give a notice to the Municipal Commissioner and to say that unless a more equitable assessment is fixed, he will have to resort to a Court of law. Now these are very unpleasant things indeed instead of having the whole matter settled satisfactorily in a General Body.

Of course there will be a large number of appeals which Municipalities may have to decide, but I think, all the same, it will be an easier manner of getting redress rather than having recourse to Civil or Magistrates' Courts.

On these grounds I commend the amendment to the Council.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT:—Item No. 83, the Honourable Mr. UPASANI.

The Honourable Mr. UPASANI:—I withdraw my amendment.

The amendment was by leave withdrawn.

The Honourable Mr. R. P. BARROW spoke as follows:—Your Excellency, I am sorry I missed an opportunity of making a suggestion earlier. I desire your Excellency's permission to suggest with regard to section 186 (g), that in respect of the words "and such other powers" between "other" and "powers", the word "executive" be introduced.

My reason is this:—The Select Committee, I think, were quite clear upon the point that the executive functions of the Municipality and no part of its deliberative functions should be given to the Municipal Commissioner. It is thought that the present wording may be interpreted as meaning that the deliberative functions may also be exercised by the Municipal Commissioner. I do not myself think that there is much fear of this but there is some doubt in the minds of some Honourable Members including the Honourable Sir PHEROZESHAH and it seems to me that it will do no harm to insert the word "executive" between the words "other" and "powers".

His Excellency the PRESIDENT:—It seems to me that it will make the matter clearer.

The proposition was agreed to.

The Honourable Mr. Pattani moves the third reading of the Bill.

The Honourable Mr. PRABHASHANKAR D. PATANI :—Your Excellency, I now rise to move that the third reading of the Bill be passed.

Bill read a third time.

The motion was then put to the vote and carried.

His Excellency the PRESIDENT :—I am entirely in the hands of the Honourable Members if they would like to go on with the second reading of the next Bill this evening. But judging from the general expression, I think, perhaps we had better adjourn now, and meet tomorrow morning at 11-30.

The Council will now adjourn.

The Council then adjourned till 11-30 a.m., on Friday the 31st July 1914.

By order of His Excellency the Right Honourable the Governor,

S. G. KHARKAR,

Acting Secretary to the Legislative Council.

Journal of the Proceedings of the Legislative Council of the Governor of
Bombay, assembled under the provisions of the Indian Councils Acts,
1861 to 1909.

The Council met at Poona on Friday, the 31st July 1914, at 11-30 a.m.

P R E S E N T :

His Excellency the Right Honourable Lord WILLINGDON of RATON, G.C.I.E.,
Governor of Bombay, *presiding.*

The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S.

The Honourable Mr. PRABHASHANKAR D. PATTANI, C.I.E.

The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.

The Honourable the ADVOCATE GENERAL.

The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.

The Honourable Mr. R. P. BARROW, I. C. S.

The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.

The Honourable Mr. T. W. BIRKETT.

The Honourable Mr. GHULAM MUHAMMAD walad Khán Bahádur WALI MUHAMMAD
BHURGRI, Bar.-at-Law.

The Honourable Mr. FAZALBHOY MEHEBALLY CHINYOY.

The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.

The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (Lond.), L.M. & S.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.

The Honourable Mr. W. L. GRAHAM.

The Honourable Mr. G. W. HATCH, I. C. S.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.

The Honourable Mr. J. E. C. JUKES, I. C. S.

The Honourable Mr. BALKRISHNA SITARAM KAMAT.

The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.

The Honourable Mr. NAVROJI DOBANJI KHANDALAVALA, LL.B.

The Honourable Mr. JEHANGIR H. KOTHARI.

The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.

The Honourable Sardár Sir CHINUBHAI MADHAVLAL, Bart., C.I.E.

The Honourable Mr. J. A. D. MCBAIN.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.

The Honourable Sir PHEROZESHAH MERWANJEE MEHTA, K.C.I.E., Bar.-at-Law.

The Honourable Mr. G. P. MILLETT.
 The Honourable Ráo Sáheb VENKATESH SREINIVAS NAIK.
 The Honourable Mr. E. FERRERS NICHOLSON.
 The Honourable Ráo Bahádur RAMANEHAI MAHIPATRAM NILKANTH, LL.B.
 The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
 The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
 The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
 The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEEEBHOY.
 The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
 The Honourable Mr. MANMOHANDAS RAMJI.
 The Honourable Ráo Bahádur SREINIVAS KONHER RODDA.
 The Honourable Ráo Bahádur GANESH KRISHNA SATHE.
 The Honourable Mr. W. H. SHARP.
 The Honourable Sir FREDERICK L. SPROTT, Kt.
 The Honourable Mr. E. G. TURNER, I. C. S.
 The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
 The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

BILL NO. II OF 1914 (A BILL FURTHER TO AMEND THE
 BOMBAY LAND REVENUE CODE, 1879).

His Excellency the PRESIDENT.—Order, order. A Bill further to amend the Bombay Land Revenue Code, 1879, second reading. The Honourable Sir RICHARD LAMB.

The Honourable Sir RICHARD LAMB spoke as follows:—Your Excellency,—The Bill as read a first time in this Council, has been considered by the Select Committee and has been modified in such a way as to make due provision for the cases of three different kinds of landlords, the first class being those who pay the full assessment, the second class being those who pay a partial assessment in the form of “judi” and the third class those who pay no assessment at all. It has also been modified in the direction of reducing the amount which the landlord should be required to suspend or remit to his tenant on his receiving himself a suspension or remission from Government. The exact modifications which are made are described in the Report of the Select Committee, and it will not be necessary, I think, for me to take up the time of the Council by dilating on those modifications. The only minute of dissent which is appended to the Report of the Select Committee is that of the Honourable Mr. BELVI. He will doubtless explain to you himself his views on the subject. For myself I have nothing more to say than that in view of the recommendation of the Select Committee, I recommend, that this Bill be read a second time.

The Honourable the THAKOR of KERWADA spoke as follows:—My Lord,—I rise to support the second reading of the Bill so far as the principles are concerned. As for the first part of the Bill, *i. e.*, the notice clause, we will hear more from Mr. PAREKH. As

regards the clause which lays down the maximum up to which the Collector can order a landlord to suspend or remit, I consider it my duty to place facts before the house in order to enable the members of Your Excellency's Council to decide whether the maximum laid down in the amended Bill is just and proper or any further reduction is necessary. No doubt this clause was discussed by the members of the Select Committee. I had then pressed for reducing the maximum and in doing so I had those classes of landlords in view who cannot get more than one and a half times or twice the survey rate. This class of landlords who do not get more than twice the survey rates does exist and I really think, the clause as it stands will work great hardship on them. We must remember, that invariably all landlords have no other source of income except the rent of their land. There are landlords and landlords. Some may have fairly big income, who could afford to be liberal, but the majority of petty landlords are heavily indebted and it would be really very hard on them if we force them by legislation to be liberal beyond their means when they themselves have to borrow from Savkars at a very heavy rate of interest. I very earnestly appeal to the Honourable Mover and members of Your Excellency's Council to consider this clause when it comes up for discussion and to modify it in such a way that it may not weigh heavily on poor landlords.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows:—May it please Your Excellency,—I rise to support the motion for the second reading of the Bill. It is useless to disguise the fact that by a large class of persons holding lands this bill is disliked and I may say there are reasons why it may be disliked. Firstly, in the case of good landlords who are always prepared to extend to their tenants as acts of grace the suspension of collections and also remissions as they find necessary, we find that what came from them and was understood by the tenant as an act of grace on their own part, is now converted into a statutory duty. In that way this measure does not appeal to them. In reference to other people who are unwilling or unable to grant suspensions or remissions to the tenants they consider that when Government does an act of grace on their own part to them they may have a right to ask the landlords to convey the same act of grace to the same extent to their tenants. To them it rather appears somewhat surprising that they should be made to give to their tenants benefits much larger than what they receive from Government. Then there are other landlords who receive no benefit whatever from Government and they think also that Government have no right or that they are not justified in forcing them to forego a portion of the rent to the tenants when they receive no benefit whatever from the Government. These are considerations no doubt that are to be borne in mind by the members of the Council. In reference to the poor Inamdars I sympathise with them but it is very difficult to put in the legislative provisions, any section or any amendments, which would cover the case of the poor Inamdar without extending it to Inamdars who are rich and I fully sympathise with what has been stated by my Honourable friend the THAKOR of KERWADA. I quite see the difficulty of proposing some amendment which would meet the case of the poor Inamdars and would not extend to persons other than those who are really poor. Then as a matter of necessity so far as the shares which are to be remitted or suspended are concerned they have to fix them arbitrarily and that is a thing which may also cause some sort of dissatisfaction. At the same time if you look at the thing from a practical point of view I think there would not be much reason to suppose that this measure is likely to cause real harm to any party (hear, hear). It has been truly said that

Inamdars may be forced to suspend collection or remit the revenue when Government do so. But Government never suspend or remit except during years of famine or considerable scarcity, and it has been the experience of all people who have been watching the conditions of things during years of scarcity that most of the cultivators during these years are unable to meet the demands of Government, and Inamdars' tenants would be more unable to meet the Inamdars' demands which are much higher than those of Government. Then what is the practical result of allowing things to remain in *status quo*. The result would be that from year to year the balances will accumulate and one party the Inamdar would be always complaining of the tenants' contumacy and the tenants would be complaining that the Inamdar is hard-hearted. People who have observed the condition of the agriculturists in Native States and the villages of Inamdars, who have not adopted the policy of suspension or remissions during years of scarcity that large balances go on accumulating from year to year against the tenants and the authorities are not able to recover them. If they are business-like, they would write them off, but many of them do not write them off, and allow balances to accumulate which are always irrecoverable. This is a state of things which in the long run must cause much dissatisfaction and dislike between Chiefs and Inamdars and their tenants. It is essential for good administration that there should be every possible encouragement to the growth of good feelings between the Inamdars and their tenants. It therefore seems to me that so far as this measure is concerned it is not likely to do any substantial harm to the Inamdars. The objections to it are merely of a sentimental character and I think in the public interest it is necessary that such considerations should be ignored.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows :—My Lord,—This is a small Bill containing only a few sections but it is a Bill which affects a far larger number of persons than the Bill which we discussed during the last three days. It is a Bill which affects the holders of lands who pay full assessment to Government, holders of lands who pay only partial assessment and also holders of lands who pay no assessment. The Bill avowedly aims at securing for tenants and other inferior holders a share in the concessions granted by Government under the rules for the suspension or remission of land revenue. That was the object that was set forth in the Statement of Objects and Reasons. But the Bill, as it stands, goes further than that. It is only in case of lands for which assessment is paid to Government that any remissions or suspensions may be allowed by Government and it is in the case of those lands only that a share of the suspension or remission could be allowed to the tenant, but in respect of the lands for which no assessment is paid to Government, no suspensions or remissions can possibly be allowed by Government, *i. e.*, in the case of lands which are assessment-free, and the remissions or suspensions now proposed to be allowed in their case, will not be a share of any allowed by Government but will come entirely from the pockets of the private holders. The question to be considered by us is whether the rules which apply to suspensions and remissions of Government revenue may be applied to suspensions and remissions in respect of rent due to private holders. The rules of suspensions and remissions are of recent date. I believe they have been framed within the last 10 years and previous to 1905-06 the general rule was to recover from all those who could afford to pay. But during the famine of 1900-01 it was not found possible to make enquiry in every case and, therefore, on the recommendation of the Famine Commission and of the Government of India we have now the rules at present in force. Under those rules

suspensions are allowed according to the general average of the estimated crop as assessed by revenue subordinates. It is admitted I think that it is not possible to make inspection of crops in each village, nor to enquire into the capacity of each individual holder to pay and the rules as they stand are, we understand, therefore well adapted for the collection of Government revenue. As regards private holders, My Lord, we have to take note of the fact, that they do not hold the same number of lands with reference to which Government assessment has to be collected. They hold only one or two Inám villages or a limited number of lands in a village. Sometimes they hold only one or two lands and it is possible for them to actually inspect and see what crops have been grown in their lands, how far the crops have failed, and what the capacity of the individual tenant or holder is. In their case, therefore, I think we have to see whether it will be correct to force them to allow suspensions and remissions on the basis of an average deemed proper for Government lands, and whether in their cases we shall be doing justice in compelling them to allow the remissions and suspensions which, if it were possible for us to inspect these individual lands, will perhaps be found in several cases not necessary. In some cases even the remission scales allowed for Government lands may be far too high or not be sufficient and more will have to be allowed. Another consideration which we have to look to, My Lord, is that the private holders do not enjoy the same facilities for collection of their revenue as Government enjoys. Government possess statutory powers which are of a far-reaching character and it will be seen that the payment of Government revenue demand has precedence before all other demands. They can collect the revenue even before the date on which it is payable and they can take precautionary measures to prevent crops being taken away. They can also, if the assessment is not paid in time, charge penalty, they have the forfeiture system, attachment of property and even imprisonment of the defaulter. Whereas in the case of private holders, there is no other remedy available to them but to apply for assistance to the Government Revenue Officers and if that assistance is not given, they have to go to Court, and after obtaining a decree obtain realization as best as they can. As a matter of fact, therefore, the private holders do not recover their dues as regularly and as speedily as Government does. If we bear this fact in mind will it be desirable for us to impose upon them the further burden of allowing remissions and suspensions according to the more or less speculative scale to be fixed by Government for its own or their lands. As regards the Inámdárs, My Lord, their hands are already far too tightly bound. Under section 85 of the Land Revenue Code the Inámdárs are not allowed to recover the dues on their own lands themselves. That section provides (reads). For the collection of their revenue on their own lands, My Lord, they have to look up to the village officers who are their own servants for collection. If they collect any amount directly they are to be punished. As regards the collection of their own revenue on their own land, My Lord, if they do recover it themselves they are liable to conviction and fine. Therefore, in the case of these holders particularly I leave it to the Council to see whether it will be fair to subject them to still further restrictions in the matter of the recovery of their dues.

As regards the holders other than Inámdárs, they are far too numerous to allow of their claims being justly adjusted on the general scale adopted by Government for remissions and suspensions of Government revenues. It will be better I think, to leave them to adjust their claims privately by mutual arrangement. We have had enough

experience I believe of the evils arising from interference with private rights of contract in the operation of the Dekkhan Agriculturists' Relief Act. It contained most drastic measures in favour of the agriculturist debtors, but they have failed to give the relief that was expected and in some cases they have, on the contrary, led to too much hardship. Some of these evils might, I am afraid, happen if we try to interfere with private rights as between private parties. I am quite at one with Government in desiring that the landholders should allow some indulgence to the tenants. On that point there is no doubt but we have to see whether, as a matter of fact, it is not now done. It is not only allowed voluntarily, but it is to be allowed involuntarily, because the dues cannot be recovered otherwise than through the authority of Revenue Officers or Courts. Both the agencies do not secure as prompt a realization of the private dues as is possible in the case of Government dues under the powers which Government possess under the sections to which I have already referred. Then, My Lord, there would be some justice in allowing the suspensions and remissions only in those cases where they are to form a share of those allowed by Government. If Government allow any suspension or remission it is within their power to allow it on the condition that a share of it will go to the man who actually cultivates the land. In that respect I think Government has a right to insist upon that. In the first case, therefore, perhaps we might allow them at most to the extent to which Government allow, either a proportionate share, or even the whole share, but in cases where Government does not remit anything or does not suspend anything, it would be better, My Lord, to leave the parties to adjust their own claims. Further the incidence of these rentals is not fixed in strict accordance with the assessments charged by Government, and rent vary in different parts according to the condition of the lands, according as they are close to the town or in places remote from towns. That being the case one uniform scale adopted for remission of the Government revenue will not suit the varying conditions on which rents are charged. The incidence of any suspension or remission will be unequal though allowed on one uniform scale as adopted in the case of Government revenue.

(The Honourable Mr. UPASANI here paused for a few moments upon which the Honourable Sir RICHARD LAMB rose to a point of order.)

The Honourable Sir RICHARD LAMB:—I rise to a point of order, Sir. I move that the Honourable Member is not entitled to remain in possession of the house indefinitely when speaking. I presume the whole of this Council is anxious to bring the proceedings of this prolonged session to an end and I move, Sir, that any Honourable Member who stands up before the Council without making any speech and thus occupying the time of the Council is out of order.

His Excellency the PRESIDENT:—I think the Honourable Member might get his notes a little more concentrated before he speaks so that he does not delay the business of the Council.

The Honourable Mr. UPASANI (continuing):—I must apologise to the Council if Your Excellency thinks I am taking more time. But, I think in the ordinary course we have to refer to our notes whenever there is an occasion to refer to figures.

His Excellency the PRESIDENT:—I am only suggesting to the Honourable Member that he may be rather better prepared and have his notes rather more concentrated. That is all.

The Honourable Mr. UPASANI (continuing) :—In these cases I think rather than provide relief for tenants under the Bill as it stands it will be better if assistance be only refused to the superior holders in the matter of the recovery of their dues from their tenants during the time the revenue is suspended or remitted by Government on their own lands and they may be left to their own remedies in the Civil Courts.

The Honourable Sir RICHARD A. LAMB spoke as follows :—Your Excellency,—As no other member of the Council appears desirous to address the Council on the second reading, and as I have not heard anything that requires an answer on the part of the Honourable Members who have spoken, and as the Honourable the THAKOR of KERWADA's remarks apply only to what might be a possible modification of the second clause in the proposed new section 84A, and as we have had the valuable support of the Honourable Mr. PAREKH in support of the second reading of the Bill, I think that the Council might now proceed with the second reading of the Bill.

Bill read a second time.

The motion for the second reading of the Bill was then put to the vote and carried.

Bill read clause by clause.

Clause 1 was then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 2. The Honourable Mr. PAREKH.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows :—Your Excellency,—With reference to this amendment I beg to point out that under the general law when a tenant repudiates his tenancy he cannot afterwards stand upon the position of a tenant and claim any right under the tenancy. This deprives him of all right of claiming benefit as a tenant from the landlord. That being the case, provision to terminate the tenancy would not be applicable to persons who have repudiated the tenancy and they are not entitled to say when the landlord wishes to eject them that they are entitled to notice under this section. This is the provision of general law, and when the matter was brought before the Select Committee, the Select Committee did not consider that the repudiating tenant ought to have the right. They considered that this provision was unnecessary as under the clause as it stood in the Bill a landlord could not lose his right under the common law. I feel somewhat doubtful as to the correctness of that view. I think that where there is an express legislative provision upon a point, unless you guard especially against an exception by clean and express words, the exception would not be deemed to exist. That being the case, I think whether the common law applied or not, the Bill as it is creates a doubt, likely to lead to litigation and dispute and, therefore, I think that it is necessary to introduce these words in order that doubts may be avoided.

The Honourable Sir RICHARD LAMB spoke as follows :—Your Excellency,—This matter was considered in the Select Committee, and it was deemed by the Select Committee that it was not necessary to insert such an amendment as the Honourable Mover suggests; and the amendment which he suggests is certainly not acceptable in form. If we were to accept what the Honourable Mr. PAREKH proposes, we should have to read "an annual tenancy shall, in the absence of any special agreement in writing to the contrary and unless the tenant has repudiated the landlord's title in which event the tenancy terminates immediately, require for its termination a notice". Now I think it is perfectly obvious to those who have listened to these words that such an involved

parenthetical sentence between the word "shall" and the word "require" is drafting which it is impossible to accept. We could not possibly read "an annual tenancy shall in the absence of any special agreement in writing to the contrary and unless the tenant has repudiated the landlord's title in which event the tenancy terminates immediately require" and so on. That is a drafting which we could not possibly accept, but the substance of the Honourable Member's proposal could be secured by other drafting. We could insert the words "and subject to the provisions of sections 111 and 112 of the Transfer of Property Act after the words "to the contrary", so that the clause should read "an annual tenancy shall in the absence of any special agreement in writing to the contrary and subject to the provisions of sections 111 and 112 of the Transfer of Property Act require for its termination a notice in writing" and so on. The substance is the same. Is the Honourable Member willing to accept that form?

The Honourable Mr. PAREKH :—Yes. I accept that form.

The Honourable Sir RICHARD LAMB (continuing):—As regards the form, then, the Honourable Member will accept the variation. As regards the substance, I myself remain of the opinion expressed in the Select Committee that it is quite unnecessary, that it is merely a superfluity of verbiage; but if it appears to the Council that *ex majore cautela* it is desirable to put those words in, we are quite prepared to accept the decision of the Council. We, therefore, leave it entirely to the Council whether the words that I have just suggested should be inserted or should not be inserted.

His Excellency the PRESIDENT :—Will the Honourable Member like to move his amendment like that?

The Honourable Mr. PAREKH :—I am willing to accept that form, Your Excellency.

The amendment was then put to the vote and lost.

Clause 2 was then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 3. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows :—My Lord,—The amendment which I propose runs thus (reads). Clause 3 proposes to add section 84A to section 84 of the Land Revenue Code and it runs thus (reads). In the section, as it stands, there is no reference to any limit of the share which is to be allowed to the tenants of the amount suspended or remitted by Government. What I wish to point out prominently is that the avowed object of the Bill is to secure for tenants and inferior holders a share of the suspension or remission which may be allowed by Government to the superior holders and the object of my amendment is to make that clear. It will not be possible to exactly ascertain in each case separately the amount of suspension or remission to be allowed to the tenant out of that allowed by Government to the superior holder and it will be better, if in the section itself, it were provided that a certain share, say, a one-half or one-fourth, as may appear necessary according to the nature of the season, be allowed, because it would prevent petty corruption among the subordinates. Calculations as regards suspensions and remissions are based upon the reports and figures submitted by the lower officers with reference to the estimated anna valuation of the crops and it will be much better if some definite provision were made for fixing the percentage of share to be allowed on the proportion of remissions or suspensions Government may allow rather than leave it to the Revenue Officer in each case separately to apportion the amount according to his own discretion.

The Honourable Mr. G. S. CURTIS spoke as follows :—Your Excellency,—I rise to oppose this amendment. I would point out first that we had a prolonged discussion in Committee over this matter. The original proposal imposed no limit at all, that is to say, if one-half of the assessment was remitted, the superior holder was compelled *ipso facto* to remit a similar proportion of his rent. On a representation from the Honourable the CHIEF OF KURUNDWAD who, I am sorry to notice, is not here to-day, it was decided to impose a limit equal to twice the Government remission. That is to say, if the assessment on a piece of land is Rs. 10 and rent Rs. 30 and if Government remit Rs. 5 to the superior holder, he will be called on to remit Rs. 10 out of his Rs. 30, whereas if there were no limit, he would have been compelled to remit or suspend a suitable proportion, viz., Rs. 15.

The Honourable Mr. LALUBHAI SAMALDAS :—I rise to a point of order, Sir. We are considering clause 3, sub-clause (a). The remarks of the Honourable Mr. CURTIS apply to sub-clause (e).

His Excellency the PRESIDENT :—I do not think there is any point of order. I think the Honourable Member is perfectly justified in putting forward his views.

The Honourable Mr. CURTIS continuing :—My remarks were directly referring to sub-section (b) of section 84A (1) which is to be definitely omitted if the Honourable Member's amendment is carried. In fact the proportion of the limit is definitely referred to in sub-sections (a) and (b).

To return, Sir, to my argument, therefore, I say that the recommendation of the Select Committee was that in the case of land where Government remits Rs. 5 and the rent is Rs. 30, then the superior holder will have to remit Rs. 10 out of his Rs. 30 instead of Rs. 15. That, Sir, to a superior holder is a very considerable concession, and personally some Members of the Committee, of whom I was one, were rather doubtful whether we were altogether wise in imposing this limit, but on the whole we came to the conclusion that, in introducing a novelty of this kind, we would let the superior holder slowly down. Therefore, as I say, we came to the conclusion that it would be better to try this experiment of the limit for say two years, and if it was not found successful, possibly legislation could be undertaken in order to remove it or raise it as the case may be. I submit, Sir, therefore, that the Clause in the Bill as set up in the Select Committee has received full consideration in the Select Committee which was formed of many Members of this Council who have taken keen interest for many years past in revenue matters and that it is a reasonable compromise on the situation, and that we may give a trial to this experiment and undertake legislation hereafter, if necessary. I therefore recommend that this amendment be rejected.

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows :—Your Excellency,—I was a member of the Select Committee and I have stated my views in full in my minute of dissent. I have pointed out that there is no warrant for the assertion that in a year of scarcity it will be only the labourer that will suffer and not the landlord. If they turn to a recent resolution issued by Government which is to be found at page 30 of this admirable Blue Book Quarterly No. 2, Honourable Members of this Council will be satisfied that in this Presidency fortunately the labouring classes are in a very favorable situation. I shall read a portion of the Resolution for the information of my

colleagues. It is stated in this Resolution at page 32—and as the statements in the Resolution come from the high authority of Government, Members of this Council will find no difficulty in accepting these statements as correct—(Reads).

His Excellency the PRESIDENT:—Order, order. I do not think this has anything to do with the amendment. What I understand is that we are discussing the question of landholders and their tenants and not the labourers at all.

The Honourable Mr. BELVI (continuing):—I bow to Your Excellency's ruling. But I submit I am going to develop the argument with a view of showing that the supposition that the landlord is in a better position in a year of scarcity than the labourer is an assumption which is not warranted by facts.

The Honourable Mr. LALUBHAI:—A tenant is not a labourer.

The Honourable Mr. BELVI (continuing):—There again it is altogether a wrong impression to suppose that when it is spoken of labourers we speak only of men who do not work in fields. There are very few labourers as such in this Presidency. It is only the Mill population in Bombay that may be called labourers in the true acceptance of the word. In the mofussil it is a matter of common knowledge that every man, every agriculturist, does the work of a labourer during the time that he is not occupied in his field. For four months in the year he works in his field and for the remaining eight months he works as a labourer, and I am speaking with reference to these men who are both tenants and labourers.

His Excellency the PRESIDENT:—I hope my honourable friend will confine himself to the amendment. What he says is perfectly true, and I am quite sure the Council will admit that the agriculturists very often do a certain amount of labour when they are not engaged in agricultural operations. But, what we are entirely concerned with at the moment is the question of landlord and his tenant and not labourer at all,—the agriculturist as a tenant and not as a labourer, that is the point.

The Honourable Mr. BELVI (continuing):—I am anxious to point out to this Council that when we are speaking of these "tenants" they are not "tenants" throughout the year. These are people who work as tenants for some months and during the rest of the year they make a lot of money as labourers, and it is not necessary that the landlord should be fleeced for the benefit of such people.

I can support my friend, the Honourable Mr. UPASANI, on other grounds also. It is evident that there is no reason at all why a private landlord should be forced by the legislature to remit or to suspend a part of his rent in favour of his tenants simply because the Collector is pleased to suspend or remit a part of the assessment due to Government. At any rate, my submission is that, Government has no right to demand of the landlord anything more than they themselves do in favour of the landlord.

It is perfectly fair on the part of Government to require the landlord to show clemency to his tenant to the extent to which clemency is shown to him by the greatest landlord in the country, namely, the State, but to require the landlord to show double the amount of clemency without regard to his own means is surely very unconscionable and hard.

Again, this piece of legislation, is absolutely wrong, because the principle underlying this clause 3, so far as the suspension or remission is concerned, is this. One man has got too much and another man has too little, therefore the man who has got too little is, must be benefited at the expense of the man who has got too much. But to say in the case of private property that one has got too much and another has got too little, as Burke said on a famous occasion, treason against property. Is a landlord to be fleeced because he is a richer man? Other considerations have already been pointed out in my minute of dissent. I have said that it is not always feasible to a landlord to recover his dues from the tenant in subsequent years as easily as Government can do. I have already pointed out that so far as Government are concerned, there is a liability running with the land, whosoever may be in possession of it. If arrears of land revenue be not paid by the registered occupant, they are liable to be paid by the actual holder of the land. If A, a landlord, has left his field, and B is in actual possession of it, Government can demand arrears of land revenue from B. A private landlord cannot do this. The tenants may cultivate the land for one year, the next year he may leave the village or dispose of his property, and how is it then possible for the private landlord to recover the rent which is due to him? And why should he be forced to be generous simply because the State desires that he should be a generous man? There is no valid reason at all. I have pointed out that the State has got infinite sources of revenue. If the land revenue fails in one particular district, the State gets its money from numerous other sources in the same district. The same thing cannot be said or predicated with regard to a private landlord. The private landlord depends in most cases for his subsistence upon the income of his land. When I make this statement I am anxious to be understood by my honourable friends who have not got much experience of rural life in India that I am speaking from my own personal experience—I do not profess to know anything about Gujarát—but it is a fact that in the Dekkhan almost even in the smallest village there are many people who depend for their subsistence literally upon the income of their lands. If these men are to be deprived of a portion of their legitimate income, they will immensely suffer, and therefore I support my Honourable friend Mr. UPASANI in his amendment so far as the word “double” wherever it occurs is concerned. It occurs in sub-clause (a), sub-clause (b) and in sub-clause 2. So far as the first part of the amendment of the Honourable Mr. UPASANI is concerned, I confess that I fail to understand if it is happily worded or if it is of any use. I do not support my Honourable friend Mr. UPASANI in his request that the words from “require” to “fit” should be added. I think the phraseology already adopted in the first paragraph of clause 3 is quite happy. It is only to the word “double” that I object. I have no objection at all to our reading the sub-clauses (a), (b) and—

His Excellency the PRESIDENT:—I am afraid that the Honourable Member is making remarks on another amendment.

The Honourable Mr. BELVI (continuing):—I am only protesting against the use of the word “double”.

His Excellency the PRESIDENT:—We are discussing another amendment, and I gather that the Honourable Member supports the Government on this point. Is that not so?

The Honourable Mr. BELVI:—I am labouring under the impression that the Honourable Mr. UPASANI had already moved his amendment.

His Excellency the PRESIDENT:—The Honourable Member cannot have paid much attention to the debate. The Honourable Mr. UPASANI is moving clause 3 in paragraph 3.

The Honourable Mr. BELVI:—If that is so, I beg Your Lordship's pardon, and I do not support my Honourable friend Mr. UPASANI so far as that part is concerned.

His Excellency the PRESIDENT:—Then I was right in supposing that the Honourable Member supports the Government on that point.

The Honourable Mr. BALKRISHNA SITARAM KAMAT spoke as follows:—Your Excellency,—I confess I could not follow the meaning of the amendment of my Honourable friend Mr. UPASANI. I think it conflicts with another amendment which is standing in his name, and I will show how. He wants us to read clause 84(a) (1) thus: (Reads). Now I will give a concrete instance. If for instance the amount remitted by Government out of Rs. 10 is, say, Rs. 5. The Honourable Member wants the Collector to call the superior holder and discuss with him what share of that Rs. 5 the superior holder will pocket, and what portion of that he will remit to his inferior holder. That is to say, the Honourable Member is not even willing to transfer the benefit of Rs. 5 to the tenant. That will be the effect of his amendment. Whereas if his alternative amendment is accepted, he wishes that the word "double" at least may be dropped. If that be done.

His Excellency the PRESIDENT:—Order, order. The Honourable Member cannot discuss the second amendment. I must really ask Honourable Members to stick to the amendment under discussion.

The Honourable Mr. KAMAT [continuing]:—If the present amendment were accepted as it is, it would at least follow that the provision made by the Select Committee that the maximum amount should be double, that at any rate would conflict with the amendment which the Honourable Member seems to push to the attention of the Council. I therefore think that if he at all attempts to force a Collector to remit *only a share* to the superior holder, it would be tantamount to not even accepting the principle that the benefit granted by Government should be transferred from the superior holder to the inferior holder.

The Honourable Sir RICHARD A. LAMB spoke as follows:—Your Excellency,—On this amendment there does not seem to be forthcoming any support from the Honourable Members who have spoken. It does not seem to me at all necessary, therefore, that I should take up the time of the Council in opposing the amendment. I understand that this amendment does not commend itself to the Honourable Mr. BELVI who spoke at some length, nor to the Honourable Mr. KAMAT, and as a Member of the Select Committee who put forward the Bill as it is now before the Council, I think that this amendment ought to be rejected.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency,—I need not say more. The amendment is intended to allow the tenant to have a share in the amount suspended or remitted, and then the word "required"

is proposed to be added, in order that the superior holder may have some credit for the amount which he is to be required to give. The object is that the superior holder may be required by the Collector to allow the tenant a share of the amount remitted or suspended by Government in his favour, and that the apportionment of the share out of the suspension and remission allowed may be made under some uniform scale rather than capriciously in each case according to the discretion of individual officers.

The amendment was put to the vote and lost.

His Excellency the PRESIDENT:—Clause 3, sub-clause (a)—The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency,—My next suggestion is about sub-clause (a). I propose that it be dropped or at least the word “double” in line 4 should be omitted. I now only want the removal of the word “double”. I think it is but fair, considering the conditions of the landlords of the several classes, that they ought not to be required to pay anything more than what the Government itself suspends or remits with all its resources. I need hardly dilate upon this point, because the means of landlords in the country are very limited. We have not got here any permanent settlement as in Bengal, nor the system which prevails in the Central Provinces or the United Provinces of revenue farming to Malgujars or Ijárdárs. Most of the landlords here have small holdings and in a country like this it would not be right and fair to tax all these small holders beyond the extent to which Government themselves may allow by way of suspensions or remissions, according to the state of the seasons. That being the case, the proportion of suspension or remission allowed by Government may be taken to be a fair measure of the relief which landlords may be expected to allow to their tenants. Clause (a) refers to lands which pay full assessment and the other clauses refer to those which pay partial or no assessments. These latter cases can be considered later on. As regards clause (a), I pray, My Lord, that it will be better to limit the extent of the remission or suspension to be allowed by landlords to their tenants to the actual amount of relief which they may themselves receive at the hands of Government.

The Honourable Mr. GHULAM MUHAMMAD VALAD KHA'N BAHADUR WALI MUHAMMAD BHUGRI spoke as follows:—Your Excellency,—I beg to support the Honourable Member's amendment. It seems to me that if the word “double” is retained, as it is proposed, it will be very hard on the small holders who are only depending on the income derived from them which they cannot bear to forego. On the other hand, Government being the biggest landlord and having different sources of income can afford to be generous and ought to bear the burden. Therefore I submit that Government should compel the landlord only to remit so much as Government themselves remit and not more.

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows:—Your Excellency, I understand that so far as remission is concerned, the word “double” was taken as applicable to sub-clauses (a), (b) and (2).

His Excellency the PRESIDENT:—I take it that if the Honourable Member's amendment of sub-clause (a) is not passed the other two he will probably withdraw.

The Honourable Mr. UPASANI :—I do not press for it.

The Honourable Mr. BELVI (continuing):—I have already said all that I had to say about the deletion of the word "double" in my speech on the previous amendment, and I do not think I need waste the time of the Council now by going over the same ground once again. My reasons have been fully stated in my minute of dissent and also to-day, in the few words I have just addressed.

I support my honourable friend fully only so far as the deletion of the word "double" is concerned.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA spoke as follows:—Your Excellency, I rise to oppose the amendment. I am surprised that whenever there is a case of some concessions to be shown to tenants by Government, member after member speaks in its favour but when a similar question arises between tenants and superior landholders, my friend Mr. BELVI and others support the latter and seem to forget the rights of the rayats. I agree with the remark made by the Honourable Mr. CURTIS that the compromise agreed to in the Select Committee was unwise. I rather think it was a weakness to yield to the demands of the superior holders. I am of opinion that the superior holder should be made to pass on pro rata to the inferior holder the concession given him by Government. We hear much of the poor condition of the superior landholders; but the members who speak about their poverty, do not seem to realize what the condition of the inferior holders will be in a year of scarcity.

I will take a concrete instance as the Honourable Mr. BELVI did. Supposing out of the Rs. 50 that the superior landholder gets from his tenant he pays Rs. 10 to Government. If there is a remission of half the assessment he pays five rupees out of ten. According to the original Bill, he should give a remission of rupees 25 to his tenant. It is all very well to say it will be hard on the superior landholder to be obliged to give up Rs. 25, while Government gives up only Rs. 5. May I ask the supporters of the claim of the superior holder if they have given any consideration to the fact that it will be much harder for the tenants to pay in a year of scarcity Rs. 25 out of Rs. 50, than for the superior landholder to remit the same amount. This side of the question is conveniently forgotten by the representatives of the superior holders and their supporters. The Select Committee agreed to a compromise by which in the above concrete case the superior holder will not be obliged to give a remission of more than Rs. 10. That means that while the superior holder will have to give to Government only Rs. 5 out of Rs. 10—the inferior holder will have to give Rs. 40 out of Rs. 50. According to the proposed amendment a still greater burden will be thrown on the inferior holder who will have to give Rs. 45 instead of Rs. 40. The Council, I hope, will not approve of the proposal contained in the amendment.

The Honourable Sir RICHARD LAMB spoke as follows:—Your Excellency, I am bound to say at once that I do not feel at all prepared to accept the amendment. We discussed the matter at considerable length in the Select Committee. We compared what was done in the other provinces, the Central Provinces, the Punjab and the United Provinces, and we arrived at the conclusion that the clause as now drafted was a perfectly fair and reasonable arrangement between the contentions put forward and the proposals as contained in the Bill when it was first presented to the Council. A fair compromise between these was arrived at by the terms that have been inserted in the Bill.

I do not think, Sir, that it is at all a sound or justifiable proposition to talk of the landlord class as a poor class. It seems to me that we have been hearing rather too much about poor people in this Session of the Council. Anyone who has been following the proceedings might think that the whole Presidency had been reduced to a state of pauperism. The Honourable Dewán Bahádúr GODBOLE talked about the poor labourers, the Honourable Ráo Sáheb NAIK talked about the poor agriculturists. The labourers enjoy wages unprecedentedly high, nor are the rayats poor; they at any rate cultivate cotton, and considering the present prices of cotton we cannot call persons engaged in raising that commodity a poor class. After the poor labouring classes of the Dewán Bahádúr GODBOLE and the poor rayats of the Honourable Ráo Sáheb NAIK, now we have the poor landlords of the Honourable Mr. BELVI. I do not think that these things are at all justified. I maintain, Sir, that the landlord class is not poor, and that it is perfectly right and perfectly justifiable that when a landlord receives on account of a bad season, a remission or a suspension from Government of the revenue which he is to pay to Government, he should pass on to his tenant a remission or suspension which should bear the same proportion to what he has to receive from the tenant, as the remission which he receives from Government bears to what he has to pay to Government. We have assumed that, on the average, taking it all round, the rent is equal to $2\frac{1}{2}$ times the assessment. There are many cases in which the rent is 10 times, or even more than 10 times, the assessment. There are cases in which the rent is not so much as twice the assessment. But when we take it all round, $2\frac{1}{2}$ times is about the average of the proportion of rent to assessment, and we fix the amount of suspension or remission of rent at something within that normal average proportion. We fix it at double and not $2\frac{1}{2}$ times, and we also fix that proportion as a maximum. The landlord's suspension or remission to his tenant may be anything; it may be even less than the assessment itself or less than what the landlord is receiving in the way of suspension or remission from Government. I am not at all prepared to give any further concession on that point and I think this amendment should be rejected.

The amendment was then put to the vote and declared to have been lost.

His Excellency the PRESIDENT:—I take it that the Honourable Member wishes to withdraw sub-clause (b) and sub-clause (2).

The Honourable Mr. BHURGRI:—May I ask if the amendment is carried or lost.

His Excellency the PRESIDENT:—The amendment is lost.

The Honourable Mr. BELVI:—I want a division on the point. There has been a misapprehension.

The Honourable Sir JAMSETJEE JEEJEEBHOY:—I rise to a point of order. Can there be a division after the next amendment is proceeded with?

His Excellency the PRESIDENT:—The Honourable Member is rather too late to ask for a division. Whenever anybody wants to make an explanation I should be very glad to give him an opportunity. I do not know what the difficulty was with my Honourable friend Mr. BELVI.

The Honourable Mr. BELVI:—The difficulty was that I thought that many members have voted under a wrong impression and my own impression is that a number of

gentlemen who were in favour of Mr. UPASANI'S amendment are more than those who are opposed to it.

The Honourable Mr. BHURGERI:—At least I thought so while voting.

His Excellency the PRESIDENT:—If that is the position, I am perfectly ready to put the motion again. I want to be absolutely fair in this matter.

The amendment was then again put to the vote and declared to have been lost.

The Honourable Mr. BELVI:—I want a division on this point. I want to know how many people want the deletion of the word "double" and how many people do not want it.

The Honourable Mr. BARROW:—The Honourable Member is not entitled to ask for a division.

His Excellency the PRESIDENT:—The Honourable Member must really understand that he must ask for a division before I declare the amendment to have been lost. The amendment has been refused and therefore the word double remains in the clause.

His Excellency the PRESIDENT:—Sub-clause (b), the Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—My Lord, I have already pointed out in my speech on the second reading that the arrangement under which suspensions are now allowed is on the average anna valuation of the crops in groups of talukas or in groups of certain villages in a taluka, and not upon the actual valuation in each case in which suspension or remission is to be allowed. I have also urged that in the case of private landlords they own only a few lands and it is possible for them to inspect those lands and if we are to require them to allow suspensions or remissions on these lands, they should be allowed to satisfy the authorities that in the case of their lands, no relief is really required. The general average yield of the crop in those lands may be such that the scale of remissions or suspensions allowed in the case of Government lands would not apply to their lands. I do not know why they should be called upon to allow any suspension or remission if their own tenants were in a position to pay and especially when they themselves were not to get any at the hands of Government.

My Lord, Government is entitled to only a certain percentage of the produce by way of assessment and private holders are not thus restricted as regards their dues which are secured by individual private contracts. We now propose to interfere with their right to get what is due to them under their legal contracts and require them to give away part of what they are legally entitled to, and shall we not in fairness to them allow them to satisfy the authorities that the enforced concession, which they are to be called upon to make in favour of their tenants, is really not needed. Shall we not allow them an opportunity for showing that there are reasons for not enforcing the concession as against them. This is only but fair. Circumstances may be different in the case of their holdings from those that prevail in the whole taluka and it is but proper that they should not be compelled to allow remission or suspension if the average yield of the crop in their lands is above the average assessed for the whole taluka for suspension or remission of Government assessment.

The Honourable Sir RICHARD LAMB spoke as follows:—Your Excellency, as no Honourable Member of this Council appears to speak in support of this amendment, it will perhaps suffice for me to say that the amendment be rejected.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—My Lord, it is a matter for serious consideration. I beg emphatically to urge that the present valuations are far from satisfactory. In some villages we have now crops assessed at 10 annas and on appeal the assessment is reduced to 5 annas; that is to say, to half of the original anna valuation or even sometimes more, though the groups may be the same. Under these circumstances when you ask the private landlords to pay from their pockets should you not allow them even an opportunity to satisfy the authorities that they should not be called upon to pay? I think it would be a great hardship, if you do not. Whether the Council agrees with me or no, I do not know. But from my own experience, I think it would be a very great hardship if a man is not allowed to satisfy the authorities that in his case their interference is not justified. We are not now limiting the suspensions and remissions to those allowed by Government but we are calling upon the holders to lose from their pocket double the amount of that to be allowed by Government and even for that if you do not allow them an opportunity to satisfy you it would indeed be hard.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT:—Sub-clause (2)—the Honourable Mr. UPASANI.

The Honourable Mr. UPASANI:—Your Excellency, this is simply with a view to check as far as possible any possible hardship that may be caused that I desire that the orders in this case should be passed by superior officers of the position of Sub-Divisional Officers. That is all I wish to say on this amendment.

The amendment was then put to the vote and lost.

The Honourable Mr. NOWROJI DORABJI KHANDALAVALA:—Your Excellency, I wish to say a few words in regard to sub-clause 2 of clause (3) on a different point and it is this—

His Excellency the PRESIDENT:—Order, order. I should like to know what is the particular clause that the Honourable Member wishes to speak on.

The Honourable Mr. KHANDALAVALA:—Sub-clause (2) of clause 3.

His Excellency the PRESIDENT:—But we are now on the amendments. On which particular amendment does the Honourable Member wish to speak?

The Honourable Mr. KHANDALAVALA:—I do not wish to speak on any particular amendment.

His Excellency the PRESIDENT:—I am afraid I cannot allow the Honourable Member to speak on any clause until we come to the passing of the clauses. I must get rid of the amendments first.

His Excellency the PRESIDENT:—Sub-clause (4)—the Honourable Mr. UPASANI.

The Honourable Mr. UPASANI:—I will not press for that amendment and therefore I withdraw it.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT:—Sub-clause (5)—the Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows:—Your Excellency, sub-clause 5 reads as follows (reads). What I want is that in disallowing any suits or applications for assistance during the period of suspension, we only further

unnecessarily delay the realisation of the rents due to the superior holders. The period of suspension sometimes may extend over two years and if no suit or application is allowed to be filed within that time the further time required for disposal of his application or suit will be so much additional time allowed for the suspension. In fact with the section as it stands, the period of suspension will be extended by the time required for disposal of the application and the suit. That may be avoided by accepting the amendment which I have suggested, so as to only suspend actual realisation under assistance order or Courts decree until the expiry of the period allowed for suspension.

The Honourable Sir RICHARD LAMB spoke as follows:—Your Excellency, I am quite prepared to accept this suggestion in a slightly different form. What I propose to read is “in sub-section (5) of new section 84 (a), delete the word “and” in the third line and after the word “and” in the fourth line, insert the words “no decree of a Civil Court”, so as to read “no application for assistance under sections 86 and 87 shall be entertained, no suit shall lie, and no decree of a Civil Court shall be executed for the recovery”. If the Honourable Member accepts that I am willing to accept his amendment.

The Honourable Mr. UPASANI:—I have no objection to the wording proposed.

The amendment as further amended was then put the vote and carried.

His Excellency the PRESIDENT:—Amendment in line 15 of clause 5—the Honourable Mr. UPASANI.

The Honourable Mr. UPASANI:—It is a verbal correction, my Lord, from the period of limitation in computing. If the Honourable Member in charge of the Bill thinks it worth accepting he may do so.

The Honourable Sir RICHARD LAMB:—Your Excellency, we rather prefer the wording as settled in the Select Committee.

The Honourable Mr. UPASANI:—In that case I withdraw my amendment.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT:—The Honourable Mr. KHANDALAWALA.

The Honourable Mr. NAOROJI DORABJI KHANDALAWALA spoke as follows:—Your Excellency, in clause 3 of sub-clause (2), it is said that when a superior holder pays no revenue to Government in respect of any land, and from some cause the land revenue in respect of other land in the neighbourhood is suspended or remitted the Collector may also suspend or remit the land revenue payable by an inferior holder for the aforesaid land of the superior holder. According to this whenever a superior holder does not pay any assessment whatsoever to Government, and remission is to be given, it is by referring to another land in regard to which for some cause suspension or remission is to be given. It may however be that the land of the superior holder may perhaps be by the side of a river or the soil thereof may be rich and there may be very good crops in the land, while in some lands in his neighbourhood owing to the shortage of rain or hardness of soil, there may be no crops and the Collector may have given remission in the case of this other land, but that would be no reason to force that remission or suspension upon the superior holder with good crops in his land. Therefore, I say that in this sub-section after the words “suspended or remitted” in the 8th line there ought to be some such words as “and the same circumstances are found to exist in the land of the superior holder.” Unless the superior holder refuses to allow any remission

even when the crops in his land have failed he ought not to be forced to give any remission or suspension. This is the suggestion that I want to make and I hope the Council will see that it is a very reasonable one.

His Excellency the PRESIDENT:—I thought that the Honourable Member wished to discuss clause (3). But what I gather is that he disagrees with a certain point in sub-section (2) of clause 3.

The Honourable Mr. KHANDALAWALA:—Yes, my Lord.

His Excellency the PRESIDENT (continuing):—I am very sorry that he did not take the liberty of moving it then in the ordinary way. He is too late now for a general discussion on clause (3). I cannot allow the Honourable Member to move the amendment to the sub-clause which has already been passed by the Council.

Clause 3 was then put to the vote and carried.

The Preamble was then put to the vote and carried.

The Honourable Sir RICHARD LAMB spoke as follows:—Your Excellency, in moving the third reading of this Bill, I do not wish to add anything; but I may perhaps refer to the point which the Honourable Mr. KHANDALAWALA raised and which was out of order. If the point appeared to him so important as to require the amendment of the Bill, I presume that he would have prepared an amendment and sent it in due time. Since he did not do so, it appears as if he was merely giving expression to some lingering doubt that is wandering in his mind which he has now put forward in order that we might consider whether there should be any further amendment. I am bound to say that no further amendment appears necessary, because the section is so purely permissive and the clause renders the action of the Collector so entirely dependent on the general orders and the special orders of Government, that I do not conceive that there can be any possibility of the Collector going wrong in respect of such cases as the Honourable Member referred to. I am not quite in order in mentioning the point at this stage, but I thought I would just refer to it. I move, Sir, that this Bill be now read a third time and passed.

Bill read a third time.

The motion for the third reading of the Bill was then put to the vote and carried.

**BILL NO. V OF 1914 (A BILL FURTHER TO AMEND THE
BOMBAY PORT TRUST ACT, 1879).**

His Excellency the PRESIDENT:—A Bill further to amend the Bombay Port Trust Act, 1879, first reading—Mr. SHEPPARD.

The Honourable Mr. W. D. SHEPPARD spoke as follows:—Your Excellency, in drawing the attention of the Members of this Council to this Bill further to amend the Bombay Port Trust Act, 1879, I should like to lay particular stress on the fact that the Bill is limited to two clauses only, and that these two clauses are extremely clear and extremely simple. The first proposal is that an additional member should be added and that that additional

member should be a Military member, and the second clause is a clause to take out of the existing Act a section which has become inoperative. That section refers to the sinking fund and to the sales of property of the Port Trust. When the Port Trust was first formed the proceeds of these sales were all devoted to repayment of debt, but in recent years the practice of forming sinking funds has been instituted and therefore no special reason has remained for the sale-proceeds of any Port Trust properties being specifically or definitely devoted to the repayment of debt. What I wish to say on these two points is that this Bill is so clear, so simple and so unobjectionable that I hope we may be able to pass it into law to-day.

I must also say that the reason for making any alteration in the Port Trust constitution has not arisen at the initiative of this Government, but in consequence of a demand made by the Government of India that Military interest should be represented on the Port Trust. There is no doubt that it is desirable that the Military authorities should have a representative on the Trust, and the Government of India having represented that, it has become our duty to make provision so that a Military officer can be placed upon the Trust. That being so, I hope that we may be allowed to pass this Bill into law to-day. The only objection that I see standing in the way is an amendment by the Honourable Mr. MANMOHANDAS RAMJI, but that amendment we shall be able to show you is an undesirable amendment. I do not propose at this stage to discuss it. I wish, first of all, to hear the arguments he has to put forward. When he has done so, members present in this Council who have knowledge and experience of the working of the Port Trust will be able to show to your satisfaction—and I hope to be able to make some remarks in the same direction myself and show to you and satisfy you—that this amendment of the Honourable Mr. MANMOHANDAS RAMJI is not deserving of your acceptance. I would say this also with reference to this motion, that the cause of this Bill having been brought into this Council arises from the necessity of placing a Military member on the Trust and there is no obvious connection between that Military member being placed on the Trust and the change that is being proposed by the Honourable Mr. MANMOHANDAS. With these remarks, your Excellency, I propose that the Bill may be read for the first time.

The Honourable Sir FREDERICK SPROTT spoke as follows:—Your Excellency, I rise to support the first reading of this Bill. There is nothing much for me to say in this matter. With regard to the first clause, the Government of India have decided, I understand, that Military interests require the presence of a Military representative on the board and we are prepared to accept that. As regards the second clause, that again requires merely a few words of support, as it has been particularly explained by the Honourable Member in charge of the Bill. The effect of the clause as it stands is this, that the sale-proceeds obtained from the sale of properties under section 31 are ordered to be devoted to certain purposes, the first two of which are generally inoperative, because when these moneys are obtained it is necessary that they should be disposed of immediately, and it would probably happen that no loans happen to fall due. Consequently the effect of the clause is that any moneys that may be derived from the sale of properties are devoted to the redemption of the Government loans. With the institution of the sinking funds that is thought to be unnecessary and accordingly it is desirable that the clause as it stands should be deleted.

The Honourable Mr. MANMOHANDAS RAMJI:—May I know, your Excellency, whether I should move the amendment now or at a later stage?

His Excellency the PRESIDENT:—I have been thinking very seriously on this particular question as to whether I should allow the Honourable Member to move this amendment now, but on the whole I think it would be well to do so, as his amendment does affect a matter of principle with regard to the composition of the Port Trust. I therefore think that he is entitled to move it now on the first reading.

The Honourable Sir FREDERICK SPROTT:—May I enquire, Sir, if I shall have the right of reply?

His Excellency the PRESIDENT:—After the Honourable Mr. MANMOHANDAS has moved his amendment the Honourable Member can certainly have his say.

His Excellency the PRESIDENT:—The amendment is in two clauses. Does the Honourable Member wish them taken together as one amendment?

The Honourable Mr. MANMOHANDAS RAMJI:—Yes, my Lord.

The Honourable Mr. MANMOHANDAS RAMJI then spoke as follows:—There is a strong feeling in the Indian Commercial Community that a representative body like the Indian Merchants' Chamber be recognised for the purposes of electing all such five Trustees. In my amendments however I have not taken up this extreme attitude and have urged that five elective Trustees should be elected by such body or bodies as Government shall from time to time select as best representing the interests of the Indian Mercantile Community of Bombay. I do not think I need dilate upon the merits of the system of election, for this system is now recognised even by some of the highest authorities of the Government as best securing adequate representation of the interests concerned, as is seen in the success of the modifications introduced by the Government in 1909. I have nothing to say of course against the three nominated Indian trustees, but I beg to urge most strongly that Your Excellency's Government will be conferring a boon and a great and valued privilege on the Indian Commercial Community if you were to accept the very modest demands conveyed by my amendments. The number of elective Trustees from the Bombay Chamber of Commerce is five and there is no reason why, with so much progress shown by the Indian Commercial Community and its representative institutions, the system of nomination which Lord Morley, the then Secretary of State for India, considered as dubious should be at all prescribed in its case. It was urged by the representative of the Bombay Chamber of Commerce, when Bill No. I of 1909 came up for consideration in this Council, that two out of the five elective Trustees from that Chamber were always returned from the shipping interests. This may be, but it is no reply to the Indian merchants' demand for an equal number of elective seats. Even though these two Trustees represent shipping interests, they are still members of that body. As to the five seats asked for in my amendment, it will not be, I may be allowed to urge, a violent departure from the existing procedure. In fact, I have tried my best to meet the Government half way. It must have been noticed that since the new constitution of the Port Trust came into being four years back, four different Indian commercial bodies have been declared eligible by the Government for returning trustees to the Board of the Port Trust. Under the amendments I have suggested there is provision for the Government to declare five bodies just as they at present declare two bodies. As the Government have already considered four bodies as eligible, it will not be difficult

for them to find out a fifth eligible body. My object of proposing this half way measure and not suggesting any electorates to be fixed by an Act is that the procedure adopted in 1909 may have full trial. In the meanwhile we may advance to our goal of direct election by extending the franchise conferred then. It will be a salutary and peaceful evolution of one of the essential rights and privileges of the local Indian Commercial Community.

The Honourable Mr. VITHALBHAI JHAVERBHAI Patel spoke as follows:—Your Excellency, I rise to support the amendment moved by my Honourable friend Mr. MANMOHANDAS RAMJI. I congratulate him on the opportunity he has taken of moving this amendment when one additional member is proposed to be nominated on the Board, and I think he has seized the right opportunity at the right moment. To me it appears that the Bill is not so extremely clear, so simple and so unobjectionable as the Honourable Mover put it, and a Bill of this magnitude must surely be referred to a Select Committee.

The proposal of my Honourable friend Mr. MANMOHANDAS RAMJI is merely to convert three nominations into three elections. As the constitution of the Port Trust now stands, it appears that four bodies of the Indian merchants return two Members intermittently every year. So it is admittedly a fact that Government consider that there are four bodies in Bombay of Indian merchants who can really send representatives to the Port Trust. What the Honourable member now requires is that if the Government finds four bodies of Indian merchants who could really send members to the Port Trust, it is easy to find a fifth one and thus to give the right of election to all those five bodies : that is to say for the four bodies now sending two representatives turn by turn every year, what my Honourable friend now requires is that the five bodies to be created should be allowed each to return one Member every year to the Port Trust. That is the position which my Honourable friend Mr. MANMOHANDAS takes up. Government have wisely recognized the claims of Indian merchants on the Port Trust since the establishment of the Trust. The first Port Trust Act was passed in 1873 and although then the constitution was 9 to 12 all nominated, Government very rightly considered the claims of the Indian merchants and nominated two Members on that Board. In 1879 a further Act was passed which made it compulsory that the Government shall nominate three Indians on the Port Trust. So day by day Government saw the necessity of nominating Indians on the Port Trust, considering the state of the trade and the increasing interest that the Indians began to take in the trade of Bombay. From 1879 down to 1909, it appears that three Indian merchants used to be nominated on the Trust. In 1909 Government introduced a further amending Bill. Whilst that legislation was undertaken, the Indian merchants asked for election with nomination. It appears that the Government then conceded the right of election to the Indian merchants and it was provided that four bodies which Government thought were fit to send representatives to the Trust should be allowed to send two representatives every year intermittently to the Port Trust and the three nominations which the Government were bound to fill in with Indians were, if I understand aright, also allowed. That is to say, Government were to nominate three Indian merchants on the Trust and two in addition were to be elected by the different bodies. This was the position since 1909. Thus we have now 5 members from the Indian mercantile community on the Port Trust. What my Honourable friend requires is that the three nominated seats should be converted into elected seats. That

is the only thing which my Honourable friend proposes. As I pointed out before, the Bill is not so clear and not so simple, but it appears to be of very great importance and of very great magnitude affecting as it does the very constitution of the Port Trust and I would rather think that a Bill of this character must be referred to a Select Committee.

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows:—Your Excellency,—It appears that the Bill is not of a non-contentious character and I think it would be a wise thing to have this Bill referred to a Select Committee for consideration and to give an opportunity to the people concerned to make their representation to Government. I think the usual procedure should be followed and that a Select Committee should be appointed to consider this measure.

The Honourable Mr. W. L. GRAHAM spoke as follows:—Your Excellency,—I rise to oppose this amendment which has been put forward by the Honourable Mr. MANMOHANDAS RAMJI. I do so after a very careful consideration and because I cannot see that the proposed amendment adds one iota to the efficiency of the working of the Port Trust. The Port Trust is not a consultative body but is an administrative body, so that efficiency is a matter of paramount importance, not only on account of the complex nature of the questions that arise in the administration of the trade of the Port but also on account of the great interest in properties held by the Trust. The public show their confidence in the administration by the large investments held in Port Trust stocks. The Port Trust debentures, as various Members of this Council are aware, are a favourite form of security for local investment. This is fully borne out by the successful issue of the Port Trust loan this week, which was issued at a rate averaging over par, notwithstanding the serious decline in prices of Government securities and other good securities owing to the present tension of international politics. The Council, therefore, I consider must be very careful not to interfere with the constitution of the board and not to impair that confidence. It can be claimed that the present Board of the Port Trust is thoroughly representative and I think it can also be claimed with some justification that the Board is thoroughly efficient in the execution of their duties. I consider that the honourable mover of this important amendment, suggesting a radical change in the constitution of the Port Trust, should have shown to this Council either that the present Board of the Trust was not efficient or should have shown that his amendment would make the present Board more efficient by the proposed change. This, however, he has not shown. He has based his arguments for the proposed change on the ground that as the Chamber of Commerce has five elected representatives, Indian commercial interests should be similarly represented. This I consider, Sir, is based on a misconception. It is true that the Chamber of Commerce elects five representatives, but two of these members are appointed solely to represent the shipping interests. Their presence on the board is absolutely necessary owing to the knowledge they have and can command of shipping questions, matters of berthing, pilotage, and so on. The honourable mover of the amendment has said that Sir Charles Armstrong's reply was no answer to the question raised at that time, namely, that two of those members represent shipping interests. But, Sir, I claim that it is and I claim that the standing of those two representatives is very similar and very analogous to the standing of the two representatives of the two railways, and if Government were to say to the Chamber that they thought it advisable that those two representatives should be nominated instead of

elected, I do not think the Chamber of Commerce would object. Thus I think it will be seen, Sir, that the Chamber of Commerce has really only three members on the Board of the Port Trust. I do not wish in any way, Sir, to introduce anything controversial, nor do I wish it to be thought that I am speaking in a spirit of rivalry. The question is really a business one and it should be considered entirely on business grounds. If, as I think, it can be fairly and reasonably argued that the value of trade and commerce handled in the docks should be the basis of representation, then it will be seen at once that Indian commercial interests are already fully represented on the Trust; in fact, they are more than fully represented. Generally speaking, the European interests are chiefly concerned with the external trade of India; the Indian commercial community is concerned with the internal trade of the country. The Honourable Mr. MANMOHANDAS RAMJI said that the Indian commercial community has large interests in the development of Bombay; I consider that European merchants also have large interests. The only difference is that the European commercial community controls and develops the external trade and the Indian commercial community develops the internal commerce. The statistics as regards the volume of trade handled in the docks, which have been very carefully worked out, show that no less than 70 per cent. of the trade handled in the docks is in the hands of European firms or merchants. I do not think, Sir, that the Indian commercial community have any grounds for grievance. They have two elected representatives as against three of the Chamber of Commerce on the Port Trust. Seeing that 70 per cent. of the proportion of trade is in the hands of European merchants and 30 per cent. in the hands of the Indian merchants, surely the representation in the proportion of three to two is more than fair and the Indian mercantile interests have already got their full representation. There is no need, therefore, Sir, on the basis of trade for altering the present system. On the contrary, it appears to me that there are very good grounds to adhere to the present system whereby Government, in addition to elected members, nominate three Indian gentlemen of special qualifications from the three Indian communities of Bombay, Parsee, Mahomedan and Hindu. Valuable assistance is given by these gentlemen on the Trust in regard to various matters concerning land, finance, etc. Another point which must not be overlooked by this Council is that if this amendment is carried and the Honourable Mr. MANMOHANDAS' proposals are adopted, it would practically mean the elimination of the Parsee and Mahomedan elements on the Port Trust, which I do not think is at all desirable. Nomination, therefore, must, I contend, Sir, be maintained, in order not only to select special men with special knowledge, but to allow special communities to have a voice in the affairs of the Port Trust. I think that we all agree that the general principle of election is better than nomination, but I do not think on the present occasion a good case has been made out to extend election any further. On the contrary, Sir, on the ground of general efficiency and considering the complex questions which come before the Trust, I think that the present constitution should be maintained, as it can be claimed to be both efficient and of a representative character. I therefore move, Sir, that this amendment be not supported by the Council.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows:—Your Excellency,—I support the amendment moved by the Honourable Mr. MANMOHANDAS RAMJI. I do this because it seems to me that the question involved is of a very

difficult and complicated character. It raises before the Council the important question in which way the Port Trust can be worked more efficiently and I would rather agree with the view which has been put forward by my Honourable friend Mr. MANMOHANDAS. This is a matter which requires much consideration and is one of principle, and I think the best course would be to refer it to a Select Committee, as the Council would be in a better position to form its opinion after the matter has been threshed out in the Select Committee. I therefore support the amendment of my Honourable friend Mr. MANMOHANDAS RAMJI.

The Honourable Sir JAMSETJEE JEEJEEBHOY spoke as follows:—Your Excellency,—I oppose the amendment of my friend the Honourable Mr. MANMOHANDAS RAMJI on the ground that it will have the practical effect, if it is carried, which I hope it will not be, of taking away Mahomedan and Parsee representation and handing it over to electoral bodies which are mostly composed of Hindus. At present the Indian Chamber of Commerce sends two Trustees to represent the Chamber on the Port Trust. The composition of that Chamber is about 219, of whom only 10 are Parsees, and 10 Mahomedans and the rest Hindus.

The Honourable Mr. MANMOHANDAS RAMJI:—There have never been two Trustees elected by the Chamber on the Port Trust, and there was only one occasion when only one was asked by Government and one was returned.

The Honourable Sir JAMSETJEE JEEJEEBHOY (continuing):—I submit, Sir, that if election has to be given over, it at least should not hand over the two seats, the Parsee and the Mahomedan, whose cause has been championed by my Honourable friend Mr. GRAHAM. Nomination has to be adopted in cases where there are minorities which could not be represented upon the bodies to which they are sent when the election rests in the hands of a majority. I consider that the Council will be well advised to reject the amendment of my Honourable friend.

The Honourable MOULVIE RAFIUDDIN AHMAD spoke as follows:—Your Excellency,—I am sorry I have to oppose the amendment on the ground that my Honourable friend Sir JAMSETJEE JEEJEEBHOY has advanced. If the representative of the Mahomedan community who is now on the Board also disappears by this amendment, I think it is a mischievous amendment. I confess however that if my Honourable friend the Mover of the amendment assures us that there will always be a Mahomedan member on the Board, then surely the objection would not have much weight. But if he can give no assurance of the kind, it is surely an injustice to the neighbouring communities that he should bring in such an amendment here and disturb the harmonious working of the Port Trust. Sir, I am second to none in the promotion of national feeling in India. I do want more Indian representatives on the Board if possible, but the Indian representation should be not only adequate but also such as to provide places for all communities on that body. But if in the representation only one community predominates, then surely there is good ground for complaint. Of course, I do not agree with every word that has fallen from my Honourable friend Mr. GRAHAM, but if, as he points out that by the adoption of this amendment the representatives of the two communities will disappear from the Board, the amendment should be rejected.

The Honourable Sir FREDERICK SPROTT spoke as follows:—Your Excellency,—After all that the Honourable Mr. GRAHAM has said, it practically leaves me really

nothing to say or very little. There are one or two points on which I think I should, however, speak for a few minutes. The Honourable Mr. MANMOHANDAS claims his amendment to be a modest one. Well, I am afraid I cannot agree with him. I think it is one where the characteristic least to be noticed is modesty. It is one which would result, as the Honourable Sir JAMSETJEE JEEJEEBHOY said, in the complete domination of the election by a particular nationality, a particular section of the Indian community. That, I think, is in itself a most undesirable matter, and I think, also that the net result of this will go somewhat further than that, and that the result will be not only the representation of one particular section of the community, but also a very large representation of one branch of trade. Up to now four bodies have sent representatives to the Port Trust, but of these four two bodies have elected the same gentleman and it is probable that, if those two bodies continued to have the right of sending representatives, they would still continue to send not perhaps the same representative but one or two representatives as the case may be, both representing the same trade. Mr. MANMOHANDAS has put out a feeler, I may say, that the Indian Chamber of Commerce should be put on the same footing as the European Chamber of Commerce. I do not think that that can for a moment be agreed to, or should be agreed to, because the Indian Chamber of Commerce, though an excellent body, is not so fully representative, as is the European Chamber of Commerce, of the several trades in the city of Bombay. We have at present an extremely well balanced body on the Port Trust. We have, as Mr. GRAHAM has explained, three representatives of European commerce, two representatives of shipping, two representatives of the two railways, three Indian nominated members, who are generally one Parsee, one Mahomedan and one Hindu. The principle of nomination enables Government, when questions regarding a particular branch of trade have to be discussed, to nominate a member to represent that particular trade. Besides that, we have three European nominated members, who are generally the Collector of Customs, who is the representative of Government, the Municipal Commissioner, who represents city interests, and the Director of the Indian Marine, who is an expert in naval questions. In addition to that, it is now proposed to add a military member. That seems to me to be an extremely well balanced body. I think I can say from my experience that it is a body which works most harmoniously, in which no interest predominates. I am very much averse to any such change as is at present contemplated by the Honourable Mr. MANMOHANDAS, nor do I think that any change whatever should for the present be made in the constitution of the Port Trust, with the exception of the nomination of a military member to represent military interests.

The Honourable Sir IBRAHIM RAHIMTOOLA spoke as follows:—Your Excellency,—As the Member of this Council who is responsible for the recognition of the principle of election by the members of the Indian mercantile community on the Board of the Port Trust, I think I may be permitted to offer a few remarks on this occasion.

I was amused to hear the Honourable Mr. GRAHAM and the Honourable the Chairman of the Port Trust bringing forward the same argument which was advanced on the previous occasion when I pressed for election in favour of the Indian commercial community, namely, that the Port Trust was a perfect body as then constituted, that it did perfectly sound work, and that any innovation or the introduction of the principle of election would have disastrous effects. Well, Your Excellency, I was presumptuous enough to persist in my demand for the recognition of the principle of

election to the Port Trust, and Government, after a good deal of consideration, were good enough to amend the Port Trust Act, and conceded the right of representation by election of two Indian members. These two elected Indian members have been sitting on the Board for the last four years, I think ever since 1910. Well, Sir, when these apprehensions which were entertained on the previous occasion have been falsified in spite of two elected representatives sitting on the Board and the Port Trust has remained well balanced and perfect in spite of the introduction of the principle of election in favour of Indians, I venture to submit that the same fears which are again advanced to-day need not weigh with the Council in considering the question of election *versus* nomination. (Hear, hear.) If the perfection of the Port Trust has remained undisturbed, if the loans of the Port Trust have continued to command the same confidence of the investing public which it did before the elected Indian members took their seats, it leads to the conclusion that, if the elected representation on the Port Trust is further increased, no dire consequence need be apprehended as has been done by some Honourable Members.

Sir, it seems to me that the arguments based on the relative proportion of European trade and Indian trade are hardly relevant on the present occasion, because, under the existing law, the right of Indian merchants to five seats on the Port Trust has been recognised. No member of this Council has asked for an increase in such representation. If Government have in the past felt that the Indian trade interests require a representation of five members, and no Councillor has either asked for more or urged a decrease, the question of the relative volume of European and Indian trade does not arise.

On the present occasion the point for consideration before the Council is whether the principle of election recognised on the last occasion in regard to two members should not now be extended, and if so, to what extent, whether all the five seats should be thrown open to election, whether the present two elective seats should remain at that figure, or whether that number should be increased to three or four, and I propose with Your Excellency's permission, to speak in regard to these issues which are before the Council.

I was very glad to notice that the Honourable Mover of the amendment quoted two arguments in support of the extension of the right of election. The first was that the Indian merchants substantially contributed to the income of the Trust, and that as such they were entitled to representation, and he further quoted the high authority of Lord Morley in support of his contention, that election was preferable to the dubious method of nomination. Sir, I was very glad that the high authority of Lord Morley was quoted, because I propose to quote the very same authority in favour of my contention, that the present system of election by associations, should now be done away with, and that Indian merchants who are directly contributing to the income of the Port Trust should be recognised as voters for the election of such number of seats as may be thrown open to election. Sir, it appears to me, that, if one relies upon the principle which Lord Morley enunciated in favour of election as against nomination, with which I entirely agree, the other principle, which is of even greater importance; namely, that the people who are directly contributing to the income of a body, ought to be the people who should exercise the right of election to that body cannot be disputed or objected to. I need not dilate upon that point, because it has been largely adopted in this Council. If that principle were accepted, it would, to my mind, largely

remove the difficulties which have been urged to-day on the question of increasing the elective representation of the Indian merchants. It appears to me that the system of election by associations has had its day and should now be dropped.

I do not propose to deal with the question of proportionate representation of Europeans and Indians on the Board, but as arguments have been advanced in that direction, I may be permitted to say a few words. The Honourable Mr. GRAHAM contended that, though the Chamber of Commerce had the right of electing five members, by an unwritten law they always elected two members representing shipping interests, and three members representing commerce. Now, Sir, that is absolutely within the discretion of the Chamber themselves. I do not think that what the Chamber have done or propose to do in the matter of exercising the right of election which the legislature concedes to them can affect the consideration of this question. The legislature gives the Chamber of Commerce, as representing the commercial interests of Bombay, the right of electing five representatives on the Port Trust, and they are absolutely free to elect any five, whomsoever they like. If they choose to exercise their right in a particular way, and if the effect of the exercise of that right is the diminution of the European commercial representation on the Port Trust, it is their business. The legislature cannot tell them how to exercise the right which it gives to them. If they choose to exercise it in that particular manner, I do not think that that can affect the question which the Council has got to consider. At present the constitution of the Port Trust is this. There are five seats representing the European commercial interests through the Chamber of Commerce, and five Indian representatives, two by election and three by nomination. It appears to me, Sir, that if the right of voting for the election of Port Trustees by the Indian commercial community was given to people who contribute a certain amount of income

The Honourable Sir FREDERICK SPROTT:—I rise to a point of order, Sir. The matter before the House is not about the method of election, and the suggestion of my honourable friend Sir IBRAHIM for special elective bodies is, I contend, not a matter before the House, and consequently out of order.

His Excellency the PRESIDENT:—I am afraid I cannot agree with my honourable friend. The amendment does refer to the alteration in the election.

The Honourable Sir IBRAHIM:—I am much obliged to Your Excellency.

It appears to me that, if all the five seats were thrown open to election by members of the Indian Mercantile Community who are contributing to the resources of the Trust on the principle of the cumulative system of voting, the difficulties which have been urged by my honourable friends Sir JAMSETJEE and Moulvie RAFIUDDIN would be removed. If however my view does not appeal to this Council and if they feel that, even if my suggestion was accepted, namely, that all the five seats be thrown open to election by the contributories to the revenues of the Port Trust, there is a risk of the Parsi and the Moslem communities remaining unrepresented, then I am quite prepared to be content with advancing the point which I gained on the previous occasion a little further and agree to an arrangement by which three out of the five seats may be thrown open to election by the constituency I am advocating and the two remaining seats may remain in the hands of Government to supply by nomination the necessary communal representation.

Your Excellency, I do not propose to take up any further time of the Council, but beg to submit that the section which we propose to amend is a section dealing with the constitution of the Port Trust, and therefore, in view of the discussion that has taken place, it would be desirable that this Bill should go before a Select Committee in order that all these points may be carefully threshed out in that body, and that we may have before this Council the considered recommendations of the Select Committee.

His Excellency the PRESIDENT:—I think perhaps it will be to the convenience of Honourable Members if we adjourn now for lunch till a quarter to three.

The Council then adjourned for lunch.

After Lunch.

His Excellency the PRESIDENT:—Order, order. A Bill further to amend the Bombay Port Trust Act, first reading. Discussion of the amendment proposed by the Honourable Mr. MANMOHANDAS RAMJI.

The Honourable Mr. G. P. MILLET spoke as follows:—Your Excellency, if I venture to oppose this amendment I perhaps lay myself open to the retort of “Shoemaker stick to your last” or, as some even may say, “Woodman cut your stick.” But I take the standpoint of the man in the street who has the right to take an interest in what goes on around him.

The Bombay Port Trust is a very important public body and it should therefore be the aim of everybody to avoid doing anything which might in any way weaken it.

We are not chiefly concerned with the relative merits of election and nomination; but the question is whether in the case of the Bombay Port Trust the election of members will have a strengthening influence as compared with nomination.

The Honourable Mr. PATEL's view that if Government can find four bodies fit to elect representatives, they can find five, might be prolonged indefinitely and lead us nowhere. It must be shown that such other bodies have any real interest in the trade of the port.

I submit we have heard no good argument in favour of the amendment; and the argument of the Honourable Sir IBRAHIM RAHIMTOOLA is I think the weakest of all, viz., that because no harm has happened to the Port Trust since two Indian members were placed on the Board therefore no harm can happen to it by putting more.

The present Board have been shown to be thoroughly representative, and we all know it to be thoroughly efficient. If the aim of the present amendment is to favour the interest of retail merchants as would appear to be the case, it is not one that should have any support. The whole contains the part, and the present Bombay Port Trust effectively looks after the trade of the Port in all its elements.

The Honourable Mr. J. A. D. MCBAIN spoke as follows:—Your Excellency, I desire to oppose the amendment moved by the Honourable Mr. MANMOHANDAS RAMJI. In the remarks made by the Honourable Mr. PAREKH he laid great stress on the fact that if the proposals of the Honourable Mr. RAMJI were accepted the Port Trust would be a much more efficient body than it is now. I do not think that we can point to a more efficient body on this side of India than the Bombay Port Trust. We all know how the present Trustees have managed the affairs of the Port for many years. I think the

Honourable Mr. GRAHAM put the case very clearly before us, and although, it is true, that the Chamber of Commerce send five members to the Port Trust, they have for many years past nominated or elected two members from the large shipping companies, and these, representing the shipping interests, are as much required on the Port Trust as the representatives of the great railways. I therefore think that the Honourable Mr. MANMOHANDAS RAMJI's amendment is not one which should commend itself to this Council.

The Honourable Mr. W. D. SHEPPARD spoke as follows :—Your Excellency, I must confess to a strong sense of disappointment at the arguments that have been put forward in support of this amendment. I am not surprised that this has been the case, because, if I am right in my belief, there has been no public demand for any amendment of this nature. The proposal out of which this Bill has arisen, as I told you at the beginning of my opening remarks, has not come from the public, but it is a demand from the Government of India to the effect that a military officer was required on the Port Trust in order to attend to the question of military defence. Out of that, suddenly, without any demand from the public, without any consideration from any public body, there comes the Honourable Mr. MANMOHANDAS's amendment, and he produces an amendment and says "Now, gentlemen, we will change three nominated members into three elected members". I would suggest to the Council in reply, that if such a proposition is to be put before this House at this time, some attempt should have been made to show that it was justified, and some reasons should have been given to justify it. I have here the speech of the Honourable Mr. MANMOHANDAS RAMJI, a copy of which he has been good enough to send to me, and there is really nothing in it excepting the theoretical advantage of election over nomination. But when you come to the practical position and composition of the Port Trust, you have all heard what the exact position is. You have heard from the Honourable Sir FREDERICK SPOTT and the Honourable Mr. GRAHAM how well represented and how evenly represented the various communities and interests are on the existing Port Trust. It is properly divided, and the Honourable Sir FREDERICK SPOTT gave us the division, which is, three representatives of European Commerce, and two of Indian Commerce. These are the two divisions that are most important. These are all elected, and the three European representatives represent 70 per cent. of the trade of the Port, and the two Indian representatives represent 30 per cent. and then you have two European Members representing shipping interests, two representing the Railways and the three officials in Bombay who are nominated in virtue of their office, the Collector of Customs, the Municipal Commissioner and the Director of the Royal Indian Marine. Those do not represent any commercial interests at all. Then you have, in addition to them, three Indian nominees who are put on to rectify any deficiency in the representation of the Indian communities.

Well, now, this arrangement was made as far back as 1879, and the two elected Members were put on so recently as 1910, so that you have had the two elected Indian Members on this body for only three years, and I say that, without any public demand for further representation, without any cause for believing that the working of the Port Trust has been bad, or that all interests are not properly represented on it, it is premature and wrong to come forward at the end of the third year and say that "because you have given us two men the other day, give us three more men now". I would go further and say that if this amendment is to be accepted by this Council, it would have to be con-

sidered in very great detail, and that we should have to come to a decision whether it was right that the elected Indian Members should be five and the elected European Members should be only three, because whatever you may say about the shipping interests, they have to be represented on the Port Trust, and if the Chamber of Commerce were to find itself in the position that it was to be limited to three Members and the Indian lesser interests were to get their five Members, they would certainly call upon Government to take away the two shipping Members from the elected Members and change them into nominated ones, and I think Government would only be too glad to do it. Briefly, Your Excellency, I feel that neither has a good case been made out nor is there any cause to pass this amendment.

I will just make one remark with reference to the speech of the Honourable Mr. PATEL, who began by saying that he could not agree with me that my Bill was a simple Bill, that it was a non-contentious Bill, and there was another expression (I have temporarily mislaid my notes of his speech) that my Bill was not simple and that it was not non-contentious. I take exception to those remarks on the part of Mr. PATEL, and I maintain that my Bill is quite unobjectionable, is quite simple and is also non-contentious.

The only contention which has been raised is that of the Honourable Mr. MANMOHANDAS RAMJI who wishes you to change nominated seats into elective ones, but once you waive that aside, there is no matter for contention left, and I must demur to the remarks of the Honourable Mr. PATEL.

The Honourable Mr. MANMOHANDAS RAMJI spoke as follows:—Your Excellency, I am rather surprised at the attitude of my Honourable friend Mr. GRAHAM in introducing certain matters in his zeal to oppose my amendment. I should have liked not to have replied to the arguments advanced by him if I could refrain from doing so, but if I do so it will be only with a view to reply to him, and not with any other object.

The Honourable Mr. GRAHAM says that the administration of the Bombay Port Trust is satisfactory. I never have for a moment contended in this Council that because the administration of the Bombay Port Trust was bad the change is necessary. If I had taken up that attitude, his remarks would have been justified.

The next point that he made out was that the Port Trust had succeeded in floating a large debenture stock and people had good confidence in the constitution of the Board. Well, if a large amount of the Port Trust stock is being taken in the market, it is a question whether it is due to the constitution of the Board or whether it is due to the confidence of the public that it is a sound investment. He thinks that because there is a large majority or more members representing certain classes or interests, therefore people have confidence in the Board, but whether it is really due to some other causes, I do not want to dilate upon here.

Then he argued that there is some misconception about the constitution of the Board. The constitution of the Board is that five Trustees are to be elected by the Bombay Chamber of Commerce. The Honourable Mr. GRAHAM cannot deny that. He says that they have been electing two shipping members out of their number. Well it is the mood of those electing Members to elect those two seats to represent shipping interests, but it is in no way obligatory on the Members of the Bombay Chamber of Commerce either to return Railway, Shipping or sewing-thread people.

Then he referred to the external and internal trade. I never referred to the quantity of trade, and if the quantity was to be the only test for the returning of those Members to the Trust, then the suggestion of my honourable friend Sir IBRAHIM fits in very well. The idea of the original framers of the Act was that there should be an equal element of Indian and European Members.

The Honourable Mr. GRAHAM cited figures to show that seventy per cent. of the trade is in the hands of the European merchants, and thirty per cent. in the hands of Indian merchants as being the relative quantity of trade done by these two different communities respectively. Well, if you deduct from that the amount of piece-goods that is being brought by the Importing Houses of Bombay, it is simply brought by them as middlemen, really the importers are the Indian merchants, and therefore if you deduct seventy per cent. as cited by the Honourable Mr. GRAHAM, the bulk of that figure will disappear.

Then he said that if the Council adopts my amendment, it will eliminate a Parsee Member and a Mahomedan Member, both of whom are important elements in the constitution of the Port Trust. I never have denied, I never have said that these elements should be eliminated. (Hear, hear.) What I say is that Government should elect or nominate those bodies which are in their opinion competent to return a member who is fit to be a Trustee of the Port. Now then, where does the question of community come in? If it is the desire of this Council, I shall have no objection to say that certain bodies shall elect Members out of which one shall be a Mahomedan and one shall be a Parsee, or give them separate elections if you like. Let the standard of their elections be determined on the dues which they contribute to the Port Trust. Let the Mahomedans who pay certain dues elect a Mahomedan Member to the Port Trust, and let the Parsees who contribute certain dues to the Port Trust return one Parsee Member. I do not come in their way. I do not object to that procedure. All these things can be considered when the Bill is referred to a Select Committee.

Of course, the same remarks apply to my esteemed friend Sir JAMSETJEE. Of course, he was under a misapprehension in thinking that it was only the Indian Merchants Chamber who did return these two Members. It was not so, and I may say that the fears that he entertains may be removed by saying that the present Vice-Chairman of that Chamber is a Mahomedan. If that Institution was simply confined to Hindus, then that thing would not have come in. The Honourable Sir FAZULBOY CURRIMBOY, who is at present the Vice-Chairman and is likely to be elected Chairman of that Institution, is a Mahomedan. The Honourable MOULVIE RAFIUDDIN wanted some assurance, and I think that I have succeeded in giving him all the assurance that he needed.

The Honourable Sir FREDERICK SPOTT said that the Indian Chamber did not represent all the interests. I say that if you once admit that principle, I do not know what principle you will adopt or where you will go.

You do not recognise the claims of the Indian Chamber, which, of course, is in its infancy, but even in its infant stage it has done marvellous work. It has reached to this point, that whenever big officers of the Government of India like the Finance Member or the Member representing the trade and commerce, comes to Bombay, he pays a visit to this Chamber, the same as he does to the European Chamber. Does that

not show that the Government of India are not doing this through some mistake or error? The Government of India in recognising this body has surely some information on the point.

While on this subject, Sir, I may point out to the Council that there was, about two years ago, a complaint brought before the Indian Merchants Chamber by Indian merchants that Railways were showing preference to certain exporters at the cost of the Indian merchants, and they brought this grievance to the notice of the railway authorities and succeeded.

His Excellency the PRESIDENT :—I really cannot see what this has got to do with the alteration of the constitution of the Port Trust.

The Honourable Mr. MANMOHANDAS RAMJI :—As the matter was referred to by the Honourable Sir FREDERICK in a casual way, I thought it better to mention it.

The Honourable Mr. MILLETT also referred to the relative merits of nomination versus election, and I do not think it is necessary to take his arguments into consideration.

The Honourable Sir PHEROZESHAH MEHTA :—Why not ?

The Honourable Mr. MANMOHANDAS RAMJI :—Because he could not prove the statement he made, and similarly the Honourable Mr. MCBAIN also failed to establish his claim in asking the Council not to entertain my amendment.

The Honourable Mr. SHEPPARD, of course, argued that because there is no public demand why should we entertain amendments like this? That is a proposition I cannot entertain. Every Member of this Council is at liberty to bring in any amendment which he thinks desirable on any Bill.

Then the Honourable Mr. SHEPPARD laid great stress upon the position of the Trust. I say that the position of the Trust is not due to the Trustees, but it is due to its organised and proper management. (Laughter.) The Trustees are not always the same. They are appointed time after time, and these Trustees are changed very often. In some cases within six months a Trustee has to go and a new one has to come in. On the whole, I say that the Trust's position is not due to the capabilities of the Trustees themselves, but to the Trust as a whole.

Then the Honourable Mr. SHEPPARD wanted to draw an analogy that the European Chamber has only three elected Trustees and the Indian Chamber has only two. I say again that the European Chamber have five elected members. We have also five, but out of these five, three are nominated and two are elected, and what I want is that the nominated seats should be turned into elected ones, and, as to the allegation that I wanted the two Trustees representing the shipping interests to be eliminated, I have replied to that argument.

With these remarks, and after the discussion that we have had before this House, I think it will be quite necessary to refer this Bill to a Select Committee.

His Excellency the PRESIDENT spoke as follows :—I think it is hardly necessary for me to say more than a few words after the reply of my Honourable Colleague and after hearing the various speeches to which the Council has listened. But I would like to say that Government in the very first instance considered seriously whether the amendment

of my Honourable friend Mr. RAMJI should be allowed as in order, and that it was only after going very carefully into the matter that we decided that leave should be given. My reason for saying this is that I feel very strongly that it is a pity that the Honourable Mr. RAMJI should have at this time raised this discussion, a discussion almost entirely as between election and nomination on the Port Trust, when our business was merely to carry out instructions that were sent us by the Government of India to add a military member to the memberships of the Trust. My Honourable friend has taken advantage of this opportunity and as he was technically in order I allowed the particular amendment, but I sincerely trust that Honourable Members will reject the amendment.

Now my Honourable friend seems to be very severe on the Board of Trustees. He first of all says that the success of the Board is not due to the Trustees but is purely due to the management. Presumably the management must be done by the Trustees. So after all let us hope he may agree that there is some virtue in these gentlemen. His main point seems to be that he disapproves of the fact that there are three nominated Indian Members on the Trust. But may I ask the Council to bear in mind that when he came to this very thorny problem of election or nomination for these gentlemen, he poured out assurances to every Honourable Member who was not of his particular community and assured them that he was ready to do everything in the world to secure the election of a Mahomedan and a Parsi. But let me assure the Council that there is nothing in this amendment to secure that in any form or shape. Government are of opinion that since the alteration that was made under the advice and at the instigation of my Honourable friend Sir IBRAHIM three or four years ago, as far as we can see at the moment, the position of the Board is absolutely fair. There appear to be what I would call five official Members, two agents of Railways, the Director of the Royal Indian Marine to represent Naval interest, the Collector of Customs to represent Government, one Municipal Commissioner who represents the City interests and the Chairman. Then you have five Members elected by the Bombay Chamber of Commerce, and as I gather two of those are elected to represent shipping interests and three are elected to represent commercial interests; and in the third place you have 5 Indians, two of them elected by the Indian Chambers, three of them nominated by Government in order to secure that the various communities should be represented on the Port Trust. If my Honourable friend is so anxious to secure this alteration with regard to election, would it not be wiser for him to withdraw his amendment in order to raise it in a manner which will secure what he desires, namely, the election of the other communities rather than go any further with it at the present moment. (Hear, hear). I sincerely trust that the Council will show by their votes, that having regard to all the facts they are of opinion that the constitution of the Port Trust as far we can tell is a very fair one and I trust that they will refuse this amendment by a considerable majority.

The Honourable Mr. MANMOHANDAS RAMJI:—May I know, Your Excellency, whether it is the intention to refer this Bill to a Select Committee, or to deal with it now. If it is going to be referred to a Select Committee, I am prepared to withdraw my amendment. (Laughter.)

His Excellency the PRESIDENT:—The question before the House is the Honourable Member's amendment. If anything comes after that, it can be brought before the Council.

The Honourable Mr. MANMOHANDAS RAMJI :—Then I beg to withdraw my amendment.

The Honourable Mr. W. D. SHEPPARD spoke as follows :—Your Excellency, may I rise now to ask that this Bill be read a second time. The amendment which was the only feature of contention about this Bill has been withdrawn. The Bill itself, as I said before, is an entirely simple and clear one and it is in every way necessary that it should be passed. I, therefore, ask Your Excellency, that the second reading be proceeded with.

The Honourable Sir IBRAHIM RAHIMTULLA :—May I rise to a point of order? Unless the standing orders are suspended no motion for the second reading can be moved. When Your Excellency is asked to suspend the standing orders it would be open to any member of this Council to move that this Bill be referred to a Select Committee under rule 7 appearing at page 52.

His Excellency the PRESIDENT :—I am very much obliged to my Honourable friend. It is just what I was going to do. The question before the Council is whether the standing orders be suspended.

The standing orders were then suspended and the motion for the Second Reading of the Bill was then put to the vote and carried.

The Honourable Sir IBRAHIM RAHIMTULLA :—Your Excellency, under rule 7 appearing at page 52, any member of this Council can ask that the business under consideration may be referred to a Select Committee and that can be done without notice. In view of the discussion that has taken place, it appears to me very desirable that the matter should be referred to a Select Committee. This question is likely to come up every now and then and it is desirable that the whole question should be thoroughly thrashed out in a Committee so that such questions may not constantly arise. I therefore propose that the Bill be referred to a Select Committee consisting of the Honourable member in charge, the Honourable Sir FREDERICK SPOTT, the Honourable Mr. GRAHAM, the Honourable Mr. MANMOHANDAS RAMJI and myself. I am asking for a small Select Committee which will thoroughly examine the question in all its bearings and bring forward for the consideration of this Council a considered report as to what should be done in regard to the representation of the Indian commercial community.

The Honourable Mr. HARCHANDRAI VISHANDAS spoke as follows :—I have great pleasure in supporting this motion. Only the other day the Honourable Mr. SETALVAD complained in regard to the Civil Courts Bill that it was rather undesirable that the usual practice should be departed from and then it was pointed out to him that the conditions necessary for departing from the usual practice did actually exist in that case, namely, the urgency of the measure and the noncontentious nature of the measure; and, at least the noncontentious nature of the measure was admitted on all hands and urgency was then pointed out. As far as the present Bill is concerned I do not think anything has been pointed out as to the urgency of this measure and it is really and surely, I think, not noncontentious. For these reasons, I think, it is proper that the matter should be referred to a Select Committee.

The Honourable Mr. VITHALBHAI JAVERBHAI PATEL spoke as follows :—Your Excellency, I rise to support the motion of my Honourable Friend Sir IBRAHIM for

referring the Bill to the Select Committee. It is an established practice of this Council that the matter must be of a noncontentious and urgent nature if the Council is to proceed with the second and third reading at once at one sitting. The present Bill is neither urgent nor noncontentious. Under the circumstances I have great pleasure in supporting my Honourable friend's motion.

The Honourable Mr. W. L. GRAHAM spoke as follows:—Your Excellency, three Honourable Members have spoken on this motion, the Honourable Sir IBRAHIM, the Honourable Mr. HARCHANDRAI and the Honourable Mr. PATEL. They have spoken on the same lines saying that the Bill is neither urgent nor noncontentious and have urged that it should be referred to a Select Committee. It appears to me the Bill is quite a simple one, and I cannot see why it should be referred to a Select Committee. The Bill in itself is certainly a noncontentious one. It is merely to appoint a Military Member and I consider, at the present time, when international trouble is brewing on the Continent and at Home, if the Government of India ask that a Military Member should be appointed on the Trust, it is surely a matter that this Council should consider as urgent. I therefore urge that it should not be referred to a Select Committee but should be read a second and third time and passed into law.

The Honourable Sir JAMSETJEE JEEJEEBHOY spoke as follows:—Your Excellency, I too am opposed to the motion for the Bill being referred to a Select Committee. We hear much of War on all sides and I think it is a very urgent matter that this Bill should be passed into law as soon as possible. Of course it is quite likely that we may not be affected by this War, but at the same time it is well to be on the safe side.

The Honourable the ADVOCATE GENERAL spoke as follows:—Your Excellency, the only ground upon which the Honourable Sir IBRAHIM advocates the Bill being referred to a Select Committee was, as I understood him, that the matter requires to be most thoroughly threshed out and investigated. Your Excellency, four years ago, if I understood the Honourable Mover correctly, it was he who advocated that there should be Indian Members on the Board who should be elected and not nominated. I may take it that at that time, so far as he was concerned, the matter was thoroughly thrashed out and that was only four years ago; and if it was only four years ago, I think it is quite unnecessary that within such a short period another Select Committee should be constituted to perform the same operation. It has not been suggested that during the lapse of these four years anything has happened to alter the decision at which they then arrived. And therefore I submit that no case has been made out whatever for referring the Bill to a Select Committee and no case has been made out for not proceeding with the absolutely simple and noncontentious subject-matter of the Bill as it now stands before the Council.

The Honourable Moulvie RAFIUDDIN AHMAD spoke as follows:—Your Excellency, I should have certainly supported my honourable friend Sir IBRAHIM if there was a question of suggesting methods of election or if the amendment of the Honourable Mr. MANMOHANDAS RAMJI had been adopted. But as there is no such matter before the Council, I cannot understand what the Select Committee would discuss. The only matter is of putting a Military Member on the Port Trust Board and for that purpose such a complicated step would be rather delaying the Bill for nothing.

The Honourable Mr. W. D. SHEPPARD spoke as follows:—Your Excellency, after what has fallen from honourable friend Moulvie RAFIUDDIN there is nothing left for me to say. But I will suggest to the Council, now that Mr. MANMOHANDAS RAMJI'S amendment has been withdrawn, that there is really nothing contentious at all about this Bill and there is therefore no reason why it should be referred to a Select Committee. I therefore hope that the motion will be lost.

The Honourable Sir IBRAHIM RAHIMTOOLA spoke as follows:—Your Excellency, I have a few words to say in reply. The reason why I did not take up the time of the Council in moving for a reference to the Select Committee was that I thought there was a general feeling in this Council in favour of my motion and that they desired that the question should now be thoroughly thrashed out in Committee in all its bearings. The Honourable Mr. JARDINE has contended that it was only four years ago that the matter was thrashed out in Committee. I quite agree. But I should like to remind the Council that on that occasion in the Select Committee my suggestions were outvoted. I had therefore to give notice of 5 amendments to be brought before the Council alternately one after the other. Before any of these amendments were moved the Honourable Sir JOHN MUTR MACKENZIE approached me with a compromise and asked me whether I would be satisfied if two elective seats were conceded for the representation of Indian Commerce in addition to the three seats already provided for by nomination. I gladly accepted the compromise as a first instalment because it increased Indian representation from three to five and recognised the principle of election, in regard to two seats. This compromise was carried through in the Council. Now I submit that in view of the discussion that has taken place we might hope to get a second instalment of the principle of election and it is for that reason, Sir, that I wish the matter to go to the Select Committee. I was surprised to notice that the argument of international complications was advanced against my motion. It appears to me that some people have very curious ideas as regards the usefulness of a man as a trustee and as a non-trustee. The Military Member who will be put on the Port Trust under this section will be an officer of Government and it is open to the Chairman of the Port Trust to consult him even though he may not be an actual voting trustee. If there is any emergency surely the Government of Bombay and the Chairman of the Port Trust can consult any Military officer in this Presidency. It is not necessary that he should be a Member of the Board for such consultation to take place. It appears to me that the case for the consideration of the whole question is a strong one and there can be no possible objection to a reference to the Select Committee. I have made the Select Committee a very small and representative one and it will, if appointed, examine the question carefully and submit a valuable report. As required by the Rules, I beg to add to my motion that the Select Committee be requested to report within a month. With these words I trust that my motion will appeal to the Council.

His Excellency the PRESIDENT:—I have only one word to say, and that is merely regarding what has fallen from the Honourable Sir IBRAHIM. We now know the true inwardness of my honourable friend's position in moving this reference to a Select Committee. He tasted blood about four years ago on this matter and he is extremely anxious to taste it again in the near future. But what I would like to be made perfectly clear to this Council is that this Bill merely contemplates to add a Military expert to

the Board of the Trustees. That is all we have got to discuss, and to refer this matter to a Select Committee seems to me a most unfruitful form of proceeding. I really hope that this Council will not support the motion of the Honourable Sir IBRAHIM.

The Honourable Sir IBRAHIM's motion was then put to the vote and declared to have been lost.

The Honourable Sir IBRAHIM then asked for a division which resulted in 14 votes for and 30 against the reference to a Select Committee.

Ayes.	Noes.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.O.I.E., Governor of Bombay, <i>presiding.</i>
The Honourable Mr Ghulam Muhammad walad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.	The Honourable Sir Richard Amphlett Lamb, K.C.S.I., C.I.E., I. C. S.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.	The Honourable Mr. Prabhashankar D. Pattani, C.I.E.
The Honourable Sir Pherozechah Merwanjee Mehta, K.C.I.E., Bar.-at-Law.	The Honourable Mr. W. D. Sheppard, C.I.E., I. C. S.
The Honourable Ráo Sáheb Venkatesh Shrinivas Naik.	The Honourable the Advocate General.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable Moulvie Rafiuddin Ahmed, Bar.-at-Law.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.	The Honourable Mr. R. P. Barrow, I. C. S.
The Honourable Mr. Vithalbai Jhaverbhai Patel, Bar.-at-Law.	The Honourable Mr. Fazalbhoj Meherally Chinoy.
The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.	The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
The Honourable Mr. Manmohandas Ramji.	The Honourable Dr. D. A. D'Monte, M.D., L.R.C.P. (Lond.), L.M.&S.
The Honourable Ráo Bahádur Shrinivas Konher Rodda.	The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.
The Honourable Ráo Bahádur Ganesh Krishna Sathe.	The Honourable Mr. W. L. Graham.
The Honourable Mr. Shridhar Balkrishna Upasani.	The Honourable Mr. G. W. Hatch, I. C. S.
The Honourable Mr. Harchandrai Vishindas, LL.B.	The Honourable Sir Jamsetjee Jeejeebhoy, Bart.
	The Honourable Mr. J. E. C. Jukes, I. C. S.
	The Honourable Mr. Balkrishna Sitaram Kamat.

Ayes.

Noes.

- The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwada.
- The Honourable Mr. Navroji Dorabji Khandalavala, LL.B.
- The Honourable Mr. Jehangir H. Kothari.
- The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M.S.
- The Honourable Sardár Sir Chinubhai Madhavlal, Bart., C.I.E.
- The Honourable Mr. J. A. D. McBain.
- The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
- The Honourable Mr. G. P. Millett.
- The Honourable Mr. E. Ferrers Nicholson.
- The Honourable Ráo Bahádur Ramanbhai Mahipatram Nilkanth, LL.B.
- The Honourable Mr. Abdul Hussein Adamjee Peerbhoy.
- The Honourable Mr. W. H. Sharp.
- The Honourable Sir Frederick L. Sprott, Kt.
- The Honourable Mr. E. G. Turner I. C. S.

The motion was therefore declared to have been lost.

Bill read a second time. Clauses 1 and 2 and the Preamble were then put to the vote and carried.

The Honourable Mr. W. D. SHEPPARD:—I now ask that this Bill be read a third time and passed into law.

Bill read a third time. The motion for the third reading of the Bill was then put to the vote and carried.

His Excellency the PRESIDENT:—For the information of Honourable Members I wish to say that I am going to take Resolution No. 6 first, and then follow on the rest.

The Honourable Sir RICHARD LAMB spoke as follows:—With Your Excellency's permission, before the resolutions are taken up, I want to ask the permission of the Council for a motion regarding the Select Committee on the Gujarat Talukdar's Bill. The Council is doubtless aware that the Bill is now before the Government of India for further consideration, and it is not known when their orders will be received. But the Council will remember that as soon as those orders are received, the Bill is to be further

considered in the Select Committee. The Members of that Committee included the Honourable Mr. CARMICHAEL and the Honourable Mr. STRANGMAN. Both these gentlemen are at present away in Europe and it is not known for certain whether the meeting of the Select Committee will be held before they return or not. I, therefore, ask, Sir, that the Honourable the Advocate General and the Honourable the Chief Secretary to Government may be appointed in their places.

The motion was then put to the vote and carried.

DISCUSSION ON MATTERS OF GENERAL PUBLIC INTEREST.

His Excellency the PRESIDENT:—Resolution No. 6.—“This Council respectfully recommends to Government that the ancient and hereditary right of service of Vatandar Kulkarnis (Village Accountants) should not be commuted, at any rate, before an earnest and sustained effort at improving their efficiency is made by providing them with suitable educational facilities and by giving them adequate remuneration.”—The Honourable Mr. BELVI.

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows:—Your Excellency,—The Resolution which I crave permission to move for the acceptance of this Council runs thus:—(reads). Before I develop my argument in favour of my Resolution, I think it will be conducive to a clear understanding of the issues involved in it if I explain to this Council who these Kulkarnis are, the kind of work they do, the amount of remuneration they get from Government, and what Government intends to do now. The Vatandar Kulkarni is a hereditary accountant, and this hereditary accountant is to be found almost in each village in not less than 10 districts of the Bombay Presidency. The Council will thus see that the Resolution affects an important class of public functionaries in not less than 10 districts of the Presidency that is, nearly half of the Presidency. In a meeting of this Council held in July 1913 I put a question to Government requesting them to state the total number of villages and towns in which there were Vatandar Kulkarnis and Government were pleased to furnish me this information. The information given to me was that Vatandar Kulkarnis are to be found in 11,752 villages of the Bombay Presidency. The Council will at once see from this what an extensive area in the Presidency is covered by these Kulkarnis. In the same question I also asked Government to furnish me with information about the total amount of assessment on the lands which are held by these Kulkarnis in lieu of service and the amount of judi or quit-rent which is levied by Government from them. The reply of Government to this part of the question was that:—The total assessment leviable on the Kulkarnis' land in these 10 districts was Rs. 3,27,070 and the amount of quit-rent or “judi,” which is paid by the Kulkarnis is Rs. 2,69,928. I put a further question to Government requesting them to tell us the total amount of allowance or payment in cash made to the Kulkarnis in all these villages and the reply to this question was that Rs. 7,96,376 were given to them annually as cash allowance. I put these questions as it was rumoured that it was intended by Government to abolish the ancient office of the hereditary Kulkarni and that some high officer of Government had submitted a report to Government against Vatandar Kulkarnis. I was naturally anxious to know the nature of the allegations made to Government by their Officers. I requested Government to place on the Table of the Council the information that they had received, but I was sorry to find that Government declined to accede to my request.

The reply given to me was in the usual official fashion. The reply was that Government were prepared to place on the Table neither the papers of the case nor a copy of the Resolution they had probably issued. I gather that there was at any rate a Resolution. Of course what the nature of the Resolution is, I cannot say. I requested Government again to supply me, at any rate, with the Resolutions that had been issued subsequent to the Resolution to which I referred in my request preferred in July 1913. But, strangely enough, I received a reply the day before yesterday from the Chief Secretary to Government to say that Government regretted their inability to supply me with copies even of the Resolutions which they had issued in connection with the proposed abolition of the office of the hereditary Kulkarni. The reply from the Chief Secretary to Government runs thus (reads).

I invite the attention of this Council to the refusal of the Chief Secretary to furnish me with the required Resolutions to show that it should not be taken that I vouch for the accuracy of all the statements I may have to make in the absence of the information which lies in the possession of Government but which is denied to me. I am bound to rely upon my own personal knowledge and such knowledge as I may have gathered from my constituents. If I am wrong, I trust that the Members of Government or the Chief Secretary will be pleased to set me right and I shall thankfully accept the corrections. For myself I am prepared to concede that Government intends to take these measures absolutely with a view to promote the efficiency of the service. I do not in the least attach any sinister motives to Government, because I know that there has not been a fairer and nobler President of this Council than Your Excellency. Now I shall, first of all, tell the Council that this hereditary Kulkarni is an ancient Officer. To fortify my observation, I rely on the authority of no less a gentleman than Sir HENRY MAINE. On page 29 of the *Immortal Book* written by Sir HENRY MAINE on village communities in India he sets out in his felicitous phraseology the important position of the Kulkarni in the village autonomy as follows (reads). I shall content myself with quoting only one more extract in connection with the ancient character of Kulkarnis and it is again from an official document. It is from a Report of Mr. R. N. GODBOLE, Assistant Superintendent, the Revenue Survey and Assessments in the Ahmednagar District. The report was made in 1852 and this is what that Officer of Government says :

“I have heard that in some parts of Gujarát this Officer's situation is not hereditary, but it is so in these districts and old documents still extant will show it to be of the utmost ancient standing.”

Now to honourable members who come here from the Central and Southern Divisions all this may seem unnecessary, but I am giving this information for the benefit of those who come from Sind and from Gujarát, parts of the Presidency where there are no Vatandár Kulkarnis. I am anxious to impress upon them the fact that the people whose cause I advocate here are ancient and hereditary functionaries. They are not stipendiary functionaries who may be employed to-day and dismissed to-morrow, but people who have clung to an ancient office for generations together, from father to son. Even before the Moguls came to India these functionaries, the Kulkarnis were in existence. There are documents in the possession of some gentlemen in my part of the Presidency which show that the Kulkarnis' vatans have been in existence for 600 years. The Council will find that these Kulkarnis have not only been in

existence for a long period of time, but that they have always discharged very important functions in the rural economy of the Deccan. I shall give you a rough idea of the nature of the duties they have to perform by referring to a high authority, *viz.*, Mount Stuart Elphinstone (reads). You will find that he gives an idea of the duties that the Kulkarnis discharged. The Council will find the required passage at page 16 of the Report which was published by Government in 1872, and, I shall read it for the information of my colleagues (reads). This excerpt will give the Council a rough idea of the duties they have to perform. Shortly stated these Kulkarnis do the clerical work that is necessary to be done in each village. It is they who collect the revenue, it is they who fill up the several forms that are kept by Government and it is they who supply to Government all the necessary statistical information. The Kulkarni is remunerated in two ways. His forefathers have been granted a certain amount of landed property. This is called his Watan land. The officiating Kulkarni also gets a certain amount of cash each year from the public exchequer. In every one of these 11,000 villages the Kulkarni family is broken up into a number of branches and it is not every man of this family that serves the Government as a Kulkarni but Government have fixed after making elaborate enquiries members of the family from whom service should be accepted by rotation. In some cases Government have come to the conclusion that one man should be allowed to render service and after his death his heir should fill his post. In other cases Government have ruled that the privilege to officiate should be in different branches in a certain order. As to the qualifications of the Kulkarni I may tell the Council that the Kulkarni who now holds office is a man who has passed the required test. Government has fixed a certain educational test and the Kulkarni is examined and it is only after passing the test that he is appointed to the post. Recently, after the introduction of the Record of Rights Act into this Presidency, it was desired that the Kulkarni should know something about surveying fields so that he may be able to give the required information for the purpose of the preparation of the Record of Rights. Special classes were opened to train Kulkarnis in the elementary knowledge of surveying and the Council will be agreeably surprised to hear that in many cases these Kulkarnis were able to pick up the necessary knowledge in a very few days. I shall give the Council some idea as to the kind of people they are so far as their brains are concerned. These are not illiterate people; many of them are Brahmins. There are some people among them who are not Brahmins but Lingayats or Mahrattas, and, in a few cases, even Musalmans. But they are all literate people. This is what I find on referring to the Bombay Gazetteer; so far as the Poona District is concerned, it is stated in Volume 18, Part II, page 311 (reads).

So you will see that the Kulkarni generally comes from classes in the Presidency that are expected to be literate. I give this information to my honourable colleagues here because it is now alleged that these Kulkarnis are extremely inefficient. I know that a chorus of denunciation has recently been set up against these unfortunate Kulkarnis because it is wished by certain people that their ancient office should be abolished and that they should be supplanted by stipendiary accountants. The present idea of certain officials of Government is this. They want to get rid of these hereditary accountants. They want to replace them by stipendiary accountants and they wish that the office should be transferrable. It is not desired by these people that the Kulkarni who belongs to a particular village should go on serving in that village alone.

It is true that hopes are held out to some of these Kulkarnis that they will be appointed if they are found efficient as stipendiary accountants but all the same they will have to conform to the new rules as regards transfers or as regards pay. These Kulkarnis respectfully but emphatically say that they are ancient though humble functionaries and that they have lived in their respective villages for generations. Their office should not therefore be made stipendiary, and even if appointed stipendiary accountants they will have to leave their villages. What I pray for in my Resolution is that an earnest and sustained effort should be made at improving the hereditary Kulkarni by giving him suitable educational facilities and by increasing his remuneration. The Council perhaps know that Government have established at various centres educational institutions for training its officers in various Departments. We know that Government has established schools in which Police Officers are trained. We also know that Government has been pleased to establish training schools where school masters are trained. We know Government have established schools in which Hospital Assistants are trained. What I request Government in my resolution is that Government may be pleased to establish either one or more schools according to the needs of the Districts for training Watandar Kulkarnis. If Government thinks that the present educational standard is not sufficiently high, I request that the standard may be suitably raised and the Kulkarnis may be given a reasonable period of time to educate themselves and their sons. Some of them are too old to learn anything new. But they are anxious that their hereditary office should not be abolished at once. They are anxious that they should be given an opportunity to send their sons or other relatives to these institutions so that they may be trained in a short period of time. There is another argument brought in by certain Government officers that Government find it very difficult to appoint one Kulkarni after another. The argument is that it is rather a troublesome business to appoint a successor to a Kulkarni who works as Kulkarni for 5 or 10 years only, but I fail to understand the difficulty that is alleged. It is further alleged that because one Kulkarni has to leave his office at the end of his term and another has to step in, the first Kulkarni is unable to perform his duties, when it is his turn again, for, by the time he gets the second turn he is out of touch with the current official literature and revenue officers do not find him sufficiently up to the mark. It seems to me, with all due deference to these officers in the Revenue Department who advocate this, that this is a grievance which is more imaginary than real. The Council will remember that these Kulkarnis have to do business that is purely routine work. They have to keep a certain number of village forms and supply information to Government. They are required to collect revenue dues in various shapes from the people in each village. I do not think the Kulkarni will ever find it difficult to understand his business, if he is appointed a second time. The Kulkarni is not like a lawyer bound to be in touch with current legal literature. More or less his duties are clearly defined once and for all, and there is no doubt, you will find the Kulkarni able to carry on his duties provided he has at one time passed the required test.

I shall give the Council some idea of the quantum of remuneration that is at present given to the Kulkarni. The Council will see that in the latter part of my Resolution I request that adequate remuneration should be given to the Kulkarni. The Council may be anxious to know what the Kulkarni gets at present. I shall read some

extracts from the Bombay Gazetteer as regards some of the ten Districts. So far as Belgaum is concerned (reads).

The Honourable Mr. BARROW :—When was that?

The Honourable Mr. BELVI (continuing):—It was in 1884. Page 416 of Volume 21.

In the Sholapur District the pay of the Kulkarni ranges from Rs. 16-8-0 to Rs. 202-8-0 and averages Rs. 74-8-0. This information is to be found on page 302 of Volume 20 of the Bombay Gazetteer. In the District of Poona it ranges from Rs. 3 to Rs. 300 and averages Rs. 93. This information is to be found on page 312, Volume 18, Part II of the Bombay Gazetteer. Now I shall address myself to a consideration of the question that was put by my Honourable friend Moulvie RAFI UDDIN. The Kulkarni, as I said, does enjoy certain fields. But on most of the land that the Kulkarni holds as his Watan Government levies full assessment. It is only in some villages in the Central Division that Kulkarni Watan lands are not subject to full assessment. In most cases in the Central Division and in many cases in the Southern Division the Kulkarni has to pay full assessment payable on his Watan land. It is only in a few cases that he is allowed a certain amount of remission. So far as the Watan lands are concerned, he derives no particular benefit. He stands so far as the possession of land is concerned almost in the same category in which an ordinary ryot or an occupant of ryotwari land stands. The Council will be pleased to see that the remuneration that is at present given to the Kulkarni is extremely inadequate. That the Kulkarni is over-worked and very poorly paid is borne out by the Reports of highly placed Government officials themselves. I shall read one or two extracts from the Reports of Government Officers. On page 23 of the Land Revenue Administration Report, Part II, for the year 1903-1904, it is stated (reads). This speaks for their efficiency. On page 23 the Council will find (reads):—“The work of the village officer will be considerably increased.....” Here is an admission made by the Honourable Mr. HATCH, a very competent officer in the Revenue Department. I give one more quotation:—On page 48 of the same document, *viz.*, Land Revenue Administration Report for 1906-1907 (reads):—“It must be observed here.....” This again speaks volumes for the efficiency of the Kulkarni. If he is an idle man, by all means improve him, but do not say he is absolutely incapable of improvement. This is what Mr. B. N. VAIDYA, a Deputy Collector, says (reads). There is another European Officer who speaks of Kulkarnis thus (reads).

My point is to show that these Kulkarnis are over-worked and badly paid. My submission is that, given a reasonable opportunity to improve themselves and given sufficient remuneration, these Kulkarnis will turn out excellent public functionaries and the fact that these are ancient and hereditary Officers shows that they command much influence in the mofussil. It is they whose forefathers founded many of the villages in the Deccan and they are naturally proud of those villages. It is they who kept up the light of learning in most of the villages before the advent of British rule. It is true that under the benign British Rule numerous schools have been opened, but before the introduction of British Rule and even after the introduction of British rule for many years the village Kulkarni was the only man who could do clerical work not only for Government but for his fellow villagers. It is these men who are now attempted to be

hit in the dark. It would have been a very good thing had Government been pleased to appoint a small commission to investigate this matter. At present an amount of pressure of various kinds is brought to bear directly and indirectly on these Watandar Kulkarnis to accept the terms proposed by Government. I may tell the honourable members what the nature of the Government proposal is. If the Kulkarnis agree to cease to work as of right Government promises to pay them without any service, one-third of the cash allowance which they get now. This one-third is to be divided and subdivided amongst the different Watandars who are called representative Watandars, *i.e.*, men who represent the different branches of a family. I take a concrete instance. Suppose there is a village that has a Watandar Kulkarni who is paid Rs. 120 a year and suppose there are four people who have got a right to serve by turns. What Government now propose is that it will pay out of this sum of Rs. 120 a third, *i.e.*, Rs. 40, and this sum of Rs. 40 will be divided amongst the four representative Watandars. Thus each of these ancient Watandars will get only a very small amount.

His Excellency the PRESIDENT:—I would draw the honourable member's attention that he has had well over half an hour. I should like him to be as short as he can.

The Honourable Mr. BELVI:—I beg Your Excellency to give me 5 minutes more. Your Excellency will pardon me. I am speaking very strongly as I am feeling very strongly.

The Council will at once see that the proposed arrangement leaves those bhagidars or kinsmen who are not representative Watandars entirely alone. They are not considered at all in the proposal made by Government though they have a right under the provisions of the Watan Act to come in and serve as officiators, under certain conditions. At present the choice is left to representative Watandar Kulkarnis either to serve in person or to nominate qualified substitutes from their families. If I am a Watandar Kulkarni and if I do not choose to serve in person, it is my kinsmen who have a right to come in and say that one of them should be appointed. Now the proposed arrangement does not take any notice of this fact. I am quite certain that I may be told in reply that a large number of Kulkarnis have consented to the proposed commutation in the Niphad taluka in the Násik District, in the Poona District and certain other places. It is but too true that the poor Kulkarni has consented in some places. But I make bold to say the consent is not worth the paper on which it is written. I know as a matter of personal experience that these unfortunate men are subjected to pressure of various kinds to accept the proposed commutation——

The Honourable Sir RICHARD LAMB:—I beg to rise to a point of order. Before my honourable friend goes any further, I wish to deny emphatically the allegation of pressure being brought to bear on the Kulkarnis unfairly or unduly to accept the commutation that has been proposed. I wish to deny it emphatically.

His Excellency the PRESIDENT:—I should like to say that I do not think there is any point of order. I think it is the duty of the honourable member, if he makes an allegation of that sort, to bring in individual instances of the allegations against the people against whom he is making those allegations.

The Honourable Mr. BELVI:—I am thankful to Your Excellency. It is not that I am not armed with very good evidence. I know that I am making an unpalatable

statement from my seat here but I have got at any rate one important document from a particular táluka to bear me out and I shall read out to the Council a portion of the document that was issued by the Mámlatdár of a táluka.

His Excellency the PRESIDENT :—Do I understand that the honourable member has got only one charge.

The Honourable Mr. BELVI (continuing):—Yes one typical instance. Those of my colleagues who know Maráthi will place the proper construction on this official document.

This was issued by the Mámlatdár of Chikodi to every village officer in his táluka and it runs thus :—

“Those that accept the commutation at once will have special advantages and those that either do not accept the commutation or are obstinate in refusing to accept the commutation will not have even these advantages and they will be subject to disadvantageous liabilities that may attach to the office hereafter.” So here is an instance in which it is distinctly said that it is in the interests of the Kulkarnis to come forward and accept the offer of commutation made to them at once. I put it to the Council as a matter of common sense to say what will be the position of the Kulkarni if he is confronted with a circular like this. Though I cannot attach much value to the consent of the Kulkarnis obtained by those that can easily dominate his will, I pray that the Kulkarnis may be graciously given an opportunity to better their present position. If Government find after a period of 20 years or so that they are people who are incurably bad, and that they are absolutely unfit to be trained as Kulkarnis, Government may appoint other men, but it is not fair to them to abolish their privilege at once without giving them a fair chance. With these words I recommend the Resolution to the acceptance of this Council.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA spoke as follows :—Your Excellency, coming as I do from the Southern Division, I do not know the state of the Central Division, I am concerned only with the Southern Division, I do not in the least wish to make any aspersion as to how the consent is being obtained. Those that have given the consent had an opportunity to make a free and voluntary expression of opinion. In such circumstances, I do not in the least object to their Kulkarniships being commuted; if they are foolish enough to give their consent to the commutation without considering whether it would be to their interest or not. If they are wise men, if they know their own interests, I do not think they will entirely agree to accept the commutation. The circumstances of the Kulkarnis in the Southern Division, that is, the Kanarese Districts, entirely differ from those of Kulkarnis in the Central Division. The Central Division Kulkarnis are generally poor and, as poverty pinches them, their salaries are very low, they are not in a position to sufficiently maintain themselves. However small their remuneration may be, the Kulkarni institution is not of to-day or yesterday, but of 1,000 years. I can just trace them to the Moghul Empire and the Bijápúr Kings. They have all given them the ‘sanads’ which the Kulkarnis have held from posterity. If it is now contended that the Kulkarnis are incompetent, and if it is contended that they are a source of great trouble, that they exercise tyranny over the ryots, if these are the things which cannot be mended by transferring them from one village to another, there is a special remedy for them. If they do anything defined in

the Indian Penal Code—if they are guilty of breach of trust and so on, there is the Indian Penal Code to deal with them—the Watan Act is a sufficient bar for their not doing any offences, because there is always that “sword of Damocles” hanging over the Kulkarni’s head, that, if he does any offence, not only his watan but all the watans in which he is interested will be confiscated and all his collateral heirs will also suffer if he or his Deputy is convicted of any offence. With this idea and owing to his position in the village he has been rendering great service in the present days and he has done so in years past. Through the influence of many Kulkarnis and Patels, are not subscriptions collected for public works of utility? Is it not the Kulkarni men that have built the tanks in villages? Is it not through their influence that many works of public utility have been done, such as Dharmshalas? Now it is only during the last few years this idea of their incompetency and so on has come to pass. Now the circumstances, as my Honourable friend Mr. BELVI pointed out, have changed, the work has undoubtedly increased. In old days there was only one register and there were a few Karkuns. When I was a Jababnisi Karkun in a Mámlatdár’s Kacheri, my work was done by a Kulkarni who was a candidate, and the very man after he got into the Revenue Department had acquitted himself admirably. Such being the case, we cannot at once fall upon the Kulkarnis as men who are illiterate and the most incompetent ones. What Mr. BELVI wants is that the ancient hereditary right of service should not be commuted all at once but he asks that a consistent and persistent effort be made at improving their efficiency by giving them time and suitable facilities. If Government have waited so long, if Government with all their magnanimity of mind show that leniency, why should they not continue for some 10 years or more to give them time to improve? Let Government prescribe a standard of efficiency, lay down a course of instruction necessary for their duties, and these Kulkarnis will come forward and educate their sons and grandsons to be competent enough to serve as Kulkarnis. The nature of the very Kulkarni, the very fact that he belongs to a literary class, the very fact that his brain is the development of 1,000 years past in writing work and doing the work of the Village Accountant, is a sufficient reason for his continuance. Well, if I am asked what heredity has to do in this matter, I would say that it is heredity that has kept up these people even in service because we find among them many who are doctors and other professional gentlemen in one and the same family. Many are at present working in the Bombay Public Works Department as Engineers. So in every line, for any service, heredity has a good deal to do, and it is only heredity, I maintain, which will go to produce a good class of men. Therefore, my Lord, I do not think that this ancient institution, which has been handed over to us by Governments past, for generations together, should be made to disappear from the land by a single stroke of pen.

Now perhaps it may be urged that in connection with the villages the trouble is that the Kulkarni will be capable of creating mischief in the villages. Will not the same thing be done by a Talati? Even a menial officer is capable of doing more mischief if he is not paid well. As Mr. BELVI has suggested, give the Kulkarni a good training, and if he is a hopeless being, if he does not improve, turn him out of the service all at once.

With these remarks of mine, I strongly support Mr. BELVI. I do not in the least say that Government ought not to commute watans of those who have willingly and

freely given their consent, but in the case of the ordinary poor people it will be a great hardship to take away their bread from them and take away the privilege they have so long enjoyed.

The Honourable Mr. G. W. HATCH spoke as follows:—Your Excellency, my name has been brought forward by the honourable mover of the Resolution as that of a defender of the Kulkarni. I should like to be permitted to give to this Council some idea of my experience of the Watandar Kulkarni in the six different districts in the Central and Southern Divisions in which I have served.

My earliest impression of the Watandar Kulkarni was that he was an unmitigated nuisance. As Assistant Collector I suppose one-third of my time was given to questions arising under the Watan Act. No watandar representative could die without it being necessary for Government to find his successor, and finding that successor and entering his name in the Watan Register involved frequently a great deal of work. Vacancies in the appointment of Kulkarni in several hundred villages arising every 5 to 10 years resulted frequently in disputes between rival claimants. These disputes required the decision of the Assistant Collector, and often went up on appeal to the Collector and the Commissioner. In this way the Watandar Kulkarni was—I would go so far as to say—a clog on the administration.

As regards efficiency, I admit at once that I frequently found Kulkarni Watandars efficient, perhaps more often than not; but there were a number of cases in which they were inefficient, and our difficulty was, and still is, that under the present system we cannot get rid of the inefficient Kulkarni. He is there and we have to put up with him. There is a test, as the Honourable Mr. BELVI has pointed out. I myself have passed hundreds of Kulkarnis through this examination. It is an exceedingly low test and we cannot raise it because the candidates are confined to a comparatively small class. We want Kulkarnis, the number of candidates for examination is limited, therefore we are obliged to pass them. Accordingly the standard has to be kept very low.

Another experience that I have had of the Watandar Kulkarni—I am sorry to say—is that he is often dishonest. I do not blame him personally, but I blame the system. The system tends to create dishonesty. In the first place the Watandar Kulkarni is usually a holder of a share in the watan perhaps of 4 annas or less in the rupee, with the result that he must wait for a period of 15 or 20 or 25 years in order to get his turn of 5 years as a Kulkarni. The rest of his time he is hanging about waiting for his turn. We can hardly blame him if when his chance comes—it may be the only chance in his lifetime—he looks upon it as an opportunity of feathering his nest. The second weak point in the system is the appointment of Deputies. The practice has been for many years that the representative watandars who are unable to serve themselves for various reasons are allowed to appoint Deputies. Well, it is a well-known fact and I do not think that Mr. BELVI will deny it, that the practice is that the representative watandar nominates his Deputy and makes a private arrangement with the Deputy as to the division of the cash allowance granted by Government for doing the work, with the result that the Deputy frequently gets only half the allowance. As a consequence the Deputy gets a starvation wage.

These faults, I consider, are the result of the system. I must admit that for my part I always believed that the system was so firmly founded in the traditions of the

country that I despaired of ever seeing it abolished or even radically mended; however, on my return from leave I find that it is in process of being abolished and I would like to congratulate my Honourable friend, Mr. CURTIS, on his courage in tackling this problem, and on the success which has already attended his efforts.

The Honourable Sir PHEROZESHAH MEERWANJEE MEHTA spoke as follows:—I am not going to make a long speech, Your Excellency, but I should like to move an amendment. The reasons for that amendment will be evident to all Honourable Members. The amendment which I move is that the consideration of this Resolution be postponed until Government have placed before this Council the Report and the Resolution in connection with this question of commutation.

His Excellency the PRESIDENT:—Honourable Members will have heard the Resolution moved by my Honourable friend Mr. BELVI. Since then an amendment has been proposed by the Honourable Sir PHEROZESHAH MEHTA to this effect, that the consideration of this Resolution be postponed until Government has placed before the Council the Reports and the Resolutions in connection with the question of commutation.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE spoke as follows:—Your Excellency,—I have to make only one observation that, if the amendment is carried, there may be ground for apprehension that by the time the Resolutions and the Reports come before the Council the commutation work will be over.

The Honourable Sir PHEROZSHAH MEHTA:—We must leave it to Government.

The Honourable Ráo Bahádur SATHE:—I think I am entitled to speak on the Resolution.

His Excellency the PRESIDENT:—You are entitled to speak on both.

The Honourable Ráo Bahádur SATHE spoke as follows:—Your Excellency,—I have not the language at my command in which to voice the feelings and sentiment which have been placed before this Council by my friends the Honourable Mr. BELVI and the Honourable Ráo Bahádur RODDA. The course which I am going to pursue is to place in a very simple form my own opinion on the subject.

I am not myself a Kulkarni, nor have I any vested interest in them, nor am I briefed to speak on their behalf. However, as it is a question which affects a large section of the people living in this Presidency, I think it is but right that I should place my views before this Council. The object of making observations when such Resolutions are brought forward for discussion is to convey to the executive Government and to the officers of Government the views which we hold on questions of such importance. No doubt, we have been told repeatedly that these Kulkarnis are inefficient and corrupt and service by rotation is a bane of the whole system. No one in this Council will ever urge for a minute that, if they are inefficient, if they are corrupt and if the system of rotation is a bane, we should retain that system. It is said they are efficient. Whether they are efficient or not will have eventually to be judged by the officers of Government. Whatever we might say about their competency, the final word rests with Government. So I assume that a majority of them are inefficient and on that assumption I am placing some observations before this Council. Who is responsible for this inefficiency? And, if I may be pardoned for being a little blunt, I say that the blame lies at the doors of Government. You have provided in the Act of 1874 in various

sections the word "fit", and what provision was made so as to secure the best persons to serve as Kulkarnis? I do admit that the position of affairs in the early seventies and eighties was quite different from what it is at present. The work they have now to do is of diverse nature. Ever since 1896 we are getting years of scarcity and some years of famine. That has also increased the work of the Kulkarni. By the introduction of the Record-of-Rights Act the work has been increased. The Kulkarnis prepared Record of-Rights registers more accurate and they are required to preserve them in proper form with changes that take place from time to time. They have been asked to do the crop inspection work which has relation to suspensions and remissions. All this work has really made the task of the Kulkarni more laborious and more difficult, and therefore we have been now finding that the Kulkarnis who were found to be efficient in the early seventies and eighties are not efficient to cope with the present work. Has Government thought it necessary and expedient to raise the scale of remuneration which has been fixed long ago? Members of this Council will note that in some villages the remuneration paid is very low indeed, as has been pointed out to us by the Honourable Mr. BELVI, and the question that is often asked is, why should people try to stick to the appointment which brings them nothing? That is true, but unless we dive deep into the sentiment of those people and take into account the fact that these watanas have been held by them for centuries together, we cannot come to a fair idea as to why they have been willing to work so long on such a miserable remuneration.

Government have latterly found that they are inefficient and they have recently introduced a test. If I am correct in my information, that test is merely a test in name, and though Kulkarni classes were opened and tests were taken, I am afraid those tests were not really such tests as would secure competency. So my earnest desire is to request Government not to take action on the ground of inefficiency unless they give the Kulkarnis a trial by giving them time to improve, a stricter test may be laid down. I will not dilate on this point any further.

Then comes another point of rotation system. I do find, Sir, that this rotation system was not in favour when the earliest Act was passed. This rotation system first came into existence in 1843 when it was said that the Collector would be *competent* to accept Deputies or representative watan-dars of other families of sub-sharers, leaving the acceptance to the discretion of the Collector. When Act III of 1874 was passed, we find that a radical change was made and it was made compulsory on the Collector to accept the services of the nominees from co-sharers whose rights were recognized as separate Takshim-dars. I am not here standing to support the system of rotation, because it is true that, as soon as 5 years go, another man comes in and his interest is not kept up, but when we have the power of legislature, if it was not provided in the Act of 1827, it would not be very difficult, with certain modifications, to find out means as to how we can do away with this rotation system, and certainly, with such expert and up-to-date officers like my Honourable friend Mr. CURTIS to assist, it should not be so difficult to find ways and means by which we can override this evil.

My another point is the question of corruption—a point taken up by my Honourable friend Mr. HATCH. Corrupt he is, not in all cases, but in certain cases. — But what is the cause of his corruption? It is low pay, and the principle which Government always accepts in creating responsible posts is to increase the pay and minimise the

chances of corruption. If that is the principle which we adopt in all other administrative departments, I think it is but fair that we should give these Kulkarnis chance to improve by giving them more substantial pay. I do not mean to say that by substantial pay they will all be turned into honest men, but I am sure that by the increase of pay their standard of morality is bound to increase.

Now, Sir, after having given these reasons, I will now refer to the question of Deputy. As regards the question of Deputy, here too we find that Government have been willing to accept Deputies on the mere asking of the representatives to nominate. Deputies were originally intended for Durbares and persons of high position.

Now one goes to the Collector and says "I refuse to work, accept my Deputy" and a Deputy is accepted. Probably this was due to a desire on the part of Government not to insist upon personal service. Deputies pay to the representative watandars for their appointment and thereby they deprive themselves of the way or portion of the legal remuneration which they get at the hands of Government. My object in referring to this state of things is to show that it is still in the hands of Government to avoid the evil of getting more Deputies than what are really necessary.

Then, Sir, as regards the present commutations which are being secured I have to make a few remarks. Section 15 of the Watan Act is a very wide section, and if you look at the section (reads), it gives power to Government to commute with the consent of watandars. Even if we leave aside for a moment the question of coercion or undue influence we must see whether the consent given is voluntary or otherwise. The section has been standing on the Statute book for 40 years. These people had the option to go and request Government to have commutation, but they have not done so. Suddenly a light has dawned upon them in the year 1914 that it is to their own interest to ask for commutation. The very fact, Sir, that these operations are being taken up in all the ten districts of this Presidency, simultaneously indicates to the people that it is the desire of Government to secure commutations. If I may be permitted to express the state of feelings of the general public, I would say that they think that, when Government intends to do a certain thing, they are bound to accept it; they say "let us take whatever we get and it is no use to take it with a fighting attitude." Can we call consent given in this state of affairs a voluntary consent? I cannot subscribe to the view, in the absence of any instances—no instances have come to my knowledge personally, Mr. BELVI has read one—that, according to the strict letter of the law, there has been an undue influence or pressure to secure commutation, but, Your Excellency, I ask the Council to consider whether voluntary consent could be given all through in the ten districts at about the same time.

Then, Sir, another point which I wish to place before this Council is one about the conditions which are being laid for the acceptance of these Kulkarnis. In the absence of any definite information on the point, I know that it is very risky to say anything, but in one of the newspapers I read—and the Editor assured the readers that he represented the Government side.

The Honourable Mr. G. S. CURTIS :—I rise to a point of order. Full information is given in answer to question No. 13 of the Honourable Mr. UPASANI, on page 8, with reference to the terms which are offered to the Kulkarnis.

The Honourable Ráo Bahádur SATHE (continuing):—In the conditions which were given, one of the conditions was that he was to get one-third of the cash allowance, and another was that the land was to be fully assessed and continued as Inám property. The question of the 'judi' does not affect the Central Division very much because remission of assessments here is not so great as it is in the districts of Belgaum, Dhárwár and Bijápúr. The Kulkarnis should get the same concessions as regards payment of judi as Deshmukhs and Deshpandes got at the time of Gordon Settlement, *viz.*, "without increase of land tax in future."

His Excellency the PRESIDENT:—The Honourable Member has 5 minutes only.

The Honourable Ráo Bahádur SATHE:—If my time is up, I must take my seat. I will finish in three minutes. My point is that, if Government is giving them one-third of the remuneration and continuing the lands with them taking the full payment of the judi, then my only submission is that they should be brought on a level with the settlement of "Deshmukhs [and Deshpandes." Another point is, if we are going to fix a remuneration according to the present scale and if that scale is likely to increase in proportion to the increase in the revenue of the village after the introduction of the survey settlement, I think some increase should be given to the village Kulkarni on the ground that the revenue has increased. In fact they should get the proportionate increase in the remuneration which is now being fixed. I had much more to say, but as my time is up I will take my seat with the remark that, though I am not in perfect agreement with all that has been said by the Honourable Mr. BELVI, I have placed my view before the Council for such use as the executive officers of Government may like to make.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA spoke as follows:—Your Excellency,—Knowing the Taláti system in Gujárat as I do, I am naturally not inclined to be in favour of the Kulkarni system. Still, to give a fair hearing to Mr. BELVI's Resolution, I am prepared to support the Honourable Sir PHEROZESHAH's amendment, which is now before us.

The Honourable Mr. BAGHUNATH PUSHOTAM PARANJPYE spoke as follows:—Your Excellency,—I have also great pleasure in supporting the amendment brought forward by my Honourable friend Sir PHEROZESHAH. In the first place, I am not particularly in favour of any system which is based on hereditary right and which would naturally lead to corruption and inefficiency; but, all the same, I would like to have all the information that it is possible to have before condemning the Kulkarni class wholesale. I therefore beg to support the amendment.

The Honourable Sir RICHARD A. LAMB spoke as follows—Your Excellency,—Perhaps it would be convenient if I mention at once with regard to the Honourable Sir PHEROZESHAH's amendment that I am not at all prepared to lay on the Council Table the Reports and Resolutions on this question. It is not in accordance with practice to lay on the Council Table reports which contain discussions between Government and its officers or the intermediate Resolutions and orders which Government issues to its officers on the subject. What we do put on the table is the result of our deliberations with our officers. I shall be unable, Sir, to consent to place on the table the Resolutions and orders on this subject.

The Honourable Sir PHEROZESHAH MEHTA:—I did not quite catch what the Honourable Member said towards the end of his remarks.

The Honourable Sir RICHARD LAMB:—At the present stage I am not prepared to place anything on the Council Table, beyond what has already been given in answer to the questions at this Meeting.

The Honourable Mr. G. S. CURTIS spoke as follows:—Your Excellency,—There seems to be a certain amount of misunderstanding about this question. I will endeavour to explain what the present conditions are: and then go on to state what has been done in the past three months to improve them. No doubt, as Mr. BELVI says, the office of Kulkarni is an ancient one and the right to it is highly prized. But the fact remains that out of the hereditary right-holders some 72 are absentees. The Kulkarnis themselves are not in the villages. They are in the learned professions. They are as Ráo Bahádur RODDA admits Engineers, Veterinary Surgeons, Doctors and members of Government services. How has this come about? During the time of the Marátha Kings and the first 60 years of British rule Kulkarnis had to serve in person. The regulations of 1827 make no provision for service as deputy, and the Act of 1843 allowed deputies only in case of infirmity and minority, and sex disability. But by the Act of 1874 deputies were allowed wholesale and the practice of appointing them has grown to such an extent that, as I say, about 3 in 4 Kulkarnis are absentees and get others to work for them. I will now try and describe what happens when a deputy is appointed. There are often in a village three or five families, whose right it is to serve in succession. When the turn of one comes round and he does not want to serve himself, he calls a family council and puts the right to auction. The cousin, who offers him the largest share of the remuneration gets the post of deputy. In order to clinch the bargain the parties go off to the Registry office next morning, where a Promissory note is executed by the newly appointed deputy stating that he has borrowed a sum equal to one-half or thereabout of the remuneration and he will repay it on the date on which the remuneration falls due. The reason for the agreement being drawn in this form is that the High Court have definitely refused to allow Swamitwa or Seignorage paid by the deputy to the watandar to be recovered by a civil suit, as such a proceeding would be in their opinion *contra bonos mores*, consequently we have the fiction of the loan. The result is that taking 8 lákhs of rupees as to the total remuneration of the Kulkarnis in this Presidency, three-fourths or 6 lákhs is paid to people who do no work themselves, but get others to work for them, and who retain for their personal profit at least one-third, occasionally half of the total remuneration; to put it in figures, over two lákhs of rupees. And, Sir, in addition to this obvious defect in the system, there is the additional one that however much Government may improve the remuneration there is no guarantee that the money given by Government will reach the man, who does the work. In fact there is every probability that in a very short time none of it will. The representative watandar will continue to put the post of deputy up to auction, the competition of third, fourth and fifth cousins will continue to increase the Swamitwa, and eventually the share of the deputy or the man who does the work will return to its old figure. Therefore, as matters stand, to increase remuneration and leave the Act as it is will be like pouring water at a bottomless jar. It will satisfy no one. This being the present state of the things, what has been done during the past three months? The question of mending or ending the Kulkarnis has been under consideration for at least 30 years: and its settlement has always been hampered by the fact that it was believed that the cost of effecting a satisfactory settlement of the Kulkarnis'

claims and creating an efficient stipendiary service in the Kulkarnis stead would be prohibitive. Some doubt was expressed whether this belief was well founded, and finally an officer was placed on special duty to enquire. His report showed that if the charges were carefully re-distributed, Government could afford to pay the Kulkarnis right-holders one-third of the remuneration and with the remaining two-thirds or rather more than two-thirds engage an adequate staff of talatis. Shortly after this, a feeler was put forward by some Kulkarnis in Násik, who wrote asking to be given a guarantee of one-third of their allowances in perpetuity and to be relieved of their duties. Their request was granted. Shortly after this again a Provincial Conference was held at Sátára under the Presidency of the Honourable Mr. BELVI. My Honourable friend moved a Resolution that nothing should be done to deprive Kulkarnis of their watans. A day or two after this 66 Kulkarnis headed by Sirdár Mutalik went to the Collector and signed agreements by which they accepted terms similar to those already accepted at Násik. The news of this spread to Poona and in this district out of 1,170 villages 65 per cent. have accepted Násik settlement. In West Khándesh 98 per cent. or so have done the same. Now what is my Honourable friend's complaint in this respect? Section 15 of the Act passed 40 years ago conferred on representative watandars the privilege of commuting their right of service on terms to be arranged with the Collector. The watandars of Poona, Násik and Sátára have availed themselves of this privilege. Who is the Honourable Mr. BELVI that he should say that they were wrong? Who is he that he should come forward and denounce officials and people who have done what the law says they may do, merely because it does not happen to suit his own particular prejudices. I submit, Sir, that the Kulkarnis of the Central Division know their own business best and that outsiders like Mr. BELVI would be well advised to leave them alone.

Finally, Sir, one other point. Mr. BELVI has urged that Government should start training classes for the education of Kulkarnis. I will quote a few figures to show how impracticable the suggestion is. I have here a statement relating to 7 talukas of the Násik District. In these talukas there are 396 Kulkarniships. In 310 cases out of the total the representative Watandars are absentees. Where the Watandar is an absentee, whom are we to train? In this case there is an obvious difficulty. The Watandar may appoint any cousin his deputy. Are we to train all the cousins; if not, how many? And that is not all. Enquiry shows that the actual number of accountants required to do the work in those villages is 240. That is, if we set out to train only so many men as are required for the work, we shall want 220 only. But Mr. BELVI says that we must train the Watandars. I wonder if this Council has any idea of how many there are of these. The exact number is 1,758. Therefore if we are to train Watandar Kulkarnis we must train 8 times as many as will be necessary if we have Talatis. And there will be no guarantee that when that training is given, efficiency will improve in any way. Most of us are trained for a profession of some sort. If we worked at it for 5 years and then went away and did something else for 15 years, should we be efficient? I think not. And yet that is what the Kulkarni does.

In conclusion Mr. BELVI has quoted the great jurist Sir HENRY MAINE with reference to the Kulkarnis. I would remind him that the main principle which Sir HENRY MAINE enunciated was that in the progress of society status gives place to contract. And we have an excellent example of this in this Presidency. In the days of the

Maratha rule everything depended on status. The Deshmukhs and Deshpandes in virtue of their status were responsible for the Revenue administration, the Kazi (a hereditary officer) was the Judge: the Bhats and the Joshis the hereditary priest and astrologer. All of these have now been settled, they have been relieved of their official duties and their emoluments placed on a regular footing. The Kulkarnis and the Pátils alone remain. The former has, as I have shown, forsaken his hereditary calling for the trained profession and Government service: and it is time that he too should commute his rights of service.

I trust that the Council will reject the amendment.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH spoke as follows:—Your Excellency,—In view of the information that has been placed before this Council in the course of this debate I would submit that it would not be advisable for this Council to adopt the motion of the Honourable Mr. BELVI. Mr. BELVI has made out that the hereditary Kulkarni is the relic of an ancient system, but, he has not made out any case for the perpetual retention of this ancient system. The Kulkarnis have in the matter of work no proprietary rights. They are only State servants; and the State has the right to have the best kind of servants that can be obtained. The Honourable Mr. CURTIS has told us of the large number of absentees there are in the service and the large quantity of work that has to be taken from deputies; and, it cannot therefore be said that there is any justification for continuing hereditary officers a large number of whom do not do their work. Another disadvantage of the system is the periodical displacement of the Kulkarni in the course of rotation, so that in many cases at the end of every five years the work of the village accountant has to be entrusted to men who are new to the work and are not conversant with standing orders. It was said that the allowance of the Kulkarnis is niggardly and that the burden of work on them has become very heavy. If that is so, it is to be wondered why they are so anxious to stick to their position. The Honourable Mr. RODDA said that there was an element of good in heredity. Whatever might be said about the general question of heredity, it is clear that in the present case heredity is giving only incompetency. There is no reason why out of regard for the principle of heredity, Government should continue to employ incapable men at the cost of efficiency in the public service. Further, commutation of this service is what the law allows and recognizes, and no case has been made out for asking this Council to interfere by its recommendations in the work of commutation that is being carried out in accordance with law. The Honourable Mr. BELVI complained that pressure was being used in the matter of commutation; but, he could cite only one instance, and, that was the circular of a Mamlatdar. So far as I have been able to follow the extracts read out from that circular it appears that the Mamlatdar pointed out to the Kulkarnis the advantages of commutation and said that those who do not make a commutation will have to do their work in accordance with law. There is no evidence of pressure in this. However, commutation is authorized by law and I submit that no grounds have been shown why this Council should express itself against commutation.

(His Excellency the PRESIDENT at this stage withdrew and the Honourable the VICE-PRESIDENT occupied the Chair.)

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE :—May I ask, Sir, whether we are debating on the amendment or on the Resolution moved by my Honourable friend Mr. BELVI ?

The Honourable the VICE-PRESIDENT :—Well, I have already explained to the Council that I am not at all prepared to lay on the Council Table all the Reports and Resolutions, so I think the bottom of the amendment has fallen out.

The Honourable Sir PHEROZESHA MEHTA :—That will be for the Council to decide. Simply because a Member of Government says the information cannot be furnished, it does not follow that the Council accepts it.

The Honourable the VICE-PRESIDENT :—I said that the bottom of the amendment has fallen out, because it runs “that the consideration of this Resolution be postponed until Government have placed before the Council the Reports and Resolutions in connection with this question.” If Government have refused to lay the papers on the table, the whole basis of the amendment falls out, but, of course, it is for the Council to decide whether they would wait until then. If the Council adopts this amendment, of course, the consideration of this Resolution will remain adjourned *sine die*, in perpetuity. But, as regards the Resolution and the amendment, the ordinary procedure is that both the amendment and the Resolution go on under discussion together, and at the end His Excellency the PRESIDENT puts whichever he pleases first to the Meeting, either the Resolution or the amendment, so that at the present time both the amendment and the Resolution are under discussion.

I think the Honourable Mr. PAREKH had the House.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows:—Mr. President,—The objection to furnishing the Council with the papers to enable it to come to a decision upon this important question will, I think, place it in a somewhat difficult position. I submit, Sir, that in a matter of this kind, all the members should have all the information that is relevant to the question in the possession of Government, barring the information that is of a confidential nature. But so far as the question of Kulkarnis is concerned, I do not think there is likely to be anything of a confidential nature which, if disclosed, would be to the detriment of the interests of Government.

Now, Sir, coming to the resolution itself, I think the whole question ought to be decided upon the ground whether it is desirable in the public interests that the posts of hereditary Kulkarnis should be abolished or that something should be done to improve their condition. As things now stand, the officers of Government complain that they are incompetent, that they are not always reliable, and that in many cases they absent themselves leaving their offices to the officiators who are themselves frequently not of the same family. That is one side of the case against the resolution that has been moved by my Honourable friend Mr. BELVI. But on the other side, there are also other important considerations, one of them being that they form a class of people who are spread over a considerable area and who honestly believe from the length of time that they have been allowed to hold the offices hereditarily and this being recognized as hereditary that they have a right to the offices and the emoluments attached thereto. Now, when this aspect of the matter is considered, it will be seen that the present attempt for the abolition of the Kulkarnis would create a feeling of dissatisfaction over a large number of villages lying over a considerable area.

The next consideration that has to be borne in mind is that the question of forming village panchayats for conferring autonomy on villages will shortly engage the attention of Government. The intelligent and important class of village Kulkarnis will be a very useful and essential element in these panchayats; and I think it is undesirable to abolish this class of hereditary officers when such a large administrative change is under contemplation.

There is also a third matter which seems to require careful consideration, namely, that the stipendiary Talátis will be found on the whole more costly than the hereditary Kulkarnis. A Taláti would be more costly inasmuch as while the hereditary Kulkarni will have to work in his own village and therefore he will be able to live much cheaper than a stipendiary Taláti who comes from another village.

These are some of the considerations upon which it would be desirable to see if their condition could be improved so as to remove the objections that the officers now find to their continuance.

Now much has been said on the question of the Kulkarni being absent and their offices being managed by deputies. As regards this question, I think, the system of deputies can be easily modified. This difficulty will be removed if Government, except in cases when the man entitled to officiate is physically or mentally disqualified, insists on the Kulkarnis to stick to his office and personally to attend to it instead of providing a deputy.

Then the other difficulty is that during recent years, the work of the Kulkarni has become very heavy and complicated. I think fifteen years before those who did work as Kulkarnis were regarded as competent. They now appear incompetent, because they are new to the work which is thrown upon them. What is now to be considered is whether it is possible by a system of training to raise them to a condition in which they would become efficient officers of Government, or, whether their case is so exceedingly hopeless that there is no alternative but to do away with them.

As my Honourable friend Mr. BELVI pointed out, the Kulkarnis belong to a class which is known to be particularly intelligent and they would be able to do their work as efficiently as the stipendiary Talátis if properly trained.

(His Excellency the PRESIDENT at this stage returned and occupied the Chair.)

And lastly, what I want to submit is that the Kulkarnis may be given sufficient time, say 5 years or 6 years to enable them to obtain such educational and technical equipments as may be needed to make them efficient and bring them on a level with stipendiary Talátis. It appears to me that the Kulkarni service is capable of improvement. I therefore submit that it would be desirable to adopt measures for its improvement rather than take the drastic step of abolishing the class altogether.

The Honourable Mr. BALKRISHNA SITARAM KAMAT spoke as follows:—Your Excellency,—After the remarks made by the several speakers before me, I think it is my duty to be very brief. After the explanation given by Mr. HATCH and Mr. CURTIS, I confess I am not satisfied about one point, and that I think is rather a crucial point in the whole question. We are told that the Kulkarnis are an influential body of men in villages and I know they are. We have also been told that in good many cases they are dishonest and my own experience is in several cases that they are dishonest; but the question is, if they have to improve—and Government cannot improve them all at once—

is it not necessary to give them an adequate notice, say of three years, to improve themselves? I know the terms offered to these people by Government at present are most liberal, but I think they have a legitimate grievance when they say that it is impossible for them to improve in their old age, and the consequence is that they will be thrown out of their jobs. I therefore think that even admitting, for instance, that they are inefficient and even admitting also that they are dishonest,—for which the system is responsible, as the Honourable Mr. HATCH has said,—and considering also that the test was laid down by Government and not by the Kulkarnis themselves—if the test is low, it is possible for Government to raise it—but even admitting for argument's sake that the Kulkarnis get through the test and yet they are unable to satisfy Government, still I am not quite sure if sufficient time has been given by Government to these old people to improve themselves during a certain number of years of their service. For instance, 10 years' notice would have been quite reasonable. The terms offered by Government may be very liberal, but my point is that in trying to spring upon them, as it were, a surprise as we are now doing I think they are likely to be taken at a disadvantage and if Government will be pleased to consider whether something like 10 years' time could be given, it would be, I think, conceding a point in their favour and thereby satisfy the people concerned.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI spoke as follows :—It is a little difficult, my Lord, to discuss this question in the absence of all the papers and Resolutions in the possession of Government on this subject. In my interpellations I had asked if non-official opinion had been consulted in this matter and, if so, whether Government would be pleased to lay on the table the proposals received on the subject. The answer given is in the negative. That means on this question non-official opinion has not been consulted as to whether there is any prospect to improve this service. The institution, my Lord, has stood for six centuries or more and the Kulkarnis have been in existence in spite of all that may be said against them and they have been doing their work until now. Is there anything to show that the revenue of Government has been left uncollected owing to their negligence? In fact, they are the people who not only collect all Government dues but also supply all the statistical information required by Government. Departments have been increasing and along with them the Kulkarni's work has also been increasing, but his remuneration has not increased. That being the case, it is a matter for consideration whether it will not be still possible to retain the institution as it stands with certain improvements which are necessary. My own idea is that all the people belonging to, and having vested interests in, the village would much prefer to have the Kulkarnis retained in their own places as they are at present.

Another thing which we have to urge is that in the scheme that is now being proposed the number of Kulkarnis is being reduced and I do not think it is possible that their work could be done with less number of hands. When the present number of hands is not sufficient, will it be possible to have the work done with a smaller number of hands? Then as regards the consent which has been given. Well, I regret to say that I have heard complaints on this point that those people who have given their consent have given them very reluctantly in all cases. A number of them had refused to consent before the Mamlatdar. They had to appear before the Assistant Collector and then again before the Collector, and the majority gave their consent more or less under official pressure. Of course, we cannot say that there was any direct pressure of the

kind that ought not to have been placed, but my friend the Honourable Mr. SATHE has said that it is a fact to be noted that it is not to be expected that people who have a hereditary interest should so readily give it up. If they give it up, it will be giving up the rights not only on their own account, but the rights which are to go to their children and grandchildren. Therefore, keeping apart that question, I think it will be in the interests of the country and in the interests of the administration to retain the services of the people who have been trained to do that work by heredity training. Though some of them have gone elsewhere, they will have interest in their own places and on the whole the village administration will improve. Now the Kulkarni is the one intelligent man in the village whom people can trust and whom Government can trust. He having a hereditary interest in his Vatan Government has a greater hold upon him than on a man who will be engaged only for a certain time. A paid man, if he is dismissed, will lose only his appointment, but this man, if he is removed, will lose his permanent hereditary interest in his office. Therefore, Government has got a greater hold upon him. He knows the people better. That is a strong point in his favour and, had it not been for the personal knowledge of the Kulkarnis, I do not think it would have been at all possible for the Government to compile all those land records in the form of record of rights that they have compiled, and what is to be their reward for all the trouble taken in the preparation of the elaborate records? Not only a dismissal of themselves for life, but the permanent loss of their office to his family. This is very hard, my Lord. With a view to improve the service, Your Excellency, I pray that more consideration may be shown to the Kulkarnis.

The Honourable Sir IBRAHIM BAHIMTOOLA spoke as follows:—Your Excellency,—I should like to say a few words in regard to the amendment and in view of the explanation which the Honourable Sir RICHARD LAMB has given to the Council with regard to the Honourable Sir PHEROZESHAH MEHTA'S amendment. If the effect of passing the amendment would be, as the Honourable Sir RICHARD LAMB pointed out it would, postponement of the question *sine die* and the continuance of the operations under section 15 of commutation, then to my mind it is futile to press for that amendment in that form.

Under the rules the resolutions that this Council may pass are only in the nature of a recommendation and Government are not bound to act according to them. That being so, the explanation from the Honourable Sir RICHARD LAMB is tantamount to this that the reports and the resolutions referred to in the amendment would not be forthcoming. There is no time limit and there is no obligation upon Government to act upon the resolution which this Council may pass. Therefore the question that the Honourable Mr. BELVI has raised would remain in its present form and nothing further would be said about it.

Section 15 is quite clear as the Honourable Mr. SATHE read it. Clause (1) says that the Collector may (reads). That being the position it appears to me that the Honourable Sir PHEROZESHAH MEHTA'S amendment to be of any value to the Council should be modified and the following words should be added to it, namely, that in the meantime this Council recommends that proceedings under section 15 for commutation should not be proceeded with during the time that these resolutions or these reports are submitted to the Council. Of course even in that case it would not be binding upon

Government to supply this information, but there is this difference, Your Excellency. I wish to make the difference between the amendment as it stands and the amendment as it would stand if my suggestion is accepted. I want to make that distinction quite clear; in the one case the matter, as the Honourable Sir RICHARD LAMB has rightly pointed out, becomes postponed *sine die*. In the other case there is an expression of the Council's opinion that proceedings under section 15 should not go on pending the submission of these reports. There would be at all events a definite expression of opinion of the Council in favour of a particular line of action if the amendment is moved on the lines I suggested. As it stands it appears to me useless to support it.

The Honourable MOULVIE RAFIUDDIN AHMAD spoke as follows :—My Lord,—I really fail to understand the distinction drawn by the Honourable Sir IBRAHIM between the two. There may be a distinction without difference. But what I want to point out is this. What consolation can it be to the Kulkarnis that these resolutions are only placed before the Council without any fruit. I do not think they will benefit them in any way. The addition to the amendment as has been proposed by the Honourable Sir IBRAHIM will not benefit the class for which Mr. BELVI has been pleading. I shall therefore proceed to address my remarks to the question proper. I have very great sympathy with my Honourable friend Mr. BELVI's class for whom he pleads and I should have certainly done every thing in my power to support him. But there is also the interest of the public and I should like to know how the tax-payers will be affected by this. Efficiency of the administration is to be looked after as well as the interests of a particular class. I have told my honourable friend beforehand that I keep an open mind upon this question but after hearing the arguments of the Honourable Mr. CURTIS, I confess it seems to me that really speaking very great consideration has been shown to these Kulkarnis.

I may tell this House that there are hereditary Inámdárs and others of the Mahomedan faith that date back from the Moghul period, but not half the consideration has been shown to them as has been shown to the Kulkarnis. The position is this that Government is going to give them one-third of their cash allowance for doing nothing and also to keep stipendiary Kulkarnis in their place. That is a principle I should strongly object to, and if that were to be adopted I should certainly bring in other persons before the Council who have better claims for such consideration. I do not mean to say that consideration should not be shown to this class. But upto this time, a case has not been made out for them. I do not know what my honourable friend has got in reply to say. Honourable gentlemen who have spoken upon this amendment have not shown that the action of Government is not liberal, is not generous and none has proved that it is detrimental to the interests of that class. As I have said, to my mind, the action of the Government is liberal enough. The Honourable Mr. BELVI has brought forward many documents to support him. But I have been reading the recent reports of Collectors given in the Land Revenue Administration Report and I find from them that almost every Collector except one recommends the total extinction of this class. Instead of reading them all, I will read out the opinion of a gentleman who cannot be considered for a moment to be partial, Khán Bahádur Kadri, Collector of West Khándesh, says that the class of Kulkarnis should be abolished altogether. It seems to me that it is the opinion of a very impartial observer. He does not lack sympathy as an Indian Administrator, and unless he really felt that the Kulkarnis' presence was a blot on the

administration, I do not think he would have written so strongly against them. I should be willing still to support my Honourable friend Mr. BELVI provided he convinces me in his reply of the soundness of his arguments.

His Excellency the PRESIDENT:—We have had a most interesting debate on this resolution and I hope, before long, we may be able to bring our discussion to a conclusion. But I want particularly to make reference to the remarks of my Honourable friend Sir PHEROZESHAH MEHTA. I think it must be perfectly obvious to all members of this Council that there are certain reports and resolutions which Government cannot lay on the Table owing to their being of a confidential character, and it must therefore be within the discretion of Government to say yes or no as to whether any reports and communications asked for could be so placed. I think it is a fair thing to say that Government has done all it could in the matter. It has stated perfectly clearly what terms are suggested as to this commutation. And I would suggest under those circumstances to my Honourable friend Sir PHEROZESHAH, if he is so disposed, that he should withdraw his amendment. For really it is impossible for Government to lay any reports upon the Table which are of a confidential character.

The Honourable Sir PHEROZESHAH MEHTA spoke as follows:—My Lord,—After what has fallen from Your Excellency I am quite prepared to withdraw my amendment. Your Excellency will allow me to add that because my Honourable friend Mr. CURTIS said that there was nothing serious or mysterious in those reports, I thought that there was nothing to keep back from the Council. However, as Your Excellency says, that Government cannot do it I withdraw my amendment.

His Excellency the PRESIDENT:—I am very much obliged to my honourable friend.

The amendment was by leave withdrawn.

The Honourable Mr. DATTATRAYA VENKATESH BELVI spoke as follows:—Your Excellency,—The debate has been long and very interesting. It has brought out some valuable admissions from the officials themselves here. The first important admission which is useful to my case comes from my Honourable friend Mr. HATCH. He has admitted the fact that many Kulkarnis are competent men. As to efficiency there is hardly any doubt in his mind. That is a valuable admission coming as it does from the official side.

The Honourable Mr. HATCH also says that the test is an exceedingly low one. It may be so, I do not deny that the test is rather low, but is it insuperably difficult to improve the test laid down? If you please, you may impose the School Final test; make it the preliminary test, and then ask each Kulkarni to be examined in the work which he will have to turn out afterwards. There will be no difficulty at all in doing this. It is for Government to say what should be the kind of education the Kulkarni should receive. If the test is low, do not say that he is incompetent, for he will turn round and say "I have conformed to the test that was laid down by Government."

Then the Honourable Mr. HATCH said something about the deputies. It seems now that this is made a very serious grievance. I fail to understand how the public interests suffer if the duties of the Kulkarni are discharged by his deputy. Is it alleged that the deputy is not a qualified man? The law says that the deputy must be a fit man, and it is in the discretion of the Collector to refuse to accept any deputy. The representative

vatandár has to bring a man from his kinsmen that the Collector will accept. Well, the Collector may not be willing to entertain the proposed deputy; then the Kulkarni has to bring another man, and if this second man also is found not to the satisfaction of the Collector, the Collector may say under the Vatan Act "I gave you two chances and therefore I exercise my right as a representative of Government, and I am at liberty to appoint anyone I please." Such a thing is allowed under the Vatan Act. Much cannot therefore be made of the fact that many Kulkarnis discharge their duties now through their deputies. It is in the discretion of the Collector not to accept the services of a deputy. The Act is permissive. It says the Collector *may* accept. If the Collector has not insisted upon the Kulkarni rendering service in person the Collector has to thank himself. The Kulkarni surely is not to blame.

The next gentleman to whose remarks I should advert is my Honourable friend Mr. CURTIS, for whom I have the greatest admiration. He says that if a Kulkarni is absent from his duty for a period of 15 years, he cannot discharge his duties efficiently even if he had the intellect of a NAPOLEON. This remark of my honourable friend seems to be really very heroic, but to my mind it does not sound very sensible. Are we to suppose that the Kulkarni has to work out problems of differential calculus, or that he should have the intellect of the Indian Newton, Mr. PARANJPYE? What are the duties of a Kulkarni, a man who has simply to do the duty of a kárkún? It is all very well to stand up in the Council and say that the Kulkarni will forget all his business as if the Kulkarni possesses no brains. I have told the Council that these Kulkarnis belong to a literate class.

Much was then made of deputies and swamitva. Make it penal if you please, that if a representative vatandár receives anything in consideration of the appointment of a deputy he runs a risk of being hauled up before a Magistrate and fined, and if you please, being sent to prison. The Honourable Mr. CURTIS in his elaborate speech has not given the Council any specific instances. He has chosen to draw an imaginary picture. I should like to know the number of documents that have been executed about the payment of swamitva on an average. Why does he not place before the Council facts and figures, and why does he not say that so many documents were executed by so many deputies, and so many had to give a share of their remuneration to the people who appointed them in a particular year. Everything that has proceeded from him is beautifully vague, and he wants to say that the Kulkarni should not be mended, but that he should be ended. It is very fortunate that he is not a doctor; I do not know how he would have treated his patients. (Laughter.)

Then, my Lord, it is said that the Kulkarnis in the Central Division should not be said to have given their consent involuntarily, and my friend says I have no right to speak on behalf of the Kulkarnis in that division. I demur to the proposition which he has laid down, I believe that so long as I am a Member of this Council I have a right to discuss here any question touching the interests of the people in any part of this Presidency. If the Honourable Mr. CURTIS keeps an open mind, I am prepared to satisfy him that there are not a few Kulkarnis even in the Central Division who say openly with tears in their eyes,—and one of them saw me at my residence the other day here,—that they have not given their consent voluntarily. Government have entirely been under a misapprehension in thinking that the Kulkarnis have given their consent voluntarily.

I am not prepared to believe that all of a sudden by a metamorphosis one fine morning sixty vatandár Kulkarnis in a taluka went to a Collector and presented an application saying that they wanted a commutation of their vatans. It is too much for me to understand that sixty vatandárs should say that they did not want their vatans any longer. I am not prepared to believe that the Kulkarnis in the Central Division are men who belong to an inferior grade of human beings. I believe that they are as efficient and as capable as their brethren in the Southern Division. So far as the Southern Division is concerned, the Collectors of Dhárwár, Belgaum and Bijápur have found an impenetrable wall of opposition from the Kulkarnis. After this explanation I leave the Resolution to the Council in the hope that it will be able to accept it, and give the Kulkarnis in the Presidency a fair chance of improving themselves. If they do not improve themselves in a reasonable period of time, by all means abolish their office. Do not do it,—it is not fair,—unless they are given a fair chance.

It was said by my Honourable friend Mr. RAFIUDDIN that money was to be given to these Kulkarnis for nothing. Well, if he knew the position of these Kulkarnis, if he appreciated their attachment to their vatans, I submit that he will say that no amount of compensation will be adequate. If the Members of Council will turn to the Appendix J which was placed amongst the papers on the Table the other day, they will be pleased to see what a clever attempt has been made to show that the public exchequer will not suffer any loss from the proposed commutation. The simple arrangement seems to be to levy full assessment upon the vatan lands of all the Kulkarnis, and to appoint one Taláti for two villages or more. I may as well say that public expenditure will be greatly cut down if you were to leave two districts to one Collector. Pay the Collector a little more and give him charge of two districts. It has been made to appear that Government or the public exchequer will be benefited. Members of Council will find that it is an attempt to make a profit of Rs. 23,000 and odd, and the thing has been so beautifully done that these Kulkarnis are to be given one-third of the remuneration which they are getting in 1913-14. The reason for this is, I suppose, that when assessments are revised and raised, the Kulkarni will get a higher remuneration. They are not to get one-third remuneration, on the enhanced land revenue, but they have to pay full assessment, all the same when a revised assessment comes in. So you will see the adroitness with which the scheme has been drawn up. I submit that the attempt which has been made is not a fair one, and I hope the Council will be pleased to accord to my resolution a hearty acceptance.

The Honourable Sir RICHARD A. LAMB spoke as follows:—Your Excellency,—I do not propose to follow each speaker through all his remarks, but I will just try to indicate, as briefly as possible, the attitude and the position of Government in this matter. I have served in this Presidency for now 35 years, and during that time the question of the Village Accountant has been continuously growing in difficulty and insistency. That is to say, as the administration improved and became more complex, it has become continuously more difficult to get an adequate return of work from the kulkarni, and it has become more and more insistent to improve this state of affairs.

It may be within the recollection of some members of this Council that I have, once, twice, and again, stated in this Council that I should be extremely obliged to any member of this Council if he would suggest to me personally or to Government through me some means by which this kulkarni question could be dealt with. I have one perfectly

distinct recollection that I did so in the course of a discussion which took place on some motion of the Jahagirdar of Ichhalkaranji and I have done so on other occasions also. I am sorry to say that I have met with no response to these requests, nor any indications from the non-official Members of this Council as to what might be done to remove the difficulties that were being experienced. Having received no suggestions, it fell to us, the officers and Members of Government, to devise for ourselves without that non-official aid for which I had appealed unsuccessfully, it fell to us to devise, if we could, some means by which matters could be improved. In the course of devising measures, naturally a good deal of discussion has taken place, and when I decline to produce and lay papers on the table of the Council of the discussions which have taken place between Government and its officers and the methods by which we have arrived at the decision of the means which we should adopt, I think I am following what is always recognised as a just and proper course, that the discussion between Government and its officers the differences of opinion that may have arisen, the smoothing over of the same, the working out of the line on which we finally decide, are not proper matters to be published. At any rate, it has not been done within my experience, and I cannot consent to its being done on this occasion. What we do is to place in reply to questions on the table here a full description of the terms at which we have finally arrived to be offered to the vatandar kulkarnis, and a sketch of the financial scheme on which we are working this commutation. In connection with this commutation of service, I beg to refer to a phrase that is frequently used out-of-doors and also used in this Council, *viz.*, the abolition of the kulkarni vatans. We are not abolishing the kulkarni vatans. The only thing that we are attempting to do is to commute the right of service leaving the vatan rights otherwise untouched. The Honourable Mr. BELVI possibly imagines that the vatandar kulkarnis attach no importance at all to their vatan rights, that it is of no account that their inam lands should be left entirely in their possession subject only to such judi as may be imposed; that all the *manpan* should be reserved to them and continued to them as it has been continued to the Desais, Deshmukhs and Deshpandes whose right of service was also commuted many years ago. I think, Sir, it is not accurate in any way whatever to talk about the abolition of kulkarni vatans, and it is right to speak only of the commutation of service, with the retention of the vatan rights to the kulkarnis. That, at any rate, is the line we are taking, to preserve the vatandars the full honour and respect which their vatans undoubtedly have throughout the Dekkhan. That we desire to preserve. We desire to give to them in commutation of their right of service a full, fair and even a liberal payment. It is perfectly clear that in very many cases the allowance of one-third of the remuneration which is to be paid will be a more advantageous thing to the vatandar kulkarnis themselves than the remuneration which they at present receive. In this way. The remuneration that is at present paid is paid to the officiating kulkarni. He may conceivably be the representative vatandar himself, though that is not often the case. At any rate the officiator serves for a period of five years only, and at the end of that time he has to vacate, except in those few instances in which there is a sole representative vatandar who alone has the right of service and who serves in person. In those few cases, the whole of the remuneration goes to the representative vatandar, who is himself the officiating kulkarni and can remain in office continuously. But in the great majority of kulkarni vatans with which I am acquainted, there are one, two or three or more takshims or divisions, and they have the right of service in turn, consequently

the man who officiates gets his remuneration for five years and for the next 10, 15, or 20 years, or a whole generation it may be according to the number of takshims. All that time, he goes without receiving anything from Government except what he may be deriving from the vatan inam lands. If it be the representative vatandar, who is himself officiating, a rare occurrence, he of course receives the whole remuneration. If it be not, if it be a deputy, then, as the Honourable Mr. CURTIS pointed out, he has to pay a very considerable portion of that remuneration to the representative vatandar. I have even been told that at least in one instance not very far from this place the deputy pays to the representative vatandar more than the remuneration which he receives from Government. What sort of financial arrangement he makes to keep body and soul together will perhaps not bear enquiring into too closely. At any rate, there is the case: that the officiating kulkarni receives for himself a sum very much less than what Government pays, and in some cases he has to pay even more than what he receives. It is therefore to the advantage of these people to accept a commutation in which they shall be free; the person officiating shall be free from the necessity of paying more than his remuneration to some person who does not choose to serve, and the representative vatandar shall be free from all the risks and liabilities attached to him on account of misfeasance by his deputy, and that they shall remain in possession of their vatans with the rules and the conditions regarding adoption and perpetual continuance of the vatans which are indicated in the reply given to the questions of the Honourable Mr. UPASANI.

A good deal has been said about the efficiency of the Kulkarni. I am not at all disposed to deny that there are instances in which efficient service is rendered by Kulkarnis. Mr. HATCH has said that he has experienced it himself. I have also experienced that in my time, and undoubtedly there are efficient Kulkarnis who do efficient service. But as a general rule it is otherwise. The ordinary practice, at any rate, is for the men, the members of the Kulkarni vatan family who have any ability at all to go further afield than the somewhat humble village service and to seek for the emoluments that may come to them in higher walks of life. The Honourable Mr. RODDA and others are perfectly right in saying that there are members of Kulkarni vatan families who have made their way in the world, and have supplied good officers to Government, good men of professional abilities in various walks of life. But the point is that it is precisely because these people go out of their villages that we feel the need of good men to serve in the village itself. It is ordinarily what may be roughly called the fool of the family who is left to look after the village service, and as the Honourable Mr. CURTIS has indicated, even this fool has to pay for what he can get. The most inefficient member of the family is left to the service of the vatan in the village. It is not right, Sir, I think that men who have the status and the honour and reverence which are attached to the holders of vatans should leave the duties of their vatans to be discharged in this fashion; and it is not possible for us to improve matters. The Vatan Act, as it stands at present, has been in force, as other members have mentioned, already for forty years, and in that time within my experience it has been more than once considered whether we could not change completely the procedure laid down in that Act for securing the service of the Vatandar Kulkarnis. The suggestions have been considered and debated and one after another have been thrown out as entirely impracticable. I do not see how it will be possible for instance to enact that out of several takshims one man only shall serve for life; the result would be that during that man's life all the remaining takshims

would have absolutely no interest in the remuneration paid to the officiator. Nor has any way been devised, after much discussion, for an election of a life-server by the whole body of Takshimdárs. So that one after another suggestions made for improving the present Act and for securing service otherwise than by rotation of five years have been found impracticable and have had one by one to be dropped. We have come back then to the position where we are obliged to use an officiator for five years only and to put him on one side after five years' work. After he has done five years' work, the officiator may, it is true, endeavour to get reappointed as the nominee of some other representative vataxdár; but even if he does try, he does not often succeed because generally there is sufficient jealousy between Takshimdárs to prevent any one of them nominating a man from another takshim, nor can he do so so long as a member of his own takshim is willing to serve. Thus it nearly always happens that at the end of five years the officiator must be changed.

It is said that we ought to train these men. I think the Honourable Mr. CURTIS has given figures showing how impracticable that suggestion is. The Honourable Mr. BELVI said that the Honourable Mr. CURTIS when giving the figures of cost, etc., was vague and indefinite. I think that in the matter of the Násik District Kulkarnis the Honourable Mr. CURTIS gave us absolutely definite figures. Násik may be called a typical Dekkhan district. If you are going to attempt to train the whole class of Kulkarnis, in order to secure 220 adequately trained men, you have got to train 1,758 Kulkarnis, that is to say, eight times more men than you require. You expend in vain seven or eight times as much in training these men as you need to do. We have tried that training. We had instituted our Survey Classes for the training of Kulkarnis in surveying, and we have had to give it up. It proved a totally useless labour to put a man into a Survey Training Class, give him a training and send him to his village, and then after the fourth or fifth year find him vacating his office, so that the benefit of the training given to him was totally lost to us. We had to give it up. The Government of India pressed us to train our village accountants here as they are trained in Northern India where they have never had the misfortune to have this Vatandári system for their village accountants. We did our best to follow the instructions of the Government of India and to give our men a good training, but it had to be given up absolutely and entirely, not because the men were unwilling to take the training or assimilate the training, but because they had no hold on the office for which they were trained. They had to vacate at the end of a certain time. It appears to me, Sir, that it is a perfectly right and justifiable thing that, even though the Kulkarni vatandári system is of a very ancient date, nevertheless, when it is found that the Kulkarni is inadequately performing the services required of him, we should interfere and set matters right. I do not wish to press the point of the statements which are made about dishonesty or corruptness of the Kulkarni. It is probable, I think it is extremely probable, I do not doubt the fact, that there are a good many who are not perfectly straight in the matter of dealing with their charges. But it is very largely the fault of the system, and so long as that system is maintained and is not changed, that sort of abuse will continue, and it is therefore incumbent on us to see what can be done to change that system.

When the Honourable Mr. BELVI moves a recommendation that the ancient and hereditary right of service should not be commuted before an earnest attempt is made to improve the efficiency of the Kulkarnis, I think he comes a little late. We

have been making earnest and sustained efforts at improving their efficiency during a good many years past. It is precisely because we have failed in those efforts that we have had to turn to the present method. He is also rather late in asking that there should not be any commutation, because, as has been stated, a good deal of commutation has already taken place. A suggestion has been made that this commutation which has to be by consent,—so long as the Vatan Act remains what it is—it must be by consent that this consent has been obtained under pressure. The case which the Honourable Mr. BELVI quoted appeared to rest on some instruction given by the Mámílatdár of Chikodi. Chikodi is not a táluka from which I have heard that any voluntary commutation has taken place. I have not heard of any from the Southern Division. A great many have come from the Central Division, but I have not heard any suggestion until the Honourable Mr. UPASANI spoke to-day that the consent was otherwise than voluntary. At any rate, in the orders that issued from Government I personally have taken the greatest care to see that no words should be used indicating that there was any pressure on the part of Government to get acceptance of the terms offered. The terms having been reported as likely to be accepted, there having come in actual applications from the Násik District, and the terms having been settled in the orders that have been issued, I have taken personal care to see that no threats of any kind shall be held out to people not willing to accept these terms. What has happened really is that, notwithstanding the resolution of the conference over which the Honourable Mr. BELVI presided,—I think it was at Sátára,—notwithstanding the resolution that was there passed, the news of this Násik application having spread, it was the Kulkarnis of the Deccan districts of the Central Division who further considered and from whom further applications have come in. In the orders that were issued on the applications as to whether they should be accepted or not, the terms were definitely settled, and the Collectors were authorised to offer the same terms to the Kulkarnis in their districts. I cannot conceive, Sir, myself, that any of our Collectors in the Central Division would take it upon himself to issue orders which may bring any pressure to compel these people to accept what they do not wish to accept. They have undoubtedly made known the terms, because they were told to make them known, so that all Kulkarnis might become well aware of the conditions on which they might commute, but I must emphatically state, Sir, that I am not at all prepared to accept the allegation that undue pressure has been brought on these Kulkarnis to commute their right of service.

The Honourable Mr. BELVI's Resolution (I did not quote it quite to the end) reads that "This Council respectfully recommends to Government that the ancient and hereditary right of service of Vatandár Kulkarnis (village accountants) should not be commuted, at any rate, before an earnest and sustained effort at improving their efficiency is made by providing them with suitable educational facilities and by giving them adequate remuneration." It is not a question of providing suitable educational facilities. There are educational facilities available where Kulkarni families exist, and the men are sufficiently educated in the ordinary way to be able to learn the work of Kulkarni. It is a question rather of securing that the man shall have a compact charge, neither too large nor too small. That is ordinarily not the case with Kulkarnis. For instance, a deputy of one or more representative vatandárs may be serving in three separate villages far apart from one another. We now desire to see that officiators should have adequate charges, and that the remuneration which is paid by Government

should go into the pocket of the officiator himself. It is not possible to secure that under the present system. It is possible, if you employ a stipendiary accountant, to secure that he shall get all the remuneration himself, and I think if it is suggested, as I think the Honourable Mr. UPASANI suggested, that we have not so great a hold on the Talátis as we have on the Kulkarnis, I must differ from him. The Taláti enters the service on a fixed scale of pay with rising grades and with a prospect of promotion, and at the end of it he gets a pension. If he misbehaves himself, he loses all chances of promotion, and what is more serious to him, a pension. In old days the Talátis were in the scale of inferior service, that is to say, they used to get Rs. 4 a month as pension. They are now in the superior service, and they get pension in accordance with the rules of the superior service, that is to say, half their average pay for the preceding three years. That is a very valuable thing, and I do not think that the honourable member is at all justified in saying that on such a man we have less hold than on the hereditary Kulkarni who serves only for five years and then goes. Only if he is a sole representative he cannot be turned out of his office except for serious offences such as are detailed in the Hereditary Offices Act. I think it is now rather late in the day, and although I could conceivably go on taking further time of the Council, I think I have laid before the Council, to the best of ability, what the actual state of affairs is, what our position is; what we have done, and I hope, Sir, that this Council will not accept this Resolution.

His Excellency the PRESIDENT:—I can assure Honourable Members that it is with the greatest diffidence that I approach a subject which to me has so many intricacies as the subject of the Vatan Act and the Kulkarnis, and I am sure Honourable Members will agree with me too that he would be a rash man indeed who, after such a short residence here, were to dilate at any length on this matter in the presence of gentlemen who have lived in this country and who have been brought up in the Kulkarni system for many years. But I am glad to have an opportunity of saying in a very few words what is the position of Government on this question and what seem to be the main objections of the Honourable Mr. BELVI to that position. I take it that there is no Honourable Member in the House who does desire increased efficiency in the general administration of this Presidency. That is our first aim. With that aim we have put forward a suggestion for the commutation of these Kulkarnis and to get rid of the hereditary system—a commutation which we think is perfectly fair and liberal and which will tend to the general efficiency of the administration in the future.

Now my Honourable friend Mr. BELVI tells us that these gentlemen who, we are told, have come in in considerable numbers and given their consent freely to our proposals, have only done so because they have been grossly influenced by officials of Government, and he produces one instance—and one instance alone—to establish that proposition. I am bound to say that my honourable friend, if he was going to make such a serious charge against the officials of Government, should have made his case sufficiently strong to establish it in every possible degree. He has given us only one instance of coercion but as my honourable colleague tells me it is a curious fact that although it may be true the Mamlatdar he refers to sent out this circular letter, yet that no kulkarnis have come in at all from that district to give their consent; so his instance therefore seems altogether to fall to the ground.

The other point that I notice in his resolution is that he wishes that we should hold our hands for a time in order that we may see if we cannot give educational facilities to these kulkarnis. Well, as my honourable colleague has told us, and as the Honourable Mr. CURTIS has said, first of all there is this fact, that the Kulkarni himself in a very large number of cases is an absentee and, as I understood from the Honourable Mr. CURTIS, it may be the fourth or fifth cousin who takes the post by arrangement with the absentee holder. The result would be that Government would have to educate an enormous number of people for this one particular post and never be sure of the particular individual who was going to receive the appointment. As far as the Government is concerned, what we wish to do is, first of all, to secure efficiency and then to secure absolutely clean administration in the Presidency. I am given to understand that the system of deputies does lead to very undesirable methods throughout the Presidency, and I quite sure that Honourable Members in this Council would wish to do away with such methods if possible. That being the case, it seems to me that the Government's position is a perfectly strong one. What we desire is efficiency of Government, what we desire is absolute fairness to the existing Kulkarnis, and what we think we shall ensure is a general improvement in the condition of the Kulkarnis throughout the Presidency. I sincerely trust that, under these circumstances, this resolution will be negatived by the Council.

The Resolution was then put to vote and declared to have been lost.

The Honourable Mr. BELVI then asked for a division which resulted in 12 for and 29 against as follows :—

Ayes.	Noes.
The Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay, <i>presiding.</i>
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	The Honourable Sir Richard Amphlett Lamb, K.C.S.I., C.I.E., I. C. S.
The Honourable Mr. Ghulam Muhammad walad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.	The Honourable Mr. Prabhashankar D. Pattani, C.I.E.
The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.	The Honourable Mr. W. D. Sheppard, C.I.E., I. C. S.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.	The Honourable the Advocate General.
The Honourable Mr. Balkrishna Sitaram Kamat.	The Honourable Mr. R. P. Barrow, I. C. S.
The Honourable Mr. Gokuldas Khandas Parekh, LL.B.	The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.	The Honourable Dr. D. A. D'Monte, M.D., L.R.C.P. (Lon.), L.M. & S.
The Honourable Ráo Bahádur Shrinivas Konher Rodda.	The Honourable Mr. W. L. Graham.
The Honourable Ráo Bahádur Ganesh Krishna Sathe.	The Honourable Mr. G. W. Hatch, I. C. S.
	The Honourable Sir Jamsetjee Jeejeebhoy, Bart.

The Honourable Mr. Shridhar Bal-
krishna Upasani.

The Honourable Mr. Harchandrai
Vishindas, LL.B.

The Honourable Mr. J. E. C. Jukes,
I. C. S.

The Honourable Sardár Dulabawa
Raisingji, Thákor of Kerwada.

The Honourable Mr. Navroji Dorabji
Khandalavala, LL.B.

The Honourable Mr. Jehangir H.
Kothari.

The Honourable Surgeon-General
R. W. S. Lyons, M.D., I. M. S.

The Honourable Sardár Sir Chinubhai
Madhavalal, Bart., C.I.E.

The Honourable Mr. Lalubhai Sa-
maldas Mehta, C.I.E.

The Honourable Mr. G. P. Millett.

The Honourable Ráo Sáheb Venka-
tesh Shrinawas Naik.

The Honourable Mr. E. Ferrers
Nicholson.

The Honourable Ráo Bhahádur Ra-
manbhai Mahipatram Nilkanth,
LL.B.

The Honourable Mr. Raghunath
Purshottam Paranjpye.

The Honourable Mr. Abdul Hussein
Adamjee Peerbhoy.

The Honourable 'Sir Ibrahim Rahim-
toola, Kt., C.I.E.

The Honourable Mr. Manmohandas
Ramji.

The Honourable Mr. W. H. Sharp.

The Honourable Sir Frederick L.
Sprott, Kt.

The Honourable Mr. E. G. Turner,
I. C. S.

His Excellency the PRESIDENT:—Before the Council adjourns I should like to clear up the situation, as far as I can, having regard to the business to-morrow. Am I right in supposing that the Honourable Mr. PARANJPYE wishes to withdraw his Resolution?

The Honourable Mr. PARANJPYE:—I have been assured by the Honourable Member in charge of the Department that Government are in correspondence with higher authorities on this subject, and in view of that I withdraw my resolution.

The Honourable Mr. PRABHASHANKAR D. PATTANI:—I assured the Honourable Member that this matter is engaging the attention of Government, and I did not say that we were in correspondence with higher authorities. What I again want to assure the Honourable Member is that this matter is engaging the attention of Government.

His Excellency the PRESIDENT:—Do I understand that Resolution No. 5 is going to be withdrawn?

The Honourable Mr. PATEL:—I am not going to withdraw it, but I am not going to move it at this meeting.

His Excellency the PRESIDENT:—The Honourable Member does not propose to move the Resolution at this meeting?

The Honourable Mr. PATEL:—No, my Lord, I am not going to move it at this meeting.

The Resolution by the Honourable Mr. PATEL was by leave postponed to the next meeting.

His Excellency the PRESIDENT:—The Council will now adjourn till 11 A. M. to-morrow.

The Council then adjourned until 11 A. M. on Saturday the 1st August 1914.

By order of His Excellency the Right Honourable the Governor,

S. G. KHARKAR,

Acting Secretary to the Legislative Council.

Journal of Proceedings of the Legislative Council of the Governor of Bombay,
assembled under the provisions of the Indian Councils Acts, 1861 to
1909.

The Council met at Poona, on Saturday, the 1st August 1914, at 11 A.M.

P R E S E N T :

His Excellency the Right Honourable LORD WILLINGDON of RATTON, G.C.I.E.,
Governor of Bombay, *presiding.*

The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S.

The Honourable Mr. PRABHASHANKAR D. PATTANI, C.I.E.

The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.

The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.

The Honourable Mr. R. P. BARROW, I. C. S.

The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.

The Honourable Mr. GHULAM MUHAMMAD valad Khán Bahádur WALI MUHAMMAD
BHURGRI, Bar.-at-Law.

The Honourable Mr. FAZALBHOY MEHERALLY CHINYOY.

The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.

The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (LOND.), L.M. & S.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.

The Honourable Mr. W. L. GRAHAM.

The Honourable Mr. G. W. HATCH, I. C. S.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.

The Honourable Mr. J. E. C. JUKES, I. C. S.

The Honourable Mr. BALKBISHNA SITARAM KAMAT.

The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.

The Honourable Mr. NAVROJI DORABJI KHANDALAWALA, LL.B.

The Honourable Mr. JEHANGIR H. KOTHARI.

The Honourable Surgeon-General R. W. S. LYONS, M.D., I.M.S.

The Honourable Sardár Sir CHINUBHAI MADHAVLAL, Bart., C.I.E.

The Honourable Mr. J. A. D. MCBAIN.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.

The Honourable Sir PHEROZESHAH MERWANJEE MEHTA, K.C.I.E., Bar.-at-Law.

The Honourable Mr. G. P. MILLETT.

The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK.

The Honourable Mr. E. FERREBS NICHOLSON.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.

The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHOY.

The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.

The Honourable Mr. MANMOHANDAS RAMJI.

The Honourable Ráo Bahádur SHEINIWAS KONHER RODDA.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE.

The Honourable Mr. W. H. SHARP.

The Honourable Mr. E. G. TURNER, J. C. S.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.

The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

His Excellency the PRESIDENT.—Order, order. Resolution No. 1. The Honourable Mr. G. M. BHURGRI.

The Honourable Mr. G. M. BHURGRI spoke as follows:—The resolution which I have the honour to propose runs as follows:—

“(a) This Council recommends to His Excellency the Governor of Bombay in Council to suspend the recovery of the increased rates of assessment sanctioned in July last for the Tando Sub-Division of the district of Hyderabad, Sind.

(b) This Council further recommends that an enquiry be made into the representation of the Zamindars of the Tando Sub-Division lately submitted to Government.

(c) This Council further requests that the enquiry be conducted by a mixed commission of officials and non-officials and the rates revised after their report is considered by Government.”

My Lord, in asking this Council to pass the Resolution I have just read, I will, in a few words, remind the Council of the circumstances under which the new settlement has been introduced into the four tálukas of the Tando Sub-Division. About five years ago, Government appointed Mr. Moysey to revise the settlement of the four tálukas of Guni, Badin, Tando Bago and Matli, and in making this appointment, I am glad to say Government chose the best officer, they could; for Mr. Moysey had served in the sub-division of Tando and was thoroughly conversant with the conditions of life obtaining in the four tálukas. With his knowledge of the sub-division, he combined an innate shrewdness and a painstaking habit of working by day in the fields and by night at the desk. After many months of hard labour, this capable officer wrote his reports which I consider to be the models which every settlement officer should adopt for his copy. Mr. Moysey's reports are a mine of information, and the conclusions which he drew from this information are very tersely described by him in the pages of his reports. I am grateful to Government for having published these reports, and I think they form a land mark in the history of the four tálukas of the Tando Sub-Division. The conclusions at which Mr. Moysey arrived were that the rate of assessment, *viz.*, Rs. 3 per acre be increased by 4 annas an acre in the Badin and Matli Tálukas only, that the rate of Rs. 3-8 per acre in the Guni Táluka was already too high and that no increase should be attempted in it, and that in the táluka of Tando Bago, the rate of Rs. 3 per acre was sufficient, and no circumstances existed for revising this rate.

Bearing in mind the fact that the Settlement Officer was of the selection of Government itself, and bearing in mind the further fact that his recommendation was made after minute and detailed inquiries and experiments and based upon a mass of facts

and figures which were incontrovertible (having been compiled from Government records), no hesitation should have been shown in accepting his recommendations. The Collector, Mr. Pratt, while reviewing Mr. Moysey's reports agreed that the talukas of Guni and Tando Bago were not susceptible of any increase in the rates of assessment, but thought that the rate in Badin might be brought to the level of Guni, or, in other words, that it should be increased by 8 annas per acre. Mr. Moysey was however so convinced of the inadvisability of increasing the Badin rate by more than 4 annas, that he had exhorted Government not to do so, but consult him again if they should differ from him when he would be able to convince Government by additional arguments that Badin could not bear more than 4 annas per acre. My Lord, I am indeed proud to say that in this instance, the man of the Government happened to be the people's man as well.

I am not able to say, My Lord, why Mr. Moysey's reports were kept back for full five years. All I know now is that Mr. Lucas, the present Commissioner in Sind, after a *hurried march of three weeks in the four talukas* at a time when there were no crops on the land and no water in the canals, made recommendations that the rates of assessment in the three talukas of Guni, Badin and Matli be raised to Rs. 4 per acre and of Tando Bago to Rs. 3-12 per acre, and Government sanctioned the heavy increase amounting to nearly four times the increase proposed by the Settlement Officer, without any notice to the land-holders, and without inviting any objections from them. The increased rates were announced with such a suddenness that it took our breath away. By the provisions of section 103 of the Land Revenue Code, Government are required to give a reasonable notice of the new rates before they take effect. But the only notice Government gave in this instance was that the announcement was made in Guni on the 29th July 1913, in Matli on the 30th July, in Badin on the 31st July and in Tando Bago on the 1st August, while the rates took effect from 1st August 1913. The notice thus was from nil to 2 days, and I do not know whether in substance or in letter, Government can claim to have given *reasonable* notice of the new rates.

My Lord, I will not waste your time by dwelling at any length upon the suddenness of the announcement or upon the departure from the wholesome practice of inviting objections to the rates which Government propose to levy, which has hitherto been usually observed in the past, but I will at once proceed to say that the new rates are unconscionably heavy, and have got the double demerit of pressing hard upon the resources of the land owners and reducing the revenues of Government. If under the high assessment of Rs. 4 an acre, many lands cease to be productive, the loss is not only that of the rayat but also of the estate. I know that Government are averse to rack-renting and are devising ways and means to stop the practice between ordinary landlords and tenants and I think that Government will not rack-rent the Zamindárs of the Tando Sub-Division, if they are persuaded that the new rates will have that effect. On my side, I am authorized to say that the Zamindárs fully recognize that Government should have a fair share of the net income of the land. What is the average net income per acre is a disputed point, but the dispute can be easily laid at rest. I have been at pains to find out why the Commissioner in Sind has put the gross outturn per acre at 16 Mds. of paddy. Absolutely no data is given for this figure. Against it, we have the testimony of Mr. Pratt, who was the Collector of the Hyderabad District, of which Tando Sub-Division is a part and a very large part, that 10 maunds per acre is the utmost that

could be expected. Now Mr. Pratt was a capable and careful officer and had the advantage of serving in the district for several years together. The Zamindárs' Association supports the Collector's view and has asked for actual experiments on typical fields of 1st, 2nd, 3rd and 4th groups. Government ought to be able to take up the challenge, and either convince the Zamindárs that they are wrong or be convinced that the estimate of Government is wrong. That, My Lord, appears to me to be the crux of the whole thing. If the Zamindárs' estimate is correct then the net income of the Zamindárs is only Rs. 4-15-0 or, in round figures, Rs. 5 per acre (*vide* page 23 of the Zamindárs' petition). It is evidently iniquitous that Government should claim Rs. 4-4-0 (for we have to take into account not only the assessment but also the Local Fund Cess) and leave only annas 12 to the Zamindárs to live upon. If this is not rack-renting, I do not know what it is. I think Government owe it to themselves to institute the inquiry which the Zamindárs have asked with such excellent reasons. This Council is probably aware that the Zamindárs of the Tando Sub-Division have lately submitted to Government numerous statements containing the actual figures of the produce of the Zamindárs' entire holdings which fully support their statement that the average gross outturn per acre is less, and not more, than 10 maunds. The actual average is 9 maunds and 25 seers. If these statements are correct and there is no reason to doubt their veracity, then it seems to me that it is impossible to defend the increase sanctioned by Government.

My Lord, the Memorial of the Zamindárs seeks to meet every point which has been urged by the Commissioner in Sind for the enhancement which he recommended. It does not deal in general platitudes, as memorials sometimes do, but it marshalls out facts and figures step by step and draws conclusions which seem irresistible. If I take up even the principal arguments noticed in the memorial, it will occupy a long time of this Council but as copies of the memorial have been supplied to all the members of the Council I will bring to the notice of the Council one or two points only.

First, it appears to me that the Commissioner's proposals to increase the rates were based almost entirely upon the figures of the last five years. As a period of each settlement is 10 years, it was most necessary that he should have taken the figures of the last 10 years, and compared them with those of the previous 10 years. The last 5 years, My Lord, were comparatively easy years, while the preceding 5 years were, roughly speaking, bad years. The omission of bad years and the inclusion of good years alone have deprived his conclusions of the value which they might have otherwise possessed. Secondly, it appears to me that the Commissioner in Sind should not have lightly set aside the recommendations of the Settlement Officer or of the Collector, for he himself did not possess the advantage which they possessed of having served long in the locality and been brought in direct touch with the conditions which they observed. The third fact which I wish to bring to the notice of the Council is that, while in the Presidency proper and in upper Sind the annual letting value of the land is double or treble the rates of assessment in the Tando Sub-Division, it is less than one-half the old rate and less than one-third of the new rate. It fluctuates between Rs. 1-2-0 and 1-9-0 per acre. The figures of the letting value have been taken from a statement contained in the compilation published by Government. I venture to ask how it is possible, in the face of these figures, to raise the rate of assessment by as much as 33 per cent. I am afraid, My Lord, the new rates have the tendency to kill all agricultural enterprise and to reduce the condition of the agricultural classes to one of penury.

In conclusion, I submit, My Lord, that the zamindars of the Tando Sub-Division have made out a very fair case for further inquiry. That inquiry I will urge Your Excellency to give both in the interests of the people as well as of the Government. Till the inquiry is made and it will take some time I earnestly appeal to Your Excellency to suspend the levy of the new rates. Last year, as Your Excellency has already been apprised has been one of exceptional hardship in the Tando Sub-Division. The heavy rains of the last monsoons converted a greater part of this tract into one vast swamp. In many villages no crops were produced, in others they were very poor and, in addition to the floods an unprecedented outbreak of rat pest devastated many fields. The condition of the agriculturists in the Tando Sub-Division is most dismal, and the outlook for the future is not very cheering. The fields are still full of water and it has been impossible to bring them under the plough in the current kharif. I am glad to observe that Government suspended the new rates for the year just expired and appointed special Mukhtyáarkars to give remissions of land revenue. For this boon, the people are most grateful and they are anxiously looking forward to a restoration of the old rates which are sufficiently heavy, and for which no substantial reasons have existed.

My Lord, in my Resolution I have asked for an inquiry into the facts and figures brought to light by the Zamindars of the Tando Sub-Division in their memorial to Government. This seems to be necessary if Government are prepared to justify the increases which they have sanctioned in such a hurry. As a matter of fact, not one of the precautions which Government usually observe, have been observed in the present instance. The recommendations of the Settlement Officer were suddenly and unceremoniously set aside without any proper inquiry, and the opinions of the Collector were treated scarcely with a greater consideration and the new rates were recommended without the usual inquiry, which must be both patient as well as thorough. The need of this inquiry has been fully demonstrated by the Zamindars, and I would earnestly appeal to Government to give the inquiry which has been demanded.

Now, as to the personnel of the commission of inquiry, My Lord, I am clearly of opinion that some non official element is necessary. When this Council remembers that it is the conclusions of the Commissioner in Sind that have to be revised, an enquiry by a single officer of the status of an Assistant Collector will not inspire much confidence. Nor will a mere official inquiry conducted by two officers give satisfaction to the people. The view of non-officials who take part in the inquiry will be of substantial help to Your Excellency's Government in arriving at the rates which should be fixed for the next period of settlement. The situation, My Lord, in the Tando Sub-Division is a grave one, and I hope the Government will rise equal to the occasion and without any false idea of unsettling a settled thing, do that which is right and proper.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH spoke as follows:—Your Excellency,—I support the resolution of my Honourable friend Mr. BHURGI. There is a difference of opinion on important points, facts and figures between the opinion of the Commissioner and the Zamindars and that the Zamindars want that either they be convinced by Government; or that they are ready to convince Government.

For this inquiry the first ground that I have to urge is the unprecedented procedure that has been adopted by the Commissioner in Sind. All settlements are carried out by a Settlement Officer who goes on the fields, makes an experiment, sees the facilities of

water and the condition of the soil. But what has been done in this case? The Commissioner in Sind goes on tour for three weeks as is clear from his own reports when there is absolutely no water and no crops standing. And I cannot imagine how any officer can base his calculations about the outturn of the produce per acre or the price or about the facilities of water when at that time there was absolutely no water and no crop standing. Secondly, when the rates are to be increased, the Zamindars are given notice that they may raise their objections, if any.

Section 103 of the Land Revenue Code is very clear on the point that a reasonable time is to be given to them. But what has happened in this case is that they had only a notice of two or three days. I will read a portion from one of their applications (reads). Only one or two days' notice was given to them.

There is another difficulty in the way of the Zamindars. They say that Government invite their opinions but they never publish their reports. And the Zamindars do not know the grounds at all for increasing the rates. I question if the Commissioner in Sind or any one has published his report regarding this matter in the Sind Official Gazette. How are the Zamindars to raise objections unless they know the grounds.

Now this revision of the reports was done by the Commissioner in Sind on the 13th July 1913. The previous settlement that took place in the Tando Division was in 1899-1900. In 1899-1900 the Zamindars were given a guarantee that for 10 years, that is to say, up to 1909-10 the rates would not be enhanced, but a little before that time in 1908, when the time was about to expire, Government appointed Mr. Moysey as Settlement Officer. Mr. Moysey, as we have been told, made actual experiments and reported the matter, and he was supported in this report by two able Collectors Mr. Pratt and if I mistake not, by Mr. Sale too. Both these authorities supported the rates that he had notified. Now unfortunately for the Zamindars of Tando, the Commissioner in Sind being overworked, this report was delayed in the Commissioner's office for five long years.

Now I put it to this Council if Mr. Moysey's report and also that of the Collectors who supported him had been sent in 1908, surely the Commissioner in Sind would have carried out those recommendations and a guarantee of ten years would have been given, that is to say, from 1909-10—1919-20. But we find that, owing to the delay of the report in the Commissioner's office, without any fault of the Zamindars, those 5 years happened to be prosperous years for the Zamindars in the Tando Division. Then the Commissioner in Sind takes advantage of these 5 prosperous years. Without making any experiments at all as I told you, the Commissioner in Sind makes a report when there is no water, no crop. He does not take the whole period of 14 or 15 years into account. The original settlement commenced from 1899-1900. He ought to have taken into calculation the whole period, when the new revision was going to take place and not the last 5 years which were prosperous years.

Now I put it to this Council, had these 5 years been worse than those which went before, what would the Government have done? Would the Commissioner have reduced the rates of assessment? Certainly not. Then it is hardly fair that because 5 years happened to be prosperous years, Government should increase the rates. In all fairness the Commissioner ought to have taken into consideration the whole period of settlement of 14 or 15 years before enhancing the rates of assessment.

Now I will take up some of the arguments that are advanced by the Commissioner in Sind. The first is that the villages in the Tando Division were free from pests and rats and that it was free from floods and other calamities during those 5 years, and, therefore, the Commissioner in Sind advanced one argument to the effect that those 5 years have been years of prosperity and therefore he desires to increase the assessment. That argument has been approved of by Government too. What do we find the next month or the third month after these enhanced rates of assessment and after the rosy picture that has been drawn of the Tando Division by Government? The whole of the prosperity of the Tando Division is washed away. The Commissioner calculated these high rates for next 10 years. Therefore I ask this Council does the argument of the Commissioner in Sind hold good?

The next argument is more money is spent on clearance of silt, etc., I submit it is a most fallacious argument. No doubt more money has been spent on the clearance of silt and you have stopped the deficiency of water and therefore you have enhanced the rates of assessment, but I submit it is not so. Now wherever there is a deficiency of water, it is the duty of Government to give us a good supply of water for cultivation. Because if there is deficiency of water then there is less cultivation and less crop and it affects the Government adversely in the form of remissions. Government are obliged to give us remissions when there is a deficiency of water and bad crops. Hence if Government has spent more money, Government gains in the form of remission; and further my contention is borne out by the Commissioner that by these improvements there has been extension of cultivation, and there have been no remissions. And therefore the money that Government have spent on clearance is recouped in the form of giving no remissions to the people as well as by the extension of cultivation which is bound to bring in more revenue to the State. Therefore, the fact that Government has spent more money on clearance is no justification for increasing the rates of assessment.

Then again as to the strengthening of the Hajipur Bund, I must tell you at the outside that this Hajipur Bund is of benefit only to one taluka. Now there are four talukas. Why should the three other suffer? Because one has been benefited, why should the three other talukas bear the burden? Besides, the strengthening of this Bund has prevented floods and saved the Government a large amount of money which they would have had to pay in the form of remissions. I have shown you that the strengthening of the Bund is no reason for increasing the present rate.

Now one of the arguments is that cultivation has been extended and that extended cultivation means more revenue. Then they say there are no remissions. We know remissions are only granted when the crops are bad. When the crop is of an ordinary kind, no remission is given. That again shows that in the absence of remission the condition of the Zamindars is very prosperous. Moreover remissions are in the hands of the officials and I have shown you on the last occasion when I addressed you about the remissions in my Budget speech that the officials are very much afraid of giving large remissions. As regards the arrears of Government it all depends upon the officials. How do they recover those arrears? I have been lately to one of the Divisions and that Division had suffered not less than four times from flood. And I know that under section 157, Land Revenue Code, warrants of arrest were issued for not paying the arrears, and I think that was done in order that there may be no arrears at all. When

the crop is fairly good, then the Zamindar can pay revenues. But when there are no arrears that does not show that the Zamindar is very properous.

Now I will come to the most important point. One of the arguments of the Commissioner in Sind is that the prices have risen by 43 per cent. But how does the Commissioner calculate? He takes the last six prosperous years and compares the rates of these years with those of the previous eight bad years. Is that fair? The whole period of 14 years ought to be taken. It is no use taking one or two years. Supposing two years were lean years, would Government have reduced assessment?

Again we come to the outturn per acre. Here Mr. MOYSEY made experiments. He is the best man to know what the outturn should be. He recommended that the outturn was ten maunds. While Mr. PRATT who has been Collector for a long time was of the same opinion, and the Zamindars also say that it was ten maunds. And the Zamindars have sent me account-books of the last five years. One of the men whose accounts I have seen is Ráo Bahádur Dayaram Gidumal, the retired Sessions Judge.

His Excellency the PRESIDENT:—I would draw the Honourable Member's attention to the fact that he has taken already over quarter of an hour. He must draw his remarks to a close.

The Honourable Mr. HIDAYATALLAH:—All that the Zamindars wish to say is that the outturn per acre is ten maunds, while the Commissioner says it is 16 maunds. I have no time now, but I am sure that my honourable friend has made out a very clear case for inquiry and I want nothing else but an inquiry.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA spoke as follows:—Your Excellency, I have to move an amendment to the resolution of the Honourable Mr. BHURGRI. My amendment runs as follows:—

That this Council recommends that an enquiry be made into the representation of the Zamindars of Tando Sub-division which was lately submitted to Government and that the rates be revised in the light of such inquiry.

My reasons for moving this amendment are that the first paragraph of the resolution requests that the new rates should not be changed till the result of the inquiry asked for in the second paragraph. As the rates are already sanctioned and are probably being levied it would not be politic to ask that the rates should be suspended till the result of such an inquiry. In the second paragraph Mr. BHURGRI asks for a Committee of officials and non-officials. As this is a technical matter, an inquiry of this kind cannot very well be conducted by a mixed commission or even by a Committee of officials. It must be conducted by an expert on the subject after making full local inquiries. Hence I have dropped all reference to a commission in my amendment. The reasons why I think that an inquiry is necessary are that the reports of the Special Officer, Mr. Moysey and of the Collector Mr. Pratt and the Commissioner in Sind differ, in essential points. The Commissioner says (reads).

This, my Lord, has been written five years after Mr. Moysey submitted his report. His immediate superior Mr. Pratt says (reads). Therefore in view of this difference of opinion between the officials, I consider that it is extremely necessary that a further inquiry be conducted in the matter. Then there is one point which has been very strongly urged and which I think requires very careful consideration. Supposing the

prices had gone down, would the Commissioner have reduced the rates of assessment. I fear not. If he would not have done that, I think he has no right to increase them.

With these remarks I recommend this amendment to the acceptance of the Council.

His Excellency the PRESIDENT :—We will discuss the resolution and the amendment simultaneously.

The Honourable Mr. JEHANGIR H. KOTHARI read the following speech :—Your Excellency, In rising to oppose the resolution which has been moved by the Honourable Mr. BHURGRI I wish to make my remarks as briefly as possible.

We must remember that that Tando Mohomedkhan settlement proposals have been drawn up by the present Commissioner in Sind, Mr. W. H. LUCAS, whose unique acquaintance with the Province of Sind extending over a quarter of a century is unrivalled and whose personal interest in the welfare of and sympathy with the landholders of that Province is a matter of common knowledge throughout the length and breadth of Sind and is well known to every member of this Council.

Bearing these facts in mind we may rest in the sure confidence that the recommendations of an Administrator of the type and personality of our present Commissioner would err, if at all, on the side of liberality rather than harshness. I do not venture to discuss the intricate question of the incidence of the land revenue taxations in this particular case. On this point I think we should unreservedly accept the informed opinion of Government and their representative on the spot, who have met every one of the contentions of the so-called Tando Zamindars' Association.

I therefore strongly recommend the Council to reject the resolution now before them.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows :—Your Excellency, I am not a Sindi, nor can I claim to be personally acquainted with the conditions of agriculture and of the agriculturists in that province and yet it appears to me that I might join in this debate, because the questions that arise are questions of principle and for their discussion neither residence in Sind nor acquaintance with all the details of Sind conditions is necessary. The question is one of very great importance. It relates to the pitch of assessment in four talukas which appear to me wholly or mostly populated by agriculturists. I have seen one or two instances where heavy assessments have practically caused considerable distress in the talukas and made the recoveries of Government dues in them very difficult. These being the circumstances, I would urge that an inquiry ought to be made.

The other ground upon which I think an inquiry is necessary is that on one side there is the opinion of the Commissioner, no doubt a very high authority, an officer who is much acquainted with the conditions of Sind, which is approved to that of the survey officer of whom it is said that he has worked hard and who is admitted to be capable and whose report is considered to be valuable and prepared with much tact. This then is no question of incompetence, want of care or industry on the part of the officer personally conducting the survey inquiries; there is therefore a strong ground for an enquiry by an independent officer. My next reason for wishing that an inquiry be made is that many of the facts that have a bearing upon the question are of an undisputed character. Some of the facts can be established by convincing evidence and therefore this is a matter upon which an inquiry would certainly lead to very satisfactory results.

The most important question for consideration in fixing the assessment is the yield of the soil. On this point the Commissioner in Sind and the Survey Officer materially differ. The Commissioner puts the yield sixteen maunds per acre and the Special Officer who was deputed for the inquiry considers that it is only ten maunds. Now I should consider that if there were any inquiry, there would be left no doubt so far as the yield of the land is concerned. We have a large number of Zamindars—very respectable Zamindars—whose account books show what the actual quantity of the yield is, and what they receive out of the yield as their share. If the books of the Zamindars are reliable and there is nothing to show why these books ought not to be relied on, I think the inquiry will show what the actual yield is upon which the assessments are to be based. So far then as the question of the income of the Zamindars is concerned, I think there are elements and circumstances which can leave no appreciable doubt as regards the actual yield per acre.

Another factor for consideration in determining the propriety of a survey settlement is to ascertain the average cost per acre to the Zamindar; upon this too an enquiry will leave no doubt. The outgoings in connection with the Government and the Local cess demands are fixed. As regards other outgoings in order to arrive at the real profits of the Zamindars, there is only one element to be ascertained, namely, the cost per acre for cleaning the water channels. The Zamindars, I have no doubt, will be able to satisfy the inquiry officer as to what is the average actual cost under this head. Therefore, Sir, I consider that if an inquiry is instituted we will be able to ascertain the real conditions of things.

The other question is with reference to the disturbing conditions. With reference to them the Commissioner considers that they ought entirely to be eliminated. Upon this, I think the principle is that where certain disturbing conditions have been in existence for a number of years, it is necessary to go over a considerable length of time for the purpose of assuring oneself that the disturbing conditions have ceased to exist.

Now during the ten years preceding Mr. Moysey's inquiry it is found that the disturbing conditions did exist. Those conditions were absent during the 5 years after Mr. Moysey's report. Those 5 years were very favourable. But the period was too short for arriving at the conclusion that the conditions had disappeared altogether. As a matter of fact the disturbing conditions were not eliminated, because, shortly after the Commissioner's remarks, we find that they did reappear. Therefore I would think that the objection that the disturbing conditions were not taken into account (while they ought to have been taken into account) remains unanswered. There is again another ground upon which I consider the settlement open to objection. If you look to the Hindu Law you will find that Government would have one-sixth and the tiller of the soil one-half and the remaining one-third would belong to the owner of the soil. In some of the most recent settlements least favourable to landowners and most favourable to Government the proportions of shares laid down, are two shares out of the four to go to the actual cultivator and of the remaining two shares one share goes to Government and one to the landlord. Now in this case—

His Excellency the PRESIDENT:—Order, Order. It is very interesting, I can assure the Honourable Member, to hear his discourse on a matter of assessment throughout the Presidency, but really I must ask him to remember that the question

we are discussing is a perfectly clear and a perfectly definite one, whether an inquiry should be held into certain hardships which are presumed to exist in Sind. A general discussion on a general assessment of the Presidency is really a waste of time of the Council. And I am sure Honourable Members will agree with me when I say that we are all anxious to get on with our discussions as quickly and efficiently as we can, and if I find any Honourable Member getting up and going into a repetition of the arguments we have heard, I really cannot permit them.

The Honourable Mr. PAREKH :—I accept your Excellency's ruling and I do not want to go beyond the ruling. What I propose to say is whether you look to the ratio of the income as calculated on the crop-share or calculated on the rental to the assessment, the profit left to him is much less than what ought to be reasonably left to a landlord upon a proper consideration of the assessment, and that I submit is an important consideration in determining whether the assessment is fair or not.

The question of the Hajipur Canal has been referred to and I think the circumstances apply only to one out of four talukas and the consideration has been applied to all the talukas. This is not fair.

For these reasons I think that it would be very desirable that the inquiry asked for be given.

The Honourable Moulvie RAFIUDDIN AHMAD spoke as follows:—Your Excellency, this is a matter in which, though the members of the Presidency proper do not have that information which they are likely to possess about their own Presidency as far as I understand, the issues are quite clear. It is futile for my Honourable friend Mr. KOTHARI to come and say that because a person happens to be a Commissioner and because he has been in service a long time that he cannot commit a mistake. Well, that is no argument at all. The argument of my Honourable friend, the Mover of the Resolution, is that there has been a conflict of opinion between specialists Mr. Moysey, a Settlement Officer of very great repute, two Collectors Mr. Pratt and Mr. Sale, and the Commissioner Mr. Lucas. I believe, too, there can be no dispute about their capacity to judge on a question of this nature. They are of one opinion and Mr. Lucas is of another. Of course, it frequently happens that even Judges of the High Court differ. It is common knowledge that experts generally differ. Well, what should happen when experts differ? I believe the natural conclusion is that the matter should be before a third party. In the High Court it is the practice, when two Judges differ, to refer the matter to a third Judge whose opinion is final. So I believe, in this case an enquiry should be held by some other person or persons. It is a very strong argument. Another strong argument in favour of an enquiry is the reason why the report of Mr. Moysey was put into the pigeon hole of the Government House of Sind for 5 years. If a report is put into the pigeon hole of Government for 5 years, there must be very good reason for it. So I believe, Sir, if there were nothing else in its favour this fact alone is a good reason for such an enquiry.

Then, Sir, it has been alleged, I do not know how far it is true, that the Commissioner passed through three or four talukas for three weeks and in February, which is a dry month and not a wet one. That is not a month in which an officer can hold an enquiry with any satisfactory results,—well for that officer to go and see and to lay down a rule for future guidance in this manner is unjust to the zamindars. The Indus

is Sind and Sind is Indus. The vagaries of the river are such that sometimes a garden becomes a waste land and a waste land becomes a garden. To take the average only of 5 prosperous years, leaving out 6 or 7 lean or bad years, itself shows that the enquiry has been, on the very face of it, not a complete and proper enquiry. I submit, Sir, that there is no discredit to the Commissioner if his error of judgment is pointed out. Officers commit mistakes, Members of Government commit mistakes. So if an enquiry is ordered there will be no personal discredit to the Commissioner. My friend desires a Commission of officials and non-officials, and perhaps that would commend itself to the Council. Of course, he knows his interests best, but an enquiry which would be thorough and, if possible, public, would be most welcome to the public at large. But, on the whole, my Honourable friend would be well advised if he would confide in Government as to the method of enquiry that should be pursued. In my opinion there is no doubt as to the need for an enquiry.

The Honourable Mr. R. P. BARROW spoke as follows:—Your Excellency, I rise to oppose the Resolution which the Honourable Mr. BHURGRI has put before us as well as the amendment which the Honourable Mr. LALUBHAI has proposed, because I think that this Council would be extremely ill-advised to follow the line that Mr. BHURGRI would have us follow. What is it that he suggests we should do? He suggests that we should accept as correct the representation or as I shall afterwards show the misrepresentation made in the memorial, and that on the strength of it we should seriously recommend Government to suspend indefinitely the operation of the orders already passed after the most mature consideration not only of the proposals submitted to them by their responsible officers but also of the Zamindárs' detailed objections which practically included everything covered by the Association's memorial, to subject those orders to examination at the hands of a mixed Commission of officials and non-officials—that universal panacea in modern days for all evils—and subsequently to re-issue fresh orders in the light of the discoveries of the mixed Commission. I submit, Sir, that this Council would be ill-advised to submit such a proposition as that to Government and that for this Council to allow itself to be used as an instrument for re-opening a question of revenue administration on which Government have already passed orders after mature consideration of the facts would be almost to invite a rebuff. The revision of a time-expired settlement is a simple matter in Sind where there are no complications of soil classification or distance scale, and the rates vary in the different groups only according to the nature of the water-supply, and it passes my comprehension to understand why to deal with the simple conditions of the settlement of four talukas in Sind machinery is needed, which, so far as I know, has never yet been considered necessary in the far more complex circumstances of the revision of a settlement in the Presidency proper. The Resolution of the Honourable Mr. BHURGRI asks us to recommend to the Governor in Council the suspension of the recovery of the increased rates. This Council is doubtless aware that in May last Government did pass an order postponing for one year the levy of the revised rates and I would invite special attention to that fact, as illustrating the very generous treatment accorded to the Zamindárs of the Tando Sub-División. The levy was suspended chiefly because in the previous kharif season owing to a rainfall five times as heavy as the average, and not owing to breaches of the canals the low-lying rice lands were deeply flooded while no damage was done to the dry crop. Ordinarily damage caused to crops by flood or other natural calamity is, in Sind, dealt with by an excellently developed

system of remissions. Government rather went out of their way, or, if I may say so, they were extra kind, in holding over the levy of the revised rates, because of the floods. Such damage as was caused would be adequately compensated for by the ordinary remissions. Not only was the levy of the revised rates postponed but remissions amounting to nearly a lakh and a half of rupees were granted and probably the suspension of a considerable amount of revenue was sanctioned.

The Honourable Mr. BHURGBI in his speech seemed to argue just now that the Commissioner in Sind was not entitled to differ in any way from the opinion of the officers whose reports were before him. Surely, Sir, he must understand that no question of this kind can be debated amongst a number of officers without there being differences of opinion. The revision of the assessment of a taluka must bring out a variety of opinions, and what is the Commissioner there for except to weigh the pros and cons and after arriving at a decision on one side or the other to make a recommendation to Government based largely on his own experience? The memorial runs to considerable length and touches on many points and to deal with every point, would require more than the short time allowed for speaking, and would most certainly exhaust the patience of this Council. I will make very sparing use of dry figures in my attempt to show that, as I said just now, the representation is a misrepresentation. I suggest, in the first place, that this memorial which has the support of the Honourable Mr. BHURGBI, who has been backed up by an impassioned appeal from the Honourable Mr. HIDAYATALLAH, is a piece of special pleading from beginning to end and that the arguments contained in it are vitiated by a mishandling of figures. I said, Sir, that the statements contained in this memorial are a misrepresentation and I may add that the Honourable Members who supported it should have thought twice before venturing to bring against the Commissioner in Sind the very serious charge, serious in view of his responsibilities both to Government and the people of having recommended to Government rates which are neither just nor reasonable solely on consideration of 5 years of prosperity and without reference to what the association have called the preceding years of suffering and want. The Honourable Sir RICHARD LAMB gave us yesterday a category of the poor people lately discovered, and I suppose the zemindars of the Tando division are now to be entered in this category of poor people. To anyone who has the slightest acquaintance with the Tando division—the Honourable Mr. PAREKH seems to argue that no real acquaintance with, or knowledge of, Sind is necessary in order to dispose of this question to anyone who has the slightest knowledge of the Tando division, the mentioning of years of want and suffering, can only provoke a smile. I venture to say that I can speak with some authority on this point, for I held charge of this division for several years and I can assure this Council that, if the rules of Government permitted me to hold land and cultivate it for my own profit, the first place that I would ask to hold land in would be amongst the rice lands of the Tando division. The expansion of the rice area in the Tando division has been very considerable. I deny entirely that the restrictions which have been imposed upon it have been imposed for the reasons given by the Association. An unlimited expansion of rice cultivation is of course possible provided there is an unlimited supply of land fit for rice, an unlimited water-supply, and an unlimited supply of cultivators who like those of the Tando have sufficient energy to scatter seed on land which is usually neither weeded nor manured, and then sit down to leave nature to do all

the rest until the troublesome time of harvest. The drafter of the memorial must have been perfectly well aware that restrictions have been imposed on the further extension of rice cultivation on most of the branches of the Fuleli because the Canal cannot bring down enough water to satisfy the demands of all would-be cultivators. It is most probable that rice cultivation in this tract has now reached its limit. Until the recent revision the rice rates remained stationary and untouched for 30 years in Guni, for 27 in Badin and for 26 in Dero Mohbat and Tando Bago. That during that period the material prosperity of the sub-division has increased enormously is incontestable except by those who deliberately close their eyes to facts. When the settlement was introduced, there was no communication between the Tando and the outside world, except by road. Produce had to be carried by camels—a slow process—or for one or two months in the year by boat. There was only one market for produce, and that was Hyderabad, although occasionally, in years of famine, the trade went further on as far as Cutch. Hyderabad was cut off from the rest of the world and had no outlet except via Kotri, on the other side of the river Indus. Since then the whole situation has been altered. Hyderabad has direct railway communication with all the large markets—centres to the north, the west and the south. The Tando division is traversed by the Hyderabad-Badin Railway, while the Fuleli has been converted into a perennial canal affording a cheap and easy means of transport all the year round.

The construction of the Fuleli Escape Channel has contributed largely towards reducing the risk of floods from breaches of the canals or of the protective bunds. The Tando is a notoriously fertile tract enjoying a better regulated and more steady supply of water than any other sub-division in the Province. That its rice lands have long been under-assessed is, I venture to think, perfectly well demonstrated by the continued eagerness of all classes and more especially of the Hyderabad Amils, to obtain grants of them. Nor has this demand fallen to any appreciable extent since the rates were increased. The Honourable Mr. BURGER argues that Government stand to lose over the imposition of the new rates, because the area under cultivation will drop. I should like to draw attention to the actual area under cultivation. During the three periods reported upon the total occupied area in the Division was 5,25,000 acres in the first, 5½ lakhs in the second and over 6 lakhs in the third. Of this the area under rice amounted to 1,79,000 acres in the first period, 1,71,000 in the second and 1,93,000 in the third year. When the temporary settlement of 1886 was introduced the rice area amounted only to 1,05,000 acres. The increase then is a fact that cannot be got away from.

I regret to find, Sir, that I have exceeded the time limit. With your Excellency's permission I will occupy the attention of Council for one minute more only, and I will only make this one point for Council's consideration that any further enquiry at the hands of outsiders is absolutely uncalled for. Government may see fit, in consideration of the representation made to them by the zemindars, to make further enquiry for their own satisfaction. Whether they have done so or not I cannot say but I shall not be surprised to hear that they have. The information on record which has been considered by Government is ample and I am convinced that it fully justifies the increase in the rice assessment which have been sanctioned.

I am sorry that my time is up before I have been able to fully develop the argument.

The Honourable Sir RICHARD A. LAMB spoke as follows:—Your Excellency,—If I might just interpose with a few words, perhaps it would assist Honourable Members. I should like to say that the course of events has been this: The Honourable Mr. BHURGRI brought in a Resolution some time ago which was postponed. On receipt of that Resolution, communications were entered into with the Commissioner in Sind. On the recommendation of the Commissioner in Sind, the levy of the revised rates which have already been sanctioned was postponed for a year, as the Honourable Mr. BHURGRI has recognised. The Commissioner in Sind was then asked for his comments on the memorial submitted by this body of people, which I understand calls itself an Association. The Commissioner submitted his remarks. These remarks did not appear sufficient to enable Government to judge the question adequately. The Commissioner was, therefore, called on for a detailed report. He has, in accordance with these orders, submitted a long and detailed report, accompanied by a full historical note by the present Collector of Hyderabad or the then Collector of Hyderabad, Mr. Beyts. He has forwarded this letter with a report of his own. The position is, therefore, that the question of this memorial has been enquired into by the local officers and their reports are in my hands; and I am perfectly willing to make them available to members of this Council and to those interested in Sind; but I am not prepared to agree that there shall be any further enquiry. On the Honourable Mr. BHURGRI'S motion in March last, an enquiry has been made. What I am prepared to do now is to have these reports published. I am not prepared to agree to any further postponement of the revised rates that have been sanctioned by Government, but I am prepared to agree that, if after the publication of these reports which we have received, any further representation should be made to us which conveys good and substantial grounds for further consideration, such reconsideration shall be given. That, Sir, is the attitude which I propose that Your Excellency's Government should adopt on this question; that no further enquiry is necessary, that the papers of the enquiry already made should be made available to the members of this Council and to those interested in Sind, that there should not be any further suspension of the revised rates than there has been at present, and that, if after the publication of these reports any further representation is received which renders the reconsideration of these rates necessary, it shall be given.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA:—After the remarks that have fallen from the Honourable Sir RICHARD LAMB, I withdraw my amendment.

The Honourable Mr. GHULAM MUHAMMUD BHURGRI:—I understand the Honourable Member said that the reports would be published and another opportunity would be given to the people for a representation. If that is so, I beg to withdraw my Resolution.

The Resolution was by leave withdrawn.

His Excellency the PRESIDENT:—Resolution No. 3. “That this Council recommends to His Excellency the Governor in Council to appoint a mixed commission of officials and non-officials to enquire into and report on the desirability of extending the period of settlement in Sind from ten to thirty years.”
The Honourable Mr. BHURGRI.

The Honourable Mr. G. M. BHURGRI in moving his Resolution spoke as follows:—Your Excellency,—The Council will be glad to learn that my Resolution is going to be accepted with some modification by the Honourable Member in charge, and without

taking any further time of the Council I would request Your Excellency to allow me to omit the words "mixed" and also the words "officials and non-officials", from the Resolution so that the Resolution may read as follows "That this Council recommends to His Excellency the Governor in Council to appoint a commission to enquire into and report on the desirability of extending the period of settlement in Sind from ten to thirty years."

The Honourable Sir RICHARD A. LAMB spoke as follows:—Your Excellency,—I am quite prepared to accept that Resolution as amended. We recognise that it is desirable that the period of settlement in Sind should now be examined. It has been in force more or less for a good length of time, and it is reasonable that it should be examined. (Hear, hear.)

As to the constitution of the commission I do not wish to commit myself until we have had an opportunity of consulting the Commissioner in Sind.

The Resolution as amended was carried.

His Excellency the PRESIDENT:—Resolution No. 4. "That this Council recommends to His Excellency the Governor in Council that the term of land settlement in Sind be extended from ten years to at least thirty years as in other parts of the Presidency." The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH in moving the Resolution spoke as follows:—Your Excellency,—In view of the assurance that has been given by the Honourable Member in charge, I beg to withdraw my Resolution.

The Resolution was by leave withdrawn.

His Excellency the PRESIDENT:—Resolution No. 7. The Honourable Ráo Sáheb NAIK.

The Honourable Ráo Sáheb SHRINIWAS VENKATESH NAIK in moving the Resolution read the following speech:—

May it please Your Excellency,—The resolution that stands in my name runs as follows:—

"This Council respectfully recommends to His Excellency in Council the desirability of granting Takavi loans for the purpose of building houses on sanitary conditions in the town extension schemes undertaken by the Municipalities and other Boards."

My Lord, this resolution is exceedingly a simple one. It is a mere request and an appeal to Your Excellency's Government for help in a very important matter concerning the better housing of great many poor people committed to Your Excellency's care. Plague which has prevailed in various parts of the Province since 1896 and caused pitiable misery on innumerable subjects of His Majesty, has forced the attention of Government and the people to the necessity of sanitary improvements. The inevitable evacuation of the infected quarters and removal to health camps, have convinced many people of the sanitary advantages of residence on airy plains and in detached houses. Government have also seen the necessity of opening congested parts in cities and towns. Our present Viceroy has declared that advancement of sanitary reform is one of the chief aims of his policy. Under such favourable conditions cities are

elaborately improving. Mofussil towns are grateful to Government for liberal grants given for opening of congested areas, town extensions, improving water-supply, drainage and other sanitary improvements. It is being recognised that small towns and villages deserve similar attention. Sanitary conferences are being held, sanitary associations have been started and are doing useful work. School hygiene is being attended to. Sanitary experts are being trained for work in the mofussil. Government have declared liberal concessions for employment of Health Officers and Sanitary Inspectors. This vigorous policy will not fail to ensure sanitary improvements throughout the country. The local bodies in the mofussil also being encouraged, by these benevolent actions of Government, have taken up town improvements and other sanitary schemes in many places. The condition of houses in small towns and villages is greatly deplorable. They are built closely packed together, as a security against robbery and physical violence. But in a peaceful age like this, such necessity no longer exists. Many lessons are taught by plague, chief amongst them is the recognition of the fact that overcrowding and living in old-fashioned and ill-ventilated houses, underlies the prevalence of numerous diseases, is productive of plague and other epidemic diseases and reacts generally in a deleterious manner on the mental, moral and physical welfare of human race. The attention of local Government has been directed to the need of improvement of congested and insanitary areas by the recrudescence of plague since 1898 and onwards.

The well-to-do who are generally better educated and consequently can better understand the advantages of sanitation and living in open air, are able to carry out sanitary improvements readily. The condition of the more numerous poor deserves anxious care. It is the poor who suffer most by the ravages of plague, malaria, etc. The village poor often go to towns to earn wages and live in overcrowded and congested quarters, and when such quarters are opened for sanitary reform, they lose their whole or parts of their residences and flock to other parts of the towns and this leads to overcrowding of old-fashioned houses and cottages. The insanitary condition of such cottages is notorious. The floors are of mud and often low and damp, and ventilation is mostly defective. Most of them are in an uninhabitable state from a sanitary point of view. Such deplorable condition contributes to a high mortality amongst the girls, pardah-ladies and infants, who are required to stay in such houses both day and night. The provision of cottages and houses built according to sanitary principles is surely an object worthy of encouragement by Government and others.

Generally schemes for the opening up of congested quarters are carried out by many Municipalities and other Boards, along with town extension schemes, subject to building regulations based on sanitary principles. The well-to-do can avail themselves of this wise policy. It is found, however, that many among the poor though they have been convinced of the advantages of living in such houses, and have been induced to build houses in extensions undertaken by the Municipalities, cannot build such houses on account of funds. Of late, building houses is not as cheap as it used to be. The price of materials and rates of wages have gone up considerably and the conditions imposed for houses on sanitary principles with regard to the floor, plinth, etc., require an outlay of money, which is beyond the scope of an average man's savings, though he can conveniently set aside for repayment of the part of the outlay on such houses. He will either have to continue to live in wretched houses or borrow money at a high

rate of interest to build houses on sanitary principles. On account of the effects of the Dekkhan Agriculturists' Relief Act money-lenders hesitate to give loans. The spread of co-operative societies and the limit of amount to which such societies can often lend money to an individual person for such purpose are not yet sufficient to meet the demand. Therefore some way must be found out to supply money to the poor builders if it is desirable that they should be better housed. Moreover whenever such extensions are undertaken it is often found that the poor people though they have a desire to build houses in the extensions and have purchased plots, they are either slow in their building operations or will surrender the plots to the local bodies, not being able to build at all within the allowed time, only on account of their financial liability. To bring the valuable suggestions made by Government and the Honourable Mr. ORR with regard to the improvement of insanitary houses and building new ones on sanitary principles, into speedy operations and induce the public of moderate means to adopt them, I submit that there should be a place where they can get loans on easy terms.

It has been recognised and also gratefully acknowledged that the State help given to the agriculturists in the form of Tagai loans for the development of agriculture has materially improved their state and the Government also are not in any way loser by this step. As supreme landlord and guardian of the people, Government should also encourage and financially help the poor by granting special concessions and Tagai loans to those borrowers who stand in need of them, for the purpose of building houses on sanitary principles, and thus render the system more elastic and improve the physical state of their subjects.

The chief difficulties that strike me in the way of advancing these loans are the question of security, unproductive nature of the purpose for which these loans are proposed to be given and the question of increased income out of which these loans are to be repaid. Of course these loans will be unproductive directly. A more healthy and robust physique, saving of doctor's fees and cost of medicines, saving of loss of earnings on days of sickness, will however be indirect but very agreeable products. Small loans for building agriculturists' houses destroyed by fire or floods and for the purchase of agricultural means are often given under the Agriculturists' Loan Act on the collateral and personal security of the borrower. In these cases also collateral security of the immovable property or personal security of solvent persons may be taken to ensure repayment of the instalments adopted to the borrower's normal repaying capacity.

I have been told that the object for which these loans are proposed to be given is beyond the purview of the existing enactments. If with the executive powers which our Government have they are not authorised to grant such loans, I request that they should take such steps as would empower them to grant loans for building purposes, when the conditions about the security and repayment of loans are satisfactory.

I humbly submit that if Government should kindly see their way to accept this resolution, they will be carrying their benevolent policy of pushing on the sanitary reforms a step further and thus benefit a major portion of poor subjects as well as those of moderate means and enable them to become better citizens and lead a happy life.

With these remarks I commend this resolution of a non-contentious nature to the unanimous acceptance of the Council.

The Honourable Mr. W. D. SHEPPARD spoke as follows:—Your Excellency, I think it will obviate discussion on this matter if I say that Government are prepared to make enquiries in the direction indicated in this Resolution. It is impossible for us to accept the Resolution as it stands for the simple reason that Tagavi Loans are at present granted under special Agriculturists' Acts, that is to say, Acts relating to agricultural purposes, and building of houses is not one of the heads of loans which come under the Agriculturists' Loans Act. A further point is that even those Acts require the sanction of the Government of India, and if any large system of building houses on sanitary lines necessitating the advancing of money on a large scale is introduced in this Presidency, that question will require the previous sanction of the Government of India and possibly of the Secretary of State, so that it is quite impossible for us to accept the Resolution as it stands, but we are prepared to make enquiries as to the practicability of some scheme for enabling houses to be built in the places mentioned by the Honourable Mr. NAIK. In these circumstances, I would ask him to withdraw his Resolution.

The Honourable Ráo Sáheb NAIK:—I have no objection to withdraw the Resolution in view of the assurance given by the Honourable Member in charge.

The Resolution was by leave withdrawn.

His Excellency the PRESIDENT:—Resolution No. 8. "This Council recommends to His Excellency the Governor in Council that the Government should prospect for artesian water supply in the Deccan and Karnatic for irrigational purposes in view of frequent failures of rain and want of other irrigational facilities." The Honourable Mr. NAIK.

The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK read the following speech:—

Your Excellency,—The inspiration of moving this resolution flashed across my mind after reading Mr. KEATINGE's interesting notes on his recent tour in the continent, for the study of improved methods of agriculture, with a view to introduce them into this country as far as practicable, and particularly in the Santa Clara Valley in California, and the irrigation facilities in the territory of Hawaii by means of artesian wells. The note reminds me of such wells in the French territory of Pondicherry where water constantly flows aboveground through pipes of 4 to 6 inches in diameter without any trouble and cost of raising the same. The note also leads me to think how great an advantage it would be in our present agriculture if we get similar wells in the Bombay Deccan and Karnatic, which is so often a prey to scarcity consequent upon failures of seasonable rainfalls.

Government have recognised the necessity of pushing on irrigation works wherever possible. They have already completed many useful works, many similar works are in progress, while some more will be undertaken hereafter. We are loyally grateful to Government for this; but looking to the extent of the country I am afraid these works will not meet the situation. It has been ascertained after full investigation that that part of the Bombay Deccan and Karnatic which is liable to famine is unfortunately not suited to any irrigational works. Even after all possible irrigational works are completed, a considerable area will remain unprotected. Our present irrigational facilities are from three sources, viz., rivers and streams, tanks and wells. The first two kinds are entirely dependent upon rains and are only useful to very

limited area near them. The only supply for irrigation everywhere and for small holdings is from wells. The wells that we now have, have only surface water which is sufficient for irrigational purposes only in years of good rainfall, and moreover on account of precarious and deficient rainfalls in recent years the supply is inefficient and often fails when it is most urgently needed. Mr. KEATINGE depicts in his notes that Santa Clara Valley in California 30 years before was in a desolate state and was considered to be unfit for economical agriculture, but since the people took up to well-boring and have been able to tap artesian and sub-artesian supply of water there has been a vast change in their condition. The obvious lesson to be learnt in this respect is that if artesian and sub-artesian wells can be successfully bored in our Presidency, we may expect similar prosperity and the country will be greatly protected against famine. The present problem therefore is whether artesian or sub-artesian wells will be successful in our country. Experts on the subject say that a good deal of prospecting by exploration is necessary before concluding whether artesian wells will be successful in this part of the country. Mr. CHATTERTON of Madras irrigation is of opinion that there is undoubtedly a vast amount of subterranean supply of water which has never yet been made use of. It is more or less a matter of conjecture to say what is below the surface and to what depth the supply of artesian and sub-artesian water can be tapped. In the Manual of Geology of India the greater part of the Deccan and Karnatic is said to contain trap rock and in some places transition rocks. I am told that there is a belief that below these rocks on account of their impervious nature, there is uncertainty regarding the volume of water and its running under pressure. Mr. DOORIS, the boring expert in this Presidency, has, I am told, reported instances of having found water under trap within 100 feet from the surface. Mr. SHUTTE, our Agricultural Engineer, told me only 3 days before that since June last he has been able to bore 4 holes in the Deccan with good sub-artesian supply of water in trap strata. These and the recent successful boring operations made by the Sanitary department at Kelva Mahim in Thana district, where also Deccan trap was found to exist underground, have induced me to think and impress upon Government that it might be possible to get similar supply also in this part of the country. The fact that two years before when there was scarcity of water at Dharwar, where only surface water was known to be available, small borings with hand machines were made in some wells with the result that copious water was found to spring to a considerable height though not to the surface, and the fact that in my own Taluka where jumper experiments were made by the Taluka Local Board in some of its wells water was found to rise to a sufficient height, shows that there is possibility of finding artesian and sub-artesian supply of water if borings are taken deeper with more powerful machines. If the artesian capabilities of our country is systematically tested and the results are hopeful, I am sure agriculturists will not fail to bore wells by all possible means. It goes without saying that the range of possibilities of improvement in agriculture will be very extensive, if artesian water is tapped in this country. Boring wells by the agriculturists without any previous prospecting, as to whether the artesian or sub-artesian supply of water is possible, may end in failures and thereby cause much loss of money to them. As guardian of the country and guide to the agriculturists, it is a matter for the State to deal with this exploratory work, as the problem is too far difficult for private individuals to tackle, and thereby show to the ryots whether artesian or sub-artesian supply of water is possible in their neighbour-

hood. This prospecting work may in some cases result in failure. If fortunately a few cases prove successful they will compensate all the expenditure Government might undertake for this exploring work, and will in the long run lead to the agricultural prosperity and saving of famine expenses. Such benefits swell the public treasury and the outlay in prospecting will be repaid many times. The famine problem also will have been successfully solved in the area at least where such experiments prove successful, and the Government will earn the lasting gratitude of suffering millions.

I have omitted Gujarat and Sind from the purview of this resolution, the former as Government have been conducting experiments and mostly successful through the Engineering department of the Sanitary branch, and the latter as they have splendid irrigational facilities. I hope that my Honourable friends from those parts of the Presidency will not treat this resolution with disregard.

Under such hopeful prospects I beg to move my Resolution and place it before this Council with a hope that it will be unanimously accepted.

The Honourable Sir RICHARD A. LAMB spoke as follows:—Your Excellency, I suggested to my Honourable friend that he should make the modification in his Resolution which he has accepted, because the fact is that we are already doing a good deal of work in the matter of prospecting for artesian or sub-artesian water in the Dekhan and the Karnatik. I have in my hand papers detailing the work that has already been done, the work that is in contemplation, and the prospects of further success. We have in this matter enthusiasts in the persons of our present Director of Agriculture and the Agricultural Engineer and I was proposing, if there had been time, to have detailed to the Council what they have already done and what they contemplate doing, but as much time is past I propose to save the time of the Council by causing a Press Note to be prepared and published detailing the work done and what is in contemplation. There is not only the work of the Agricultural Department but there is the work of the Public Works Department also. The latter have not been devoting themselves so much to the agricultural aspect of the question as to the question of the water-supply of towns. They are carrying on considerable experiments in connection with that question. With Your Excellency's permission I will undertake to have a Press Note published describing what has been done, what is being done, and what is intended to be done in both the Departments, the Public Works and the Agricultural Departments, and with that I am perfectly willing to accept the resolution which has been moved.

The Honourable Ráo Sáheb NAIK :—I am very thankful to Government.

The Resolution was then put to the vote and carried.

His Excellency the PRESIDENT :—Resolution No. 9. The Honourable Ráo Bahádur RODDA.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA in moving his Resolution spoke as follows:—Your Excellency, the Resolution I have the honour to move runs thus—

“That this Council respectfully recommends the Bombay Government to take such steps as may be necessary to connect Karwar with Hubli or other convenient station on the Madras and Southern Maharatta Railway.”

It was suggested by the Honourable Sir RICHARD LAMB, the Senior Member of Council, that if I modified my resolution in the terms as under:—

“That this Council recommends that the Government of Bombay be pleased to bring to the notice of the Railway Board the desirability of examining the question of connecting Karwar with Hubli or other convenient station on the Madras and Southern Maratha Railway.”

there is a probability of my resolution being adopted. Therefore I beg to move the resolution on the subject.

It may be a matter of surprise to the Honourable Members that I should request for the construction of a railway line, in a sense abandoned by Government. The popular impression is that Government are keen on Railway development and that no goading is required to press them to undertake any profitable or necessary scheme. In fact it has been a standing complaint of popular representatives both in and out of Council that Government have neglected the claims of irrigation in their solicitude for Railway development. But without committing myself either way on the rival merits of Railways and Irrigation, I might say that the question of the Karwar Railway presents peculiar features of its own and I should like to urge that the point deserves the earnest consideration of Members, apart from the general aspects of Railway versus irrigation. In this civilized age Karwar District is traversed only by 6 miles of Railway from Tinai Ghat to Castle Rock. It forms one of the most neglected directions in the Presidency, so far as Railway development is concerned. The Karwar Railway is however an old question. Karwar was till 1864 under the Madras Presidency and as it was a foreign district wedged between the cotton districts of the Bombay Presidency and Bombay, it was taken over by the Bombay Government with a view of developing Karwar and connecting it by Railway from Karwar to Southern Maharatta Country in 1863. Surveys were undertaken by Government in 1869 and lines proposed by Kaiga and Arvail passes. The line by Arvail pass was preferred in 1869 and in 1874 Government incurred an expense of nearly 10 lakhs on the survey operations of the Karwar Railway, the Dharwar and Karwar Collectorates contributing themselves nearly $4\frac{1}{2}$ lakhs. The prospects of the Karwar Railway were very roseate and the Karwar Railway Committee composed of Mr. W. H. Havelock, the Commissioner; Colonel Anderson, the Survey Commissioner; Major Hanckot, the Secretary to Government; the Superintending Engineer Colonel Wilkins, and Mr. Currie, Agent, B. B. & C. I. Railway, went exhaustively into the subject and reported favourably if my memory fails me not on the matter. There is no use in going into the details by quoting all figures. These figures would have to be revised in the light of the present circumstances and the revision, if any, would be entirely in favour of the Karwar Railway. The trade of the Southern Maharatta Country which would naturally be diverted to Karwar has increased ten times. We have gained a good deal of experience of Ghat Railways. Railway Engineering skill has also increased and we will be able to negotiate the Karwar Railway at a much less expense than the Karwar Railway Committee anticipated. From Gadag to Hubli there is already a railway line reducing the mileage by 35 miles. This will also materially reduce the expense on the Karwar Railway.

The Karwar Railway Committee considered also the question of the Karwar Harbour which is inseparable from any project of the Karwar Railway.

The Karwar Harbour is one of the safest and the most natural harbours in the Presidency. From immemorial times Karwar has been doing a good deal of foreign trade and at one time 50,000 looms rattled at the bidding of the Karwar English factory in the Southern Maharatta Districts. The Portuguese then made many an attempt to ruin the English factory and they claimed a monopoly of the Karwar trade and the English Agent was withdrawn as they were in a position to enforce it. All this acts as a curious reminder when we consider the ill-advised desertions of Karwar by the Secretary of State in favour of Marmugoa. The Bombay Government have all along supported the Karwar Railway scheme and the resolution on the Karwar Railway report shows clearly that the Bombay Government have not been remiss in their attention to the subject. Had there not been a division in the Bombay Chamber of Commerce on the subject and had not the Madras Chamber gone to the length of sending two representatives to London to protest against the scheme we would have got the Railway. The opposition of Bombay and Madras was based not on any inherent defect in the scheme but on the fear that Karwar might prove a serious rival to them. Meanwhile a group of English merchants styled themselves the Stafford House Committee and opened negotiations with the Portuguese Government. Most unfortunately the Secretary of State decided to abandon the Karwar Railway in favour of a line to be run by the Stafford House Committee from Marmugoa to Hubli. Eventually the Committee was allowed to run to Hubli because it was found inadvisable to allow a line guaranteed by a Foreign Government to control a line in the British territories.

His Excellency the PRESIDENT :—Order, order, I really cannot allow the Honourable Member to refer to any matter affecting the relations of His Majesty's Government with a Foreign State. The matter he is referring to affects the relations of the Imperial Government with a Foreign State and I cannot therefore allow him to refer to it.

The Honourable Mr. RODDA :—Very well, my Lord, I shall not refer to it.

The Stafford House Committee has not fulfilled the contract of constructing a line to Hubli, they cannot prevent the construction of the Hubli-Karwar line. Everyone has admitted that the construction of the Marmugoa line has seriously interfered with the trade of Karwar. The Imperial Gazetteer says that the trade of Karwar has markedly decreased since the opening of the Western India Portuguese Railway line. The Bombay Administration Report for 1892-1893 says, when the district was first opened out by roads there was a very large trade from Belgaum, Dharwar and Mysore which passed through the district and was exported to Bombay and other places, through the sea ports of Karwar and Kumta. The opening of the Portuguese Railway to Marmugoa and its connection with the Madras and Southern Maratha Railway have almost entirely diverted this trade and much injured the district and the roads formerly crowded with carts are now almost deserted. In the Settlement Report of the Karwar Taluka Mr. MacGregor says that "at the introduction of the Survey, Karwar was a new port, lately converted into the headquarters of the district and with promise of a Railway. Karwar in fact was then booming and prices were at fancy figure. It must be admitted that the opening of the Railway to Marmugoa has diverted the streams of carts loaded with cotton which came to Karwar from Hubli and which probably returned to the Karnatak laden with rice and salt. In these days Karwar exported produce grown outside the district, now there is no export at all." Kumta had a trade of two crores

and Karwar 30 to 40 lakhs before the opening of the Railway. Now the trade of Kumta has entirely disappeared and that of Karwar has been reduced to 3 or 4 lakhs. It is a mistake to suppose that the Poona-Hubli line is responsible for the diminution of the Karwar trade. Cotton is exported *via* Marmagoa and never *via* Poona from the cotton area. They should revive the Karwar Railway question, get the estimates revised and begin the construction of the line from Hubli to Karwar without any delay. Much of the trade of Marmagoa is not its natural trade as will be evidenced by a reference to the income of the Western India Portuguese Railway before 1902 and now. It is only by the contract of the Madras and Southern Maharatta Railway with the Western India Portuguese Railway which was executed in 1902, that trade of Marmagoa has hugely increased. What was the gross profit in 1903 is now the net profit of the line. Now there is to be a metre-gauge line from Raichur to Gadag running through the cotton area and serving the Hutti Gold mines. All this trade now will be diverted to Karwar if a Railway is opened. I have purposely said nothing as to the agency which Government should adopt in the construction of the Karwar Railway line. It is for them to decide whether it should be a State Railway or a guaranteed Railway or if Government will permit me to say, a District Local Board Railway. I strongly urge upon Government to request the Railway Board to discuss the whole question in all its bearings and then decide whether the Karwar Railway should be taken in hand or shelved.

The utility of the Railway cannot be judged by merely taking into consideration the actual profit and loss account of the scheme. The indirect advantages of the Karwar Railway cannot be ignored. Obviously Karwar can never remain content with only three miles of Railway. The increase in land assessment and the increased forest revenue which Government would derive from the Karwar Railway should be taken into consideration when we decide upon the merits and demerits of the Karwar Railway. Above all it is a question of the Karwar Harbour. When Providence has given us such a safe, natural, convenient and beautiful harbour just close to the cotton area it would certainly be a blessing to the Province to have it connected by Railway.

I am very glad to mention here that the Indian merchants already moved in the matter and supported the Karwar project. This, coming from the Bombay merchants, would prove to the honourable members that Bombay is not at all afraid of development of Karwar. If Government preferred to have a guaranteed Railway they might give the first option to Madras and Southern Maharatta Railway. I am concerned only with the construction of a Railway line from Hubli to Karwar. With these few words I beg to commend the Resolution to the Council and trust that it will be unanimously passed; and I entirely leave the modified Resolution for the acceptance of the Honourable Members.

The Honourable Sir RICHARD A. LAMB spoke as follows:—Your Excellency, I suggested to the honourable member to modify the form of the resolution indicating to him that in that form I was perfectly willing to accept it. I hoped that by that suggestion I should be able to head him off from attempting to discuss matters which Your Excellency in accordance with the Rules of this Council had to check him from discussing. However, my honourable friend did not apparently think fit to accept the suggestion I made to him, and had to incur the closure enforced upon him by Your Excellency.

As regards the question of railways, this Council is well aware that it is a matter which is not in our power at all. It is reserved by the Government of India to itself, and when this Resolution came up, I was very doubtful indeed whether it would not be proper to recommend to Your Excellency to rule it out of order as a Resolution which ought to be moved in the Legislative Council of the Governor General. However, since it is a matter of local interest whether there should or there should not be a railway at Karwar, I refrained from making such a recommendation in order that it might come forward; but it is perfectly obvious that we cannot possibly enter into questions which are reserved by the Government of India to itself, and we therefore cannot talk about the relation of the Western India Portuguese Railway to any possible railways that may hereafter be constructed conducting to the Port of Karwar. In these circumstances, the utmost we can do is, I venture to submit, that this Council can recommend to the Government of Bombay to bring to the notice of the Railway Board the desirability of examining the question of connecting Karwar with Hubli. In that form I am willing to accept a resolution. We can bring to the notice of the Railway Board the feeling that exists in the Southern Mahratta Country of the desirability of such a line, and we can suggest to them the advisability of considering whether it is practicable to undertake such a line. Honourable Members will have seen that the reply to one of the questions on this subject, was that we, Your Excellency's Government, are at present of the opinion that it is impracticable to consider any such scheme. However, there is no harm in putting the question before the Railway Board and letting them examine it. I am therefore prepared to accept on behalf of Your Excellency's Government the Resolution as amended.

The Resolution as amended was then put to the vote and carried.

His Excellency the PRESIDENT :—Resolution No. 10. **“This Council recommends to His Excellency the Governor in Council that the principle of appointing Advisory Excise Committees be now extended to smaller towns and rural areas in the Presidency.”** The Honourable Mr. KAMAT.

The Honourable Mr. BALKRISHNA SITARAM KAMAT in moving his resolution spoke as follows :—Your Excellency, I am told that certain points which are intimately connected with the subject matter of my resolution are already under discussion between this Government and the Government of India, and I cannot therefore move this resolution in this Council. I therefore beg leave to withdraw the resolution, and hope to bring it later on when the correspondence between this Government and the Government of India is at an end.

The resolution was by leave withdrawn.

His Excellency the PRESIDENT :—Before we withdraw to allow Honourable Member to elect their Finance Committee, I should like to make a few remarks before the conclusion of our business of this session.

In the first place, I should like to congratulate Honourable Members on having created a record as far as the sittings of our Council are concerned. A record both with regard to the length of a session, a record with regard to the number of measures that have been passed in one session, and a record with regard to the amount of interesting business that we have discussed and got through during that session; I sincerely trust that I have not put an undue strain on Honourable Members by the length of time I

have made them sit day by day in Council; and I trust that they will agree that Government has shown a readiness and an anxiety to co-operate with them and to receive such suggestions as they could with regard to amendments in reference to Bills and to the various resolutions which have been brought before the Council. (Hear, hear). Our anxiety, as I hope Honourable Members will believe, is to receive their full co-operation in order that we should secure the general improvement of Bills before they get through this Council and pass into law.

Now having regard to the increasing length of our debates, I should just like to make two observations, and I make them with all possible respect and deference to Honourable Members. Two observations with regard to our procedure which I would really like Honourable Members to consider, for I have observed certain things which I think it is only right that I should put before them. One is this. I would be glad if Honourable Members will recognise that the second reading debate is the debate in which they are perfectly at liberty to make full speeches on the general details and principles of any measure, but when we come to clauses, I would urge upon them to remember that that is merely a business discussion, and I do feel—and I say it with all possible respect—that there have been occasions when Honourable Members have risen and have made speeches rather in the nature of second reading speeches on amendments of clauses, when I think those amendments might have been spoken to in a very few sentences and the reasons put forward much more briefly.

The other remark that I have to make with still more diffidence and respect is this, that I do not think that it is necessary that Honourable Members should make speeches on every single matter that comes up before the Council.

In conclusion, let me thank Honourable Members extremely for the assistance they have given me during the course of this long and strenuous session in carrying on the business in an orderly, friendly and parliamentary manner.

The Council will now adjourn *sine die*.

The Council then adjourned *sine die*.

By order of His Excellency the Right Honourable the Governor

S. G. KHARKAR,
Acting Secretary to the Legislative Council.

The following papers which were placed on the Council Table at the meeting of the Legislative Council of the Governor of Bombay held on the 8th December 1914 are published for general information:—

LIST OF BUSINESS, BROUGHT UP-TO-DATE, TO BE BROUGHT FORWARD AT A MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD IN THE COUNCIL HALL, SECRETARIAT, BOMBAY, ON TUESDAY, THE 8TH DECEMBER 1914, AT 12 NOON.

I.—NEW MEMBERS:—

New Additional Members will, under Regulation VII of the Regulations for the Nomination and Election of Additional Members, make the oath or solemn affirmation before taking their seats.

II.—QUESTIONS ASKED BY HONOURABLE MEMBERS AND ANSWERS THERETO:—

(A list of Questions and Answers will be printed separately and placed on the Council Table.)

III.—BILLS:—

1. A Bill to provide for the making and execution of town planning schemes—*Second Reading* (vide item No. 1 under head VI).
 - (i) *For notice of amendments by the Honourable Mr. C. H. A. Hill, C.S.I., C.I.E., I. C. S., vide items under head IV.*
 - (ii) *For notice of amendment by the Honourable Mr. E. G. Turner, I. C. S., vide item under head IV.*
 - (iii) *For notice of amendments by the Honourable Rao Saheb V. S. Naik, vide items under head IV.*
 - (iv) *For notice of amendments by the Honourable Mr. B. S. Kamat, vide items under head IV.*
 - (v) *For notice of amendments by the Honourable Rao Bahadur G. K. Sathe, vide items under head IV.*
 - (vi) *For notice of amendments by the Honourable Mr. V. J. Patel, vide items under head IV.*
 - (vii) *For notice of amendments by the Honourable Mr. S. B. Upasani, vide items under head IV.*
2. A Bill to provide for a survey of the Town and Island of Bombay—*First Reading.*
3. A Bill further to amend the Bombay City Land-Revenue Act, 1876—*First Reading.*
4. A Bill to decentralize and otherwise to facilitate the administration of certain enactments in force in the Presidency of Bombay—*First Reading.*
5. A Bill to authorize the levy of dues on vessels for the provision of lights on the coast of the Province of Sind—*First Reading.*

IV.—MOTIONS OF AMENDMENTS OF WHICH NOTICES HAVE BEEN GIVEN.

Under sub-rule (4) of rule 35 of the Rules for the Conduct of Business, notices have been received of the following amendments to Bill No. V of 1913, (a Bill to provide for the making and execution of town planning schemes), as amended by the Select Committee :—

Clause 1.

- (1) From the Honourable Mr. V. J. Patel—

Substitute the following for sub-clause (2) of clause 1 :—

“(2) It shall extend in whole or in part to such part or parts of the Bombay Presidency to which the Governor in Council may, by notification in the *Bombay Government Gazette*, make it applicable :

Provided that no part of this Act shall be extended to any area in the Presidency falling within the jurisdiction of any local authority except on the previous application to the Governor in Council by such local authority, such application having been previously assented to by a majority of the whole number of members constituting that authority.”

- (2) From the Honourable Mr. S. B. Upasani—

Add the following to sub-clause (2) of clause 1 :—

“Provided that this Act shall not be extended in whole or in part to any area within the jurisdiction of a Local Authority or within 3 miles therefrom without the consent of the majority of the whole body of that Local Authority.”

Clause 3.

- (3) From the Honourable Mr. V. J. Patel—

Delete sub-clause (j) of clause 3.

Clause 7.

- (4) From the Honourable Mr. V. J. Patel—

Substitute the following for clause 7 :—

“7. Notwithstanding anything contained in section 7 or in sub-section (3) of section 187 of the Bombay District Municipal Act, 1901, the Governor in Council may declare any specified area for which it is proposed to make a town planning scheme to be a Municipal District or a notified area and notwithstanding anything contained in proviso to sub-section (1) of section 188 of that Act a Committee for any notified area for which it is proposed to make a town planning scheme shall consist of not less than 5 and not more than 7 members of whom a majority shall be elected residents of that area.”

Clause 8.

- (5) From the Honourable Mr. S. B. Upasani—

At the end of the para. of sub-clause (1), add ‘or is required to be so used for the development and extension of any adjoining city or town’.

Clause 9.

- (6) From the Honourable Mr. C. H. A. Hill, C.S.I., C.I.E., I. C. S.—

In sub-clause (1) of clause 9, for the words “the preceding section”, the word and figure “section 8” shall be substituted.

(7) From the Honourable Mr. V. J. Patel—

In clause 9, sub-clause (1), add the following words between the words "whole or any part of such land and" and the words "of any land which is in the vicinity" "with the consent of the District Local Board concerned".

(8) From the Honourable Mr. S. B. Upasani—

In sub-clause (5) of clause 9, substitute the words "two months" for the words "one month".

Clause 10.

(9) From the Honourable Rao Saheb V. S. Naik—

(i) In sub-section (1) of section 10, the words "and sanitary experts" shall be added between the words "owners" and "prepare".

(ii) In sub-section (2) of section 10, the words "and such sanitary officers as they deem necessary" shall be added between the words "owners" and "prepare".

Clause 13.

(10) From the Honourable Mr. S. B. Upasani—

In clause 13, substitute the words "two months" for the word "one month."

Clause 15.

(11) From the Honourable Mr. S. B. Upasani—

In sub-clause (1) of clause 15, delete the words 'declaration of intention to make a' and substitute the word 'draft'.

(12) From the Honourable Mr. E. G. Turner, I. C. S.—

In clause (b) of sub-clause (1) of clause 15, for the words "sends no answer", the words, "communicates no decision" shall be substituted.

Clause 16.

(13) From the Honourable Mr. S. B. Upasani—

(i) In clause (b) of sub-clause (1) of clause 16, delete the words 'or estimated to be spent'.

(ii) In clause (d) of sub-clause (1) of clause 16, for the words "declaration of intention to make a" substitute the words "publication of the draft."

Clause 17.

(14) From the Honourable Mr. S. B. Upasani—

In clause 17, for the words "declaration of intention to make a" substitute the words "publication of the draft".

Clause 18.

(15) From the Honourable Mr. S. B. Upasani—

In paragraph 1 of sub-clause (1) of clause 18, substitute the following:—

'The costs of the scheme shall be met by the Local Authority and Government in such proportion as Government may fix having regard to the means of the Local Authority and part of it may be

levied if thought necessary by the Local Authority by way of contribution in the form of differential rates on the plots included in the scheme having regard to the extent of their area with reference to the whole area included in the jurisdiction of the Local Authority and the relative advantages which may be enjoyed by them respectively by reason of the execution of the scheme and all other circumstances of the case.'

Clause 19.

(16) From the Honourable Mr. S. B. Upasani—

In line 15 of clause 19, for the words "declaration of intention to make a" substitute the words "publication of the draft".

Clause 21.

(17) From the Honourable Mr. S. B. Upasani—

In paragraph 2 of clause 21, for the words "declaration of intention to make a" substitute the words "publication of the draft".

Clause 27.

(18) From the Honourable Mr. S. B. Upasani—

In sub-clause (2) of clause 27—

For the portion 'It' after the word 'but' in line 5 up to the end substitute the following:—

'If the agreement be disallowed or modified by Government or by the Tribunal of Arbitration either party shall have the option to avoid it if they so elect.'

Clause 28.

(19) From the Honourable Mr. V. J. Patel—

Delete clause 28.

(20) From the Honourable Mr. S. B. Upasani—

Delete the words 'by the Collector' in lines 4 and 5 and substitute 'municipal dues' for 'land revenue' in line 7 and delete the words 'on application being made to him'.

Clause 31.

(21) From the Honourable Rao Bahadur G. K. Sathe—

In clause 31 add the figures "3, 7" in 2nd and 3rd line on page 14.

(22) From the Honourable Mr. V. J. Patel—

In clause 31, add "(3)" after the words "arising out of clauses" and before "(4)" and add "(7)" after "(6)" and before "and (9)".

(23) From the Honourable Mr. S. B. Upasani—

Add sub-clauses (2), (3), (7), and (8) of clause 30 to those mentioned in clause 31.

(24) From the Honourable Mr. C. H. A. Hill, C.S.I., C.I.E., I. C. S.—

In clause 31, after the figures "30", the words and figures "and subject to provisos contained in clause (10) of section 30" shall be inserted.

Clause 32.

- (25) From the Honourable Rao Bahadur G. K. Sathe—
In clause 32, add the figures " 3, 7 " in line 2.
- (26) From the Honourable Mr. V. J. Patel—
In clause 32, add "(3)" after the words " arising out of clauses " and before "(4)" and add "(7)" after "(6)" and before " and (9) ".
- (27) From the Honourable Mr. S. B. Upasani—
Add sub-clauses (2), (3), (7) and (8) of clause 30 to those mentioned in clause 32.

Clause 33.

- (28) From the Honourable Mr. C. H. A. Hill, C.S.I., C.I.E., I. C. S.—
In sub-clause (2) of clause 33, after the word " be " the words " a person who holds or has held office as " shall be inserted, and after the word " Justice " the words " in the District of Karachi, be such Additional Judicial Commissioner as may be appointed by the Judicial Commissioner ", shall be inserted.
- (29) From the Honourable Mr. B. S. Kamat—
In section 33, clause (3), after the word ' impartial ', insert the word ' non-official '.
- (30) From the Honourable Mr. S. B. Upasani—
In sub-clause 3 of clause 33, for the portion after the words ' to be ' in line 2 substitute ' to be selected by the majority of the owners of the plots included in the scheme '.
- (31) From the Honourable Mr. C. H. A. Hill, C.S.I., C.I.E., I. C. S.—
In sub-clause (3) of clause 33, after the word " such " the words " person who holds or has held office as a " shall be inserted; and after the word " Court ", the words, " in the District of Karachi, by such Additional Judicial Commissioner ", shall be inserted.
- (32) From the Honourable Rao Bahadur G. K. Sathe—
In sub-clause (5) of clause 33, add the figures " 3, 7 " in line 23.
- (33) From the Honourable Mr. V. J. Patel—
In sub-clause (5) of clause 33, add "(3)" after the words " arising out of clauses " and before "(4)" and add "(7)" after "(6)" and before " and (9) ".
- (34) From the Honourable Mr. S. B. Upasani—
Add sub-clauses (2), (3), (7) and (8) of clause 30 to those mentioned in clause 33 (5).

Clause 37.

- (35) From the Honourable Mr. C. H. A. Hill, C.S.I., C.I.E., I. C. S.—
Omit clause 37.

Clause 38.

- (36) From the Honourable Rao Bahadur G. K. Sathe—
In sub-clause (1) of clause 38, add the figures " 3, 7 " in line 8.
- (37) From the Honourable Mr. V. J. Patel—
In sub-clause (1) of clause 38, add "(3)" after the words " arising out of clauses " and before "(4)" and add "(7)" after "(6)" and before " and (9) ".

(38) From the Honourable Mr. S. B. Upasani—

Add sub-clauses (2), (3), (7) and (8) of clause 30 to those mentioned in clause 38 (1).

Clause 40.

(39) From the Honourable Mr. B. S. Kamat—

(i) In section 40 delete the words from "The Arbitrator and the Assessor appointed under sub-section (3) of section 33 respectively, shall, save where he is a salaried officer of Government" and substitute "The Arbitrator, save where he is a salaried officer of Government and the Assessor appointed under sub-section (3) of section 33 shall".

(ii) In section 40, clause (2), delete the words 'and of an assessor'.

Clause 41.

(40) From the Honourable Rao Bahadur G. K. Sathe—

In sub-clause (1) of clause 41 add the figures "3, 7" in line 4.

(41) From the Honourable Mr. V. J. Patel—

In clause 41, add "(3)" after the words "arising out of clauses" and before "(4)" and add "(7)" after "(6)" and before "and (9)".

(42) From the Honourable Mr. S. B. Upasani—

Add sub-clauses (2), (3), (7) and (8) of clause 30 to those mentioned in clause 41.

Clause 47.

(43) From the Honourable Mr. S. B. Upasani—

In sub-clause (1) of clause 47, between the words "scheme" and "may" in lines 1 and 2, insert "if found unworkable".

Clause 48.

(44) From the Honourable Mr. S. B. Upasani—

(i) Between the words 'scheme' and 'shall' in line 8 insert 'or has suffered any substantial loss or injury'.

(ii) Between the words 'abortive' and 'by' in last but one line insert 'or loss or injury sustained'.

Clause 49.

(45) From the Honourable Mr. V. J. Patel—

Delete clause 49.

Clause 51.

(46) From the Honourable Mr. S. B. Upasani—

In sub-clause (1) of clause 51, for the portion after the word 'with' in the last but one line, substitute 'any scheme prepared under the provisions of the Act'.

V.—DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST—

Resolution by the Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law—

That this Council begs to express its deep conviction of the righteousness of the cause of Great Britain in its participation in the present War and assures His Majesty's Government of the unswerving

loyalty and devotion of all communities and classes to the British Throne and offers its humble service to Government during the crisis, and prays that the Governor in Council will be pleased to convey this expression of opinion to His Majesty's Government.

VI.—PAPERS TO BE PRESENTED TO THE COUNCIL—

1. Report of the Select Committee appointed to consider Bill No. V of 1913 (A Bill to provide for the making and execution of town planning schemes).
 2. Petition from the Joint Secretaries, Matunga Residents' Association, No. D—13-14, dated the 2nd March 1914, in connection with Bill No. V of 1913 (A Bill to provide for the making and execution of town planning schemes).
 3. Letter from the Government of India, Legislative Department, No. 3051, dated the 2nd September 1914—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law further to amend the Bombay Tramways Act, 1874.
 4. Letter from the Government of India, Legislative Department, No. 3115, dated the 4th September 1914—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law further to amend the Bombay Civil Courts Act, 1869.
 5. Letter from the Government of India, Legislative Department, No. 3118, dated the 4th September 1914—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law further to amend the Aden Port Trust Act, 1888.
 6. Letter from the Government of India, Legislative Department, No. 3459, dated the 21st September 1914—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law further to amend the Bombay Port Trust Act, 1879.
 7. Letter from the Government of India, Legislative Department, No. 3708, dated the 9th October 1914—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law further to amend the Bombay District Municipal Act, 1901.
 8. Letter from the Government of India, Legislative Department, No. 3727, dated the 12th October 1914—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law further to amend the Bombay Land-Revenue Code, 1879.
 9. Petition from Mr. Rajaram Tukaram and others (inhabitants of Salsette), dated the 2nd December 1914, in connection with Bill No. V of 1913 (a Bill to provide for the making and execution of town planning schemes).
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LEGISLATIVE COUNCIL, 8th DECEMBER 1914.

LIST OF QUESTIONS AND ANSWERS.

*Questions.**Answers.*

THE HONOURABLE MOULVIE
RAFIUDDIN AHMAD.

1. Will Government be pleased to state—

(a) If it is true that the Mahomedan stipendiary students in the Ahmedabad Training College for Men who are bound to reside within the college are prohibited from taking animal food within the precincts?

(b) Whether the students had approached the Educational Inspector, N. D., with a prayer for the redress of the above grievance and whether that officer had asked them to apply to him through their Principal?

(c) Whether the Principal of the College had refused to forward both their collective and individual applications to the Inspector, N. D.?

(d) If the matter has been brought to their notice, are Government taking any steps to remove this anomalous prohibition?

(a) There has been no such express prohibition but it is the fact that since the establishment of the college both the Mahomedan and the Hindu students have partaken of the same vegetable diet which is prepared in a common kitchen. This is the diet to which these students, who are not at all well off, are accustomed in their own village homes. Moreover, there was no indication on the part of the Mahomedan students until the 9th April 1914, of a desire that the diet should include animal food.

(b) The Educational Inspector had already inquired into the matter before the students approached him directly and had instructed the Principal of the College to inform them that there was no convenient place where separate arrangements could be made for the cooking of their food and that they should therefore wait until the proposed new blocks of buildings were ready. When the students approached him he referred them to the Principal.

(c) Yes. The joint application of the Mahomedan students was returned to them because it infringed the standing orders of Government and the college hostel rules on the subject, while the individual applications were returned to them as there was no necessity for submitting them to the Educational Inspector, the latter having already decided the question after personally going into it at the college.

(d) Since the 9th August 1914, temporary arrangements have been made for a separate kitchen for Mahomedan students.

Questions.

2. Is it a fact that at the present time there is not a single Mahomedan Head Master in any of the Government High Schools throughout the Presidency? If so, will Government be pleased to give the reasons for this?

Government High Schools and Mahomedan Head Masters.

3. Will Government be pleased to give the following information:—

(a) The number of Mahomedan students in each Government High School in the Presidency proper;

High Schools and Mahomedan students.

(b) Their percentage to the total number of students in each High School?

(c) The number of Mahomedan free students in each of the High Schools?

4. In connection with the recent Government Press Note on the subject of Municipalities and Communities, will Government be pleased to inquire and place on the Council Table a list of all the Municipalities in the Presidency proper in which no Muhammadan member has been elected since the enactment of the Local Self Government Act of 1882 up to the year 1912?

Municipalities—Election of Muhammadans to—

[These questions were asked at the Meeting held on the 27th July 1914 when ad interim replies were given.]

Answers.

2. Yes. The reason for this is that of the eight Mahomedan graduates at present serving in Government secondary schools only one has as yet completed even five years' service. With this single exception, which is moreover of quite recent date, these graduates do not consequently possess the experience required in a head master.

3. The accompanying statement gives the information required by the Honourable Member (see Appendix A).

(See Appendix A.)

4. The information required by the Honourable Member is given in the following statement:—

Division.	Municipalities
Northern Division.	Gogha, Sanand, Nadiad, Kaira, Umreth, Anand, Broach, Bassein, Mahim.
Central Division.	Kharda, Amalner, Sawda, Faizpur, Betawad, Shirpur, Nandurbar, Sinnar, Poona, Baramati, Alandi, Jejuri, Tasgaon, Ashta and Sangola.
Southern Division.	Athni, Sanndatti, Yellama, Gokak, Nipani, Navalgund, Byadgi, Haveri, Kumta, Sirsi, Haliyal, Honavar and Vengurla.

Questions.

Answers.

THE HONOURABLE MR. DATTA,
TRAYA VENKATESH BELVI,

1. Will Government be pleased to state—

(a) the average number of pupils in the Government High School at Bijapur and the Municipal Anglo-Vernacular School at Bagalkot in each of the last 7 years,

(b) the maximum number of pupils to whom the said High School is open at present,

(c) the amount of money, if any, raised by public subscription and now lying in the hands of the Municipality at Bagalkot for developing the said Anglo-Vernacular School into a High School, and

(d) the conditions on which the said Anglo-Vernacular School will be permitted to be raised to the status of a High School?

2. (a) Is it a fact that the Collector of Bijapur has issued orders that the official correspondence of the District shall be carried on in certain cases in the Balbodh script in lieu of Kanarese?

(b) Did the Collector obtain the sanction of Government before issuing such orders?

(c) Were the opinions of any non-official gentlemen in the District invited before the said orders were issued?

(d) Was it ever published in the *Bombay Government Gazette* before the orders under consideration were issued that it was intended to change the script of the district and that it was open to

1.

(a) For the figures of previous years the Honourable Member is referred to column 7 of the subsidiary form No. 2 given in the supplements to the annual reports of the Director of Public Instruction. For the year 1913-14 the average number of pupils in the Bijapur High School and the Municipal Anglo-Vernacular School at Bagalkot was 410 and 210 respectively.

(b) The maximum number of pupils fixed for the Bijapur High School is 510.

(c) Government are informed that no money has been raised by public subscriptions for converting the Bagalkot Anglo-Vernacular School into a High School.

(d) In the present unsatisfactory condition of the existing municipal schools Government are not prepared to permit this change on any conditions.

2. (a) Early in 1909 experiments were made by the Collector of Bijapur in regard to the introduction of the Balbodh script, chiefly in the writing of magisterial depositions. The experiment has since been abandoned.

(b) No.

(c) No.

(d) No.

Questions.

Answers.

the public to state their objections, if any, to the intended change within a prescribed period of time?

3. (a) Has the Commissioner, S. D., ordered that ground-rent at the rate of Rs. 40 per acre should be levied on pôt-kharab land used as building sites in the Kanara district?

Ground-rent for building land in Kanara District.

ordered that ground-rent at the rate of

Rs. 40 per acre should be levied on pôt-kharab land used as building sites in the Kanara district?

- (b) What is the area of the land so assessed?

3. (a) The Commissioner, S. D., has issued no such orders; but a ground-rent at the rate of Rs. 40 per acre has been imposed by the Collector of Kanara in respect of certain building plots in favoured localities within the limits of the Municipalities of Kumta and Honavar which had escaped assessment at the time of the original survey settlement of these talukas.

- (b) The area of the land so assessed is—

	G.	As.
(1) In Municipal limits of Kumta	22	5
(2) In Municipal limits of Honavar	10	12
Total	33	1

- (c) Will Government be pleased to lay on the Table of the Council a copy of the Commissioner's orders?

- (c) *Vide* reply to (a) above.

- (d) Are the orders for the levy of ground-rent on pôt-kharab lands in conformity with the rules laid down in the Survey and Settlement Manual?

- (d) There are no orders under which pôt-kharab lands used as building sites are exempted from the payment of the building assessment.

4. (a) * * * * *

4. (a) * * * * *

- (b) * * * * *

- (b) * * * * *

- (c) What is the total area of land let out for *Soppu* and what is the amount of revenue realised from *Soppu* lands from the 1st of August 1913 to the end of June 1914?

Lands leased for manure of green leaves and revenue therefrom in Karwar District.

and what is the amount of revenue

realised from *Soppu* lands from the 1st of August 1913 to the end of June 1914?

- (c) No *Soppu* assignments were made between August 1st, 1913, and the end of July 1914. No revenue has been realised, nor has the levy of any revenue from *Soppu* assignments ever been contemplated.

[These questions were asked at the meeting held on the 27th July 1914, when ad interim replies were given.]

*Questions.**Answers.*

THE HONOURABLE MR. G. M.
BHURGRI.

1. (a) Will Government be pleased to state if the Working of section 110 of the Criminal Procedure Code. enquiry instituted into the working of section 110, Criminal Procedure Code, is completed?

(b) If so, will Government be pleased to lay on the table the papers connected with the enquiry, along with any orders Government may have passed in the matter?

(c) If not, will Government be pleased to state when the enquiry is likely to be completed?

1. Government have caused full enquiries to be made into the working of Chapter VIII of the Code of Criminal Procedure in Sind, and are satisfied that there are no reasonable grounds for discontent. The records of 3,060 prosecutions during the last four years have been examined; only 115 of these cases were found by the Magistrates to be untrue, and in a large number of these the police were not held to have been directly responsible. The Commissioner in Sind has recently issued orders which will ensure even closer supervision than at present of cases under this Chapter by the District Superintendents of Police and Inspectors. Government will continue to give the matter close attention.

Government do not consider it necessary at the present stage to lay on the table the papers of the enquiry.

2. (a) Has the attention of Government been drawn to an newspaper article of the working of section 110 of the Criminal Procedure Code. article, entitled "Section 110 and its disastrous consequences", appearing in the issue of the 21st November 1914, of the "Aftabe Sind" published at Sukkur?

(b) If so, will Government be pleased to state if the presentment of facts is correct or otherwise?

3. (a) Is it a fact that many Zamindárs who held Cancellation of the grants of lands held on restricted tenure in Sind. land on "Kabuli" tenure prior to the advent of the Jámrao Canal were subsequently given the same lands on restricted tenure?

(b) Is it a fact that some such grants have been cancelled for failure to comply with the conditions applicable to restricted tenure, such as the erection of a permanent structure, etc.?

2. No; but enquiries are being made.

3. Government have no information in the matter and do not propose to call for it. As the Honourable Member is aware, if any Zamindár is dissatisfied with the action of the local officers, it is open to him to submit his case to Government.

Questions.

4. (a) Will Government be pleased to state if they have come to any decision regarding the disposal of the cotton crop in Sind?
- (b) If so, will Government be pleased to state their decision?
- (c) Do Government intend to make any concessions to the cotton-growers in view of the depreciation of the cotton rates to nearly one-half of those ruling during the past few years?

Answers.

4. The question of taking measures to support the cotton trade is under consideration.

THE HONOURABLE MR. FAZAL-BHOY MEHARALLI CHINYOY.

1. (a) Have Government ascertained the feelings of Muhammadan boys towards Technical and Commercial Education? What is the proportion of Muhammadan students taking advantage of the Technical College in Bombay and the Engineering College at Poona?

[This question was asked at the meeting held on the 27th July 1914, when an ad interim reply was given.]

1. (a) The first part of the question has already been replied to. The information asked for by the Honourable Member in the second part of his question is given below:—

Name of the Institution.	Total number of Students.	Number of Muhammadans.	Percentage of Muhammadan Students to the total number of Students.
College of Engineering.	166	5	3
Do. Workshop...	132	4	3
Victoria Jubilee Technical Institution ...	337	11	3
" Total ...	635	20	3

THE HONOURABLE SYED ALI EL EDROOS.

1. (a) With reference to my question No. 5 at the Council meeting on the 28th July last, regarding the existing night-soil depôt at Surat, will Government be pleased to state (a) whether the depôt is not also a nuisance to the inhabitants residing in the North-East direction of the City, and (b) to the residents of Gotalavadi, a hamlet of Katargam?

1. (a) and (b) Yes, to a certain extent, especially after the monsoon.

Questions.

- (c) Will Government be pleased to enquire how long will it take to remove the existing depôt nuisance?

[This question was asked at the Meeting held on the 27th July 1914, when an ad interim reply was given.]

THE HONOURABLE DEWAN BAHADUR KASHINATH RAMCHANDRA GODBOLE.

1. (a) Are Government aware that the Travellers' Bungalows at Medha and Wái. Bungalows at Medha and Wái in Sátára District have been abolished and that the Public Works Department Inspection Bungalows have been provided at these places instead, which cannot be occupied by non-official gentlemen without the permission of the Executive Engineer previously obtained?

[This question was asked at the Meeting held on the 27th July 1914, when an ad interim reply was given.]

THE HONOURABLE MR. BALKRISHNA SITARAM KAMAT.

1. Is it true that in certain districts like Sátára the system of daily muster-call for Mangs was kept in abeyance a few years ago and if so, with what results?

Have Government considered the desirability of permanently exempting from this general disability such members of the Mang community as may be found to have settled, honest occupations in life?

2. Have Government also considered the practicability of granting disforested land, where

Answers.

- (c) As a temporary measure, pending the inauguration of the underground drainage scheme, arrangements are being made for the incineration of a large portion of the night-soil and these will be in operation during the coming fair season.

1. (a) The Travellers' Bungalow at Medha was converted into an Inspection Bungalow as it was found the most satisfactory arrangement, there being practically no necessity for a Travellers' Bungalow there. It is proposed to build a new Travellers' Bungalow at Wái as soon as funds can be provided for it. The old one was condemned and was sold at the end of last year.

1. The system of daily roll-call for Mangs and other criminal tribes was discontinued in the Sátára District during the years 1908 to 1910. Government are informed that the results were deplorable. The system was, therefore, reintroduced in December 1910.

The answer is in the affirmative. The registers are under preparation, and Mangs having settled, honest occupations in life will be exempted from roll-call.

2. No. The Collectors are empowered to grant such lands for agricultural purposes on favourable terms to suitable applicants.

Questions.

possible, on favourable terms to any applicants from this community?

[These questions were asked at the meeting held on the 27th July 1914, when ad interim replies were given].

3. In view of the present condition of the Import and Export trade due to

Advisory Boards for development of local industries.

the war, will Government be pleased to state if they have been good enough to consider the desirability of taking any action, such as the appointment of an Advisory Board or the permanent appointment of a Director of Commerce and Industries for the Bombay Presidency, for the purpose of advice and guidance to the mercantile community and the development of suitable local industries?

4. With reference to the view expressed by the Director of Public Instruction at

Curriculum of studies for the Indian girls going up for the Matriculation Examination.

page 51 of the last Quinquennium Progress Report of Education regarding the unsuitability of the present curriculum of studies for Indian girls going up for the Matriculation, have Government been pleased to consider if the course of studies needs any modification, and will Government be pleased to say if this subject has been at any time referred for opinion to Indian educationists?

5. Will Government be pleased to state what progress has been made regarding the proposal for an Arts College for Women at Bombay?

Arts College for Women at Bombay.

6. Will Government be pleased to say—

(a) how many instruments known as the water-finders are kept in use by the Agricultural Department at present;

Water-finders.

Answers.

3. The action taken by Government in the matter is indicated in the reply to Question No. 5 put by the Honourable Mr. Upasani.

4. The attention of the Honourable Member is invited to paragraph 14 of Government Resolution No. 879, dated the 31st March, 1913, reviewing the report referred to by him, from which it will be seen that Government have accepted the recommendation of the Director of Public Instruction made in paragraph 16 of Chapter IX of that report that a course specially adapted for girls should be formulated and followed. It is understood that the Director has been engaged in framing such a course in consultation with Indian and other educationists.

5. Government have nothing to add to the reply given to question No. 4 put by the Honourable Mr. Fazalbhoy Meharalli Chinoy at the meeting of the Legislative Council held on the 27th July last.

6. (a) The Agricultural Department has obtained an automatic water finder for the purpose of testing its utility.

Questions.

(b) whether Government propose to keep such water-finders at different places in the Presidency, say, at the Agricultural Farms, for the benefit of the agriculturists, if necessary on payment of a reasonable fee ?

7. Will Government be pleased to state if the Irrigation Committee which sat in Poona in July last to consider the revision of the system of water distribution along the Mutha and Nira Canals have submitted their proposals to Government, and if so, whether Government will be pleased to give the irrigators an opportunity to express their opinion regarding any proposed rules before finally sanctioning and bringing them into force ?

Irrigation Committee's Report on the system of water distribution along the Mutha and Nira Canals.

Irrigation Committee

8. With reference to the rules framed under section 152 of the Land Revenue Code and published in Government Resolution No. 2459, Revenue Department, dated the 26th March 1883, regarding the recovery of arrears of land revenue, will Government be pleased to say—

Recovery of arrears of land revenue from one Anant Balkrishna Rangnekar of village Kochra in the Ratnágiri district.

section 152 of the Land Revenue Code and published

(i) whether rule No. 1 which lays down that Notices of Demand shall be issued by Mámlatdárs has been observed in practice in the Ratnágiri district ?

(ii) Whether Government are aware of a case in which the Mámlatdár of Vengurla, district Ratnágiri, recovered in or about February 1913 by distraint and sale of moveable property from one Anant Balkrishna Rangnekar, of village Kochra in Vengurla taluka, arrears of instalments due together with penalty and the balance of revenue for the remaining part of the year, and if so, whether a written Notice of Demand was issued to the defaulter in the first instance ?

Answers.

(b) The experiments are still in progress and no larger supply of these instruments will be ordered until the tests show that they are practically useful.

7. The report of the Committee has been received.

Certain representations which were made by the President of the Deccan Agricultural Relief Association were considered by the Committee and are now under the consideration of Government.

8. (i) Government have no reason to believe that the rule referred to is not being observed in the Ratnágiri district.

(ii) and (iii) Government have heard of the cases referred to in (ii) and (iii), but have no information whether written notices of demand were issued in the first instance.

Questions.

- (iii) Whether it is true that the said Mámlatdár in June of the same year caused the same occupant's moveable property to be distrained and sold for the recovery of Rs. 6 only also without a Notice of Demand ?
- (iv) Whether any general orders are issued by Government to Revenue officers making it necessary that processes for the recovery of arrears of land revenue shall be employed only in the order in which they are described under section 150 of the Land Revenue Code ? and
- (v) Whether it is a fact that Government have borne the legal expenses in the matter of the criminal proceedings instituted by the said Mámlatdár against the said occupant on a charge of defamation arising out of a petition of redress addressed by the said occupant to higher Revenue authorities concerning the action of the Mámlatdár ?

THE HONOURABLE MR. N. D.
KHANDALAVALA.

1. Will Government be pleased to state whether Fire-engine stations at Poona. the Poona City Municipality, the Poona Cantonment Committee and the Poona Suburban Municipality have up-to-date steam or motor fire-engines, with means of quickly conveying them to the scene of a fire, and supplied with expert workers, kept in training, and available for immediate service, and whether there is telephonic communication between the different fire-engine stations ?
2. Will Government be pleased to state whether Fire service at Poona. there is any workable arrangement by which
- ५ 41—240

Answers.

- (iv) No such orders have been issued.
- (v) The orders given were that the Public Prosecutor, Ratnágiri, or other Government prosecuting Officer should appear on behalf of the Mámlatdár.

1. The Poona City Municipality and the Poona Cantonment Committee possess three and one steam fire-engine respectively. One of the former engines is not up-to-date, and a proposal is now under consideration to replace it. The Poona Suburban Municipality owns a motor fire-engine jointly with the Poona City Municipality. The engines are worked by expert workers and can be taken quickly to the scene of fire. Except in the case of the Poona Cantonment Committee the workers do not hold regular practices. Telephonic communication does not exist between the several fire-engine stations belonging to these bodies.
- 2 No such arrangement exists between the Poona Cantonment Committee and the Poona City Municipality.

Questions.

these three Municipal bodies may lend freely their fire-engines and staff quickly to each other in times of emergency to put out disastrous fires?

[These questions were asked at the meeting held on the 27th July 1914 when ad interim replies were given.]

THE HONOURABLE RAO SAHEB
VENKATESH SHRINIWAS NAIK.

1. Will Government be pleased to supply the following information about the Judicial Subordinate Courts in the Dhárwár District for the last five years?

(a) The number of suits filed in the First Class Subordinate Judges' Courts.

(b) The number of original civil suits, both small cause and long cause, miscellaneous applications and Darkhásts filed in different Second Class Subordinate Judges' Courts.

(c) The number of these suits filed in different Subordinate Courts from each taluka.

(d) * * * * *

(e) The number of villages within the jurisdiction of different Courts which are more than 20 miles in distance from the seat of Courts and which have no Railway communication direct from these villages.

(f) The longest distance from the seat of these Subordinate Courts to the villages over which they have jurisdiction.

2. Is it a fact that under the Gokák Canal the big varieties of groundnuts (Japanese and Pondicherry) which ripen in four or five months only are charged at the same rate as the indigenous variety, which requires seven months to ripen, and consequently more water?

Answers.

1. Statements containing the information See Appendices B, C, D. have been placed on the Council Table.

2. Yes, but the foreign varieties of groundnut are more heavily watered each time than ordinary monsoon or rabi dry crops. They should pay the monsoon plus rabi rate as they are irrigated in both seasons always.

Questions.

3. Do Government intend to revise the rates for the big varieties of groundnut referred to, so as to bring them to a level with the rates on crops grown in four or five months?

Irrigation rates for groundnuts on Gokák Canal.

4. Is it a fact that Menial Railway servants often travelling in the Intermediate carriages on Madras and Southern Mahratta Railway.

5. Is it a fact that Intermediate class carriages are coloured in the same colour as third class and many illiterate passengers not knowing the class get into the Intermediate class carriages and are required to pay additional fare at the destination or when the tickets are examined at intermediate stations by the Railway Authorities?

6. Will Government be pleased to state how many dispensaries and hospitals in the Mofussil have qualified midwives attached to the institutions?

[These questions were asked at the meeting held on the 27th July 1914, when ad interim replies were given.]

7. Will Government be pleased to supply the following information about the Judicial Subordinate Courts in Belgaum, Bijápur and Kánara districts separately for the last five years?

Judicial Subordinate Courts in Belgaum, Bijápur and Kánara districts.

Answers.

3. No. The big varieties of groundnut can afford the existing rate. If the rate were reduced to the monsoon rate plus a charge for one or two rabi waterings, this crop might seriously interfere with ordinary rabi crops and bring in a smaller revenue per acre for the rabi season.

Crop rates have generally been given up in favour of season rates and the re-introduction of separate rates for different crops would be a retrograde step.

4. The Agent, Madras and Southern Mahratta Railway Company, reports that the matter has received attention and that instructions have been issued that Intermediate class carriages should not be occupied by those not entitled to travel therein.

5. A copy of letter from the Agent, Madras and Southern Mahratta Railway Company, No. 2002/T, dated 26th/30th September 1914, is laid on the table.

See Appendix E.

6. Qualified midwives have been attached to 18 hospitals and 25 dispensaries in the Mofussil.

Questions.

Answers.

- (a) The number of 1st and 2nd Class Courts, both permanent and joint, and the places where they hold their Courts.
- (b) The number of suits filed in the First Class Subordinate Judges' Courts.
- (c) The number of original suits both Small Cause and long cause, darkhasts and miscellaneous applications filed in different Second Class Subordinate Judges' Courts.
- (d) The number of these suits filed in different Subordinate Courts from each taluka.
- (e) The period and number of Joint and Additional Subordinate Judges entertained in each of these Subordinate Courts.
- (f) The number of villages within the jurisdiction of different Courts which are more than 20 miles in distance from the seats of Courts and which have no railway communication direct from these villages.
- (g) The longest distance from the seats of these Subordinate Courts to the villages over which they have jurisdiction.
8. Will Government be pleased to furnish the following details about the 11,061 patients shown to have been treated as indoor patients in 259 dispensaries of class III in the Mofussil towns of the Presidency proper, in column 8 of statement B of Appendix I to the Annual Report on the Civil Hospitals and Dispensaries under the Government of Bombay, for the year 1913:—
- (a) The number of Police Constables and Officers.
- (b) The number of undertrial prisoners and convicts.
- (c) The number of patients sent by the police as indoor patients other than (a) and (b).
7. A statement containing the information required by the Honourable Member in clauses (a) and (e) of his question has been placed on the Council Table. The information asked for in the other clauses of the question is being obtained.
8. The information asked for by the Honourable Member is not obtainable.

Questions.

Answers.

- (d) The number of private paying indoor patients.
- (e) The number of paupers and others treated as indoor patients.
9. Is it a fact that in many cases the Medical Officers in charge of dispensaries are required to refuse to admit patients of a serious nature when all or some of the beds in the dispensary are occupied by the police officers suffering from very trifling complaints?

Kánarese villages and schools in the Sholápur district.

10. Will Government be pleased to state :—

- (a) In how many villages in Sholápur district does the major part of the population speak Kánarese as its mother tongue?
- (b) What is the population of these villages?
- (c) In how many such villages are there Kánarese primary schools?
- (d) What is the Court language of these villages.

11. Will Government be pleased to state whether the 323 hospitals and dispensaries of the fifth class—private non-aided—shown to be existing on the last day of the year 1913 in column 5 of statement A of Appendix I to the Annual Report on the Civil Hospitals and Dispensaries under the Government of Bombay for the year 1913, include hospitals and dispensaries opened by private medical practitioners in the mofussil towns?

- (b) If this figure does not include hospitals and dispensaries opened by private medical practitioners, will Government be pleased to inquire and say in how many places where there are no hospitals and dispensaries of any of the five classes mentioned in statement A of Appendix I to the Annual Report on the Civil Hos-

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9. So far as Government are aware the answer to the question is in the negative.

10. The information has been called for.

11. The figure 323 of private non-aided hospitals and dispensaries under Class V includes only institutions established by persons or corporate bodies (Missions included) which have the relief of the poor as their primary object. Hospitals or dispensaries opened by private medical practitioners are not included.

- (b) Government are not as at present advised convinced that the results of the proposed enquiry would be commensurate with the trouble involved.

Questions.

pitals and Dispensaries under the Government of Bombay for the year 1913, such hospitals and dispensaries opened by private medical practitioners, exist?

12. Is it a fact that private Medical practitioners who have registered themselves under the Bombay Medical Act of 1912 are also required to obtain licenses from the District Magistrate and renew them year after year to keep cocaine above 20 grains for their medical purposes?

Licenses for cocaine in the case of registered Medical practitioners.

13. Is the renewal of these licenses often delayed, and are the Medical practitioners consequently put to great inconvenience?

Renewal of licenses in the case of registered Medical practitioners.

THE HONOURABLE MR. RAGHUNATH PURSHOTAM PARANJPE.

1. Is it a fact that in the city of Poona public conveyances are licensed only twice during the year, that just before the time of issuing these licenses these conveyances become very scarce as their owners want to repair them or to rest their horses?

Licensing of public conveyances in Poona.

What difficulties are there in the way of having a permanent licensing officer who will be prepared to renew the licenses or issue new ones all through the year, and, in particular, cannot the present Inspector of these conveyances be asked to set apart one day every week for this purpose?

[This question was asked at the Meeting held on the 27th July 1914, when an ad interim reply was given.]

Answers.

12. Possession of cocaine by private Medical practitioners is prohibited except under a license granted by the Collector. The license does not require to be renewed annually, but subject to the provisions of section 32 of the Bombay Abkari Act ordinarily holds good so long as the licensee continues to practise at the place specified in the license.

13. As the license does not require to be renewed annually, the question of delay and inconvenience does not arise.

1. Public conveyances at Poona have hitherto been licensed only at two periods in the year, except that conveyances which have been unable to attend either of the two fixed inspections have been licensed at other times in the year. One of the two yearly inspections has now been abolished. Government are not aware that public conveyances become insufficient to meet public demands just before the times of issuing licenses.

Under the Public Conveyances Act, licenses can be granted only by the officer appointed to perform the duties assigned to the Commissioner of Police, i. e., by the District Superintendent of Police. The personal attention of that officer to the inspection of conveyances is essential, and Government consider that it would be inconvenient if he were obliged to issue licenses all through the year.

Questions.

Answers.

THE HONOURABLE MR. GOCULDAS
KAHANDAS PAREKH.

1. Will Government be pleased to say—
- (i) Whether X-ray installations at the various public Hospitals of Bombay are used by the Medical and Surgical staffs of the said institutions for examination and treatment of their private cases?
- (ii) Do Government propose that certain fixed fees be levied for the use of these installations in connection with private practice?
- (iii) Do Government propose to allow the use of the installations to private practitioners for the examination and treatment of their cases, subject to such rules and restrictions and the payment of such fees as Government may see fit to prescribe?
2. Will Government be pleased to say—
- How many beds there are under the care of each of the Medical Officers (whether of the Indian Medical Service or Honorary) at the Jamsetji Jeejeebhoy, Gokuldas Tejpal and St. George's Hospitals, Bombay, and the Sassoon Hospitals, Poona?
3. Will Government be pleased to say—
- (1) Whether the Sánand Estate is under the management of the Tálukdári Settlement Officer on account of the minority of the present Thákore?
1. (i) and (ii) The X-ray installation at the Gokaldas Tejpal Hospital has on occasions been used by the Medical and Surgical staffs of the institution for the examination and treatment of their private cases. The installation at the Jamsetji Jeejeebhoy Hospital is occasionally so used by some members of the staff. No such use is made of the installation at St. George's Hospital. Government do not approve of this use of the X-ray installations, and orders have now been issued discontinuing it. The question of the levy of fees does not arise therefore.
- (iii) There are a number of private practitioners in Bombay who have gone to considerable expense in learning X-ray work in Europe and in fitting up complete installations of their own. They are adequate, both in number and in proficiency, to meet existing requirements in this respect. In these circumstances Government do not consider it necessary that private practitioners should be allowed the use of the X-ray installations at the Government hospitals.
2. The information required by the Honourable Member is contained in the appended statement.
3. (1) Already answered.

Questions.

- (2) Whether the Tálukdári Settlement Officer has advanced Rs. 2,000 belonging to the Sánand Estate to one Ramsing Madarsang of Lolya to enable him to file an appeal to the High Court against the Thákore of Utelia?
- (3) Whether the estate of the said Ramsing is also under the management of the Tálukdári Settlement Officer?
- (4) Whether the total income of Ramsing's estate for Samvat 1965 was Rs. 73, for Samvat 1966 Rs. 125, for Samvat 1967 Rs. 55 and for Samvat 1969 Rs. 141?
- (5) What is the amount that Ramsing owes to Government on account of Takávi and what is the total amount of debt which he owes to private individuals?
- (6) What security, if any, has been taken from Ramsing for the repayment of this advance?
4. Will Government be pleased to say—
- (1) Whether Sardár Udesanji, Thákore of President of Jambusar Municipality. Sarod, is a permanent resident of Sarod, which is about 9 miles distant from the limits of the Jambusar Municipality?
- (2) Whether the Thákore's own estate is under the management of the Tálukdári Settlement Officer of Gujarát?
5. Will Government be pleased to say—
- (1) How many cases for taking securities under sections 107 and 110 of the Criminal Procedure Code were heard by Mr. N. M. Joshi, First Class Sub-Divisional Magistrate of Broach?
- (2) What was the interval of time between the commencement and conclusion of the proceeding in each case?

Answers.

- (2) Yes. The advance was made partly for the purpose stated.
- (3) Yes.
- (4) The figures are approximately correct. But a considerable area of land has been restored to the estate since the Samvat year 1968, which may be expected to increase the income.
- (5) Ramsing owes to Government Rs. 583 on account of takávi and Rs. 613 to private creditors.
- (6) Ramsing's whole estate has been given as security for the advance. It is worth considerably more than the advance made to him.
4. (1) No.
- (2) Yes.
5. (1) and (2) Two statements* containing the information have been placed on the Council Table.
- * See Appendix G.

Questions.

Answers.

6. Will Government be pleased to say—

(1) Whether the First Class Sub-Divisional Magisterial powers of Mámílatdár at Jambusar. Magistrate of Broach in charge of Jambusar and A'mod Tálukas keeps his headquarters during the rains at Broach or Jambusar?

(2) Does the practice of locating at Jambusar a Mámílatdár with powers of a First Class Magistrate continue or has been given up? and

(3) If it is given up why?

7. Will Government be pleased to say—

(1) * * * * *

(2) Whether after the inhabitants of Palej had submitted to Government their petition in which they complained against this prohibition, among other things, the Mámílatdár of Palej instituted revenue proceedings against six of the shop-keepers for using the side walks for weighment and imposed fines on them?

[These questions were asked at the Meeting held on the 27th July 1914, when ad interim replies were given.]

8. Will Government be pleased to say—

With reference to the Jahirnama which has Tálukdárs' Jama. been recently issued to Tálukdárs

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6. (1) At Broach.

(2) The practice of always locating a Mámílatdár with the powers of a First Class Magistrate at Jambusar has been given up.

(3) The posting of Mámílatdárs does not depend solely upon judicial considerations, and it is not always possible to post one with First Class powers to a given táluka.

7. (1) * * * * *

(2) It is the fact that, subsequently to the submission to Government of a petition requesting the abolition of the Notified Area Committee of Palej, in which among other grievances it was complained that that body had issued a notification prohibiting the use of the land on either side of the road in the bazár for the weighment of goods, six persons were ordered under the provisions of the Land Revenue Code to pay rent and fine for the unauthorized occupation of portions of this land by depositing on it weighing machines and sacks of grain. Orders have since been issued that, pending further enquiry, no proceedings should be instituted in respect of the utilization of this land for the above purposes.

Questions.

Answers.

whereby it is proposed to fix the highest limit of the Tálukdárs' Jama to sixty per cent. of the assessment of their estates and to extend the Jama settlements to periods of not less than 30 years—

- | | |
|---|--|
| <p>(1) Whether the concession that the Tálukdárs have hitherto enjoyed of the exclusion of the <i>lal liti</i> lands in calculating the amount of Jama will be continued or not?</p> <p>(2) Whether the concession about excluding from calculation or paying smaller percentage of the assessment on culturable waste which is being now enjoyed will be continued or not?</p> <p>(3) What will be the gain or loss in the revenue that is estimated by the adoption of the new arrangement?</p> | <p>8. (1) Yes.</p> <p>(2) Yes.</p> <p>(3) Pending the revision of Jamas no information as to gain or loss of revenue is available.</p> |
| <p>9. Will Government be pleased to say:</p> <p>(1) Whether in 1900-01 on the death of Tálukdár Bapu Miya of Dholka leaving a minor son, his estate was placed under the Tálukdári Settlement Officer's management?</p> <p>(2) Does his son still continue a <small>Management of the estate of Tálukdár Bapu Miya of Dholka.</small> minor or has he attained majority?</p> <p>(3) Whether the management of the estate still continues with the Tálukdári Settlement Officer?</p> <p>(4) If the son has attained majority, is there any special reason for not restoring to him the management of his táluka?</p> | <p>9. Yes.</p> |
| <p>10. Will Government be pleased to say—</p> <p>(1) What was the value of the property which was the subject-matter of litigation in the case of Bichhubha <i>versus</i> Vela Dhanji reported in 11 Bombay Law Reporter at page 736?</p> | <p>} Enquiry will be made.</p> |

Questions.

Answers.

- (2) What was the total amount of costs incurred by the Tálukdári Settlement Officer in the case of Bichhubha *versus* Vela Dhanji. **costs incurred by the Tálukdári Settlement Officer, who was the guardian of the minor Bichhubhai in the course of the said litigation?**
11. (1) Will Government be pleased to place on the Council Table the report of Mr. Ramgovind Lalbhai Patel of the audit made by him under the orders of Government of the accounts of the estates which were made under the management of the Tálukdari Settlement Officer?
- (2) Will they be pleased to say whether the Tálukdárs interested were given an opportunity of showing their objections to the accounts which were being audited?
12. Will Government be pleased to say—
- (1) For what periods the Gangad estate and the estate of Vika Dosa of Bela in the Ahmedabad District and the estates of Partapsing Nanabava, Takhatsing Nanabava and Nanabava Motaji of Napad in the Kaira District have remained under the management of the Tálukdári Settlement Officer?
- (2) What was the amount of the debt when the management of each of these estates was taken up, what was the total income of each estate received by the Tálukdári Settlement Officer, what amounts out of the same have been paid as Government Jama, what amounts as maintenance of the Tálukdár and his dependants, what amounts as costs of management, what as
10. Information will be called for.
11. (1) The auditor's report has not reached Government, but in any case Government are not disposed to place reports of this nature on the table.
- (2) The auditor's duty did not require him to give a hearing to the Tálukdárs of the estates the accounts of which were being examined.
12. Information will be called for.

*Questions.**Answers.*

interest and what amounts have been paid towards the liquidation of the debts and how much of the original debt yet remains unpaid ?

13. Will Government be pleased to

Removal of liquor and intoxicating drug shops from undesirable sites. say in what manner and to what extent

have the instructions of the Government of India about the removal of liquor and intoxicating drug shops from undesirable sites, referred to in the Viceroy's speech in reply to the deputation on behalf of the All-India Temperance League on 26th December 1913, been carried out ?

13. The instructions are carried out as opportunity for taking action arises by the Collector either independently or in consultation with Advisory Committees, with the sanction of the Commissioner of Customs, Salt, Opium and A'bkári when such sanction is necessary.

14. Will Government be pleased to say—

(1) Whether, with reference to the Local Excise Committees. Despatch of the Secretary of State for India dated the 29th May 1914, they propose to constitute Advisory Bodies like Local Excise Committees with a majority of elected members ?

(2) Does Government propose to make any increase in the subjects of consultation with the Excise Committees as mentioned by the Secretary of State in the said Despatch ?

14. Government have no present intention of modifying the existing arrangements.

15. With reference to the Excise Commissioner's Táluka Excise Committees. Annual Report for 1912-13, paragraph 20, will Government be pleased to say—

(1) Whether additional Táluka Committees have been constituted since ?

(2) Whether any increase has been made in the sphere of their activities ?

15.

(1) No.

(2) No.

Questions.

Answers.

THE HONOURABLE MR. VITHAL-
BHAI JHAVERBHAI PATEL,
BAR-AT-LAW.

1. Will Government be pleased to place on the Council Table a comparative statement of the receipts and expenditure during 1912-13 and 1913-14 at the School Final and Vernacular Final Examinations?

Examinations—School
Final and Vernacular Final.

2. Will Government be pleased to place on the Council Table a statement showing:—

- (a) the number of Jury cases tried by the Sessions Courts at Ahmedabad, Surat, Thána, Poona and Belgaum respectively within the last 5 years;
- (b) the number of such cases where the Judge differed from the Jury, and
- (c) the number of such cases in which the High Court upheld the verdict of the Jury?

[These questions were asked at the meeting held on the 27th July 1914, when ad interim replies were given.]

3. (a) Is it true that a petition signed by 56 Talukdárs of the Ahmedabad District has been addressed to His Excellency the President in Council praying for the appointment of a commission to inquire into the affairs and working of the Talukdári Department?
- (b) Will Government be pleased to say whether they have made any inquiry in connection therewith and, if so, with what result?

1. The Honourable Member has already been furnished with the information required by him in connection with the School Final Examination. The figures of receipts and expenditure for the Vernacular Final Examination are given below:—

Year.	Receipts.	Expenditure.
	Rs.	Rs. a. p.
1912 ...	14,644	11,808 4 3
1913 ...	14,080	11,818 5 6

2. A statement containing the information has been placed on the Council Table.

[See Appendix H.]

3. (a) Yes.

- (b) Inquiry was made and Government came to the conclusion that the allegations made were without foundation.

Questions.

(c) Will Government be pleased to lay on the Council Table the said petition with the papers of inquiry, if any ?

(d) Will Government be pleased to say whether the statements of the petitioners in paragraph 3 of their petition regarding the payment by the Tálukdári Settlement Officer to Government in Samvat 1969 of the Jamábandhi for the famine year Samvat 1968 from the revenue of the estates under his management are correct ?

4. (a) Will Government be pleased to place on the Table a list of Talátis, Kárkuns, Upri-kárkuns and Deputy Managers under the Tálukdári Settlement Officer and their salaries and qualifications. Deputy Managers serving under the Tálukdári Settlement Officer showing the monthly salary and qualification of each of them ?

(b) Will Government be pleased to say whether there are any rules for the guidance of the Tálukdári Settlement Officer in making these appointments ?

5. (a) Will Government be pleased to say whether they have received a petition in connection with Gujarát Tálukdárs' Bill dated the 27th July 1914 from one Bapubha Mohobatsang of Jaska under Dhandhuka Táluka ?

(b) Will Government be pleased to say whether they have made any inquiry in connection therewith and, if so, with what result ?

6. Will Government be pleased to say whether they have made any inquiry regarding the statements made by the Thakore Fatesingji Raisingji in his petition dated the 28th July 1914 and addressed to His Excellency the Right Honourable the Governor in Council, and, if so, with what result ?

Answers.

(c) Government are not disposed to place the papers on the Table.

(d) The statements referred to are not correct.

4. (a) Government do not consider that the labour of compiling a nominal list of the kind asked for is justified by any purpose which the list is likely to serve.

(b) These appointments are filled up by the Tálukdári Settlement Officer in accordance with the principle of selection from among the candidates eligible under the general rules regulating the admission to the Subordinate Revenue Service of the Presidency proper, and there are no special rules prescribed by Government for the guidance of that officer.

5. (a) Yes.

(b) Inquiry was made and Government decided that there was no reason to interfere with the orders passed by the local authorities.

6. The petition was returned to the writer as he did not comply with the requirements of No. 11 of the Petition Rules.

Questions.

Answers.

7. Will Government be pleased to state whether any Girrorasia ladies were prosecuted under the orders of the Tálukdári Settlement Officer since 1913, and, if so, for what offences and with what result?

Prosecution of Girrorasia ladies under the orders of the Tálukdári Settlement Officer.

any Girrorasia ladies were prosecuted

under the orders of the Tálukdári Settlement Officer since 1913, and, if so, for what offences and with what result?

8. Will Government be pleased to say whether they have made any inquiry as to the statements concerning the prosecution of Pardanashin ladies of Girrorasia families by the Tálukdári Department, made—

Alleged harassment of Pardanashin ladies of Girrorasia families by the Tálukdári Department.

say whether they have made any inquiry as to

the statements concerning the prosecution of Pardanashin ladies of Girrorasia families by the Tálukdári Department, made—

(a) by Thakore Fatesingji Raisingji in paragraph 16 of his petition dated the 28th July 1914,

(b) by Bapubha Mòhobatsang in paragraph 17 of his petition, dated the 27th July 1914, and

(c) by 56 Tálukdárs in paragraph 13 of their petition, dated the 22nd December 1913,

and, if so, with what result?

9. (a) Will Government be pleased to say whether they propose to appoint a Municipal Commissioner for any of the Municipalities of Ahmedabad, Karáchi, Poona and Surat, and, if so, when?

(b) Will Government be pleased to say if they have taken any steps preliminary to the appointment of a Municipal Commissioner for any of the said Municipalities, and, if so, what?

(c) Will Government be pleased to say if they have asked any of the said Municipalities to determine the salary of such officer if appointed by Government?

7. A prosecution on a charge of defaming the Sheristedár of the Tálukdári Settlement Officer was being instituted against a lady of Sanand, but she successfully absconded. One of her associates was tried and convicted on a similar charge. In another case certain ladies of Dhandhuka were prosecuted under the orders of the Collector for resisting the police in the execution of their duties. Government have no information with regard to any other cases of the kind.

8. The Honourable Member is referred to the answers given to questions Nos. 3, 5 and 6.

9. The question is under consideration.

The reply is in the negative.

Questions.

Answers.

THE HONOURABLE MR. ABDUL
HUSSEIN ADAMJEE PEERBHOY.

1. (a) What is the question at issue between the Municipality and the residents of Ahmedabad as to the removal of the Slaughter House at Ahmedabad from its present site?

Municipal Slaughter
House at Ahmedabad.

- (b) Will Government be pleased to make enquiry and state whether all the cattle slaughtered at the House at Ahmedabad are required for human consumption?
- (c) In the event of cattle being slaughtered there for other purposes as well, what is the number killed for each purpose in a year?

[This question was asked at the meeting held on the 27th July 1914 when an ad interim reply was given.]

THE HONOURABLE SIR IBRAHIM
RAHIMTOOLA, Kt., C.I.E.

1. Will Government be pleased to supply information, in the following form, for each of the last five years, showing the amount of expenditure incurred by Government on Education under all heads:—

Year.	Bombay City.		Northern Division.		Central Division.		Southern Division.		Sind.	
	Recurring.	Non-recurring.	Recurring.	Non-recurring.	Recurring.	Non-recurring.	Recurring.	Non-recurring.	Recurring.	Non-recurring.

2. Will Government be pleased to state the total amount of expenditure incurred by the Municipalities and

Expenditure on primary
education by Municipalities
and Local Boards.

1. (a) Certain persons have objected to the removal of the Slaughter House on the ground that its location outside the city walls will be inconvenient. Certain others have represented that the new site is objectionable by reason of its vicinity to religious buildings. Government have made careful enquiries and are satisfied that these objections are without foundation.

- (b) and (c) All the animals slaughtered are required for human consumption.

- 1 and 2. The Honourable Member is referred to the General Tables IV and VII and the subsidiary forms accompanying the annual reports of the Director of Public Instruction which give most of the information that is desired. As the collection of the remaining information, *i. e.*, that relating to non-recurring expenditure, would involve the expenditure of an excessive amount of time and labour, Government are not prepared to call upon the officers concerned to undertake it.

Questions.

Answers.

Local Boards of each of the Divisions of the Presidency on Primary Education out of their own revenues during each of the last five years?

[These questions were asked at the Meeting held on the 27th July 1914 when ad interim replies were given.]

THE HONOURABLE MR. MAN-MOHANDAS RAMJI.

1. Will Government be pleased to give the figures for the Import and Export Trade of the Ports of Kárwár, Kumpta and Marmagoa for the decades 1875 to 1885 and 1903 to 1913?

[This question was asked at the Meeting held on the 27th July 1914 when an ad interim reply was given.]

1. (a) Separate statistics showing the import and export trade for the port of Kárwár for the decades 1875-76 to 1884-85 and 1903-04 to 1912-13 are not available, but a statement* A is appended showing the import and export trade of the Kárwár Táluka for the periods in question.

(* Vide Appendix I.)

- (b) The appended statement† B furnishes figures of the import and export trade of the port of Kumta for the periods 1875-76 to 1884-85 and 1903-04 to 1905-06. Particulars for the years 1906-07 to 1912-13 are not available.

(† Vide Appendix J.)

- (c) Separate statistics showing the import and export trade of the port of Marmagoa are not available. The appended statement‡ C gives the figures of the trade of Goa with British ports in India and non-British ports in the Bombay Presidency for the two decades mentioned above.

(‡ Vide Appendix K.)

2. Will Government be pleased to state:—

The amount of realization from the estates in charge of the Official Assignee and his commission.

the estates in charge of the Official Assignee

(1) in his capacity of Official Liquidator and (2) in his capacity of Official Receiver and his commission thereon during the last quinquennium.

2. The information is being obtained.

Questions.

Answers.

THE HONOURABLE RAO BAHADUR
SHRINVAS KONHER RODDA.

1. Will Government be pleased to state the average number of schools examined by each Assistant Deputy Educational Inspector in the districts of Southern Division?

Inspection of schools by Assistant Deputy Educational Inspectors in Southern Division.

state the average number of schools examined by each

Assistant Deputy Educational Inspector in the districts of Southern Division?

2. Is it true that some Municipalities give special allowance to masters in excess of the maximum pay allowed by the Masters' Code?

Teachers in Municipal Schools—Special allowances to—

give special allowance to masters in

excess of the maximum pay allowed by the Masters' Code?

[These questions were asked at the Meeting held on the 27th July 1914, when ad interim replies were given.]

3. (a) Will Government be pleased to state whether the posts of the Vice-Principals of Training Colleges appertain to the teaching line or the Inspecting Branch?
- (b) How are the promotions of Vice-Principals regulated?
- (c) Will Government be pleased to state whether a scheme for making the pay of Vice-Principals personal is under consideration?

Vice-Principals of Training Colleges: their promotion and pay.

to state whether the posts of the Vice-

Principals of Training Colleges appertain to the teaching line or the Inspecting Branch?

(b) How are the promotions of Vice-Principals regulated?

(c) Will Government be pleased to state whether a scheme for making the pay of Vice-Principals personal is under consideration?

THE HONOURABLE RAO BAHADUR
GANESH KRISHNA SATHE.

1. Will Government be pleased to give the following information:—
- (a) The number of lock-up rooms at Bársi in Sholapur Taluka for under-trial men and women.
- (b) The number of under-trial prisoners (male and female) that can be accommodated therein according to rules.

Lock-ups and under-trial prisoners at Bársi.

Sholapur Taluka for

under-trial men and women.

1. The average number of schools examined annually by each Assistant Deputy Educational Inspector in the Southern Division according to districts is given below:—

Dhárwár	...	...	91.4
Belgaum	...	...	72
Bijápur	...	...	81.4
Kánara	...	...	79.5
Ratnágiri	...	...	109.25
Kolába	...	...	68.6

2. The answer to the question is in the affirmative.

3. The posts of Vice-Principals of the Vernacular Training Colleges are classed with those of Assistant Masters in High and Middle Schools and are accordingly included in the teaching line. Their pay has already been made personal. This being the case, if a Vice-Principal is appointed on less than Rs. 200, he can be promoted in the ordinary course in the same post up to Rs. 200; but as there is no higher place in the cadre, when he becomes due for further promotion he must be made either a Headmaster or a Deputy Educational Inspector. If he is not considered fit for either of those charges, then he must stay where he is and remain on Rs. 200.

1. The information required by the Honourable Member will be obtained.

Questions.

Answers.

- (c) The number of under-trial prisoners (male and female) that were admitted in every month in the years 1913 and 1914 in the lock-ups at Bārsi.
2. Is it a fact that magisterial lock-ups are generally less commodious and satisfactory than jails for the accommodation of convicts?
3. Will Government be pleased to give the following information for the years 1912, 1913 and 1914:—
- (a) Places where illicit distillation of country liquor was suspected by the authorities in or near "Ghoda" in the District of Poona with their respective distances from Poona.
- (b) If any criminal prosecutions for illicit distillation were undertaken during those years, and if so, how many and with what result.
- (c) The amount of illicit liquor detected in each case.

THE HONOURABLE MR. C. H. SETALVAD.

1. Whether any, and if so what, steps were taken to inform the Commissioners of Divisions and Collectors of Districts of, and to ensure the adherence by them to, the following assurances given on behalf of Government by the Honourable Mr. Pattani, during the course of the discussion on the District Municipal Bill on the 29th of July 1914:—

"The idea is to further the interests of local self-Government and if Government are prepared to force these restrictions, Government are also prepared to say that whenever a case of nominated member arises they shall always take care to nominate people who belong to the local area.....The case for complaint will only arise if Government,

2. It is a fact that in some cases lock-ups are less commodious and satisfactory in structure than central jails. Improvements are being made, where necessary, when funds permit, and further detailed enquiry will be called for.

3. Information will be called for.

1. The Honourable Member's speech was published in the *Government Gazette* which is communicated to the officers named.

Questions.

Answers.

after this Act comes into force, nominate people from outside; and then there will be time for this Council as well as for any other body to represent to the Government that the principle that has been so forcibly enunciated has been in this particular instance departed from. I have His Excellency's permission to assure the Council that Government will always take great care in the matter of nominating their nominated members from those who are residing in the local areas concerned.....But with regard to non-official nominated members, I have been asked to announce that Government will always take great care and the case will only arise when, after this assurance in full Council, Government depart and deviate from what has been explicitly put here."

2. Whether Government intended

Nominated non-official members of the District and Taluka Local Boards. and intend to apply the same principle of restricting non-official nominations to persons residing within the local area, to nominations to District and Taluka Local Boards.

3. Whether Government are aware

Nominated members of the District Local Board, Kaira. that among the persons nominated by the Commissioner, Northern Division, to be members of the District Local Board, Kaira, for the triennial term commencing from 1st October 1914 (*vide Bombay Government Gazette*, Part I-A. of 19th November 1914) is Mr. Jesingbhai Bhaibabhai Patel, a Barrister-at-Law residing in Bombay and practising in the High Court throughout the year.

4. Whether it is true that the said

Nomination of Mr. J. B. Patel, Bar.-at-Law, to the District Local Board, Kaira. Mr. Jesingbhai was a candidate for election to the District Local Board, Kaira, by the electors, and was not elected and the Commissioner, Northern Division, nominated him?

2. As there is at present no proposal to enforce a residential qualification in the case of the elected members of Local Boards, the question of applying such a restriction to the nominated members of such boards does not arise.

3. Enquiries are being made.

4. Enquiries are being made.

Questions.

Answers.

THE HONOURABLE MR. S. B.
UPASANI.

1. (a) Is it true that the request for the removal of the liquor shop at Sangamner was made at a Collector's Durbar held at Ahmednagar and again when the Collector visited Sangamner?

(b) Has the shop been removed?

2. (a) Is it a fact that the owners of ginning and press factories at Nandurbár had taken up lands required for their factories on payment of fine from Rs. 250 to Rs. 500 an acre and an assessment at Rs. 5 an acre?

(b) Are the factory owners now charged on the same land Rs. 15 an acre?

(c) If so, will Government be pleased to place on the table the orders under which this has been done?

3. Is it true that there was no provision for drinking water for third class passengers at the Pandharpur Railway station at the time of the last Chaitri fair and that also the pilgrims were not allowed to use the river water?

1. (a) and (b) A request for the removal of the liquor shop at Sangamner was made at a Collector's Durbar at Ahmednagar and again when the Collector visited Sangamner. The question was fully discussed at a meeting at Sangamner convened by the Collector when it was found that public opinion was against the proposal to enforce total abstinence by Government orders. The shop in question, which is the only shop in the whole of the Sangamner Taluka, has accordingly not been removed.

2. (a) Yes.

(b) A standard rate of Rs. 16 per acre has been levied since 1912-13 on all lands at Nandurbár appropriated to building purposes, as rule 56-II of the rules under section 214 of the Bombay Land Revenue Code was extended to that town under Government Notification, Revenue Department, No. 10107, dated 6th October 1908.

(c) The standard rate for Nandurbár has been fixed under No. 56-II of the Land Revenue Code Rules.

3. Government have been informed that it was only on one evening during the Chaitri fair that the pilgrims could not get water, the cause being the breakdown of the pump, and that they were forbidden the use of the river water because it was liable to infection from cholera which had broken out at Pandharpur.

[These questions were asked at the meeting held on the 27th July 1914, when ad interim replies were given.]

Questions.

4. (a) Will Government be pleased to state whether any action is proposed to be taken to help the mill industry of the Presidency in the hard position in which it is placed owing to the dislocation of trade caused by the war?

Will Government be pleased to state whether it is proposed to grant a remission or at least a temporary suspension of the excise duty on the stocks which the local mills find it difficult to dispose of?

- (b) Will Government be pleased to state whether any action is proposed to be taken to help the up-country cotton dealers who are not able to dispose of their stock of cotton purchased last season and are not in a position to make any purchases this season unless some pecuniary help is given them on the security of their stock?

5. Will Government be pleased to say whether any action has been taken to develop existing manufacturing industries and start new ones in connection with commodities the export of which is now prohibited, as also those an adequate supply of which cannot be obtained by import to meet the ordinary needs of the country on account of war?

6. Will Government be pleased to say if any orders have been issued for early collection of this year's instalments of assessment and tagái in Nagar or any other district of the Central Division as was done last year?

7. (a) Is it true that a proposal to abolish the B h i n g á r Municipality.

Answers.

4. (a) The Government of India have decided that reduced tariff values for cotton goods should take effect from 1st October 1914 and that duty should be charged on cotton goods produced in Indian mills on or after that date on these reduced valuations. Government are not aware of any proposal to grant a remission of such duty or any suspension otherwise than as provided in sections 13 and 15 of Act II of 1896.

- (b) The question is under consideration.

5. The steps taken by Government in the direction indicated have been as follows :—

- (1) The question of facilitating the manufacture of rectified and denatured spirit with a view to encouraging the development of the local industry has been taken up and is under consideration.
- (2) Experiments are being made with the view of obtaining locally certain chemicals required for the mill industry.

6. Information will be called for.

7. (a) The proposal is to abolish the B h i n g á r Municipality and to include within the cantonment area

Questions.

Municipality and to hand over the municipal administration of the town to the Cantonment Committee is under consideration?

(b) Is it true that the Municipality has been in existence for over fifty years and that the people of the town are strongly opposed to their municipal administration being placed under the cantonment authorities?

(c) Is it a fact that previous proposals made to place the municipal administration of the town under the Cantonment authorities were disapproved by the Civil district authorities as also by Government, and if so, will Government be pleased to place on the table the correspondence which may have led to the proposal being now renewed and the representations which the Municipality and the people may have submitted to Government and the Collector against the proposal?

8. (a) Will Government be pleased to state if any Vámbori Municipality notice has been taken of the proceedings taken under Chapter VIII of the Criminal Procedure Code by the Assistant Collector of Ahmednagar against the Chairman of the Vámbori Municipality, which were set aside by the High Court in September last?

(b) Is it true that for years together repeated complaints had been made against the Municipal Secretary by the Municipality and the people of the town and that the Vice-President who is now retained in the new body had himself joined in the complaints?

9. (a) Will Government be pleased to state to what Departments Government Resolution in the Revenue Department No. 11277, dated the 9th December 1912, requiring the substitution of Balbodh for Modi script in official work is meant to apply?

Answers.

the area which is now within municipal limits.

(b) The Municipality was established in 1857. Petitions of objections have been addressed to the Collector by certain residents.

(c) In 1862 a proposal to include the village within cantonment limits was approved by Government, but subsequently, when it was realized that such a step would, under the regulations which were then in force and which contemplated the Government ownership of all land within cantonment limits, involve the removal of a number of substantial houses, Government withdrew from the proposal.

As the present proposal is still under the consideration of Government, they are not prepared to lay the papers on the table.

8. (a) Inquiries are being made.

(b) The complaints against the Municipal Secretary were fully investigated and found to be groundless. The information which was before Government showed that the Vice-President had not joined in the complaints.

9. (a) The orders apply to all offices in the Central Division except those under the Educational Department.

Questions.

Answers.

- (b) Is it true that all superior officers serving in the Central Division are required to pass second language examination in Maráthi and that the reading and writing of Modi script is one of the necessary subjects prescribed for that examination. If so, is it necessary that all writing work done in the public offices should be done in Balbodh instead of Modi?
- (c) Is it true that though the Government Resolution in question was issued in the Revenue Department it has, on reference by the Revenue Commissioner, Central Division, been declared to apply to also the Civil and Sessions Courts in the Central Division?
- (d) Were the District and Sub-Judges concerned consulted as to the necessity or convenience of substituting the Balbodh for Modi script in the work of their Courts?
- (e) Is it true that in consequence of the extension of the Government Resolution to the Civil Courts all plaints, written statements, Dar-khásts, applications and even powers-of-attorney and extracts from Modi accounts are now required by the Courts to be written in Bálbodh, and is it true that sub-registrars and revenue officers also generally insist on documents and applications presented to them being written in Bálbodh script? If so, has Government been pleased to draw the attention of all the officers concerned to the assurance given by Government in answer to question No. 4 asked by the Honourable Mr. Khandalawala at the Council Meeting of the 28th July 1913, that the Government Resolution in question was meant to apply to only the writing work to be done by clerks and other Government officers in the course of their official work and not to applications or other documents to be presented by the public?
10. Will Government be pleased to state if the registered libraries and native papers.
- (b) Yes.
- It is not necessary but is administratively convenient.
- (c) Yes.
- (d) No.
- (e) Government have no reason to believe that the facts are as suggested. Opportunity will be taken to explain to the officers concerned the exact extent of the orders.
10. The Honourable Member is referred to the reply given to question No. 7 put by the Honourable Mr. S. D. Garud, at the

Questions.

not allowed to subscribe to some of the English and Vernacular newspapers published in this Presidency; if so, will Government be pleased to place a list of them on the table?

11. Will Government be pleased to

Subordinate Judges' Courts in East and West Khándesh. state how many of the Subordinate Judges' Courts in East and West Khándesh

have jurisdiction over only one táluka and how many over more than one? In case of the latter, will Government be pleased to state the number of tálukas over which the jurisdiction extends, the total local area of the jurisdiction, the number of villages included therein and the maximum distance which the ryots have to go for attendance in the case of each court; how many tálukas in the two districts have been apportioned between different courts?

12. Is it true that the pay of the Head Shroff

Head Shroff of the District Treasuries. of the District Treasuries

has been fixed in the revision at Rs. 30 rising to Rs. 45 by an increase of Rs. 5 every five years?

13. (a) Will Government be pleased

Promotion and encouragement of English education in Khándesh. to state whether they hold an educational fund of Rs. 21,000 handed over to them by the Dhulia English School Committee for the promotion and encouragement of English education in Khándesh?

(b) In what year was the fund handed over to Government and what is the accumulated balance of interest due on the same?

14. (a) Is it true that though the

Printing of new series of Vernacular Readers. contract for printing the new series of Vernacular Readers was given to

Answers.

Legislative Council Meeting held on the 26th January 1911. Since that reply was given the "Dhárwár Vritta*" has been added to the list while the "Jain" and the "Karnatak Vritta" have been removed from it.

11. The information will be obtained.

12. Yes.

13. (a) Yes.

(b) 1864. No separate account has been kept of the fund, the interest accruing thereon being credited to Provincial revenues and utilized for the payment of the salaries of the teachers of the school.

14. (a) Yes.

* Has ceased to exist.

Questions.

Messrs. Macmillan & Co. all the books were got printed by the Company through the local presses in this Presidency?

(b) What was the printing cost of the several old Vernacular Readers when they were printed through Government Agency?

(c) Will the cost price of the first three Readers of the new series exceed annas 1, 2 and 3, respectively, if the Readers are printed on average kind of paper instead of on art paper?

15. (i) Will Government be pleased to state the number of Watandár kulkarnis in the Central Division. kulkarnis who have given their consent to the commutation of their watans and of those who have refused it in the several districts in the Central Division?

(ii) How many of the kulkarnis who have given their consent are retained as talátis and how many thrown out in the several districts and how many new hands engaged as talátis who are not watandár kulkarnis and with what qualifications?

(iii) Is it true (a) that in these districts there was general unwillingness on the part of the kulkarnis to commute their right of service on the terms proposed by Government and (b) that in several cases they had intimated to the Mámlatdárs of their tálukas orally and in writing their unwillingness to consent to the commutation proposed?

(iv) Will Government be pleased to give the number of kulkarnis in the táluka of Chalisgaon and Páchora (East Khándesh District) whose consent was asked for and of those who, if any, may have in the first instance intimated to

Answers.

(b) The information has been called for.

(c) The question of a new contract for the publication of vernacular readers being at present under their consideration, Government are not prepared to make a statement on the subject.

15. (i)

Name of District.	Total number of representative watandárs who have so far agreed to commutation of their right of service.	Number of representative watandárs whose consent is yet to be obtained.
East Khándesh	2,273	257
West Khándesh	1,001	7
Násik	1,967	777
Ahmednagar	3,211	418
Poons	2,558	388
Sátára	2,300	1,351
Sholápur	519	1,704

(ii) Information will be called for.

(iii) (a) It is not true.

(b) Information will be called for.

(iv) & (v) Information will be called for.

*Questions.**Answers.*

the Mámlatdár in writing their unwillingness to give it?

(v) Did any of the Mámlatdárs from the East and West Khándesh Districts report to the Pránt of the Collector the unwillingness of the kulkarnis to give their consent to the commutation proposed, and were any special instructions issued to them to obtain it?

(vi) Is it true that some eighteen kulkarnis from the Sindkheda táluka in West Khandesh had refused to give their consent before the Mámlatdár of the táluka and also before the Pránt Officer and that they were sent up before the Collector and refused to give it even there?

(vii) Is it true that subsequently a criminal prosecution was instituted against one of them, named Ragho Babaji, who had served as Kulkarni of Ajanda in táluka Sindkheda for forty years charging him with theft of a piece of dead wood removed by him a year previously from a plot of land which was alleged to belong to Government, and did he sign the commutation paper after he was arrested?

(viii) Is it true that on a full enquiry being made the land from which the wood was removed was found to be alluvial land belonging to him from which he was entitled to remove it and he was acquitted.

(ix) Is it a fact that the others who had refused to sign the consent papers also gave in and signed them when these proceedings were taken?

(vi) No.

(vii) Ragho Babaji, Kulkarni of Ajanda, was arrested at the instance of the police on 13th July 1914 on a charge of theft of dead wood of a babul tree standing on Government land. The charge was to the effect that the accused removed the wood some three months prior to the date of his arrest. He agreed to the commutation proposed on 14th July. Of the commutations agreed to in the Sindkheda táluka 64 were effected in May 1914, 9 in June, 12 up to July 10th, 7 on July 13th and 3 on July 14th. It is an unfounded and unwarrantable insinuation to imply that a false charge was brought against Ragho Babaji in order to compel him and other kulkarnis to accept the commutations.

(viii) At the trial of the case the Magistrate found that the tree was on alluvial land adjoining Ragho Babaji's field, and applying the provisions of Section 64 of the Land Revenue Code acquitted the accused on 28th July 1914. The accused was admitted to bail from the date of his arrest.

(ix) No.

Questions.

Answers.

16. Will Government be pleased to state how many lady students in the Sassoon Hospitals, Poona, are at present attending the Sassoon Hospitals at Poona to receive medical education?

Has any provision been made for residential quarters for them on the Hospital grounds or close to them?

Have arrangements been made for their regular training in a full Medical course in Vernacular as was done for the old Medical pupils trained as Hospital Assistants?

Has any provision been made for scholarships for these lady students? If so, to what extent?

17. Will Government be pleased to state the total number of teachers in Girls' Schools in the Central Division and the number of male and female teachers among them, as also the average number of trained teachers annually supplied by the Poona Training College during the last five years?

Is it true that complaints are made as to the trained female teachers not being able to teach the higher vernacular standards efficiently?

18. Will Government be pleased to state when the High School Building at Násik was commenced and when it will be completed? What is the cause of the delay and who is responsible for it? What will the total cost of the building come to?

19. With reference to the answer given to question No. 2 (b) asked by me at the Council Meeting of the 16th December 1913, will Government be pleased to state what scale of

16. Enquiry is being made.

17. The information has been called for.

18. The building was commenced in November 1912. It is uncertain when it will be completed, but probably in another two years. The delay is due to unforeseen difficulties with foundations necessitating tests to determine whether the work should proceed on the same founds. The work is now in progress again as the tests were satisfactory. The approximate cost of the building is estimated at Rs. 1 $\frac{3}{4}$ lakhs.

19. Enquiries are being made.

*Questions.**Answers.*

remission or suspension has been allowed in the Government villages adjoining the village of Pimpri in Táluka Purandhar in the Poona District for the period 1908-09 to 1913-14?

Is it true that arrears due for this period in the inám village of Pimpri are being recovered in full by the Inámdár by attachment of moveable property of the ryots under orders of the Mámlatdár?

N.B.—Where the answer to a question is a blank the question will be repeated and the answer given at the next meeting of the Legislative Council.

APPENDIX A.

Statement.

No.	Name of Schools.	Total number of students.	Number of Mahomedan students.	Percentage of Mahomedan Students to the total number of students.	Number of free-studentships held by Mahomedans, two-half free students being counted as one free.
1	Elphinstone High School, Bombay.	691	19	2·7	3
2	High School, Poona ...	249	26	10·4	3½
3	High School, Satara ...	310	39	12·6	4½
4	High School, Sholapur ...	483	50	10·	10
5	High School, Nasik ...	440	12	2·7	4
6	High School, Dhulia ...	453	33	8·3	8
7	High School, Jalgaon ...	251	14	5·6	4
8	High School, Ahmedabad ...	331	34	10·3	7
9	High School, Surat ...	270	20	7·4	3
10	High School, Broach ...	340	35	10·3	8
11	High School, Nadiad ...	311	24	7·7	4½
12	High School, Godhra ...	229	46	20·	4½
13	High School, Thana ...	296	2	·7	0
14	High School, Belgaum ...	530	38	7·2	9½
15	High School, Dharwar ...	406	29	7·1	11½
16	High School, Bijapur ...	421	34	8·	9
17	High School, Karwar ...	267	12	4·5	3
18	High School, Ratnagiri ...	219	3	1·4	1½
19	Middle School, Bombay ...	610	20	3·3	1
20	Middle School, Poona ...	151	81	53·6	3½
21	Middle School, Ahmedabad ...	242	9	3·7	6
22	Middle School, Surat ...	272	29	10·6	3
23	High School for Indian Girls, Poona ...	263	1	·4	0
24	High School Branch Training College for Women, Ahmedabad.	158	4	2·5	3
	Total ...	8,196	619	7·6	115

APPENDIX B.

Statement showing the information asked for in clause (a) of the question.

Year.	Suits in F. C. Sub-Court, Dhárwár.		Remarks.
	Long cause.	Small cause.	
1909	641	453	
1910	758	358	
1911	608	463	
1912	516	456	
1913	717	553	
	3,240	2,283	

APPENDIX C.

Statement showing the information asked for in clause (b) of the question.

Year	Subordinate Court, Hubli.					Subordinate Court, Gadag.					Subordinate Court, Haveri.					Remarks.
	Suits.		Darkhasts.		Miscellaneous applications.	Suits.		Darkhasts.		Miscellaneous applications.	Suits.		Darkhasts.		Miscellaneous applications.	
	L. C.	S. C.	L. C.	S. C.		L. C.	S. C.	L. C.	S. C.		L. C.	S. C.	L. C.	S. C.		
1909 ...	506	432	518	243	132	380	174	371	103	95	597	201	524	134	66	
1910 ...	616	412	529	222	153	507	197	309	167	52	1,002	190	538	138	81	
1911 ...	462	363	538	265	122	472	202	371	107	107	604	141	491	78	74	
1912 ...	513	407	558	241	146	491	260	435	98	104	481	193	536	132	65	
1913 ...	639	522	596	255	153	609	339	593	143	97	853	344	620	161	161	
Total ...	2,736	2,166	2,732	1,229	706	2,459	1,172	2,079	618	495	3,417	1,069	2,694	613	417	

Statement giving the information asked for in clause (c) of the question.

Year.	First Class Subordinate Court, Dhárwár.								Sub-Court, Hubli.				Sub-Court, Gadag.				Sub-Court, Haveri.								Remarks.
	Dhárwár taluka.		Navalgund taluka.		Kalgatgi taluka.		Halyál taluka.		Hubli taluka.		Bankápur taluka.		Gadag taluka.		Ron taluka.		Karajgi taluka.		Hángal taluka.		Ránebennur taluka.		Kod taluka.		
	L. C.	S. C.	L. C.	S. C.	L. C.	S. C.	L. C.	S. C.	L. C.	S. C.	L. C.	S. C.	L. C.	S. C.	L. C.	S. C.	L. C.	S. C.	L. C.	S. C.	L. C.	S. C.	L. C.	S. C.	
1909 ...	293	346	290	85	42	22	...	...	346	406	160	56	244	156	136	18	158	92	78	25	197	70	74	14	
1910 ...	292	224	342	99	68	17	33	21	475	340	141	72	372	157	135	40	308	79	140	38	454	63	160	10	
1911 ...	256	349	248	77	50	25	29	12	370	289	92	74	312	171	160	31	218	47	105	13	216	57	65	21	
1912 ...	246	312	176	77	48	25	23	12	433	363	80	41	304	186	137	74	154	79	81	35	138	67	58	12	
1913 ...	243	372	332	136	67	45	37	30	487	431	152	91	453	260	156	79	298	121	56	51	303	109	156	63	
Total ...	1,330	1,633	1,383	471	275	131	133	75	2,111	1,832	625	334	1,685	930	774	242	1,136	418	500	162	1,358	366	453	123	

APPENDIX D.

Statement giving the information asked for in clauses (e) and (f) of the question.

Names of Courts.	(e) Number of villages within the jurisdiction of each Court which are more than 20 miles in distance from the seat of Courts and which have no railway communication direct from these villages.	(f) The longest distance from the seat of these Sub-Courts to the villages over which they have jurisdiction.	Remarks.
F. C. Sub-Court, Dhárwár ...	269	46	
Sub-Court, Hubli ...	147	44	
Sub-Court, Gadag ...	76	45	
Sub-Court, Háveri ...	331	35	

APPENDIX E.

THE MADRAS AND SOUTHERN MAHRATTA RAILWAY
COMPANY, LIMITED.

AGENT'S OFFICE:

Madras, N. E., 26/30th September 1914.

No. 2002—T.

To

THE JOINT SECRETARY TO THE GOVERNMENT OF BOMBAY,
Public Works Department, Bombay Castle.

Sir,

With reference to your letter No. 1315-Ry., dated the 10th ultimo, requesting that the Government of Bombay be furnished with the necessary information regarding a question put by the Honourable Ráo Sáheb V. S. Naik at the meeting of the Legislative Council held in Poona on the 27th July last on the subject of the Intermediate Carriages on this Railway, I have the honour to say that it is a fact that the intermediate class carriages are coloured in the same manner as ordinary third class carriages, and I understand that isolated cases of illiterate passengers holding third class tickets travelling in the intermediate class carriages do occur, but such cases are extremely rare.

2. The intermediate class compartment is provided in the brake van on the Metre Gauge and as Guards have strict orders in the matter there is very little chance of illiterate persons holding third class tickets being allowed to travel in the intermediate class carriages.

3. Intermediate class compartments in the bogie carriages under construction for use on the Metre Gauge section of this Railway will be painted slate colour up to waist panel.

4. I may add that the provision of Intermediate Class accommodation on the Metre Gauge section is still in the experimental stage.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) A. R. STUART,

for Acting Agent.

APPENDIX F.

Designation of Officer.	Number of beds.	Remarks.
<i>Jamaetji Jeejeebhoy Hospital.</i>		
1st Physician	58	
2nd do.	56	
Senior Surgeon	54	
2nd Surgeon	37	
Honorary Physician	33	
Do. Surgeon	33	
Do. Assistant Physician	25	
<i>St. George's Hospital.</i>		
Surgeon Superintendent	83	
Physician on the Staff	19	
Resident Surgeon	108	
<i>Gokuldas Tejpal Hospital.</i>		
Surgeon in charge	120	
<i>Sassoon Hospitals.</i>		
Civil Surgeon	60	
Assistant to the Civil Surgeon	72	
Honorary Surgeon in Ophthalmic Surgery	11	
Do. Lecturer in Medicine	6	
Do. Gynæcologist	5	
.....	6*	* In charge of all Medical Officers of out-patients.
.....	6†	† Do. do.
.....	25‡	‡ Chronic Medical and Surgery including tubercle under supervision of Civil Surgeon for Medical and Assistant to the Civil Surgeon for Surgical cases.

APPENDIX G.

Statement showing the time taken up in deciding cases.

Interval of time between the commencement and conclusion of the proceedings.

Day 1.	Days 2.	Days 3.	Days 7.	Days 8.	Days 9.	Days 10.	Days 11.	Days 12.	Days 15.	Days 16.	Days 21.	Days 24.	Days 25.	M. D. 1-0.	M. D. 1-11.	M. D. 1-18.	M. D. 1-28.	M. D. 2-0.	M. D. 6-1.	Remarks.	
75*	4	3	1	1	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1†	Number of cases.

* In all these cases the Police brought the accused and witnesses on the same day. The Magistrate was consulted as to his convenience and the parties were present on the convenient day. The cases under section 110, Criminal Procedure Code, were mostly cases of habitual crop stealing. The persons proceeded against were bound over for the season only.

† Some of the accused had absconded and hence delay.

Statement showing the number of cases heard by N. M. Joshi, Esquire, under Chapter VIII, Criminal Procedure Code, from 1st June 1912 to 31st August 1914.

Period.	Number of cases under				Number of cases disposed of within the sanctioned period (one month).	Number of cases delayed over one month.	Remarks.
	Section 107, Criminal Procedure Code.	Section 109, Criminal Procedure Code.	Section 110, Criminal Procedure Code.	Total.			
1st June 1912 ... } to ... } 31st August 1914 ... }	33	12	48	100	95	5	

APPENDIX H.

Statement accompanying High Court letter No. 1792, dated 24th September 1914.

	Ahmedabad.					Surat.					Thána.					Poona.					Belgaum.				
	1909.	1910.	1911.	1912.	1913.	1909.	1910.	1911.	1912.	1913.	1909.	1910.	1911.	1912.	1913.	1909.	1910.	1911.	1912.	1913.	1909.	1910.	1911.	1912.	1913.
The number of Jury cases tried { (A) by the Sessions Court. (B)	7 2	8 ...	6 2	18 1	15 ...	10 ...	13 ...	16 ...	12 ...	4 ...	43 ...	61 ...	50 ...	56 ...	54 ...	24 ...	27 ...	29 ...	41 ...	35 ...	39 ...	35 ...	48 ...	46 ...	46 ...
The number of such cases where the Sessions Judge differed from the Jury, i. e., Jury references decided by the High Court.	1	2	...	3	1	1	1	...	...	...	4	5	3	2	2	3	2	2	1	2	7	4	5	1	4
The number of references in which the High Court upheld the verdict of the Jury.	...	...	...	(b)	1	1	...	...	...	...	1	...	...	1	(c) 1	...	...	1	...	2	(a) 2	1	1	...	(c) 2

(A) Ahmedabad cases.

(B) Kaira cases.

- (a) In 1909, in a case from Belgaum, the High Court agreed with the Jury and acquitted two of the accused; but convicted two others, upholding the opinion of the Sessions Judge. In another case from Belgaum, the High Court ordered retrial saying that there were circumstances giving rise to doubt which, when cleared up, would throw considerable light on the case.
- (b) In 1912, the High Court in one case from Ahmedabad upheld the verdict of the Jury as regards the innocence of accused No. 2 and sided with the Sessions Judge as regards the degree of guilt so far as accused No. 1 was concerned.
- (c) In 1913, in two other cases, one from Belgaum and one from Thána, the High Court agreed with the Jury so far as some of the accused were concerned, and with the Sessions Judge so far as the remaining accused were concerned, in each case.

APPENDIX I.

A.

Statement showing the import and export trade of Kárwár Tdluka from 1875-76 to 1884-85 and from 1903-04 to 1912-13.

Year	Import.	Export.
	Rs.	Rs.
1875-76	33,53,692	67,51,076
1876-77	31,97,806	41,84,669
1877-78	28,86,280	11,18,356
1878-79	24,57,702	47,68,341
1879-80	16,05,631	23,11,501
1880-81	19,00,408	27,73,339
1881-82	19,45,866	32,96,365
1882-83	2,30,407	36,07,526
1883-84	24,39,825	41,38,021
1884-85	17,33,343	32,72,290
1903-04	4,26,163	2,59,072
1904-05	4,60,871	3,24,303
1905-06	5,41,647	4,59,008
1906-07	4,51,844	3,96,565
1907-08	5,01,781	3,12,904
1908-09	5,85,983	3,36,000
1909-10	5,66,471	3,80,348
1910-11	7,30,355	4,22,873
1911-12	6,02,377	4,93,237
1912-13	7,58,509	4,83,124

APPENDIX J.

B.

Statement showing the figures for the import and export trade of Kumta Bunder from 1875-76 to 1884-85 and 1903-04 to 1905-06.

Year.	Import.	Export.
	Rs.	Rs.
1875-76	62,43,120	37,74,753
1876-77	60,06,002	25,05,717
1877-78	46,90,968	21,27,956
1878-79	51,60,056	57,73,887
1879-80	55,65,479	63,18,857
1880-81	60,18,909	57,37,241
1881-82	53,14,451	70,86,156
1882-83	65,92,834	58,36,122
1883-84	26,56,431	70,35,649
1884-85	22,06,027	56,98,667
1903-04	9,57,755	25,48,284
1904-05	9,48,770	30,39,828
1905-06	13,82,171	27,82,702

APPENDIX K.

C.

Statement showing the import and export trade of Goa with British ports in India and non-British ports in the Bombay Presidency.

Year.	Imports from Goa.	Exports to Goa.
	Rs.	Rs.
1875-76	11,01,061	7,40,243
1876-77	10,69,457	9,65,847
1877-78	9,03,127	8,17,852
1878-79	12,04,098	10,92,944
1879-80	11,62,176	10,28,538
1880-81	12,27,247	10,10,353
1881-82	20,11,328	18,36,686
1882-83	18,67,939	18,96,699
1883-84	12,59,372	18,84,039
1884-85	10,91,396	23,67,478
1903-04	1,15,40,633	39,28,240
1904-05	96,19,075	38,50,094
1905-06	1,32,56,665	39,17,750
1906-07	1,04,38,281	37,67,432
1907-08	1,87,98,751	43,17,086
1908-09	1,24,25,215	46,59,853
1909-10	1,87,99,056	52,57,717
1910-11	3,29,92,207	64,38,327
1911-12	3,16,43,449	47,17,562
1912-13	2,85,51,343	57,65,138

APPENDIX L.

Statement showing the number of Subordinate Courts in Belgaum, Bijápur and Kánara districts during the quinquennium beginning from the 1st January 1910 and the periods for which Joint and Additional Courts existed in those districts during the same period.

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First Class Subordinate Courts.	Place where held.	Second Class Subordinate Courts.	Place where held.	Joint Subordinate Courts.	Period for which they existed.	Temporary Additional Subordinate Courts.	Period for which they existed.
Belgaum	Belgaum	<i>Belgaum.</i>		Gokak	Permanent	1. Bail-Hongal ...	8 months (still continuing having been sanctioned up to 29th March 1915).
		1. Belgaum ...	Belgaum ...				
		2. Bail-Hongal ...	Bail-Hongal ...	3. Athni ...	18 months.		
		3. Chikodi ...	Chikodi ...				
		4. Gokak ...	Gokak ...				
		5. Athni ...	Athni ...				
Bijápur	Bijápur	<i>Bijápur.</i>		None	1. Bagalkot ...	29 months (still continuing having been sanctioned upto 14th December 1914). Recommendation has also been received for its extension for a further period of six months).
		1. Bagalkot ...	Bagalkot ...				
		2. Muddebihal ...	Muddebihal ...	3. Muddebihal ...	11 months.		
Kánara	Kánara	<i>Kánara.</i>		None	1. Karwar ...	24 months.
		1. Kumta ...	Kumta ...				
		2. Honavar ...	Honavar ...				
		3. Sirsi ...	Sirsi ...				

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REPORT OF THE SELECT COMMITTEE APPOINTED TO
CONSIDER BILL No. V OF 1913.

(A Bill to provide for the making and execution of town planning schemes.)

We the undersigned members of the Select Committee to whom the Bombay Town Planning Bill, Bill No. V of 1913, has been referred, have very carefully examined the Bill and have the honour to report as follows.

We have incorporated in the Bill most of the suggestions placed before us by the Honourable Mr. Hill, Chairman of the Committee, as a result of the detailed examination of the Bill made by him between the date of its first publication and its reference to us. We have also had the advantage of the advice of Mr. Mirams, Consulting Surveyor to the Bombay Government, and of Mr. Kissan, Special Officer, Sálsette Building Sites, who have both had experience of Town Planning Schemes in England and Germany. As a result of prolonged discussion on all doubtful points during a number of sittings, we have succeeded in securing unanimity among ourselves in regard to all the main features of the Bill.

Before dealing with the various clauses we desire to refer briefly to the more important changes which we have made in the Bill as a whole. Many of the clauses have been re-drafted in order to render the language as simple and as precise as possible, and their order has been re-arranged. A few definitions have also been added.

3. One of the changes that we have made is to define the kinds of land in respect of which it will be legal to make a town planning scheme (clause 8). In the original draft, a scheme could be made "for any area in which land is or is likely to be used for building purposes" (clause 8 (1)). The Honourable Mr. Hill had pointed out in Council that it was not intended to apply this Bill to land which had already been fully built upon. Further, the original draft did not directly provide for the inclusion in a town planning scheme of land which is neither used nor likely to be used for building purposes, and yet which, owing to its situation, it may be desirable to include in such a scheme. In the Housing, Town Planning, etc., Act, 1909 (9 Edw. 7, c. 44),—hereinafter referred to for brevity as the Parliamentary Act—the expression "land likely to be used for building purposes" is given a wide connotation so as to include roads, parks and the like. We have therefore reverted to the three classes of land included within the scope of the Parliamentary Act, and the terms of sub-sections (1), (3) and (7) of section 54 of that Act are closely followed in clause 8.

4. Another important proposal which we have accepted, is to substitute the "Governor in Council" for the "Commissioner" as the authority primarily responsible for the control of the making of a town planning scheme from its inception to its final sanction. Consequently the term "controlling authority" has disappeared from the Bill. The main reasons for this change are that it is in accordance with the Parliamentary Act whereby the control is vested in the Local Government Board, that the Governor in Council is in a better position to command expert advice than the Commissioner, who, however, can at any time be consulted, and that the experience gained in one Division of the Presidency can be utilised by the Governor in Council for the benefit of another Division. In the less important provisions, however, the word "Commissioner" has been retained, *vide* clauses 4 (1), 10 (2), 26 (1), and 44 (3).

6. The power of the local authority to settle by agreement any or all matters to be provided for in a town planning scheme has been prominently brought out (clause 27). To secure the co-operation of the owners concerned, and to ensure thereby the success of a town planning scheme, it is very desirable to encourage agreements between the local authority and the owners. In England and

Germany such agreements between the parties concerned and the local authority are the rule rather than the exception. The Governor in Council has, however, been empowered to modify or disallow any such agreement, in the same way as he has been empowered, by clause 14 (2), to modify or disallow the draft scheme itself. We have also provided for the right of the owners to be consulted and to state their objections at every important stage of the proceedings.

7. An important change in the Bill is in reference to the finality of the arbitrator's decision, and it is described in detail in the notes on Chapter IV. In clause 30 the duties of the arbitrator have also been set forth more clearly and systematically than was the case in clause 29 of the original Bill.

8. In clause 53, which gives power to make rules, all the matters in respect of which the rules can be made by the Governor in Council have been enumerated.

9. Reverting to the important clauses in the order in which they appear in the Bill:—

Clause 1 (2).—We have considered the suggestion that the previous consent of the local authority should be a condition precedent to the extension of the Act to parts of the Presidency outside the City of Bombay. But in our opinion that suggestion is not practicable. It may be desirable to extend this Act to areas outside the jurisdiction of a local authority or even to whole districts. In any case it is the local authority which, in the first instance, declares its intention to make a town planning scheme (clause 9 (1)), and which actually prepares a draft scheme. The proviso to clause 1 (2), however, embodies the promise given by the Honourable Mr. Hill in the Legislative Council that the Bill should not be extended to any part of the City of Bombay without the consent of a majority of the whole Municipal Corporation. This provision is justified by the special circumstances of the Presidency town.

Clause 2 (a).—Although section 188 of the Bombay District Municipal Act, 1901, allows the Governor in Council to appoint a single person as the local authority for a notified area, still, for the purposes of this Bill, such local authority is always to be a committee. We have, therefore, deleted the words "person or" from clause 2 (a) of the original Bill.

Clause 2 (d).—The definition of "plot" is important, as under clause 18, contributions towards the cost of a scheme can be levied only on plots. Land which does not fall within the definition of the term "plot" will not be liable to contribution, *e. g.*, roads, parks, municipal schools and dispensaries. It may be observed that certain kinds of land vested in Government, *e. g.*, assessed, unoccupied land, which can be sold by Government to private individuals, fall within the definition of plot and are liable to contribution.

Clause 2 (e).—The importance of the definition of the term "reconstituted plot" will appear when it is read with clause 12. In the making of a draft scheme power is given to alter the boundaries, or the ownership of a plot. Where, however, an original plot is altered, for instance, by the inclusion of a portion of it in a road, the remaining portion is not a reconstituted plot, as it will continue to be held by the same owner and on the same terms as before. The owner will, of course, be entitled to receive compensation for the portion of his land included in the road, under the provisions of clause 21. The main principle observed in giving power to alter the boundaries of a plot is that the resultant plot so obtained will form a suitable building plot.

Clause 3 (a).—The power to provide for the "alteration" of streets will include the power to widen them or to make them narrower.

Clause 3 (c).—"The plotting out of land as building sites" will include the power, expressly given by clause 12, to make reconstituted plots.

Clause 3 (d).—There is a slight difference in the connotation of the terms "allotment" and "reservation." Allotment implies setting apart for immediate use, while reservation implies setting apart for future use.

Clause 3 (h).—We have taken into consideration the suggestion made at the first reading of the Bill in reference to the preservation of religious buildings, and clause 3 (h) expressly lays down that the town planning scheme can provide for such a matter.

Clause 3 (j).—The power to suspend rules, bye-laws, acts and other provisions in force in the area included in the scheme is based on sub-section (2) of section 55 of the Parliamentary Act. Ordinarily, in making a scheme, account will be taken of such provisions as are already in force. But cases may arise in which it will be desirable to keep such provisions in force in the rest of the municipal area, but to suspend them in parts of the area included in the scheme. Under the ordinary provisions of law the power to make, modify or rescind rules, generally implies the power to do so for the whole of the municipal area. The special provision, which we have inserted, gives power to suspend such rules or bye-laws in particular parts of the municipal area.

Clause 4.—In regard to the ownership of plots it is intended to follow, as far as possible, entries in the Record-of-Rights or mutation register. But in some municipal areas a Record-of-Rights has not yet been framed; and where it has been framed it may be that an entry is inaccurate or inconclusive. This clause authorises an enquiry into, and provisional settlement of, a dispute as to ownership. If the dispute is of an intricate character, or if it appears certain that the parties will not rest content without obtaining the decision of a Civil Court, it will be useless to waste time in a provisional enquiry. Hence the permissive character of this clause.

Clause 6 (2).—It has here been made clear that, notwithstanding anything contained in the Bombay District Municipal Act, 1901, or in the City of Bombay Municipal Act, 1883, as to the limited powers of expenditure of a local authority, such authority will be empowered to expend its funds on a town planning scheme. This provision is based on section 65 (2) of the Parliamentary Act.

Clause 9.—The revised draft brings out the stages of the procedure in proper sequence and the wide powers of the Governor in Council to hear objections, to make inquiry and to sanction or refuse to sanction the making of a scheme.

In the Bill as introduced the local authority had to obtain the previous sanction of the Governor in Council before it could declare its intention to make a town planning scheme. The obtaining of such sanction would necessarily take some time, during which the values of land would increase, owing to speculation among the many people who would obtain information about the application of the local authority. It is but right that the local authority should share in the rise of the values of land from the earliest opportunity in order to reduce the cost of the scheme to the general public. In the revised Bill the date with reference to which original values are to be estimated is the date of the resolution of the local authority declaring its intention to make a scheme.

By clause 8 of the original Bill a local authority was liable to be compelled by the Governor in Council to declare its intention to make a scheme. This power of the Governor in Council has been removed. But in certain exceptional circumstances the Governor in Council has been authorised to act independently of the local authority (*vide* clause 49).

Our attention was drawn to Article IV (c) of the Town Planning Procedure Regulations (England and Wales) dated 3rd May 1910. That Article provides for communication to the Local Government Board by the local authority of a statement showing "the total number of members of the local authority, the number who voted for the resolution (declaring its intention to make a scheme), the number who voted against the resolution, the number who were present at the meeting but did not vote, and the number absent from the meeting." In our opinion it is desirable that the Governor in Council should have knowledge of these facts when considering the application of a local authority, and that provision should be made for this by rules as in the Parliamentary Act but not in the body of the Bill.

Clause 9 (3).—The rules should similarly provide for showing on the plan the existing main roads.

Clause 10.—The phrase “block scheme and plan” appearing in the original Bill has been replaced by the simpler phrase “draft scheme”. In accordance with clause 2 (*f*) wherever the word “scheme” appears the word “plan” is implied.

Clause 11 (a).—The word “tenure” has been added, as it is important that Inam, Khoti and other such rights should be specially brought to the notice of the owners and the sanctioning authority.

Clause 11 (b).—In the draft scheme it is not desirable to insist on too precise a description of the uses to which land assigned to the local authorities is to be put, so long as the purpose is a public one.

Clause 11 (d).—The draft scheme is not concerned with indirect costs likely to fall on owners of property, and, indeed, it would be difficult to estimate such indirect costs.

Clause 11 (f).—Under this sub-clause a rule might be framed to carry out the suggestion that the draft scheme should contain, where possible, a programme of the works to be executed with an approximate anticipation of the dates on which these works are likely to be completed. Such a rule would help the Tribunal of Arbitration to estimate the increments likely to accrue to particular plots.

Clause 12.—This clause corresponds with clause 10 of the original draft. In order to bring out clearly what was intended by clause 10, the clause has been further sub-divided. The main object of reconstituting plots is indicated by the first sub-section, which lays down that the size and shape of every reconstituted plot shall be so determined as to render it, as far as possible, suitable for building purposes, and power is given in sub-section (2) to provide plots for owners dispossessed of their lands which may be required for public purposes, and also for clubbing together, with the consent of the owners, two or more small plots which are each separately not of sufficient size or of convenient shape for building purposes.

Clause 15.—This clause is to be read with clause 44; clause 15 (1) (*c*), as re-drafted, provides only for the stopping of any work in progress, if it is necessary to do so, after the declaration of intention to make a scheme; while clause 44 (1) (*a*) provides for the pulling down of buildings in certain cases *after* the final scheme has come into force. Clause 15 (2) makes provision for the grant of compensation in certain circumstances to the person injuriously affected by an order under either of these clauses.

CHAPTER III.

No new principle regarding what is due from owners or to be paid to them has been introduced, but certain of the sections have been re-drafted to make them more clear. Clause 16 (1) (*d*), for instance, read with clause 19, now shows unmistakably that if a plot is in any way altered, then the compensation payable to or claimable from the owner is measured by the difference in the market values of the original plot and the plot as finally settled, both of such values being estimated without reference to the improvements contemplated in the scheme other than improvements due to the alterations in the shape of such plot. It may be mentioned that this principle, of estimating the difference in values of a plot which is altered, is also to be found in the Italian Expropriation Act of 1865.

Clauses 21 and 22.—These provisions for compensation subject to certain exceptions are based upon sections 58 (1) and 59 of the Parliamentary Act. If *A*'s right in a property is transferred to *B* or extinguished for the benefit of *B*, *B* should obviously be required to compensate *A*.

Clause 24.—The principle underlying this provision is that the local authority shall have adequate security for the payment of the contribution and other sums due to it from any person.

Clause 25.—The object is, as far as possible, to avoid cash payments by the local authority, and thus to keep down the cost of a town planning scheme. In this matter the local authority and the owners are equally interested.

Clause 27.—This clause provides for agreements between the local authority and the owners to which special reference has already been made. Such agreements are to be in every way encouraged.

Clause 26 of the original Bill.—This clause has been deleted in consequence of the recommendation of this Committee that there should be a Tribunal of Arbitration to fix finally the amount of contribution chargeable upon each plot. There is thus no need to notify the completion of the works contemplated in the scheme as the revision of the contributions by a second arbitrator proposed to be appointed under clause 35 of the original Bill has now become unnecessary.

CHAPTER IV.

Clauses 29 to 45 deal with the arbitrator, who will generally be an expert, and with the Tribunal of Arbitration. We have had considerable discussion as to the work that should be done by the arbitrator, and the extent to which his work should be subject to revision. We have finally decided that the second arbitrator mentioned in clause 35 of the original Bill should be omitted and that, instead, a Tribunal of Arbitration should be appointed; and that the more important decisions of the arbitrator shall not be final until they have been confirmed by the Tribunal of Arbitration. We considered that, in view of the novelty of this piece of legislation, we should endeavour to compose the Tribunal in such a manner as would secure absolute public confidence and general acceptance. It is therefore provided that the Tribunal shall in the main consist of the District Judge and two assessors, namely, an impartial person appointed by the Judge, and the arbitrator. In the case of the City of Bombay the Select Committee would much prefer that the President of the Tribunal should be one of the Judges of the High Court. If, however, there is serious objection to this appointment, then the Select Committee would reluctantly accept the other alternative that has been proposed, namely, the appointment of the Chief Judge of the Court of Small Causes, Bombay, as President of the Tribunal of Arbitration in the City of Bombay.

Clause 41.—When the final scheme has been drawn up the Arbitrator shall submit it through the local authority to the Governor in Council, who, if he sanctions it, shall notify it in the Bombay Government Gazette, and the town planning scheme shall take effect from the date of the notification.

As a result of the change mentioned above, clause 35 of the original Bill regarding a second arbitrator has been omitted; it has been laid down, however, in clauses 31 and 38 (2) that the decision of the arbitrator and of the Tribunal of Arbitration, as the case may be, shall be final, but clause 37 allows the Tribunal to state a case on a point of law for the ruling of the High Court.

Clause 45.—We have made provision for requiring the attendance of witnesses.

CHAPTER V.—MISCELLANEOUS.

This chapter has been considerably extended.

Clause 47 gives power to revoke or vary any town planning scheme after it has been finally sanctioned. Clause 16 of the original Bill gave the Governor in Council power to vary or revoke a scheme at any time before it was sanctioned. We consider that this power is unnecessary as there are many precautions taken to see that all persons interested have a right to be heard at various stages in the drawing up of a scheme. What is wanted is the power to vary or revoke a scheme which, after introduction, may prove to be either unworkable, or where such scheme would be considerably improved by a slight variation. Section 54 (6) of the Parliamentary Act has therefore been followed.

Clause 49 is based on section 61 of the Parliamentary Act. It empowers the Governor in Council to take the place of the local authority, in certain

exceptional circumstances, in matters connected with the making of a town planning scheme. This power in reserve entrusted to the Governor in Council is, however, not so drastic as the power given by section 179 of the Bombay District Municipal Act, 1901, or by section 67 of the Bombay Local Boards Act, 1884, which enables the Governor in Council to *supersede* a Municipality or a Local Board.

Clause 51.—On account of clause (b) of sub-section (1) of section 17 of the Indian Registration Act, 1908, doubts might arise as to the necessity for registering certain documents made in connection with a town planning scheme. It might be argued that there is nothing in sub-section (2) of section 17 or in section 90 of the Indian Registration Act, 1908, expressly exempting such documents from registration. And yet it is clear that such documents ought to be so exempted. Under sub-clause (3) of clause 41 and under clause 42 of the Bill, the provisions of a town planning scheme, duly sanctioned, have the same effect as the provisions of a law, and certain consequences ensue on the scheme coming into force. As nothing is said about registration being a condition precedent to these results, it is apparent that registration is not required. But clause 51 will be useful as it will obviate all doubts on this important point, by expressly exempting such documents from registration.

Clause 52.—There are analogous provisions in local enactments. Compare, for instance, section 72 of the Bombay Local Boards Act, 1884, section 91 of the City of Bombay Municipal Act, 1888, and section 41 of the Bombay District Municipal Act, 1901.

It will be necessary to request the Governor General to accord his sanction under section 5 of the Indian Councils Act, 1892, with reference to the enactments added by us to the Bill which will affect certain Acts passed in the Imperial Council.

In conclusion we recommend that, as this is the first Bill of its kind that has been introduced in India, it should be widely published both in English and in the vernaculars in order that the public may have ample opportunity of studying its clauses before it is read a second time in the Legislative Council. We also recommend that copies should be sent to the Honourable the Chief Justice and Judges of the High Court with reference to the notes on Chapter IV and also to the Bombay Municipal Corporation.

(Signed) CLAUDE HILL,
 (") E. G. TURNER,
 (") B. S. KAMAT,
 (") N. D. KHANDALAVALA,
 (") W. D. SHEPPARD,
 (") JEHANGIR H. KOTHARI,
 (") J. P. ORR,
 (") G. K. SATHE,
 (subject to a minute of dissent),
 (") RAFIUDDIN AHMAD,
 (") D. A. D'MONTE,
 (") RAMANBHAI MAHIPATRAM
 NILKANTH.
 (") K. R. GODBOLE,
 (") FAZULBHOY M. CHINYOY,
 (") LALUBHAI SAMALDAS,
 (") PHEROZESHAH M. MEHTA,
 (") C. H. SETALVAD.
 (") T. J. STRANGMAN,
 (with the following note).

Note.—I regret that owing to illness I was unable to attend the meetings of the Select Committee when my presence was necessary.

I have no difficulty, however, in subscribing my name to the report although I may have to suggest, if necessary by way of amendment, alterations of a more or less formal character.

Minute of dissent by the Honourable Ráo Bahádur G. K. Sathe.

Clause 1 (2).—My suggestion was, and I adhere to it, that the Act should not be extended to any area falling within the jurisdiction of a Local Authority without the previous consent of such Local Authority.

Clause 28.—The procedure suggested for recovery of sums due to a Local Authority would work hard. The principles of English Law should be adopted. Such dues should be considered as civil debt and should be recoverable as such.

Clauses 31, 32, 33 (5), 38 (1) and 41.—My suggestion was to add to these clauses sub-clauses (3) and (7) of clause 30. My reasons for this addition are in brief as under:—

The Tribunal of Arbitration is empowered to estimate the increment under clause 17 and then to determine the contribution in proportion to the said increment. Calculation of increment depends upon the determination of the *market value* of a plot at the date of the declaration of intention to make a scheme and the determination of the *prospective value* of the same plot estimated on the assumption that the scheme has been completed. Thus the determination of *market values* of plots is as important a matter as the other and it is but reasonable and fair that both the valuations should be finally made by the Tribunal of Arbitration. The Arbitrator can do preliminary work under clause 32 in matters arising out of sub-clauses (3), (4), (5), (6), (7) and (9) of clause 30.

30th April 1914.

(Signed) G. K. SATHE.

No. D.—13-14:

THE MATUNGA RESIDENTS' ASSOCIATION.

SECRETARY'S OFFICE :

Matunga, Bombay, 2nd March 1914.

THE PRESIDENT OF THE LEGISLATIVE COUNCIL,

Bombay.

Your Excellency,

We are directed by the Managing Committee of the Matunga Residents' Association to address you in connection with Bill No. V of 1913.

2. The object of the Bill is to make an enactment providing for the making and execution of town-planning schemes following in the footsteps of the Housing, Town-planning, etc. Act, 1909, of England. The latter is altogether a new measure and it remains to be seen how it works. There is a wide difference between the habits and natures of the inhabitants in England and those in India. There is a very great political difference also. In England arms are allowed to anyone while in India it is not so. The only defence of Indians against robbers, thieves, etc., is the living in juxta positions so as to help each other against such outrages. At least such a living carries with it a sense of security in absence of arms. The Indians have naturally grown a timid race and would be afraid to live in places too far apart. They would go to live in such places only when there is a question of life and death due to any epidemic. Again they are a race believing in fate. They would reason that if fate has decreed death it would take place anywhere whether in the midst of epidemic or in the securest place. The result will be that the holders of land will be made to contribute towards the cost of construction of roads and such other works, but they will not be benefitted at all. We might construct any number of roads and lay out plots for building purposes and some persons perhaps may be induced to build even. But it will be found that they will not be sufficiently tenanted if at all. At Rájkot, a Native State in Káthiáwár, such a town-planning was tried, but the scheme has not been successful. The Rájkot State set aside a large plot at a distance of

about a mile from Rájkot for the scheme and cheaply sold small plots, each measuring an acre to well-to-do persons, many of whom have been induced to build. But these buildings are hardly occupied. In Sálsette itself where the town-planning is to be tried first, many persons of Bombay have built houses and bungalows during the time when plague was raging in Bombay. But they do not go to live there unless forced during plague seasons. Sálsette has been selected as an experiment as a residential suburban area to Bombay. During the next fifty years there will be no further appreciable development in Sálsette for any town-planning scheme. More than 20 years ago the Bombay Municipality constructed the Vincent Road from Dádar to Sion. But even during such a large period hardly 10 or 20 buildings were erected on the sides of the road which is about two miles in length. On account of plague epidemic the areas in close proximity of Railway Stations have been developed. But the Railways increased and nearly doubled up the charges of the season tickets and thus have put a stop to further developments at further stations. Schemes Nos. V and VI of the Bombay Improvement Trust will lay out a number of suburban plots for the public. It would be safer to wait the completion of these schemes and see how these plots are taken up before saddling the holders of land at Sálsette and elsewhere with such an Act. It is a fact that private land-holders near the Railway Stations have laid out private roads to develop their lands such as Sanghani Road, Laxmi Narayan Road, Visrani Road, Devram Road, etc., in Mátunga and such a practice would go on everywhere when beneficial. It may be that these private roads may not be satisfactory to the European eye; but the Town-planning Bill in the present form is not a remedy to it. An Act conferring powers on local authorities to regulate such roads would be quite sufficient to meet any present or future exigencies. But to confer powers to construct any roads, bridges, etc., and to recover the cost from the holders of land without any actual development of their land would be a great hardship on them. The suburban development of Bombay can only be effected by cheap and speedy travelling which would mean a low scale of Railway fares, numerous Railway Stations and numerous Local Trains. On the contrary the Railway Administrations have been increasing the Railway fares and paying no attention to complaints made to remedy inconveniences to local passengers. Facilities of Railway travelling must be increased for any real suburban development.

As to the body of the Bill, the Association is of opinion that the following sections are very objectionable.

3 (a). It is most objectionable to give any power to anyone whomsoever to stop up streets, roads and communications altogether. There is no harm in providing for their constructions, diversions and alterations. But stopping up of them altogether may turn out very harmful and grievous.

3 (c). The plotting out of land as building sites for building purposes in the immediate future only should be allowed; no plotting out for any remote date should be allowed.

3 (d). "The purposes to which specified areas may or may not be appropriated" is likely to be interpreted in various ways and ought to be omitted.

7. Municipality concerned must be given a chance to advance objections and the Governor in Council must consider such objections before declaring any specified area as notified area wherever such Municipality is concerned.

8 (i). Before the phrase "with the previous sanction of the Governor, etc.," the following phrase should be added "with the previous consent in writing of the land-holders holding more than half the area, and"

11 (ii). Add at the end "when compensation has been awarded for the same but not otherwise".

19. Add the following as (iii): "Holder of any plot may require the Local Authority to acquire his plot and pay him as compensation the value of the plot at the time of the declaration plus half the increment estimated by the Arbitrator".

29. Add as clause (8) :—

(8) Any award of the Arbitrator shall be appealable to a Court of Law as a reference under the Land Acquisition Act.

34. Add the following :—

(3) The decision of the controlling authority shall be appealable to a Court of Law as a reference under the Land Acquisition Act at the request of the person or persons aggrieved.

35. This section should be as follows :—

“ Every decision of the Arbitrator shall be appealable to a Court of Law as a reference under the Land Acquisition Act at the request of a person or persons aggrieved.

* * * * *

Lastly it is not clear how a Local Authority is to meet expenses which cannot be charged on a scheme under the Act perhaps by some taxation as in case of the matter in Bill No. VI of 1913.

The Mátunga Residents' Association is of opinion that the time has not come for the passing of any such Act as proposed in Bill No. V of 1913 and that the Bill should be shelved for the present.

In conclusion we are directed to request Your Excellency to circulate these views of the Mátunga Residents' Association amongst the Honourable Members of the Legislative Council of Bombay before its meeting.

And we as in duty bound shall ever pay.

JIVRAJ GOKALDAS NENSEY,

RATILAL KESHAVLAL SANGHANI, B.A.,

Joint Secretaries.

No. 3051.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

From

THE HONOURABLE SIR W. H. H. VINCENT, K.T.,

Secretary to the Government of India,

Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,

Legal Department.

Simla, the 2nd September 1914.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 1031, dated the

Law further to amend the Bombay Tramways Act, 1874.

22nd August 1914.

I have the honour to be,

Sir,

Your obedient Servant,

(Signed) A. P. MUDDIMAN,

Deputy Secretary,

For Secretary to the Government of India.

1005

No. 3115.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

From

A. P. MUDDIMAN, Esq., C.I.E., I.C.S.,
Deputy Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 4th September 1914.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 1033, dated the 22nd August 1914.

The Bombay Civil Courts
Amendment Law, 1914.

I have the honour to be,

Sir,

Your obedient Servant,

(Signed) A. P. MUDDIMAN,
Deputy Secretary to the Government of India.

No. 3118.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

From

A. P. MUDDIMAN, Esq., C.I.E., I.C.S.,
Deputy Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 4th September 1914.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 1032, dated the 22nd August 1914.

The Aden Port Trust (Amend.
ment) Law, 1914.

I have the honour to be,

Sir,

Your obedient Servant,

(Signed) A. P. MUDDIMAN,
Deputy Secretary to the Government of India.

1006

No. 3459.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

From

THE HONOURABLE SIR W. H. H. VINCENT, Kt.,
Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 21st September 1914.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 1101, dated the 3rd September 1914.

Law further to amend the Bombay Port Trust Act, 1879.

I have the honour to be,

Sir,

Your obedient Servant,

(Signed) W. H. VINCENT,
Secretary to the Government of India.

No. 3708.

From

THE HONOURABLE SIR W. H. H. VINCENT, Kt.,
Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 9th October 1914.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 1190, dated the 26th September 1914.

Law further to amend the Bombay District Municipal Act, 1901.

I have the honour to be,

Sir,

Your obedient Servant,

(Signed) W. H. VINCENT,
Secretary to the Government of India.

No. 3727.

GOVERNMENT OF INDIA;
LEGISLATIVE DEPARTMENT.

From

THE HONOURABLE SIR W. H. H. VINCENT, Kt.,
Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department, Bombay.

Simla, the 12th October 1914.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor-General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 1189, dated the 26th September 1914.

Law further to amend the
Bombay Land-Revenue Code,
1879.

I have the honour to be,

Sir,

Your obedient Servant,

(Signed) W. H. VINCENT,

Secretary to the Government of India.

To

S. G. KHARKAR, ESQUIRE,
Acting Secretary to the Legislative Council,
Bombay.

Sir,

We, on behalf of the inhabitants of Salsette, crave leave to submit the following representation for the consideration of the Honourable Members of the Legislative Council in connection with the Town Planning Bill, which is to be read a second time at the ensuing Meeting and request you to see that each Honourable Member gets a copy of it at least a day or two prior to the Meeting of the Council.

1. There is, we submit, no justification for the Honourable Members to place Salsette in the forefront of the operations of the Town Planning Bill. We do not propose to quarrel with the principles of the Bill. They may or may not be good. What we do seriously object to is the provision in the Bill to single out in the first instance Salsette, which is really a poor and mostly an Agricultural District. We, therefore, submit that we should be placed on the same level with the City of Bombay and the Town Planning Act should not be made applicable to us without the consent of our representatives on the Local Bodies in Salsette.

2. "Local Authority" in the Bill is defined as Municipality or Notified Area Committee.

The present constitution of the Notified Area Committees is such that we must strongly but respectfully object to the inclusion of such Committees in the definition of "Local Authority." There are at present various Notified Area Committees in Salsette, each of which consists of three Members, *viz.*: save and except only Ghatkoper Notified Area Committee, (1) Special Officer, Salsette Building Sites; (2) Mamlatdar, Salsette; (3) One non-Official gentleman nominated by Government, not necessarily permanent resident within the area. In this state of the constitution of what will be known as "Local Authorities" under the Town Planning Act, there will be absolutely no voice of the Salsette people in the preparation of the various schemes, and other acts required to be done under the Act by such authorities. A Notified Area Committee is out and out a Government Body and unless the definition of Local Authority is

restricted to "Municipality" or if it is to be extended to Notified Area Committee, unless the Constitution of that Committee provides for election on it of the representatives of the people, residents of Salsette will be materially prejudiced in matters of Town Planning Scheme. In this connection we beg to suggest that the Government might easily group together two or three Notified Area Committees and constitute a Municipality or if this is not feasible or desirable, make provision in this Bill granting election to Notified Area Committees.

3. We should like to invite the attention of the Honourable Members of the Council to one important point which, we believe, has not been considered in the Select Committee. Some of the lands which are at the present moment used for agriculture will have necessarily to be included in most of the Town Planning Schemes to be prepared under the Act. Such lands are at present liable to the payment of Agricultural Assessment only. Very soon after the inclusion of such lands in any Town Planning Scheme they will, we are afraid, be made liable to the payment of Building Site Assessment. Our humble suggestion is that no agricultural land should be made liable to Building Site Assessment, merely on the ground that it has been included in a particular Town Planning Scheme, unless, of course, it is actually converted by the owner to any non-agricultural use in accordance with the scheme. Our further suggestion in this connection is that the owner of any agricultural plot included in the scheme should not be prevented from using that plot for agricultural purposes till he chooses to put a building on it. Provisions containing these safeguards are absolutely necessary in this present Bill, otherwise the Act will work a great hardship to the poor agricultural population of Salsette. We are inclined to the belief that although the Town Planning Authorities will lay out roads and turn the agricultural lands into building plots and compel contribution from the owners for the necessary expenditure in that behalf, only very limited number of plots will be built upon during the course of say 25 or even 50 years to come. The question which the Honourable Members have got to consider, therefore, is whether the owners of agricultural plots included in the scheme are to be made liable to the payment of Building Site Assessment for all those years, although such plots are not built upon and whether those owners are to be prevented from using such plots for agriculture although they for want of means or other reasons are not in a position to put buildings upon them.

4. Clause 9 of the Bill gives power to the Local Authority to include in a Town Planning Scheme any other land in the vicinity of land within its jurisdiction. We concede that it may be very desirable to include such lands in the vicinity of any area of a Local Authority for the purpose of a proper Town Planning Scheme, but we submit that the Local Authority must obtain the sanction of any other Local Body within whose jurisdiction such lands fall.

5. Clause 28 provides that any sum due to the Local Authority under the Act shall be recoverable as arrears of land revenue. This provision must be dropped and the amount due must be made recoverable as a civil debt only.

6. We are in entire agreement with the suggestion of the Honourable Rao Bahadur Sathe to add Sub-Clauses 3 and 7 of Clause 30 to Clauses 31, 32, 33 (5), 38 (1) and 41 for the reasons given by him in his minute of dissent, and we submit the Honourable Members of the Council will favourably consider this suggestion.

In conclusion, we hope and trust that the Government and the Honourable Members of the Legislative Council will very carefully peruse and consider each of the 6 points raised by us in this representation and make necessary alterations in the Bill.

We beg to remain,

Sir,

Your most obedient servants,

(Signed) RAJARAM TUKARAM and others

Bombay, 2nd December 1914.

(inhabitants of Salsette).

NOTICES OF MOTIONS OF AMENDMENTS TO BE ENTERED IN
THE LIST OF BUSINESS AT A MEETING OF THE LEGISLATIVE
COUNCIL TO BE HELD ON TUESDAY, THE 8TH DECEMBER 1914.

Under sub-rule (4) of rule 35 of the Rules for the Conduct of Business, notices have been received of the following amendments to Bill No. V of 1913 (a Bill to provide for the making and execution of town planning schemes), as amended by the Select Committee:—

From the Honourable Mr. C. H. A. Hill, C.S.I., C.I.E., I. C. S.—

Clause 9—

In sub-clause (1) of clause 9, for the words "the preceding section", the word and figure "section 8" shall be substituted.

Clause 31—

In clause 31, after the figures "30", the words and figures "and subject to provisos contained in clause (10) of section 30" shall be inserted.

Clause 33—

(a) In sub-clause (2) of clause 33, after the word "be" the words "a person who holds or has held office as" shall be inserted; and after the word "Justice" the words "in the District of Karachi, be such Additional Judicial Commissioner as may be appointed by the Judicial Commissioner", shall be inserted.

(b) In sub-clause (3) of clause 33, after the word "such" the words "person who holds or has held office as a" shall be inserted; and after the word "Court", the words "in the District of Karachi, by such Additional Judicial Commissioner", shall be inserted.

Clause 37—

Omit clause 37.

From the Honourable Mr. E. G. Turner, I. C. S.—

Clause 15—

In clause (b) of sub-clause (1) of clause 15, for the words "sends no answer", the words, "communicates no decision" shall be substituted.

From the Honourable Rao Saheb V. S. Naik—

Clause 10—

(i) In sub-section (1) of section 10, the words "and sanitary experts" shall be added between the words "owners" and "prepare".

(ii) In sub-section (2) of section 10, the words "and such sanitary officers as they deem necessary" shall be added between the words "owners" and "prepare".

From the Honourable Mr. B. S. Kamat—

Clause 33—

In section 33, clause (3) after the word 'impartial', insert the word 'non-official'.

Clause 40—

(a) In section 40, delete the words from "The Arbitrator and the Assessor appointed under sub-section (3) of section 33, respectively, shall, save where he is a salaried officer of Government" and substitute "The Arbitrator, save where he is a salaried officer of Government and the Assessor appointed under sub-section (3) of section 33 shall".

(b) In section 40, clause (2), delete the words 'and of an assessor'.

From the Honourable Rao Bahadur G. K. Sathe—

Clause 31—

In clause 31, add the figures "3, 7" in 2nd and 3rd line on page 14;

Clause 32—

In clause 32, add the figures "3, 7" in line 2;

Clause 33—

In sub-clause (5) of clause 33, add the figures "3, 7" in line 23;

Clause 38—

In sub-clause (1) of clause 38, add the figures "3, 7" in line 8;

Clause 41—

In sub-clause (1) of clause 41 add the figures "3, 7" in line 4.

From the Honourable Mr. V. J. Patel, Bar.-at-Law—

I. Clause 1—

Substitute the following for sub-clause (2) of clause 1.

"(2) It shall extend in whole or in part to such part or parts of the Bombay Presidency to which the Governor in Council may, by notification in the *Bombay Government Gazette*, make it applicable:

Provided that no part of this Act shall be extended to any area in the Presidency falling within the jurisdiction of any local authority except on the previous application to the Governor in Council by such local authority, such application having been previously assented to by a majority of the whole number of members constituting that authority."

II. Clause 3—

Delete sub-clause (j) of clause 3.

*III. Clause 7.—*Substitute the following for clause 7:

"7. Notwithstanding anything contained in section 7 or in sub-section (3) of section 187 of the Bombay District Municipal Act, 1901, the Governor in Council may declare any specified area for which it is proposed to make a town planning scheme to be a Municipal District or a notified area and notwithstanding anything contained in proviso to sub-section (1) of section 188 of that Act a committee for any notified area for which it is proposed to make a town planning scheme shall consist of not less than 5 and not more than 7 members of whom a majority shall be elected residents of that area".

*IV. Clause 9.—*In clause 9, sub-clause 1, add the following words between the words "whole or any part of such land and" and the words "of any land which is in the vicinity" "with the consent of the District Local Board concerned."

V. *Clause 28.*—Delete clause 28.

VI. *Clauses 31, 32, 33, 38 and 41.*—In clauses 31, 32, 33 (5), 38 (1) and 41, add “(3)” after the words “arising out of clauses” and before “(4)” and add “(7)” after “(6)” and before “and (9)”.

VII. *Clause 49.*—Delete clause 49.

From the Honourable Mr. S. B. Upasani—

I. *Clause 1*—

Add the following to sub-clause (2) of clause 1 :—

“ Provided that this Act shall not be extended in whole or in part to any area within the jurisdiction of a Local Authority or within 3 miles therefrom without the consent of the majority of the whole body of that Local Authority ”

II. *Clause 8*—

At the end of the para. of sub-clause (1) of clause 8, add “ or is required to be so used for the development and extension of any adjoining city or town ”.

III. *Clauses 9 and 13*—

Clause 9 (5) and clause 13—

Substitute “ two months ” for “ one month ” where these occur in the two clauses.

IV. *Clause 15*—

In sub-clause (1) of clause 15, delete the words ‘ declaration of intention to make a ’ and substitute the word ‘ draft ’.

V. *Clause 16.*—

In sub-clause (b) of clause 16, delete the words ‘ or estimated to be spent ’.

VI. *Clauses 16, 17, 19 and 21*—

In sub-clause (d) of clause 16, clause 17, clause 19 line 15 and clause 21 para. 2—for the words ‘ declaration of intention to make a ’ substitute ‘ publication of the draft ’ where those words occur in the said clauses.

VII. *Clause 18*—

In para. 1 of sub-clause (1) of clause 18, substitute the following :—

‘ The costs of the scheme shall be met by the Local Authority and Government in such proportion as Government may fix having regard to the means of the Local Authority and part of it may be levied if thought necessary by the Local Authority by way of contribution in the form of differential rates on the plots included in the scheme having regard to the extent of their area with reference to the whole area included in the jurisdiction of the Local Authority and the relative advantages which may be enjoyed by them respectively by reason of the execution of the scheme and all other circumstances of the case ’.

VIII. *Clause 27*—

In sub-clause (2) of clause 27 for the portion ‘ It ’ after the word ‘ but ’ in line 5 up to the end substitute the following :—

‘ If the agreement be disallowed or modified by Government or by the Tribunal of Arbitration either party shall have the option to avoid it if they so elect ’.

IX. *Clause 28.*—Delete the words 'by the Collector' in lines 4 and 5 and substitute 'municipal dues' for 'land revenue' in line 7 and delete the words 'on application being made to him'.

X. *Clauses 31, 32, 33, 38 and 41—*

Clauses 31, 32, 33 (5), 38 (1) and 41—

Add sub-clauses 2, 3, 7 and 8 of clause 30 to those mentioned in the above clauses.

XI. *Clause 33—*

In sub-clause (3) of clause 33, for the portion after the words 'to be' in line 2 substitute 'to be selected by the majority of the owners of the plots included in the scheme'.

XII. *Clause 47.*—Between the words 'scheme' and 'may' in lines 1 and 2 insert 'if found unworkable'.

XIII. *Clause 48.—*

(a) Between the words 'scheme' and 'shall' in line 8 insert 'or has suffered any substantial loss or injury'.

(b) Between the words 'abortive' and 'by' in last but one line insert 'or loss or injury sustained'.

XIV. *Clause 51—*

In sub-clause (1) of clause 51, for the portion after the word 'with' in the last but one line substitute 'any scheme prepared under the provisions of the Act'.

By order of His Excellency the Right Honourable the Governor,

S. G. KHARKAR,

Acting Secretary to the Legislative Council.

Journal of the Proceedings of the Legislative Council of the Governor of
Bombay, assembled under the provisions of the Indian Councils
Acts, 1861 to 1909.

The Council met at Bombay on Tuesday, the 8th December 1914, at
12 o'clock noon.

P R E S E N T :

- His Excellency the Right Honourable Lord WILLINGDON OF RATTON,
G.C.I.E., Governor of Bombay, *presiding*.
- The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S.
- The Honourable Mr. C. H. A. HILL, C.S.I., C.I.E., I. C. S.
- The Honourable Mr. PRABHASHANKAR D. PATTANI, C.I.E.
- The Honourable the ADVOCATE GENERAL.
- The Honourable Moulvie RAFIUDDIN AHMAD, Bar.-at-Law.
- The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
- The Honourable Mr. GHULAM MUHAMMAD valad Khán Bahádur WALI
MUHAMMAD BHURGRI, Bar.-at-Law.
- The Honourable Mr. T. W. BIRKETT.
- The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
- The Honourable Mr. FAZALBHOY MEHEBALLY CHINYOY.
- The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
- The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (Lond.), L.M. & S.
- The Honourable Sardár SYED ALI EL EDROOS.
- The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
- The Honourable Mr. G. W. HATCH, I. C. S.
- The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
- The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.
- The Honourable Mr. J. E. C. JUKES, I. C. S.
- The Honourable Mr. BALKRISHNA SITARAM KAMAT.
- The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwáda.
- The Honourable Mr. NAVROJI DORABJI KHANDALAVALA, LL.B.
- The Honourable Mr. JEHANGIR H. KOTHARI.
- The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
- The Honourable Mr. E. MACONCHIE, I. C. S.
- The Honourable Sardár Sir CHINUBHAI MADHAVLAL, Bart., C.I.E.
- The Honourable Mr. J. A. D. MCBAIN.
- The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
- The Honourable Sir PHEROZESHAH MERWANJEE MEHTA, K.C.I.E.,
Bar.-at-Law.
- The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK.
- The Honourable Mr. E. FERRERS NICHOLSON.
- The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.
- The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
- The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
 The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEEBBHOY.
 The Honourable Mr. MANMOHANDAS RAMJI.
 The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
 The Honourable Ráo Bahádur GANESH KRISHNA SATHE.
 The Honourable Mr. CHIMANLAL HARILAL SETALVAD, LL.B.
 The Honourable Mr. W. H. SHARP.
 The Honourable Sir FREDERICK L. SPROTT, Kt.
 The Honourable Mr. E. G. TURNER, I. C. S.
 The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
 The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.
 The Honourable Mr. M. DEP. WEBB, C.I.E.

New Members.

The following Additional Members made the prescribed oath or solemn affirmation of allegiance to His Majesty the King-Emperor and took their seats in the Council :—

The Honourable Mr. G. CAEMICHAEL, C.S.I., I. C. S.
 The Honourable Mr. E. MACONCHIE, I. C. S.
 The Honourable Mr. MONTAGU DE POMEROY WEBB, C.I.E.

His Excellency the PRESIDENT :—I propose for the convenience of Honourable Members to suspend the Standing Orders and to take item No. 5 on our agenda first, namely, the resolution to be proposed by the Honourable Moulvie RAFIUDDIN AHMAD.

The Honourable Moulvie RAFIUDDIN AHMAD then moved :—

“That this Council begs to express its deep conviction of the righteousness of the cause of Great Britain in its participation in the present war and assures His Majesty’s Government of the unswerving loyalty and devotion of all communities and classes to the British Throne and offers its humble service to Government during the crisis, and prays that the Governor in Council will be pleased to convey this expression of opinion to His Majesty’s Government.”

In support of the resolution the Honourable Member said :—Your Excellency, I shall venture very briefly to propose this resolution, because whilst it will, I know, meet with the unanimous support of this Council, the reasons which will induce us to give it unanimous support need no exposition at this stage. The Empire is to-day fighting for its existence. The causes which have forced this Empire, which is above all things a peace-loving Empire, to fight for its existence, are bound up with the rise to a position of mastery in Germany of a Government bent on forcing all other States, great and small, into a position of subservience to it. Circumstances have placed the heroic Belgian people in the forefront of the fight, but we recognize that

the principle for which Belgium is struggling so gallantly is equally precious to us all—it is the right of peoples and States to work out their destinies in their own way, free from the ever-present menace of war by a State which has for years prepared itself for aggression. These are forces which come home very closely to us in India. We know that our highest destinies stand to be realized within the Empire and under the Crown; that the future of India is indissolubly associated with the triumph of those liberal principles which are the glory of British statesmanship: therefore, whilst we should have lent our loyal and full support in any war in which the Empire might be engaged, we are with it heart and soul, from prince to peasant, in a war for the defence of the smaller State from brutal aggression and of the right of peoples to work out their own salvation. If I may say a word on behalf of the community to which I belong, it will be that our allegiance to His Majesty the King-Emperor is strengthened rather than weakened by the stroke of fate which has brought Turkey into the field against the British Empire; we know where our duty as well as our interests lie, and we earnestly hope that even at this stage the people of Turkey will be able to wrest the control of their State from the hands of the section which has proved so singularly unfitted to exercise it. I ask the Council unanimously to adopt this resolution, and Your Excellency to accept yourself, and convey to His Imperial Majesty, the assurance of our unalterable devotion to his Throne and person, and of our ardent desire to support by all means in our power the armies of the Empire, until the righteous war into which we have been forced is brought to a triumphant conclusion. No part of this Empire is more solid in its support of this war than the people of the Bombay Presidency. Your Excellency knows them so well, that I believe you need no assurance upon this point. I think that under the inspiration of yourself and Her Excellency they have done what in them lies to relieve the distress and suffering which must be caused by war; and I may assure you, Sir, that they fully appreciate the calm and sagacious action which your Government has taken day by day to meet the emergencies arising from an unprecedented situation, and to allay the uneasiness necessarily arising in a people unfamiliar with war.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH said:—Your Excellency, I rise to support the first portion of the resolution of my Honourable friend, because the Germans are waging an unholy war with the sole intention of establishing an unchallenged predominance in the world.

As regards loyalty, Your Excellency, we are all loyal to the very core. We are, and we will continue to be, loyal, however long the war may last, and whatever its fluctuating fortunes may be. We are loyal because our religion teaches us to be loyal, and because we are conscious of the innumerable blessings which we have enjoyed and are enjoying under the British Rule.

Before I conclude, Your Excellency, I should like to refer to the unfortunate event of Turkey joining the enemy. Turkey by joining the enemy has lost sympathy of all Indian Mussalmáns, because Turkey has joined the war against their best friend—Britain. The Mussalmáns of India showed

considerable sympathy towards Turkey when she was in trouble, but now that the war she is waging is a war of aggression, we have absolutely no sympathy for Turkey. It is a pity that Turkey has no regard for the feelings of millions of Mahomedans.

With these words, Your Excellency, I support the resolution moved by the Honourable Moulvie RAFIUDDIN AHMAD.

The Honourable Sir JAMSETJEE JEEJEEBHOY said:—In support of the resolution moved by my friend the Honourable Moulvie RAFIUDDIN AHMAD little need be said at this time of the day. The righteousness of our cause in this great struggle requires no vindication; no one who has not been imbued with the ideals and standards of the Prussian military party doubts that England has drawn the sword in defence of principles which she has held inviolate through long ages. The Germans have set out, not only to re-cast the map of the world—with a view no doubt to the spread of German "Kultur"—but they are also attempting to re-cast our ethical notions. Perhaps they are astonished that an ungrateful Europe is not prepared to accept the imposition of either their "Kultur" or their lofty moral standards, and that it will not rest until it has restored to their proper place the forces which have made for progress and civilization.

As to the second part of the resolution, not much again can be said which has not been reiterated times without number during the last few weeks. The loyalty and devotion of India have been demonstrated in a manner which has thrilled the Empire, and by being among the first and in the forefront of the fight, we have demonstrated that saying that "India was the brightest jewel in the English Crown" was not an empty phrase. The princes and people of this great land have given unmistakable proof of their attachment to the Throne, and while it may be necessary to give formal expression to the sentiments which inspire all classes and creeds, it is obvious that we shall be judged, as we always desire to be, not by what we are saying, but what we are doing. And we all know what the verdict of history will be on the part that India is playing in the present struggle. With these few remarks I have much pleasure in supporting the proposition.

The Honourable Sardár SAYAD ALI EL EDROOS said:—Your Excellency, I beg to associate myself most heartily with what has been said by the former speakers. I believe the sentiments of the people of India on this terrible war have already been sufficiently made clear, and no further expression of the same is now needed. A wave of loyalty and enthusiastic devotion has passed over the whole country, and but one sentiment permeates all classes of the people, that of the most unflinching fealty to the British Throne and Government. What a bitter disappointment to the enemy, who counted upon the so-called "unrest" in India. It has also been a good answer to those who believed India could never be united in loyalty as a nation. It has shown that, whatever internal differences they may have had, the people of India today stand shoulder to shoulder in upholding the prestige of this great Empire. Thus the

war cannot be called an unmixed evil. It has its bright sides as well. It has brought the rulers and the ruled in India more closely together and a better mutual understanding has prevailed. The decision to employ Indian troops in this great war has also amply justified itself. Our brave soldiers have already fulfilled our best expectations, and the steadfast courage with which they are fighting along with their British comrades in arms is sure to reflect the highest credit on the country they represent.

As a representative of Gujarát—particularly that of the Mahomedan community—I beg to be allowed to assure Your Excellency of our wholehearted devotion to the Government and our readiness to afford whatever help we can in these days of severe trial, and we join in the prayer that the British arms may soon emerge victorious and glorious from this bloody conflict.

I beg most heartily to support this resolution.

The Honourable Dr. DE MONTE said :—Your Excellency, it is with sincere pleasure that I rise to give my very cordial support to this resolution, and I congratulate the Honourable Mr. AHMAD on the able manner in which he has acquitted himself of the responsibility of moving it in this Council. My only regret is that it has not been possible for this Council to pass a resolution of this kind at an earlier date. After the magnificent way in which the whole country, from the Himalayas to Cape Comorin, has rallied round the Throne and Empire, after the gallant and thrilling achievements of our Indian soldiers on the field of battle, reports of which have reached us, and last, but not least after the splendid response which the princes and people of India have made and are making to the call for funds to provide our soldiers with comforts, it seems somewhat belated for us to pass this resolution now. Still, “better late than never” is an excellent maxim, and I am sure that the people of this Presidency, of all classes and creeds, are wholeheartedly in favour of this resolution. The Catholic Christians, whom I have the honour to represent feel an especial enthusiasm in this war, owing to the desecration of some of their most sacred shrines—the destruction of the noble Cathedral of Rheims and the dropping of bombs on the no less noble Cathedral of Notre Dame at Paris—by the German army. It is quite unnecessary at this time of the day, when all the world is in full possession of the facts, to enlarge upon the righteousness of the cause in which His Majesty the King-Emperor has drawn the sword. There can be no two opinions on the matter in an impartial mind. England has stood forward in her historic character of champion of oppressed and downtrodden nationalities, and the friend of liberty. She has undertaken all the sacrifices she is making, for the vindication of the public law of Europe and the maintenance of the sanctity of solemn treaties. I believe from my heart that there was never a more righteous war than that in which our Empire is engaged. It is the earnest prayer of all classes of the Indian people that complete victory may soon rest on the British arms, that the evil portents of militarism and materialism may disappear for ever and that the blessed Gospel of “Peace on Earth and Good will to men,” proclaimed two thousand years ago, may reign undisturbed on earth by

doctrines of physical force and moral backsliding. My Lord, I have great pleasure in supporting this resolution.

The Honourable Mr. MANMOHANDAS RAMJI said :—Your Excellency, I rise to support the proposition moved by my Honourable friend Moulvie RAFIUDDIN AHMAD, and in doing so I would join with the previous speakers in all they have said, inasmuch as our Empire is dragged into this war only for the sake of liberty and for defending the right cause. Your Excellency, this war, although its duration is very short, has caused great hardship to several families and several nations. But when the whole thing is over we shall be glad to see that the right will be protected by the Almighty God.

With these few words I beg to support the resolution moved by my Honourable friend Moulvie RAFIUDDIN AHMAD.

The Honourable Ráo Sáheb VENKATESH SHRINIVAS NAIK said :—My Lord, I crave Your Excellency's permission to add my feeble voice to the eloquent expressions of Bombay's loyalty to the Throne, by associating myself wholeheartedly with every word of the resolution, which has been so ably and sincerely moved and supported by my Honourable colleagues that have spoken before me. We are all grateful to Your Excellency for giving us this opportunity of expressing our loyalty and devotion to Government on this critical occasion. Though meetings after meetings are held in different parts of the Presidency, giving expression to loyalty, and though Government is convinced of India's firm devotion to the Crown, we feel that it is a privilege to us to give vent to the feelings of loyalty and firm attachment to the Throne of our British Government. Ever since Providence ordained India to be placed under the British Rule our kind and benign rulers never spared men and money to make us what we are—peaceful, progressive and happy. It is needless for me to enumerate the various blessings that have been conferred upon us by the British Rule. The progress of trade and commerce has been such that the people of this country had never enjoyed before. The safety of our property and the freedom of our actions are so perfect that the most insignificant peasant, or an artisan, or a coolie, who depends on the small stock of produce he grows on his land, or earns on his tools, or the daily wages he gets for his day's labour, for his maintenance, gets the same protection and security as a landlord holding vast tracts of land, and rich industrial magnates owning extensive factories and engaging a troop of coolies. Suffice it to say that our connection with England has been a fountain of innumerable boons, and we owe everything to the British Rule. If India is ever to attain her salvation, and take her stand on an equal footing with the world's great nations, she can do so only under the auspicious *ægis* of our dear Britain. I need hardly say that the interests of this country, and the civilization of the whole world, are indissolubly bound up with the integrity and solidarity of the British Empire. We Indians are not a whit less devoted and loyal to our King-Emperor, and we would count it a privilege to offer our personal and material assistance in the defence of the Empire, an Empire that has stood for purity, strength, righteousness and civilization, and which has left visible and indelible marks where the British have held their sway.

My Lord, speaking as I do, as an Indian, we are indebted to the British *Raj* a great deal, so much so that any sacrifice we may make at the present crisis will not be considered too great. This is indeed an occasion on which we should let the world know that India is prepared to rise as a man to make any service for upholding British power and prestige, and also to maintain Britain's position as the greatest world power. Although our share of work in the present war will probably be less than that of other countries, our will to help the Government, in various ways, will not be less than that of any other part of the Empire. The fact, that the subjects of the different parts of this country are vying with each other in their offer of assistance to the Government, is indeed a matter for jubilation and satisfaction. From every part of this wide continent, from every section of its multitudinous people, from the highest to the lowest, from the prince in his palace to the peasant in his cottage, there has emanated the most striking evidence of the devotion of the people of this Empire. By instincts, by habits, by immemorial traditions, we are loyal. Our loyalty has its roots deep in our hearts, and it springs from the fountain of affection. We are loyal, not only because it is part of our nature, our temperament, our creed, but because every one of us feels that with the stability and permanence of the British Rule are bound up our best prospects and advancements. All that I have to say is that with all the differences of race and creed India is united in her devotion and loyalty to the British Throne and to the person of His Most Gracious Majesty the King-Emperor.

The motives that have actuated our Government to join in the present war are . . . not with a view to the territorial aggrandizement, but with the loftiest motives of righteousness—the protection of liberty and the weak. This war has been thrust upon our Government by the enemy, who have provoked, and there is not a breath of protest or dissent, with regard to the righteousness of the war, and the actions our Government have taken, in joining in this world-wide conflict. As justice is on our side, however heavy the odds may be, against which the forces of our Empire have to contend, there is not a single man in this country, who for a moment doubts that the ultimate victory will be ours.

My Lord, I may take this opportunity to inform Your Excellency and this Council that even in villages of the remotest part of the mofussil, from which I come, I could gauge personally, when I had occasion to address the villagers on the present war, the degree of sincerity in their loyalty to Government, and the depth of feelings and sympathy towards Government in the present war, and the readiness with which the whole population under our Government is ready to help in every way possible. They amply feel, and thoroughly realise, that in rendering any service to the Government at the present moment, lies their duty, happiness and prosperity. I therefore desire to assure Your Excellency, and through Your Excellency the Government of India, and His Most Gracious Majesty the King-Emperor, that the citizens of this province, however remote they may reside from the seat of Government, and in what position they are, they are loyal to the very fibre, and have resolved and

determined to stand firmly and unflinchingly, by the flag of our King-Emperor, which is the banner of justice and freedom, and are prepared, if need be, to sacrifice all and everything they possess in this undertaking.

We might have our numerous wants and aspirations, but I speak the truth when I say that we shall sink them all, and bury them out of sight and mind, if necessary, till the war is over, and its effects on the finances of our Government are improved.

In conclusion, I beg to reassure the Government with all the sincerity of heart, that the whole of this Presidency shall ever remain loyal to the liberty loving, just and beneficial Government of our beloved Emperor, and shall ever be ready to make such sacrifices as we may be called upon to make, and help the Government in the successful issue out of the present war.

With these words I whole-heartedly support the resolution.

The Honourable Sir PHEROZESHAH MERWANJEE MEHTA said :—May it please your Excellency, at this time of day it seems to me that it is scarcely necessary to add any words to the universal and enthusiastic expression of loyalty and devotion to the British Crown and the British Empire which has in such a remarkable way spread over the whole country. Anybody who attended the great public meeting held in the Town Hall the other day would have seen what remarkable feelings of loyalty and devotion prevailed throughout all the communities, all the races, all the creeds of all the people of the whole Presidency, although the meeting was held in the city.

At that meeting I ventured to say that we were proud to think that the war England was waging was a just and righteous war in a just and righteous cause. My Lord, everything that has since transpired has shown that this war which is being waged is a war which it was absolutely necessary that England should undertake for the very existence, if I may say so, of the British Empire, for the cause of civilization, and for the cause of humanity; and a prayer goes from all enlightened people in this world that success, final and complete, may attend our great efforts in the cause, as I have said, of humanity and civilization.

Your Lordship will pardon me if I say a personal word on this occasion. I think it is a matter of great good fortune to the people of this Presidency that we have at the head of the administration and of society your Excellency and Lady Willingdon. (Applause.) My Lord, I do not want to say anything much more than that we are most grateful that we should have at this supreme juncture your Excellencies to guide and superintend, as you have done, all the efforts which we wish enthusiastically to put forward to co-operate on this great occasion.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD said :—Your Excellency, I beg to associate myself with all the sentiments that have been given expression to by the previous speakers. The outbreak of this war has conclusively demonstrated that all creeds and communities of this country are united to a man to support the British Empire. It must indeed be very gratifying to the people of this country to find that Indian soldiers have been privileged to

fight shoulder to shoulder with British soldiers in support of the prestige and honour of the British Empire; and the reports that we have heard of their achievements must indeed have been gratifying to all people in this country, European and Indian, and this feeling has created great satisfaction amongst all classes. We all hope, your Excellency, that very soon peace, and lasting peace, would be restored in all parts of Europe.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Your Excellency, I heartily join in the loyal sentiments expressed by the previous speakers, particularly those by our Honourable friend Sir PHEROZESHAH MEHTA. My Lord, since the outbreak of the war our people have themselves given such sure proofs of their deep loyalty all over the country that it is hardly necessary for us as their representatives to give any formal assurances about it in this Council. My Lord, we all know that our Empire stands on firm foundations. Though its head may be in England and other parts spread all over the world in Asia, Africa, America and far off Australia, its heart is centred in India, and in this land of ours the Empire is as securely rooted as in any other part of the globe. With the vast resources of this world-wide Empire at our disposal and with the powerful support of our Allies to back us, there can be no doubt whatever of the ultimate success of our arms. But, my Lord, we pray that the wild fire of the terrible war which has already spread over three Continents and dislocated the economic condition of the whole world may soon be brought under effective control with the loyal co-operation of all the members of the Empire. We pray for it in the interests of humanity and of the world at large and may God grant that the successful end may come soon. With these few words I again express my full sympathy with all that has fallen from the previous speakers and heartily support this Resolution moved by our Honourable friend MOULVIE RAFIUDDIN AHMAD.

The Honourable RAO BAHADUR SHBINIWAS KONHER RODDA said:—My Lord, coming from a part of the Presidency where the inhabitants look upon the *Prithwi Pati* as an incarnation of Vishnu, the one Universal Almighty Creator, it is but natural to say that the people of the Karnatak were loyal, are loyal, and will remain loyal for ever. The *Prithwi Pati* of ours, the King-Emperor, is not an ordinary thing, but he is really *Prithwi Pati*, viz., the Emperor of the Earth, which includes every part of the world and on whose dominions the sun never sets. To such a mighty Sovereign we are firmly attached, as especially under His Imperial Majesty's reign we have enjoyed, and have been enjoying, and will enjoy, blessings of every kind. We look upon him as a Divine Incarnation.

Besides, in the present instance we have to express our just indignation at the evil doings of Germany whose ambitious ruler has set up an unreasonable war. Our King-Emperor has taken the war in the cause of justice and righteousness and in the cause of supporting the weaker nations. Such being the case it is our bounden duty to assure your Excellency that the whole country is prepared to afford all help, physical, material and moral, and to place all its resources at the disposal of the Throne in the just cause for which the war is undertaken.

I pray that your Excellency will be pleased to convey to His Imperial Majesty through the proper channel our sentiments as regards our firm loyalty, and we are fully prepared to afford all help from the very poorest to the richest.

The Honourable Mr. FAZULBHOY MEHERALLY CHINYOY said:—At this stage, when the war has so far gone satisfactorily in favour of the Allies and in which India has played a conspicuous and honourable part, any expression of mere loyalty would be superfluous, unless the speeches themselves were deeds. My Lord, the whole of India has responded to the call of duty in fighting the Empire's battle, and the gallant Indian warriors are shedding their blood in the service of their beloved King-Emperor. I am proud to say that the Moslems of India have proved loyal to the very backbone and they have readily given their best in treasure and men. We will continue to do so till the end for our very liberty, honour and independence and the world and civilization hang on the issue of the war which has been thrust upon us by an implacable enemy to whom no obligations are sacred. We trust that our Indian troops will return to their country crowned with glory and success.

The Honourable SARDAR SIR CHINUBHAI MADHAVLAL said:—Your Excellency, I heartily support this resolution and thank my Honourable friend MOULVIE for moving it. I will not take up the valuable time of this Council in describing our feelings of loyalty or in defending the war as a righteous one because all of us more or less in various capacities on several occasions in different places have had our say on the subject; but this is the only official time if I may say so for our Council to give expression to our feelings of loyalty, to our sense of justice and righteousness of the cause for which our great and beloved King Emperor has joined, and we sincerely wish that success will crown eventually. I also heartily endorse the remarks of my esteemed friend, Sir PHEBOZESHAH MEHTA in connection with your Excellencies and it requires no great argument to prove what good your Excellencies' association with us in these trying times has done and what impetus your Excellencies have given us. With these few remarks, I support the resolution brought forward by my Honourable friend MOULVIE RAFIUDDIN AHMAD.

The Honourable Mr. BALKRISHNA SITARAM KAMAT said:—Your Excellency, after the very admirable remarks that have fallen from the previous speakers, it is scarcely necessary for me to add anything to what has already been said. But I feel that I would be failing in my duty, coming as I do from the Deccan, if a word on behalf of Poona and the Deccan was not added to what has been already said on the subject; and therefore, I take the liberty in the name of Poona and the Deccan to associate ourselves (and when I speak I also speak on behalf of my Honourable Colleagues who come from Poona) with this resolution of loyalty and devotion to the British Crown. I need hardly assure your Excellency that every man in the Deccan, belonging to whatever school of thought, and whether he is a Brahmin or a Non-Brahmin, educated or uneducated, in fact every man in the Deccan joins at this juncture in these feelings of loyalty to the British Crown and the Empire.

Although owing to certain circumstances, Poona had not had the privilege of formally conveying its sense of loyalty in a meeting, all the same I need hardly say here that Poona and the whole of the Deccan joins most sincerely and warmly in the feelings of loyalty, to which already expression has been given by my Honourable Colleagues.

The Honourable Mr. ABDUL HUSSEIN ADAMJI PEERBHOY said:—Your Excellency, I beg to support the resolution moved by my Honourable friend MOULVIE RAFIUDDIN AHMAD and I endorse every word that has been said by the previous speakers. The resolution confirms the proof of what has already been said all over the country, that it is a righteous cause which England has taken up and I think we should be loyal to His Majesty the King Emperor for the innumerable benefits which India has derived under British Rule.

The Honourable Mr. GHULAM MUHAMMAD WALAD KHAN BAHADUR WALI MUHAMMAD BHURGRI said:—Your Excellency, I beg to take the liberty of fully associating myself with the remarks that have been made by my Honourable friend the Mover of the Resolution.

The Honourable Mr. HARCHANDRAI VISHINDAS said:—Your Excellency, I entirely associate myself with the sentiments that have fallen from the various speakers and although we at various public meetings have expressed our devotion and loyalty to the British Crown, and public meetings have been held in every part of the country, it is but fitting that we, as accredited representatives of the people of this Presidency, should, in this Council, pass this resolution.

His Excellency the PRESIDENT said:—Before saying a few words in summing up this debate I should like to refer briefly to the personal references made by two honourable members. I say as a rule, and I am sure Honourable Members, especially the gentlemen who made the remarks, will agree with me that personal references are to be deprecated in Council. But I do also agree that we are discussing a matter under the most remarkable circumstances. Therefore, on this occasion, perhaps, I too, may be led to say that I appreciate most sincerely the kindly references of a personal character made by the mover of this resolution, and also more particularly by my Honourable friend, Sir PHEROZESAH MEHTA. Let me assure him that such guidance and such superintendence as he suggests have been given by myself during these last rather strenuous months, would have been of little avail unless I had had the whole-hearted support, assistance and encouragement not only of those gentlemen closely associated with me in official life but by every class and condition of people in the Bombay Presidency.

I feel I need add little to the admirable speeches which have been delivered by Honourable Members who have addressed the Council on this Resolution, which has been ably moved by my Honourable friend Mr. RAFIUDDIN, but I would wish on behalf of Government to express our warm appreciation of the tone and character of these speeches and assure Honourable Members of our warm support of its terms.

This Resolution is of threefold character and I am glad that it emphasizes in the first place our deep conviction of the righteousness of the cause for which

we are fighting, especially as we know that the official German Press Bureau has been persistently, though I think unsuccessfully endeavouring by various inaccurate statements which have been widely spread, to deceive the world and hush up the truth. We are fighting for the inviolability of Treaty rights, for the freedom and liberty of small Nations, and in order to crush for ever the brutal militarism of Germany which has brought so many horrors in its train during the last few months. And I venture to urge upon Honourable Members the desirability of using their influence in their various Districts to spread the true story of the reasons for our engaging in this struggle and to dispel the many wild rumours which I am sorry to say still find some credence in the minds of many of our people.

In the second place we assure His Majesty's Government of our loyalty and devotion to the Throne. I think I may truly say that we have never had any doubt as to the loyalty of the Bombay Presidency or indeed of the whole of India, and we can claim that it is no mere lip loyalty, for our people are bearing, and will in the future bear, with courage the numerous anxieties and trials of all kinds which are inevitable in time of war.

The economic and financial disturbance throughout the world must lay a heavy strain and burden on us here as well as on all the countries who are engaged in it. While it is the duty of Government to endeavour as far as possible to relieve that strain and while we are proud to give men and money and to take our full share in this struggle, I am confident that we are also prepared to carry with loyal fortitude our share of the burden in the full and confident belief in the absolute justice of our cause, and of the ultimate advantage that will accrue to us as a most important part of the British Empire.

A very severe test has during the past few weeks been applied to the loyalty of a large number of our fellow-citizens who are of the same religion as the subjects of the Sultan of Turkey and who have hitherto looked upon that ruler as the trustee of the Islamic faith, owing to the very regrettable fact that the hitherto friendly country of Turkey, under the malign and persistent pressure of Germany, has been forced into a state of war with the British Empire and her allies. The sympathy of all those who belong to other religious denominations must go out in full measure to them in their hour of trial, but while we all share their feeling of deep regret that the old friendship between the British Empire and Turkey should have been broken off, let us never forget that on Germany must rest the sole responsibility for having engineered this unfortunate state of things at this particular time.

The Empire of Turkey had no unfriendly relations with any of the allies when the war broke out, and had been assured by them all that her position in Europe would be secured and maintained provided she herself remained absolutely neutral. But Germany, who has been finding that the course of the war was not going at all so successfully as she anticipated, as a desperate resource has forced Turkey into committing certain acts of war, has dragged her in on her side, much against the wishes of that country's most responsible

statesmen, in order if possible to create a Mahomedan diversion in her favour in various parts of the world. And what is the answer she has received? Assurances of loyalty from princes and peoples of the Mahomedan faith that they will be no party to these unworthy machinations and are determined to be loyal to their rulers throughout this great struggle.

Germany, in fact, has made yet one more grave miscalculation. She hoped to cause a holy war to be declared as a consequence of dragging Turkey into the struggle. But she has been unable to deceive the Mahomedan world, who realise that she, a Christian power, has provoked this war for a political motive of her own and has rendered it impossible for them to regard Turkish co-operation with her converting it into a holy war of Islam.

Let me add this consideration for the attention of all Mahomedans at the present juncture. It may, I think, be truly said that our King-Emperor through his Government has always shown a determination to recognize and obtain absolute freedom for the numerous religious creeds and holy places within the British Empire, and that has been solemnly reaffirmed at this crisis by the striking Proclamation which the Viceroy issued to the members of the Mahomedan faith a short time ago. Now I ask any Honourable Member this question: Can the experience of the past few weeks lead us to expect that Germany, if it suited her purpose, would respect in any degree the religious susceptibilities of any community? The wholesale destruction of sacred edifices in Belgium and France is a full and sufficient answer to this question, and I venture to suggest that the true interests of Islam would be safer in the hands of the allies than under the heel of the military despotism of Germany.

Let me add one word on the third point raised in the resolution, which expresses our desire to give our humble services to Government. The fact that our Indian soldiers are fighting, and fighting splendidly, side by side with our forces from all parts of the Empire, the offers of service and help freely offered and generously given by all classes and races, the prince and the peasant, the old and the young, the rich and the poor, all coming forward with one spontaneous desire to give of their best to the cause, the great work which the ladies of India are doing in supplying comforts and clothing for our troops and hospitals, and finally the fine wave of patriotism which has spread through the land—these are surely full evidence of the intense desire to offer full services to the cause of our Empire.

And so, while we know that this war will bring pain and grief into many a home, we shall go forward confident that the God of Battles will give us the victory, for we are fighting for justice, for freedom and liberty among nations; proud in the knowledge that England and the rest of the Colonies fully realise that India is doing splendid service for our cause and certain that India will prove herself to be both at home and abroad a great bulwark of support in defence of the Empire.

The Resolution was then put to the vote and carried.

BILL No. V OF 1913 (A BILL TO PROVIDE FOR THE MAKING AND EXECUTION OF TOWN PLANNING SCHEMES).

His Excellency the PRESIDENT :—A Bill to provide for the making and execution of Town Planning Schemes. The Honourable Mr. CLAUDE HILL.

The Honourable Mr. C. H. A. HILL, in moving the second reading of the Bill, said :—Your Excellency, I feel that I need not detain Your Excellency's Council very long in moving the second reading of the Town Planning Bill, for the reasons that such a very large Select Committee discussed the matter very thoroughly and that, if I may judge from the nature and extent of the amendments to the Bill which have been received, it is clear that there is a general consensus of opinion on the part of this Council that the Bill as amended by the Select Committee is one which should commend itself to the public. I imagine that it is a record for the Bombay Legislative Council that a Select Committee should have comprised seventeen members (of whom twelve were non-officials), and I am quite certain that another record is involved in the interest displayed and the degree of assistance given by all members of the Select Committee. I am very glad to have this opportunity of conveying my warm acknowledgment to all members for the very great assistance they gave me, and of acknowledging that what I believe to be the great improvements effected by the Select Committee were due in a very great measure to suggestions made by non-official Honourable Members as well as to the great acumen which was brought to bear by them upon the parent Bill, and upon all suggestions for its amendment.

If further testimony were required of the efficiency of the work of the Select Committee, it is contained in the approval expressed by the Government of India of the Bill as now revised. I shall have occasion later on to suggest two small changes in connection with the remarks of the Government of India, but neither of these changes affect in the smallest degree the principles of the Bill or, I believe I may say, its efficacy.

There are just 2 or 3 points in the revised Bill to which perhaps I should refer for the benefit of those members of Council, though few in number, who were not members of the Select Committee. These though detailed in the report of the Select Committee should perhaps be specially mentioned. An important change was effected by substituting the "Governor in Council" for the "Commissioner" as the authority primarily responsible for the control of the making of town planning schemes from their inception to their final sanction. The point taken by the members of the Select Committee, and I think rightly taken, was that after all, apart from the local authority, the persons best qualified to revise in respect of town planning schemes were those who had access to expert advisers such as the Consulting Architect to Government, the Consulting Surveyor and so forth. Moreover, we feel that, at all events in the first inception of Town Planning Legislation, we should follow as far as possible the Parliamentary Act whereby the control in question is vested in the Local Government Board.

By clause 27 of the revised Bill we have brought prominently to notice the power of the local authority to settle all matters connected with the town planning scheme by agreement whenever agreement is possible, and we hope that as time goes on and local bodies and persons become familiarized with the working of this Bill, the settlement of town planning schemes by agreement will become the rule as in England rather than the exception. So many of the minor changes in the Bill are the subject of minor amendments, which will be discussed in their proper place, that I think I may pass them by for the moment and come to the very vital change which the Select Committee made in establishing a Tribunal of Arbitration. It will be remembered that in the original Bill, clause 35, a second arbitrator was mentioned. But it was the unanimous opinion of the Select Committee that it would be more satisfactory to circumscribe the finality of the decisions of the expert arbitrator and leave them to be subject to a final investigation and adjustment by a Tribunal of Arbitration. As regards the constitution of the Tribunal of Arbitration, the Select Committee were strongly in favour of associating a judicial authority on the board, and we therefore composed the tribunal of, for the mofussil, a District Judge and two Assessors, namely, an impartial person appointed by the Judge and the arbitrator, and in the City of Bombay the Select Committee recommended and inserted in the draft Bill that the Chairman should be a Judge of the High Court or failing that the Chief Judge of the Court of Small Causes, Bombay, the remaining members being constituted in the same way as for the mofussil. Now, although the Government of India have indicated reasons why we should not appoint by statute a Judge of the High Court to this post of President, I think that we have in the amendment, which I shall be proposing in due course to the Council, succeeded in devising a revised wording which will secure what we want. Again, in the same chapter of the Bill we inserted a clause 37, allowing the Tribunal to state a case on a point of law for the ruling of the High Court. This was not a point upon which the Select Committee laid any particular stress, but they accepted the suggestion which was made by a member of the Committee as a harmless one which might be useful. As I shall explain when we come to consider the Bill clause by clause, the Government of India see a technical objection to this clause, and I am quite sure that its omission from the Bill will neither affect the operation of the Bill nor be in any sense a serious disappointment to the members who decided to insert it. I think the last clause that I need mention in detail is clause 51, which obviates all doubts on the question of the need for the registration of documents made in connection with town planning schemes and definitely exempt them from registration.

In regard to clause 30, which is the subject of various amendments, all of which can be dealt with probably under one head, I will say nothing at present except that, in conformity with the principles which we have endeavoured to follow in connection with this Bill, in dealing with a matter so novel to India, Government propose to leave the decision on the point entirely to the sense of Your Excellency's Legislative Council.

In conclusion, I may perhaps be permitted to comment upon the somewhat unique position which Your Excellency's Council occupies in dealing with a matter connected with town planning at the present juncture. Owing to the prevalence of war, Parliamentary assemblages in Europe meet only for purposes connected with the war and the ordinary legislative machine is in most civilized countries at present at a standstill. Your Excellency will perhaps permit me to invite the special attention of Honourable Members to the remarkable position in which India stands in relation to this war, in that though forming part of an Empire which is one of chief belligerents, she is, owing to the safeguarding of the seas, able peacefully to prosecute the measures for her own civil advantage at a moment when almost all other countries, whether belligerent or neutral, are suffering from such an interruption of their ordinary avocations that the normal work of development has to be entirely neglected.

His Excellency the PRESIDENT :—The question is that this Bill be now read a second time.

The Honourable Mr. VITHA JAVERBHAI PATEL said :—Your Excellency,—Before this Bill is read a second time, I should, with Your Excellency's permission, like to make a few observations. The Bill was referred to a Select Committee of 17 Honourable Members, more than a third of this House and the report of that Committee is now before us for some time past. According to that report, the Bill, when it becomes law, will apply in the first instance to Sálsette. It will not apply to the limits of the Bombay Corporation except on the application made to the Governor in Council by the Corporation, such application having been previously assented to by a majority of the whole number of members constituting that body. The Bill will also apply to such other part or parts of the Presidency to which the Governor in Council may, by notification in the *Bombay Government Gazette*, make it applicable. These are the decisions of the Select Committee as to the applicability of the Bill to this Presidency, and yet curiously enough that Committee recommends in its report that a copy of this Bill should be sent to the Bombay Corporation but none to any other municipal body in the Presidency. I put it to the Honourable Members of this Council and to Your Excellency's Government to consider whether the Bombay Corporation to whose limits the Bill was not to apply except on their consent stood in need of a copy of this Bill before its second reading or the municipal bodies in the mofussil, to whose limits the Bill was to apply without their consent, really stood in such need? Besides, the Bombay Corporation was sufficiently represented on the Select Committee, whilst none of the representatives of the mofussil municipalities on this Council found a place on that Committee. The Honourable Mover of this Bill, in his speech that he just now made, describes this Committee as a representative Committee. The question, therefore, for this Council to consider is whether a Committee that has on it none of the representatives of the municipalities to which the legislation is to apply without their consent, and has on it several representatives of a body to which the Bill is not to apply without its consent, can, in any sense,

be called a representative Committee even by any stretch of imagination? I, therefore, ask the Council to hold as I do that the Select Committee in this particular case was anything but representative. Who are the representatives of the mofussil municipalities on this Council to which this legislation is to apply without their consent? My Honourable friend Mr. PAREKH represents the municipalities of the Northern Division in this Council for years. My Honourable friend Mr. BELVI represents the Southern Division. The President of the Karáchi Municipality, the Honourable Mr. HARCHANDEAL, represents Sind Municipalities, and the Central Division Municipalities are represented by my friend the Honourable Mr. UPASANI. Do we find any of these gentlemen on the Select Committee? The answer at once is "No, none." The facts are, therefore, clear that none of the mofussil municipalities was called upon to submit its views on the provisions of this important Bill and none of the representatives of those municipalities was called upon to serve on the Select Committee. Under the circumstances, this Council has got to rely upon such representations as they have got from the people. Now let us see what those representations are. So far, only three representations have been received by Government. They are from the people of Mátunga, Máhim and Sálsette. I do not propose to trouble the Council by any discussion of the first two. It is perfectly clear that the people of Mátunga and Máhim were sufficiently represented on the Select Committee. Both these places fall within the limits of the Bombay Corporation, and the Bill, when it becomes law, shall not apply to the Corporation limits without the consent of that body. Thus the people of Máhim and Mátunga are more fortunately circumstanced than the people of any other part of this Presidency outside Bombay. Then remains the only other representation of the people of Sálsette, but before I come to the consideration of that document I should like to invite the attention of the Council to clause 3 (j), the importance of which does not seem to have been realized either at the first reading or in the Select Committee. This sub-clause (j) gives power to the local authority to make provision in a town planning scheme for the suspension of any rule having the force of law, bye-law, Act or other provision under whatever authority made, which is in force in the area included in the scheme.

His Excellency the PRESIDENT:—Will the Honourable Member tell me what is the clause he is referring to?

The Honourable Mr. PATEL:—Sub-clause (j) of clause 3 at page 2 of the Bill.

His Excellency the PRESIDENT:—Much obliged.

The Honourable Mr. PATEL (continuing):—To put it plainly, this Council proposes by this sub-clause to invest the Executive Government of this Presidency with the power to suspend any Act or regulation made by any authority either in India or in England. I object to the inclusion of this sub-clause in the Bill on two grounds, *viz.*, (1) this Council proposes in effect to delegate to the Governor in Council certain powers which the Council itself has not got, and (2) this Council is not authorized to delegate its power of legislation to any other

body or person. The powers of any provincial legislature in India is contained in section 42 of the Indian Councils Act, 1861, as further amplified by section 5 of the Indian Councils Act, 1892. [Reads.] Under these two provisions this Council could repeal and amend any laws and regulations made by it only. If it is proposed to repeal and amend any law or regulation made by the Imperial Legislature, this Council (and not the Governor in Council) must first proceed to obtain the sanction of the Governor-General. No provincial legislature has the power to make any law or regulation which shall in any way affect any of the provisions of the Indian Councils Act or of any other Act of Parliament in force or hereafter to be in force in that Presidency. These are the limitations to the powers of this Council, and I submit that the sub-clause is *ultra vires*, inasmuch as this Council proceeds, under it, to give powers to the Governor in Council to suspend any Act or regulation made by the Imperial Legislature independently of the question of the sanction of the Governor-General to be previously obtained in each case, and curiously enough it also proceeds to invest the Governor in Council with powers to suspend any Act or regulation made by Parliament.

Then there is the question of delegation. Has this Council really any authority to delegate its powers of legislation, which include power to suspend, repeal or amend any law? The powers of this Council have been, as I said before, regulated by the Indian Councils Act, which gives power to any provincial legislature to legislate under certain circumstances and with certain limitations but they do not at all give power to such legislature to delegate the power so given. This Council, therefore, derives its powers of legislation from Acts of Parliament, and unless those Acts also authorize delegation I submit that this Council could not under any circumstances authorize the Executive Government to do that which the Parliament expressly authorizes them to do. If it were otherwise, a provincial legislative assembly might very well meet once and by an Act authorize the Governor in Council to undertake all future legislation for the Presidency and quietly close its doors for the remaining period of its existence. This sub-clause, therefore, in my opinion, should be entirely dropped. If the authorities entrusted with the town planning work are of opinion that at a certain stage of any town planning scheme it is desirable or necessary that certain Acts or regulations require to be suspended there is nothing to prevent them to move the Governor in Council to bring in a Bill before us for that purpose. When they do that, we shall have an opportunity of examining that Bill clause by clause and give or withhold our consent to it as we please. Under the circumstances, I strongly object to the inclusion of this sub-clause in this Bill.

Having dealt with this clause, I now turn to the consideration of what I consider to be the most important of the representations before the Council. That is the representation from the inhabitants of Salsette to which the Town Planning Act shall apply in the first instance. The petitioners at one place in their representation say: "We do not propose to quarrel with the principles of the Bill. They may or may not be good. What we seriously object to is the singling out of Salsette in the first instance for the operations of the town planning

scheme." I must say I have my sympathy towards the sentiments thus expressed by the petitioners. They say that Sálsette is a poor and mostly an agricultural district, and this experimental measure must, in the first instance, be tried somewhere else before it is tried in Sálsette. Let us, therefore, examine the effect on Sálsette of the practical application of this measure. As soon as this Bill becomes law, various town planning schemes affecting vast agricultural and other areas in Sálsette will be submitted to the Governor in Council by the Sálsette local authorities for sanction. Probáblly most or some of these schemes are already prepared in anticipation of the passing of this measure. Once the schemes are sanctioned, local authorities will proceed to construct roads and make other improvements in furtherance of those schemes. Plot owners included in a particular town planning scheme will be called upon to contribute towards the cost of such roads and improvements. Agricultural land which hitherto was liable to the payment of agricultural assessment will be, as the petitioners apprehend, declared building site as soon as it is included in any town planning scheme and the owner will be made to pay building site assessment. Not only this, but the local authority will require funds for the maintenance of the new works created under the scheme, and it will proceed to tax the entire population within its limits to meet this expenditure. It is thus, perfectly clear that owners of lands included in a town planning scheme will have to pay (1) initial expenses of the construction of roads and the making of other improvements, (2) building 'site assessment whether a building is actually put on a plot or not and (3) further taxation to meet the expenditure of the maintenance of new works made in furtherance of the scheme. The questions, therefore, for the consideration of this Council are (a) whether the landowners in Sálsette will be able to bear this burden and (b) what will be the consequence in case of their inability to bear it. With regard to the first question, the petitioners themselves say that Sálsette is a poor district and the Honourable Members have nothing before them to contradict them. There may be an individual here or there in Sálsette who may be rich but we are not concerned with him. We have to consider the cases of those petty plot owners whose plots will be included in Town Planning schemes. Those petty land-holders who will not afford to pay the treble burden must, I am afraid, make room for their rich Bombay neighbours and find bread outside Sálsette. I put it to the Council whether these apprehensions of the Sálsette inhabitants are totally unfounded and groundless as my Honourable friend Mr. HILL would put it, or are they really worthy of very serious consideration by each and every member of this Assembly. One would not object so much to this Bill had the Select Committee decided to apply its provisions by way of experiment to the rich City and Island of Bombay before they are extended to any other part of the Presidency. However, I do not propose to say more on this point, and prefer to proceed to the consideration of the second point raised by the petitioners. They contend that they should be treated with the same consideration as the Legislature proposes to treat Bombay in the matter of the application of the provisions of this Bill. If the provisions of this Bill are not to be extended to the limits of the Bombay Corporation except on the application of

that body, they should not be similarly extended to Sálsette except on the application of the local bodies there. The Select Committee is of opinion that the special circumstances of the City of Bombay require special treatment and hence they have excluded Bombay from the operation of this measure except on the application of the Corporation. I wonder what those special circumstances could be. Town Planning, if it means anything at all, means expense, and if there are any circumstances which require consideration before the application of this measure to any part of this Presidency, they are surely the circumstances regarding the financial condition of the people and the local body of that part. If you look at the matter from this point of view, I submit, that the special circumstances of Bombay require its inclusion rather than its exclusion in regard to the operation of this Bill. It has not been disputed that this is an experimental measure in India, and is it not but fair and reasonable to ask that this experiment must first be tried in that part of the country where the inhabitants are wealthy, where the people are sufficiently educated and public spirited so as to be able to guide and control the actions of officers charged with the execution of this measure and where there is real and substantial representation of the people on the local bodies? The point raised by the petitioners does not, it appears, go so far. It merely demands that the measure should not be extended to any part of Sálsette without obtaining the consent of the local body concerned. I hope the Honourable Members of this Council will have no hesitation in granting this most modest demand.

In the third objection raised by the petitioners, they contend that the present constitution of the Notified Area Committees which will be known as local authorities under the Town Planning Act, is such that the people of Sálsette will have no voice whatever in the preparation of schemes and in the various other acts to be done under the Act by a local authority. It seems that there are at present seven or eight Notified Area Committees in Sálsette. Each of these Committees consists of three members only, *viz.*, the Special Officer, Sálsette Building Site, Mámlatdár, Sálsette, and, any Non-Official gentleman nominated by Government whether resident within the area or not. This being so, a Notified Area Committee is entirely a Government body. Now, if we turn to the Bill, we find that section after section gives some power to or throws some duty on a local authority. Why, in fact the very initiation of a town planning scheme is left to a local authority. In this state of affairs, are not the people of Sálsette justified in asking this Council not to leave the whole Town Planning business to such local authorities but to give some effective voice to the people whose rights to property are at stake? As it is, it will be entirely a Government concern and the people have got to take it as they find. I ask the Honourable Members to consider the fact that this is an experimental measure to be tried for the first time in India and considering the character and importance of its provisions, it would not be right or safe to discard the voice of the people altogether and leave the whole thing to Government officials. What is the remedy then? The petitioners suggest that the constitution of a Notified Area Committee be so changed as to provide for sufficient representation of the people on that body or two or three Notified Area Committees should be grouped

together and constituted a Municipality. If the Council is anxious to allow the people to have some voice in the experiment of this new measure, it is absolutely necessary that this prayer of the Sálsette people must be heard and suitable provision must be made in this Bill or by way of amendment of the District Municipal Act before the Town Planning Act is put into operation in Sálsette.

In the fourth objection raised by the petitioners, they apprehend that as soon as any Agricultural land is included in a Town Planning Scheme, such land will be declared a Building site and it will be made liable to pay Building Site Assessment, whether the owner puts a building on it or not. They also apprehend that the owner of any Agricultural land included in a scheme will be prevented from using such land for Agriculture. I am not prepared to say that these apprehensions are not well founded. It is perfectly fair and reasonable to ask that because any Agricultural land is included in a Town Planning Scheme, it should not on that account merely be made liable to pay Building Site Assessment and it is surely most unreasonable and harsh to prevent the owner on that account from using it for Agriculture. Cases might arise, and I should say in a poor district like Sálsette they are bound to arise, where an owner of an Agricultural land included in a Scheme will not be in a position to put a building on it for years to come. I respectfully submit that such safeguards as would leave no room for the apprehensions mentioned in the petition ought to be made by the Legislature.

Objections Nos. 5 and 6 of the Sálsette representation have the strong support of my Honourable friend Ráo Bahádur SATHÉ, who, I am sure, will deal with them as he has done in his Minute of Dissent and I do not wish to take up the time of the Council by any discussion at this stage on them.

In conclusion, I should like to add a word or two on the introduction of this novel legislation in the Country before its results are materialized in England.

I maintained at the first reading and maintain now that the present financial condition of the Country and various other considerations, some of which I urged at the first reading, are entirely against the application of any expensive experimental measure of this kind. Conscious as I am that the majority of this Council are against me on this point, I do not propose to enter into any discussion of those considerations but close my observations with the most emphatic but respectful protest against this measure.

The Honourable Mr. JEHANGIR H. KOTHARI said :—Your Excellency,—I beg leave to say a few words in support of the motion for the second reading of the Bill and in doing so would first give expression to my personal appreciation and satisfaction for the progressive spirit which has characterised the action of Government in leading the way in India in the direction of legislation for the improvement of the cities and towns of this Presidency.

My travels have brought me into personal contact with the results which have attended legislation on the same lines in many cities in various parts of the world, particularly in Canada, Alaska, the United States, New Zealand and Australia, and I am also well aware of the pains which have been taken

by the Honourable Member in charge of the Bill to make available for the Bombay Presidency the practical experience in legislating for town planning all over the world.

In the awakening to the imperative need of a different and better method of city making we are but following the precedent of other nations. Continental European cities decades ago, and English and South American cities more recently, changed radically their municipal regulations and their methods of building cities. The splendid results of their activity are now apparent to every citizen and visitor. In the Bill which is now before us we hope to provide a means of handling with skill and experience, supported by law and public authority, the complex question of the improvement of modern city life.

There are many misconceptions current about town and city planning, but none is further from the fact than the notion that comprehensive plans are only for large cities. The reverse is nearer the truth. It is in the comparatively small cities and provincial towns, cities with population ranging from twenty-five hundred to two lakhs, comprehensive planning or re-planning may be made of far-reaching and permanent service. There is scarcely anything in the smaller places that may not be changed. For example, railroad approaches may be set right; crossings eliminated; areas reclaimed for commerce and recreation; open spaces acquired even in built-up parts of the town, a satisfactory street plan can be carried out, and spacious and adequate road-way established; public buildings can be grouped in an orderly way and a park system, made up of well distributed and well balanced public grounds, can be outlined for gradual and systematic development. All these civic conveniences, indispensable sooner or later to a progressive community, may be had in the small city with relative ease and at slight cost.

When we talk of town planning in the mofussil of this Presidency our thoughts at once turn to the case of the Provincial cities—Karachi, Poona, Ahmedabad, Belgaum—where the pressing need of town planning and improvements are matters of urgent and imperative necessity. But the measure with which we are now dealing is equally applicable to and takes an added importance in respect of the great number of smaller municipal towns at district and taluka headquarters.

The smaller cities of this Presidency have not undertaken those public improvements that are so essential to modern life. Their streets are still obstructed, dangerous and unsightly; their school grounds are either too small or do not exist at all; their playgrounds are either inadequate or undeveloped; they have not drawn up comprehensive plans for roads and street extension.

In conclusion, let me observe that town-planning is not a movement to make towns beautiful in a superficial sense. It aims to provide those facilities that are for the common good that concern everybody; it seeks to save waste due to unskilful and planless procedure by doing things at the right time and in the right way.

In supporting the motion for the second reading of the Bill, I therefore beg very heartily to congratulate the Bombay Government on setting the lead to the remainder of India on a matter of such supreme importance to the welfare of urban communities.

The Honourable Ráo Sáheb VENKATESH SHBINIVAS NAIK said:—May it please Your Excellency,—I have very great pleasure in supporting the second reading of the Town Planning Bill. The urgent need of such a measure for our province has been sufficiently discussed in the first reading of the Bill. The increase in the number of population both in urban and rural areas, and consequent congestion in them, has necessitated the extension of towns and in some cases even villages, but in the absence of any Act to regulate these extensions, and the inadequacy of the provisions of the Municipal Acts and bye-laws in this respect, experience has shown that houses even in recent years have been built wherever space was available, most irregularly, both inside and outside the towns, having no regard to the sanitary principles and hygienic rules. This is not because the people do not realise the importance of building systematic towns, but because the powers which we have on the statute are not sufficient to regulate the existing new buildings. The vast contrast which we see in the blocks of buildings built by the Bombay Improvement Trust since its creation, and the old ones, affords an illustration of the desirability of a system in the building of towns. In many mofussil towns, extensions have been undertaken both on account of congestion and realization of the benefits of living in open area. To save these newly built towns from ugly appearance, and to give them the benefits of the modern hygienic rules, an Act of this nature is essentially necessary, and should invariably be applied for new extensions even in the Mofussil towns and rural area.

Since the introduction of the Bill, and since its reappearance after a great modification by the Select Committee, there have been only two representations by the residents of undeveloped parts of this city. It has been found that on account of the unsystematic developments of the greater part of this city, the constitution of the Improvement Trust was found necessary. When the parts from which these representations come are yet undeveloped, I do not see why they should take objection. Moreover, as they form part of the City of Bombay, and the Municipal Corporation for the City of Bombay has been given special right of asking for the application of the Act by a majority of more than half of its members, I do not see why we should consider their objection at this stage. The other objection raised seems to be about the cost. In the cases where the Act is to be applied are new extensions and planning of entirely new towns, the cost will not at all be great and will be easily borne by the public. In this connection I may be permitted to inform Your Excellency and this Council the experience we have gained at Ráneennur, a small Municipal town, with which I am connected. Last year about 24 acres of land was acquired, building plots were constituted and sold to people, after laying roads and reserving sufficient space for breathing places, parks, etc. The Municipality was not only able to realise the whole cost of the scheme,

but was able to lay aside a decent sum for further improvements; such as wells, lighting and the like, in that locality. Being encouraged by this and the demand for such plots being great, they have undertaken another scheme of about 50 acres. It is also argued that Indians are not accustomed to live in open places and in detached houses, but experience at Belgaum, Dhárwár, Bijápur, Ránebennur and other places where extensions have been undertaken shows that plots are rapidly sold, and there is a pressing demand for more plots invariably, and decent buildings are not only being erected but are occupied. I therefore submit that if town planning scheme is made applicable to new extensions where these are undertaken or will be undertaken, it is sure to be successful both financially and practically. Of course the application of the Act to the area fully built upon will create some hardship to owners of some property, but the various benefits of the improvements accruing by the introduction of the Act will sufficiently compensate the loss and inconvenience, to which some of the parties will be temporarily put to.

Some powers are proposed to be given to individual officers during the various stages of the operations of the Act, and I presume that Government intends to entrust these powers to responsible officers, and there is no need for any misapprehension about injustice or hardship being done to the public.

With these remarks I support the second reading of the Bill, and I hope that when the Bill passes into law it will be applied to some Mofussil town or extension as an experimental measure.

The Honourable Mr. E. G. TURNER spoke as follows:—Your Excellency,—I should just like to say a few words on some of the remarks which fell from my Honourable friend Mr. PATEL. It seems to me that most of his remarks referred to the different sections in detail which will be considered when the various amendments are proposed in the Council.

As regards not consulting the various local authorities in Sálsette in reference to this Bill, I really cannot remember now whether any local authority there was specially asked to report or to give their opinion on the Bill, but what I do know is that the Bill was published in the *Government Gazette* at length and each of the Notified Areas Committees, the Municipalities and local bodies were acquainted with the Bill by means of the *Government Gazette*. Besides which, I personally know all the members of the various local bodies in Sálsette, and I think I can justly say that with every one of those members I have freely discussed the Bill and spoken about its introduction into the Island of Sálsette.

As regards clause 3 (j) regarding the granting of power to the executive to suspend laws to which the Honourable Mr. PATEL referred, I am afraid it is a legal point on which the legal advisers no doubt will give their opinion; but, at any rate, it can be discussed when the amendment is before the Council.

I have had considerable experience of local Government in Sálsette of Municipalities and "notified areas." I was a President of the Bándra Municipality for a number of years, and I was the first Chairman of the first "Notified Areas Committees" that were formed. I am quite sure that anybody who

knows the way in which buildings have been erected and are being erected in Sálsette will admit that there have been very many occasions when the committees have wished to stop a particular man doing a particular thing or to prevent a man from putting up a shop in the midst of a residential building. Such occasions as these have been many, and we have all felt that we wanted some more powers in addition to what are given under the District Municipal Act. The Honourable Mr. PATEL must not think that because the Town Planning Act is made applicable to Sálsette that immediately the whole of Sálsette will be town-planned at once, and the owners included will be compelled to accept the position, whether they like it or not. Local authorities will not be so stupid, I think, as to enter upon a scheme which they themselves from their own point of view do not reasonably think would be a financial success, and in addition to that, I am quite sure that the Governor in Council will make full enquiry into every proposal for a scheme which is submitted to him, and unless he is quite convinced that it is good for the benefit and development of Sálsette that a particular scheme should be made he will refuse to give his sanction to it.

There is one point which I really do not understand at all. The Honourable Mr. PATEL referred to paragraph 3 of the memorial presented by the inhabitants of Sálsette in reference to building sites assessment. I really do not understand what their fear is. In this Act there is no mention whatever made of Government assessment. Government assessment upon land is regulated by the Land Revenue Code, and during the continuance of the Survey Settlement the survey rates prevail, unless an owner converts his agricultural land to non-agricultural use. Therefore even if a Town Planning Scheme has been sanctioned for a particular area, or whether it has been sanctioned or not, I do not see how that at all affects the question of the Government assessment upon that land. Without the buildings, the owner like others will be called upon to pay non-agricultural assessment for his building site. I should also like to inform this Council that Government has already publicly announced that when any Town Planning Scheme has been brought into force the Government assessment under certain conditions will be actually reduced to what it is at present. Therefore there need be no fear whatever of the people having to pay more; on the other hand, they have every reason from the notifications published by Government to feel that they might even pay less.

As regards the "Notified Areas Committees," it is quite true that at the present time most of them consist of three Members, but there is one exception, and that is the case of Ghat-Kopar where there are five Members, two extra having been recently appointed. It seems to me that this is a matter where full discretion as to the constitution of the committees has been given to the Governor in Council. Under the District Municipal Act he has full power to appoint as many persons as he likes in most cases, and also to appoint as many officials or non-officials as he thinks fit, and it seems to me it would be needlessly fettering the discretion of the Governor in Council if any restriction on that discretion were placed. The Local Officers, I am of opinion, are best fitted to know what is the best constitution for them, and as they grow and develop,

their powers will be enlarged, until at last they are big enough to be given the full powers of a Municipality.

His Excellency the PRESIDENT :—Perhaps it will be to the convenience of Honourable Members if we adjourn till a quarter to three.

The Council then adjourned for Lunch.

The Council re-assembled at 2-45 p. m.

His Excellency the PRESIDENT :—Order, order. A Bill for the making and Execution of Town Planning Schemes, Second reading. The Honourable Mr. GODBOLE.

The Honourable Dewán Bahádúr KASHINATH RAMCHANDRA GODBOLE spoke as follows :—Your Excellency,—As a member of the Select Committee I have considered this Bill in detail, and I might say at once that I strongly support the second reading of this Bill. I think in the case of growing towns, or towns that are being developed, the provisions of the Bill would be extremely useful. I have an instance in view of a growing town. Those who know or have visited the village of Lonánd in the Sátára district may be aware that this village is going soon to develop into a large town. It is going to be a central place in connection with a large canal that Government are constructing, and it is also going to be a junction station of a new railway. In the course of 10 or 12 years this village will develop into a large town. In the case of such growing villages the provisions of this Act will be extremely useful, as the future growth of the places will be regulated on recognized principles of sanitation. As regards the discussion which has taken place hitherto, I think the Honourable Mr. PATEL's views as regards the constitution of notified areas are well worth consideration. According to the Bill as it is presented by the Select Committee, a notified area has the option of preparing a town planning scheme and sending it to Government for sanction. According to the constitution a notified area committee is to consist of three members appointed by Government; the people concerned themselves have no voice in the appointments. I think, Sir, that in the case of notified areas wanting town planning schemes, we ought to have some provisions like those entered in the amendment of the Honourable Mr. PATEL. His proposals will, no doubt, be duly considered when the Council proceeds to consider the amendments in detail.

Before I close my remarks I want to draw the attention of the Honourable Member in charge of the Bill to certain reports that have reached me. I am told that since the Select Committee went into the Bill and modified it in its present shape, an expert has been visiting this Presidency. The gentleman I am referring to is Professor GEDDES. I am told, Sir, that the opinion of Professor GEDDES, who is said to be an expert in this matter, has not been very favourable to the Bill. This is the report that has reached me. I do not know whether it is true or not. I would ask the Honourable Member in charge of the Bill to tell us, when he replies to the debate, whether the rumours that I have heard have got any foundation at all, and whether Mr.

GEDDES has approved generally of the provisions that are put down in the Bill. If Mr. GEDDES has objected to several provisions of the Bill, I would certainly postpone the second reading, and have his reports circulated to members of this Council before dealing further with the Bill. With these remarks I support the second reading of this Bill.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows :—May it please Your Excellency,—I rise with considerable diffidence in offering comments with reference to the measure which has met with the approval of a Select Committee, which was both big and strong. There are, however, one or two points upon which, I submit, looking to the importance of the measure, some observations are necessary. The basic principle of town planning legislature is that where a large number of property owners desire that there should be a supply of some sanitary needs or that some conveniences that they require should be supplied and this desire is approved of by the State, in such cases the minority should not have the power of preventing the majority from getting what they desire. That being the principle, I submit, that in reference to Sálsette, the Committee ought to have considered the question whether it was not possible by some means to ascertain the desire in reference to the town planning of the majority of the property owners. As it is, the matter is left in the hands of the notified area committee, and the committee, we have been told, in most cases, consists of 3 individuals, two of whom are officials. We have been given to understand by my friend the Honourable Mr. TURNER that Your Excellency's Government proposes to make an alteration in the constitution of the notified area committees. I submit, however, that matters relating to undertakings of this kind should be conducted with the consent of the majority of the people who own properties in that area. I have no doubt that Government will do their best to put upon the committees people whom they consider to be the representatives of the views of the land-owners, but I for one, in all such cases, consider it more satisfactory if, instead of people appointed by Government, there be upon the committees a majority of members elected by the property holders themselves in order that the committees may represent the views of the bulk of the holders of land. Another matter on which, I submit, some consideration is needed, is in respect of lands which are in the vicinity of a notified area or municipalities. In such cases also, if the improvements are not needed for the area itself but are to be undertaken for the benefit of the municipality or notified area, it would not be proper to transfer the area to the latter and make the voice of its property holders impotent. In such cases, I submit, the proper course would be to take up the area under the Land Acquisition Acts. I also consider that in such cases it is better that the wishes of the people whose property will be affected should be ascertained before any action is taken.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH said :—Your Excellency,—I beg to support the second reading of this Bill. Some of the Honourable gentlemen who preceded me expressed the opinion that this Bill ought not to be proceeded with further. I humbly submit that it

would not be advisable to postpone the further consideration of this Bill. In the vicinity of large towns and cities suburban areas are growing up without any regular plan, and every day that passes makes it a more complicated and more costly procedure to regulate and improve these ill-built areas. It is, therefore, necessary that a town planning enactment should be placed on the Statute Book without further delay.

The Honourable Mr. PATEL observed that as this enactment is not to be applied to the Bombay City without the consent of the Bombay Municipal Corporation, so also in the case of local bodies in the mofussil the Bill should provide for their consent being obtained before the provisions of the Act are applied to their areas. Now, the conditions of Bombay are peculiar. Bombay has a City Improvement Trust in addition to the Municipal Corporation, and it may be worthwhile considering whether the operations of a third statutory body are called for. But these conditions do not obtain in the mofussil. The scheme of the Act for the mofussil is that Government have the power to extend the Act to particular areas and that the local authorities in such areas have the power to introduce town planning schemes for their localities. This, I would urge, is a fair division of work.

The Honourable Mr. PATEL expressed the apprehension that sub-clause (j) of clause 3 would be *ultra vires*, inasmuch as this Council cannot pass an enactment authorizing the executive to suspend the operation of laws. I would in the first place invite attention to the fact that this provision is borrowed from section 55 (2) of the English Housing, Town Planning etc. Act, 1909, which provides "for suspending, so far as necessary for the proper carrying out of the scheme, any statutory enactment, bye-laws, regulations, or other provisions under whatever authority made, which are in operation in the area included in the scheme." Further, it must be noted that the object of this provision is to avoid conflict of regulations. In areas for which town planning schemes are put in force, there may be building bye-laws or sanitary regulations made by municipalities which may not fit in with the details of the town planning scheme. It would be necessary in such cases to suspend the operation of such existing rules, bye-laws and regulations. As these rules, bye-laws and regulations are made by municipalities with the sanction of Government, so the provisions for their suspension would be made by a town planning authority with the sanction of Government; and this would be perfectly *intra vires*. It would be perhaps said that at any rate the operation of an Act cannot be suspended in this manner. I would point out that the sub-clause does not contemplate the suspension of the operation of the Penal Code or the Code of Civil Procedure at the instance of a town planning authority. All that is meant is that where some provision in a Municipal Act or a similar enactment is found to be inconsistent with the details of a town planning scheme such provision may be suspended for the purposes of the scheme. This qualification may be perhaps made clear. If there is any legal objection to such a course it may be considered when the Bill is read clause by clause.

The Honourable Mr. PATEL further objected to the Act being made applicable to Salsette at once. I would submit that Salsette is peculiarly fitted for the immediate application of the Act. It is in the vicinity of Bombay and is being fast built up. This has led to Government making several provisions for regulating the construction of buildings in Salsette, and the operation of a complete town planning scheme is eminently called for in Salsette.

With these observations I support the Bill in its second reading.

The Honourable Sir PHEROZESHAH M. MEHTA spoke as follows :—May it please Your Excellency,—I only desire to make a very few observations with regard to the second reading of this Bill. It is a new piece of legislation, and I am very glad that this Presidency takes the credit of initiating it before any of the other Presidencies.

My Honourable friend Mr. HILL spoke in very flattering terms of the assistance which was rendered to him by the very large Committee which sat as the Select Committee for the consideration of this Bill. My Honourable friend Mr. PATEL was rather inclined to carp about the representative character of the Committee, but I think that the description given by my Honourable friend Mr. PAREKH was a juster one than the carping one given by the Honourable Mr. PATEL. He called it a "large and strong Committee," and I think it was a large and strong Committee, and my Honourable friend in charge of the Bill was quite right in saying that it was really a record-breaking Committee. He said that the assistance that it had rendered him was of a large character, was very valuable. That observation requires to be supplemented by another, and it is this, that I think the Committee was very fortunate in possessing my Honourable friend Mr. HILL as its Chairman. I am speaking from some little experience when I say that Mr. HILL makes an ideal Chairman of Committees, for this reason that, while he is a strong and firm-minded person, as we have reason to know, he is also one always open to reason and possesses a judicial frame of mind, and always places himself in a judicial position to take into consideration the views of those who differ from him, and it seems to me that it is one of the characteristics which makes a Chairman absolutely invaluable in conducting the deliberations of an important Committee. Therefore it is that I am glad to be able to say that the Council is very grateful to the Committee and its Chairman for their indefatigable and arduous labours in the consideration of this Bill.

My Lord, I congratulate my Honourable friend Mr. HILL in steering this very important Bill to a safe haven. He has steered it successfully in spite of what has been said by the Honourable Mr. PATEL and the Honourable Mr. PAREKH. I venture to think that if there were any doubts about the merits of this Bill, they would all be removed after hearing Mr. PATEL. For what did his speech amount to? Mr. PATEL first spoke against the representative character of the Committee. Well, I believe there were seventeen Members on that Committee. Seventeen Members of this Council, I think, whoever they may be, whether they come from the Southern Division

or the Northern Division, or from any other part of the Bombay Presidency, may well be trusted to consider a Bill of this character in all its bearings.

Then, my Lord, what were the other objections which led the Honourable Mr. PATEL to conclude his speech by saying that he entered a protest against the passing of this Bill. They were about the constitution of the Notified Areas Committees and the grievance of Salsette that it should have been put in the forefront in the operation of this Act. Well, the only objection he advanced, was a joke. He is a lawyer, and I suppose that nobody knows better than he does that clause (j) to which he referred applies only to certain specific purposes. I am sure he was joking when he made the observation that because clause (j) is introduced in the Bill for a certain special limited restricted purpose, as it is introduced in other Acts, for the purpose of enabling the operation of the essential parts to be carried out unfettered by any local bye-laws or rules and such other things, that we may as well abolish this Council. Well, that was all the criticism which was levelled by Mr. PATEL against the Bill. Therefore it seems to me that the vindication of the Bill really comes from the mouth of the Honourable Mr. PATEL himself.

As to my Honourable friend Mr. PAREKH, although he always speaks very moderately, still it seems to me that he advanced nothing which could be said to go against the essential character and the essential principles upon which this Bill is founded. He said that the basic principle is that if a large number of land-owners want sanitary and other improvements and if a minority comes in their way, the Local Government may well be trusted to allow the will of the majority to prevail. I think my friend Mr. PAREKH forgets that the essential principle goes a great deal further than that. It is to protect the general rate-payer from bearing burdens which really ought to fall on those who derive advantages from improvements. It is for the purpose of preventing large areas of land from being as if it were misapplied from its proper purposes. All these are very important considerations in the progress of a rising village or a rising space of land, and therefore it is that in the interests of the whole people, of all those who are responsible for the finances, that it is necessary that only a few land-owners should not be allowed to aggrandize themselves and to benefit by betterment which takes place at the cost of the general rate-payer. This question of betterment is a very large question with which we have not been able to deal in the past. In Bombay a large number of private individual land-owners derive benefit from moneys spent by the general rate-payer without contributing anything themselves really to it, and that has been always most unjust and inequitable. We have been perpetually making efforts to see that people whose lands are bettered by the improvements made at the cost of the general tax-payer should not altogether escape with impunity. That is one of the cardinal and essential principles upon which the Town Planning Act are founded. Therefore it is most useful and valuable that they should be applied to all growing places like Salsette, and Salsette was selected and specially mentioned because it

presents incidents and phenomena which make it very easily accessible to all the benefits of an Act like the present.

My Lord, I entirely approve of this Bill. But when one remembers that it is a new and novel piece of legislation, that it is the first of its kind in India, where it has been never tried before, that it has been tried in other countries with varying success, it is important that its application to India will be carefully watched, and I do trust that in its application, Government will see that the utmost care and the utmost caution are exercised. All Bills of this character, all Acts of this character, depend for their ultimate success, not upon the mere wording of the Act itself but upon the way they are practically administered, and I have no doubt that Government will see that this new piece of legislation in its application is watched with care and with caution. With these few words, Your Excellency, I congratulate, I say again, my Honourable friend Mr. HILL in steering this important and valuable piece of legislation to a safe haven.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA said :—Your Excellency,— After the able speech of my Honourable friend Sir PHEROZESHAH I shall not detain the Council by making a long speech but I will only read out a few opinions of experts in support of the proposal to apply this Act in the first instance to Salsette.

My Honourable friend Mr. PATEL wants to know why Salsette should be first selected for the application of the Act, and it has been mentioned by the author of the annotated edition of the English Town Planning Act that it should first be applied to lands passing from agricultural to building sites.

With the permission of the Council, I shall read out a few sentences, and the first sentence is a reply to my Honourable friend. "A scheme cannot be prepared from a town or part of a town which has already been built up". This gives the reason why it should not be applied to Bombay. Then it is said "In the second place it seems that a scheme cannot be prepared (reads)."

Your Excellency, Salsette comes under exactly these conditions where there are small spaces which sooner or later will be brought under building sites, and therefore it is decided to apply the Act in the first instance to Salsette.

There seems to be some misunderstanding that as soon as the Act is applied to Salsette the whole of Salsette will be brought under the operation of the Act, and the local authorities in Salsette will at once begin to prepare town planning for the whole of the town. It is not so. The whole power is left under clause 9 to the local authorities; so that I think my friend's criticisms are far from sound.

My Honourable friend Mr. PATEL took exception to clause 3 (j). I do not know if his objection is based on any legal grounds, if so, as I am not a lawyer, my lawyer friends will be able to meet his objection. As the clause has been approved by the Legislative Department of the Government of India, and as long as they did not take exception to that clause remaining in the

Bill, I think that my Honourable friend has no ground to complain. With these few words I support the second reading of the Bill.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA said :—Your Excellency,—The principle of the Bill is a very sound one. The scheme has been under the consideration of the Government of Bombay for months together, and although it is the first of its kind in India it will prove a blessing to places in the vicinity of Bombay and in other towns.

Now my Honourable friend Mr. PATEL objects to its application to Salsette and asks why it should not be made applicable to Bombay and why it should be made applicable to Salsette only in the first instance. Well, there are certain special reasons for this. Bombay is so densely crowded that such a scheme cannot be all of a sudden brought into force, while Salsette is so very near and has so many means of communication and facilities to travel, and therefore that area has been selected for applying the Act in the first instance. If by degrees the circumstances of the Municipalities in the mofussil admit of the application of this Act, and after the experience gained in Salsette the Act will be applied to other Municipal towns like Belgaum, Ahmedabad, Karáchi and such other places where the towns are already congested; such being the case, the Bill, as amended by the Select Committee, can, I think, be read a second time, and if there is any point which requires explanation, there are the amendments to be proposed and they may be discussed. With these few words I entirely and whole-heartedly support the second reading of this Bill.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said :—Your Excellency,—We are sincerely thankful to the Select Committee for the great pains which it has taken to improve this Bill, and our particular thanks are due to the Honourable Mover who as Chairman guided the proceedings of the Select Committee. Nothing is further from our minds than to say anything against any of the members of the Select Committee. The Honourable Mr. PATEL himself had nothing to urge against any of them personally, but then it is due to him to say that his protest against the constitution of the Select Committee was fully justified. The Honourable Sir PHEROZESHAH has taken exception to his remarks on this point, but, my Lord, we have to bear in mind that the constitution of our own Council is based on the principle of representation, and it is necessary that we must keep that very principle always in view when we appoint our Select Committees. It is only because this principle was not kept in view that we have to take exception to the constitution of the Select Committee in the present case. I appeal to our veteran friend Sir PHEROZESHAH MEHTA and ask him if there had been an important Bill before us referring to the Bombay Corporation, and if that had been brought before the Council without its being referred to the Corporation, and if the same had been passed through a Select Committee without any Member of the Corporation itself being appointed on the Committee to represent its interests, would he not have complained and fought for the principle which we advocate? It is not a matter of personality at all. I

know there were on the Select Committee Members as capable as any of those representing the mofussil municipalities, but they did not represent the municipalities, and it was, I think, due to those Municipal bodies that they should have been allowed an opportunity to themselves in the first instance to represent their views on a legal measure which was to directly affect their interests. At any rate, there should have been placed on the Select Committee the Members whom they had elected to represent their interests in this Council. This was the more necessary as this Bill was of a novel kind containing as it does very complicated provisions involving new financial burdens on the municipalities. My Lord, the Bill was duly referred to the Bombay Municipality for its opinion, and was it not fair that the courtesy shown to the Bombay Corporation should have been shown to at least the more important city municipalities in the mofussil?

Our friend the Honourable Mr. TURNER has said that Government had published the Bill in the *Bombay Government Gazette*. Well, I ask him if the Bombay Corporation had not got copies of the *Gazette*? And if nevertheless it was deemed necessary to refer the Bill to that body for opinion, should not similar considerations have been extended to the mofussil municipalities, and was it not the more necessary that some at least of the Members who represented them in the Council should have been placed on the Select Committee to consider the provisions of the Bill from the standpoint of their interests. I do not speak anything about individuals, but it is only on a matter of principle that we have to make our protest on this point.

Now, with reference to the provisions of the Bill itself, the first point which I discussed at the first reading was as to the application of the Bill to the Municipal towns as they stand or only to new towns and suburbs to be laid out. We urged that so far as the old towns were concerned, it would be more convenient to do the needful by suitable bye-laws and, if necessary, by some few amendments in the provisions of the District Municipal Act with the working of which we are now so intimately acquainted, and that the operations of the Town Planning Bill might be tried in the first instance in only planning out schemes for new towns or for new suburbs which would be by themselves independent of the old towns.

The Honourable Mover of the Bill himself told us at the first reading, and it has been since also accepted by the whole body of the Select Committee, that, so far as the developed areas of old towns are concerned, it would be too expensive to apply the present Bill to them, but they propose to apply the provisions of the Bill to such areas of existing towns as may be in course of development.

Now this may lead to an anomalous situation, my Lord. We will have a portion of the town under the Town Planning Act and the remaining portion under the Municipal Act, and there will be a conflict in the operation of the two Acts, especially when they are to be worked on different principles and through different agencies. The Bombay Municipal Corporation itself is feeling the inconvenience of having the incubus of the Improvement Trust upon them. In Bombay they are strong enough to stand the Improvement Trust experts, but

we in the mofussil are not so far advanced, and where shall we be supposing we have to differ? Even now we find it difficult to hold our own as against official opinion, and how much more difficult will the position be if we happen to differ in matters over which we shall have no control; that being the case, does it not stand to reason that the municipalities should have a voice in the matter of the application of this Act to the area within their jurisdiction. Our Bombay friends were strongly represented on the Select Committee and the Bombay Municipality is excluded from the operation of this Act.

The Honourable Sir PHEROZESHAH:—For the exclusion.

The Honourable Mr. UPASANI continuing said:—There is an express proviso added to clause 1, providing that, unless the Bombay Municipality itself apply for it, the Act shall not be extended to any part of its area. I should certainly have preferred that the interests of the mofussil municipalities were equally taken care of and similar concession provided in favour of them. In my opinion all those bodies will come under the operation of this Act sooner or later and they should be consulted before the Act is extended to their area. The difference is this. Under the first clause as it stands, Government may apply the Act so soon as it is passed to any municipal area in the mofussil, and compel the municipality to have the town planned, whereas so long as the Act cannot be extended without their consent you cannot compel them. They have to consider their own local circumstances. Everybody wants to have model dwellings to live in. The municipalities themselves exist for that purpose, but we have also to consider the local means. There are so many difficulties in our way in the matter of removing congestion and overcrowding. Those will not be removed by this Act. In many cases, even when we have got open lands outside a town, they are not inhabited, because the people cannot afford the means to put up buildings on them or to have needful facilities for communication with business centres of the town. They require help in both these directions, and it should come from the State and the whole town, but the Bill provides otherwise. Now if new suburbs are opened they will remove the congestion of the whole town and the whole population will be benefitted in the matter of sanitation and comfort. For my part, therefore, I feel that the suburbs should be treated as the offspring of the town and the whole town ought to bear the expenditure required for the development of the suburbs, and these new areas to be developed under the Town Planning Schemes ought to be part and parcel of the present town and ought to be subject to the same rates prevailing in the town. The vital principle of the Bill is to differentiate the expenses and to recover them to the extent of half the increment from the owners of the plots to be developed. My Lord, it is a very difficult thing to arrive at the increment to be calculated under the provisions of the Bill, and I am afraid the calculation will be made more or less on mere speculative considerations. Therefore, it would be better, so far as possible, to change some of the provisions on this point in the direction of the amendments which I propose to move with a view to reduce the incidence of the burden upon those who may occupy the areas to be developed under this Act.

Another point to be noticed is as regards the areas that do not lie within municipal limits or which are not in its vicinity. In the Bill it is proposed to treat them as separate notified areas. I think it would be better if we had interested the Local Boards in this matter. The District Local Boards have an interest in the sanitation of the district. It is part of their duty to provide for it. It would be better for the District Local Board and the Town itself jointly to contribute to have the needful done in the interests of the general sanitation of the town to be developed. Some suggestion on this point is I believe proposed to be moved by our Honourable friend Mr. PATEL, and we shall think of the suggestion later on.

I shall not take up more time of the Council in going through the detailed provisions of the Bill to which the amendments refer, and I have no doubt your Lordship will allow us enough time to discuss them.

The Honourable Moulvie RAFI UDDIN AHMAD said:—Your Excellency,—I will just draw my Honourable friend the Mover's attention to section 3, sub-section (h), of the Bill. "The preservation of objects (Reads)".

For purposes of preservation, I think it is necessary to have a more extensive phrase than "and of buildings actually used for religious purposes". For some buildings which though not used for the purposes of worship might still be actually held in veneration by the people at large, such as tombs and burial places. I will make a personal appeal to my Honourable friend to include in the objects of preservation all places for which people have special veneration. If I remember aright, there is not a city in this Presidency where at times disputes have not arisen with regard to burial grounds which have caused serious disturbance. With that suggestion, Sir, I will strongly support the second reading.

The Honourable Ráo Babádur GANESH KRISHNA SATHE said:—Your Excellency,—I rise to support the second reading of this Bill. Many speeches have been made in support of it and many of the speakers have said that the Select Committee was able to improve a good deal upon the provisions of the Bill as it was presented to us in the March session, but I must say here, that these improvements were mainly due to the indulgent attitude which was shown to the members of the Select Committee by the able and tactful Chairman, the Honourable Member in charge of the Bill, and but for his indulgence, we would not have been able to put forward many of the suggestions, and to bring about many useful amendments. Having said so much about the working of the Select Committee, I would take up certain points which have been referred to by Members who have preceded me. As regards the question whether Bombay should be differently treated from Mofussil places, I think much need not be said about it. The reason is clear. I have myself said something about it in my humble minute of dissent, but on further consideration, and from what I learnt from the Select Committee Report, I think the reasons which actuated the Select Committee in giving special treatment to the Bombay Corporation was the immense confidence which is placed in the Corporators of Bombay, as compared with that in

Mofussil Corporators, and I must say there is some truth in that. But, at the same time, I think that some provision should have been made to consult the wishes of local authority before the Act was extended, and though there is no specific provision in the Act, I feel confident that before extension is allowed the local authorities and District Officers will be consulted, whether certain reasons have arisen which necessitate the extension of this Act, and if this is done, though the provision is not placed in the Act, the objects will be secured. That is the view which I take of this question.

As to the second point which was taken by my Honourable friend Mr. PATEL, I can only say that if Government were in a position to know, or if Government would come across places where Town Planning Schemes have to be introduced in notified areas, I think a consequential amendment will be sooner or later required in the Municipal Act, because nobody would deny that for the introduction of certain important schemes as Town Planning Schemes some representatives of the people are required. When the Act of 1901 was passed, notified area Committees were only provided for as contingencies, but now, if such big works are going to fall upon them, I think some provision will have to be made for the better constitution of notified area Committees.

The other point by my Honourable friend Mr. PATEL was about inclusion of clause (j) in section 3. Of course, I need not add a word to what has fallen from my Honourable friend Sir PHEROZESHAH whom we can look up to as to whether this provision will be *ultra vires* or not, and many are of opinion that this provision will not make the section inoperative or *ultra vires*. This view which the Select Committee has taken, seems to have been correctly taken, inasmuch as the Legislative Department of the Government of India did not raise any objection.

Coming to the next point as regards the method of determining the increment to which a reference was made by my Honourable friend Mr. UPASANI, I may tell him that several proposals were placed before the Select Committee with a view to see how the question of fixing increments could be solved so as to cause least hardship to the owners, and on mature consideration it was found that the present was the only feasible scheme which we could adopt, but if it could be shown to the satisfaction of all that other remedies are better suited in the interests of the persons affected by the Town Planning Scheme, none of us has any objection to adopt them, but a contribution up to 50 per cent. was considered as best under the circumstances. There is another point of local authorities consulting the owners. I think I need not dilate upon that point, because there is a clear section which allows owners of property to come forward and to place their objections not only before local authorities but before the Governor in Council (*vide* section 9) before sanction is given to the scheme. They can therefore at the first stages of the scheme bring forward their grievances to the notice of the local authority and the Governor in Council and they can suggest changes in a particular scheme or they can come forward with their own schemes. Another point which I have mentioned in my minute of dissent is one about the method of recovering dues

and although I have not given a specific amendment on that point, I may be allowed to say one word. It seems to me that to make these dues recoverable under the provisions of Land Revenue Code would work hard, and if we have a provision similar to the one which we have in the Bombay Improvement Trust Act, namely, that such orders of Tribunals should be treated as decrees of Civil Courts and executed in accordance with the procedure of the Civil Procedure Code, I think this hardship will be mitigated and the recovery of the money will also be secured. That is my suggestion. Then one other point, and I think the most important, is about the inclusion of clauses 3 and 7 within the purview of the Tribunal. I was glad to learn from the Honourable Mover of the Bill that Government have an open mind on this question, and though I have given my reasons in short in the minute of dissent, still I wish to add that this is a point which really ought to be considered with the consideration it deserves, and I will only make one observation with respect to that point, and that observation is this.

The Honourable Mr. HILL :—May I ask what clauses the Honourable Member is referring to ?

The Honourable Mr. SATHE :—I am referring to the inclusion of clauses 3 and 7, and my point in making the suggestion is this : that if we examine the whole scheme of the Act we find that certain increment is to be arrived at with a view to cover the costs of the Town Planning Schemes, and the method is described as to how that is to be arrived at. For that purpose we have to value pieces of lands or plots according to the market rate at the time of declaration of intention to make Town Planning Scheme, and also we have to make valuations of the same plots by determining the prospective value estimated on the assumption that the scheme has been completed, and the difference between the two prices is the amount which would go to determine the increment. My suggestion is that just as the question of prospective valuation is considered to be important, the question of present valuation which forms a great factor in determining increments is also an important one and may therefore be referred to the Tribunal. Therefore, just as we refer all these cases of present valuation coming within the purview of the Land Acquisition Act to the District Judge, similarly the question of present valuation might usefully be referred to the Tribunal by including clauses 3 and 7 in the clauses which have already been put down as coming within the authority of the Tribunal of arbitration. I may say something more, if necessary, when it will be my turn to propose that amendment ; with these few words I beg to support the second reading.

The Honourable Mr. C. H. A. HILL spoke as follows :—Your Excellency, I fancy that every Honourable Member of this Council has on different occasions been asked to make a ceremonial speech or something of that kind or to deliver an address on some subject, and I am quite sure, knowing the conscientious principles which actuate the actions of the Members of this Council, they have one and all on such occasions gone home and studied their subject, worked up suitable quotations and come ready prepared with an admirable speech to meet the occasion. Well, it is on such occasions a matter for great disappointment when some previous speaker has utilised one's quotations and

made use of all the material laboriously collated. Although the circumstances in which I stand here are somewhat similar, my feelings are totally different. I find after listening to the speeches of the Honourable Sir PHEROZESHAH MEHTA, the Honourable Mr. LALUBHAI and others, that I am left practically without any work to do, and that it is really almost superfluous that I should detain this Council at all. And, far from being disappointed, I am exceedingly grateful to those Honourable Members. However, there are one or two points which perhaps still require a passing notice, and, with Your Excellency's permission, I will begin with the question which has been debated of the non-extension of this Bill to Bombay except on the application of the Corporation. Well, Sir, I think that we are all agreed here that the Island of Bombay, administered as it is by the Municipal Corporation of Bombay, stands on a totally different footing (hear, hear) from any other part of the Bombay Presidency, furnished as it is already,—I am not sure how my Honourable friends will welcome this,—with the City Improvement Trust (hear, hear), the Bombay City Improvement Trust, which is really a part of the Bombay Corporation's machinery. Under these circumstances I say with confidence that the differentiation between the Island of Bombay and the rest of the Presidency needs no defence whatever.

Now, Sir, I would turn for a moment to the painful subject of the constitution of the Select Committee. It is really a matter for sincere regret to me to think that in proposing the names of the Select Committee I did, as a matter of fact, overlook the actual question of what Honourable Members represented what constituencies; and for this I throw myself on the mercy of the Council. But I submit, Sir, that looking to the names of those who helped me on the Select Committee, it will be admitted that the whole weight of the names connotes Municipal experience of a very practical kind, and it was that which I chiefly looked to, and I regret to say I overlooked the actual constituencies from which the representatives came. It was their practical acquaintance with Municipal affairs which seemed to me to constitute the best guarantee of efficient advice being given by those Members, and I should like once more to say that in the selection of Members I was most emphatically not disappointed, and that every Member of the Select Committee displayed a familiarity with Municipal affairs which gave all the assistance that could possibly be desired in the consideration of this Bill.

The next point which, I submit, has been mistakenly laboured is the question of notified areas. I would draw the attention of this Council to the fact that the constitution of a notified area Committee has really nothing to do with this Bill. It is an existing entity under the Municipal law, and all that this Bill does is to take cognisance of the existence of the notified area Committees as being corporate bodies which can take certain steps for their own advantage under this Bill; and I am quite certain that if this Bill is justifiable at all, every local self-governing body, even in its most embryonic stage, should be in a position to take advantage of this Bill if it so desires.

As regards the question raised by my Honourable friend Mr. PATEL whether a notified area Committee is a sufficiently representative institution to justify

its making proposals under this Bill; that is a matter which the Governor in Council will carefully consider on each occasion; and it seems quite likely that, as my Honourable friend Mr. TURNER indicated, when it comes to the point whether an area is of sufficient Municipal importance to justify the promulgation of a Town Planning Scheme, that question will of course be carefully considered before sanction is given to any scheme.

Well, Sir, another point which the Honourable Mr. PATEL raised relates to the question of the legality of clause 3 (j) of this Bill. I can only say that it has passed through the scathing ordeal of examination by the Legislative Department of the Government of India, and I assume that the Legislative Department of the Government of India consider that that clause is not illegal. As regards its desirability, I think there can be no two opinions. Perhaps Honourable Members are not aware of the extent to which in England local bye-laws have stood in the way of the promulgation of Town Planning Schemes. It has been necessary over and over again for Parliament to pass special Acts of Parliament in order to over-ride other enactments which have obstructed the improvement of a town. It is for the purpose of avoiding a similar state of affairs that this clause was introduced by the Select Committee, and I venture to submit that, on consideration, the Council will admit that it should stand as part of the Bill.

I should like to give one assurance to the Honourable Mr. GODBOLE, namely that I have seen Professor GEDDES, and that he referred in conversation to the Town Planning Bill which he had evidently seen; but he uttered no criticism at all and gave no indication of a desire to criticise its provisions. I confess I did not cross-examine him on the subject, nor did he question me, so that I can only assume, from his reference to the Town Planning Bill as a subject for congratulation, that he had not anything very serious to criticise with regard to this Bill.

Well, Sir, my Honourable friend Mr. PAREKH, gave me a great shock. He suggested that Town Planning Schemes and Town Improvements should only be entered upon at the request of the property owners. Now, I would suggest to the Honourable Members that that is a very aristocratic point of view to take, and the general point of view should be that improvements in town building and so forth should properly be for the benefit of the populace at large and not for the property owners or a majority of them. That should be the determining factor with regard to the introduction of the measures for the benefit of housing the poor and general hygiene. It seems to me a most undemocratic suggestion of my Honourable friend, and I believe he can hardly have realized what the real meaning of what he suggested was.

I found, Sir, some difficulty in following what my Honourable friend Mr. UPASANI said, because it struck me that his general thesis was that, those interested in Local and Municipal Government in the mofussil were so harassed and worried and almost submerged by all sorts of Municipal legislation that the addition of any further legislation would completely drown them. Under the existing laws it appears to him that the officials pursue them and harass them

to such an extent that he would gravely deprecate the addition of any further machinery. In fact he went so far as to suggest that Government officials connected with Municipal administration were hindering the progress of local self-government. I am quite sure he did not mean that, but that was the gist of his complaint; and I am afraid that, if his premises are correct, we *are* adding another mill-stone to be hung round the necks of Municipalities. But I do appeal to this Council to take the Bill as a whole, to look at it as a whole, and see whether the Bill viewed as a whole does not specifically consider and safeguard in every possible way the interests of local bodies. That is the aim and object of the Bill, and we wish in all respects to add to the efficiency of local bodies in order that the carrying out of Town Planning in the future may not be subjected to the reproach which has sometimes been levelled at it in the past.

As regards my Honourable friend Mr. RAFIUDDIN, he made a suggestion regarding clause 3(h). I do not think that my honourable friend submitted any amendment to clause 3 (h) of the Bill, nor have I any recollection of any suggestions being made by him for the modification of its wording, but I venture to assume, Sir, that, should the Honourable Member be able to devise an amendment, even though it be not already on the Table, Your Excellency will be good enough to allow it to be considered when the time comes for taking the Bill clause by clause.

I think, Sir, these are all the points to which I need specifically refer in proposing that this Bill be read a second time.

I am extremely obliged to the Council generally for the favourable view they have taken of this Bill as a whole, and for the very strong support which has been given to it by my honourable friend Sir PHEROZESHAH MEHTA and others, and which, as I have said, has almost deprived me of the right of reply to the debate. I should like to say, particularly with reference to my honourable friend Ráo Bahádur SATHE and his proposed amendment under clause 30, that his absence from the meeting of the Select Committee, which actually considered that part of the Bill, accounts for that matter having been specifically brought forward by him, and to assure him that, as I said at the beginning of this debate, we shall be only too pleased to consider the matter on its merits, and to allow it to be decided by the general sense of the Council when the time comes.

In conclusion, Sir, I think we all owe a considerable debt of gratitude,—at least I know that Your Excellency's Legislative Department owes that debt,—to the Honourable Mr. КОТНАРИ. He very kindly placed himself in correspondence with people whom he has met in his travels all over the world and many authorities, Municipal and otherwise, in England, in New Zealand, in America, in France,—in fact all over the world,—responded most cordially in sending literature, all relating to Town Planning, which will greatly aid the formulation of Town Planning Schemes hereafter when they come up before Government in a concrete form. The Bombay Government are sincerely grateful for the help so cordially given.

I now move, Sir, that the Bill as amended by the Select Committee be read a second time.

The motion for the second reading of the Bill was then put to the vote and carried.

His Excellency the PRESIDENT :—The Bill will now be read clause by clause.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows :—Your Excellency, The amendment that stands in my name is as follows :—(Reads).

My Lord, this amendment if accepted or carried would give credit to this Council for according equal treatment to the Bombay Corporation as well as to the mofussil Municipal or other local bodies in the matter of the application of this measure. I am of opinion that an experimental measure of this character should not be made applicable to the area of any local body except on the application of that body. I do not understand why there should be a differential treatment between the Bombay Corporation and the mofussil local bodies in this respect. The Honourable Ráo Bahádur SATHE who had the honour to serve on the Select Committee is also of the same opinion as appears from his minute of dissent. I therefore hope that this Council will accept the view I have been advocating by this amendment. Let the local authority in the mofussil have the choice to have this measure applied to their areas or not. With these few words I put this amendment for the consideration of this Council.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said :—Your Excellency,—There is an amendment standing in my name which is almost similar to that of the Honourable Mr. PATEL, and I will say what I have to say with reference to it in support of the Honourable Mr. Patel's amendment.

His Excellency the President :—Then I understand that the Honourable Member will not move his own amendment.

The Honourable Mr. UPASANI :—No, My Lord. I am not going to move my amendment.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI in supporting the amendment of the Honourable Mr. PATEL spoke as follows :—Your Excellency,—My object in supporting this amendment is this, that local bodies with their knowledge of the local conditions and necessities of the place should be the proper authorities to decide whether it is necessary for them to apply this Act to their town or whether they would be able to do the needful under the provisions of the District Municipal Act, and I think they may be allowed to exercise their own discretion in the matter. If they think that the machinery of the Act is needed, then it will be open to them to apply for the application of the Act to their town area. It is the same privilege which has been conceded to Bombay. I admit the conditions of Bombay are exceptional, but the citizens there who own house property belong to the well-to-do classes and they can afford to have the costly machinery provided in the Bill for Town Planning Schemes, and it is better suited for them than for the mofussil towns in which

the conditions are different. The question in the mofussil is more of cost and means rather than of necessity and convenience. We would all like to drive in motor cars in our villages, but we have not the means for them and must be content with our country carts which are better suited for our means and needs. I think nothing will be lost by allowing the local bodies to decide for themselves whether the application of this Act is not a real necessity for their town. They will be amenable to the advise of the District Officers, and Government itself has under the Municipal Act the power to compel them to do what may be necessary in the interests of their town. If the Government are convinced of the necessity of applying the Act they will certainly compel the local body to consent to the application of it even if the local body be given the option to decide the matter in the first instance. If the amendment is accepted, Government's power will not be taken away, and at the same time the local bodies will have the option of deciding what would be most suitable for them.

His Excellency the PRESIDENT:—Order, order. I do not wish to suggest to the Honourable Member that he should not go on with his speech, but I would like him to be briefer in his remarks.

The Honourable Mr. UPASANI continuing:—Very well, My Lord. My Honourable friend Mr. SATHE has suggested that if the amendment is not accepted, there should at least be an understanding that these bodies will be consulted before the Act is made applicable to the area under their jurisdiction, but I think the understanding suggested will not form part of the law, and therefore it would be better that there should be something definitely laid down in the Act. For that reason I beg to support my honourable friend Mr. PATEL's amendment.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—I do not think that I can do anything except to repeat more or less what I have already said in explanation of the distinction between the treatment in respect of the application of this Bill to the Bombay City and to the other areas contemplated. But I would again like to point out that this clause does not even in the case of Salsette bring any Town Planning Schemes into being; it merely operates so as to make this Act, when passed, applicable to the whole of the Island of Salsette, whereas in respect of other areas in the Presidency we are not sure whether the Town Planning Act may or may not hereafter be extended to them. It depends on their needs.

In respect of this particular amendment by which an application by the local authorities is sought to be made a condition precedent to the application of the Act, I venture to say, Sir, that just as the Select Committee has done, the majority of this Council will appreciate the advantage of following the usual procedure in respect of Acts of this kind in allowing the Act to be extensible to any area other than the area which we know has special characteristics, namely, the Island of Bombay, at the option of Government without necessarily waiting for the application of the local authority. It will be for the local authorities to have each town-planning scheme validated under the Act. I think the conditions are quite simple and clear, and that the

apprehensions entertained by the Honourable Member who moved this amendment are quite groundless; and I venture to ask that the Council will vote against the amendment proposed.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT :—I do not know if my Honourable friend Mr. UPASANI withdraws his amendment.

The Honourable Mr. UPASANI :—Yes, my Lord.

Amendment by leave withdrawn.

Clauses (1) and (2) were then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 3. I understand that the Honourable MOULVIE RAFIUDDIN wants to move an amendment to sub-clause 3 (h).

The Honourable MOULVIE RAFIUDDIN AHMAD :—Sir, I propose to add after the words “and of buildings actually used for religious purposes” at the end of clause 3 (h), the words “or places regarded by the public with special veneration.”

His Excellency the PRESIDENT :—I think I had better read out to the Council the amendment exactly as we wish it to stand. The Honourable Member would like to add at the end of clause 3 (h) after the words “and of buildings actually used for religious purposes,” the words “or regarded by the public with special veneration.”

The Honourable MOULVIE RAFIUDDIN :—The Honourable the Advocate General suggested the addition of the word “religious,” so I will adopt that.

The Honourable Sir PHEROZESHAH MEHTA :—Who will decide that?

The Honourable MOULVIE RAFIUDDIN AHMAD :—The Governor in Council will decide that eventually. So that my amendment will read as follows :—“(h) the preservation of objects of historical interest or natural beauty and of buildings actually used for religious purposes or regarded by the public with special religious veneration.”

The Honourable Mr. HARCHANDRAI VISHINDAS :—May I know, Your Excellency, what will be the effect of the suggestion put forward by the Honourable MOULVI RAFIUDDIN.

His Excellency the PRESIDENT :—My Honourable friends are seriously, considering the situation.

The Honourable Mr. C. H. A. HILL spoke as follows :—Your Excellency I may say at once that Government are prepared to accept this amendment, namely the addition of words “or regarded by the public with special religious veneration” at the end of clause 3 (h).

The motion was then put to the vote and carried.

The Honourable Mr. VITHALBHAI JHAVEBBHAI PATEL said :—Clause 3 (j) must be deleted. Your Excellency, the questions for this Council to consider are (1) whether this Council itself possesses the powers which they propose to transfer to the Governor in Council and (2) whether this Council

has any authority to delegate its power of legislation to the Governor in Council. It is really no "joke" as my Honourable friend Sir PHEROZESHAN seems to think, but these are suggestions which I seriously put forward for the consideration of this Council. I have made it perfectly clear in my speech on the second reading that this Council has no power to suspend any law or regulation made by the Imperial Council without the assent of the Governor General previously obtained. It has no power under any circumstances to suspend any law passed by Parliament. In no case has this Council any authority whatsoever to delegate its power of legislation.

Under these circumstances I respectfully ask this Council to consider the legal aspect of the clause and judge for itself what are its powers under the Indian Councils Acts and whether they could legally delegate all or any of the powers they have got.

With these observations I leave my amendment in the hands of the Council.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA said:—Your Excellency,—With reference to the amendment moved by the Honourable Mr. PATEL, I may tell the Council that we adopted sub-clause (j) of clause 3 in the Select Committee, because there was a similar provision in the English Town Planning Act, as the House of Commons have given this power to the Local Government Board, and it means that they have not considered it illegal to do so. The words in the Act are "so far as necessary for the proper carrying out of the scheme any statutory enactment, bye-law or regulation." The only suggestion therefore that I would like to make is to add the words "so far as necessary for the proper carrying out of the scheme" be inserted in sub-clause (j). That will make the meaning quite clear, and if that is done I do not think my Honourable friend Mr. PATEL need have any misapprehension as to the scope of that sub-clause.

The Honourable Mr. DATTATRAYA VENKATESH BELVI said:—Your Excellency, I do not see my way to agree with what has fallen from my Honourable friend Mr. LALUBHAI SAMALDAS. In England the House of Commons is the highest legislature and it has got a right to enact in any way it pleases. But in this Presidency the Governor in Council will have to consider the Acts passed by the Imperial Legislative Council and by the House of Commons itself. The question is whether this Council has got any power to invest the Governor in Council with the power to suspend the operation of Acts which are not passed by this legislature. The question will have to be looked at from the lawyer's point of view, and in this connection, I submit that the opinion of the Honourable Advocate-General will be the only opinion that should be accepted by this Council.

It is not desirable that simply because we find a provision in the English Act there should be a similar provision in an Act passed by a subordinate legislature. For these reasons I am inclined to agree with my Honourable friend Mr. PATEL. However this is a question of law and if the Advocate-General's opinion is that no difficulty will arise on this score, I think, we should accept the clause as it stands.

The Honourable Mr. C. H. A. HILL said:—With Your Excellency's permission, I think it will save time of the Council if I suggest that inasmuch as no criticism has been made as to the substance of this clause except the one now made by the Honourable Mr. PATEL and since this question which is now raised in this Council has been, as I have already indicated, before the Legislative Department of this Government and before the Legislative Department of the Government of India, and since no objection has yet been taken on legal grounds to its inclusion in the Bill, I think, we may sleep safely in our beds and not apprehend any severe penalty for carrying into effect something which we have no power to do. If any illegality has been done we shall be hauled up quickly enough, and I suggest that as there is no criticism on the merits of the clause apart from the question of its legality, that we should pass it for the moment. But I do recognise that the Honourable Mr. LALUBHAI's proposal, which limits the scope of this clause to a certain extent, and which also follows section 55 (2) of the Housing and Town Planning Act in England, has considerable force; and Government agree that certain words should be included in the clause, so that it will then run:—"That a town planning scheme may make provision for any of the following matters: The suspension so far as may be necessary for the proper carrying out of the scheme of any rule having the force of law, bye-law, etc." That limits the scope of the operation to a certain extent and perhaps will relieve the anxiety of this Council; and I suggest, Sir, that the proposal to delete this sub-clause ought to be rejected, and with Your Excellency's permission, I move that it be amended as suggested by the Honourable Mr. LALUBHAI.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL said:—Your Excellency,—In the first place I should like to read a similar provision under the English Act.

His Excellency the PRESIDENT:—Order, order, I do not know if the Honourable Member agrees to the words proposed.

The Honourable Mr. PATEL:—Not at all.

His Excellency the PRESIDENT:—Will the Honourable Member then discuss his amendment?

The Honourable Mr. PATEL (continuing):—Your Excellency,—much has been made in this Council regarding the existence of a similar provision in the English Act, and I should therefore like to invite the attention of this Council to that provision. It is contained in section 55 of the Housing and Town Planning Act, 1909. (Reads). The Honourable Members will thus see that under that Act no scheme which contains provisions suspending any enactment contained in a general public Act shall come into force unless a draft of that scheme has been laid before each House of Parliament for a period of not less than 40 days and no address within that period has been presented by either of those Houses to His Majesty against the proposed suspension. I am afraid we are in giving our consent to the passing of this clause going far beyond this. Again it has been urged by the Honourable MOVER of this Bill that the Legislative Department of the Government of India has taken no such

objection to this clause. May I submit to this Council that we are not bound by the opinion of the Legislative Department of the Government of India much less that of the Legal Department of this Government? We have to construe section 42 of the Indian Councils Act, 1861, and section 5 of the Indian Councils Act, 1892, to see what powers we have. The language of both these sections is perfectly clear, and nowhere in these Acts do we find any authority to us to delegate any of our powers to legislate.

Under these circumstances, I would request the Council to consider this amendment favourably.

The Honourable Mr. C. H. A. HILL said:—With Your Excellency's permission I should like to suggest the insertion proposed by the Honourable Mr. LALUBHAI of the words "so far as may be necessary for the carrying out of the scheme" after the word "suspension".

The amendment was then put to the vote and lost and the clause as amended in the manner suggested by the Honourable Mr. LALUBHAI was carried.

Clauses 3 to 6 were then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 7. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL said:—Your Excellency, the amendment that I am going to move reads thus:—

Substitute the following for clause:—

"7. Notwithstanding anything contained in section 7 or of sub-section (3) of section 187 of the Bombay District Municipal Act, 1901, the Governor in Council may declare any specified area for which it is proposed to make a Town Planning Scheme to be a Municipal District or a notified area and notwithstanding anything contained in proviso to sub-section (1) of section 188 of that Act, a Committee for any notified area for which it is proposed to make a town-planning scheme shall consist of not less than 5 and not more than 7 members, of whom a majority shall be elected residents of that area".

Your Excellency, as the clause stands at present, it gives power to the Governor in Council to constitute any area to which a town-planning scheme is to apply, a notified area. I ask this Council to go a step further and authorize the Governor in Council to constitute any such area, a Municipality. By the amendment proposed, I also ask the Council to allow proper representation of the people on a notified area committee to whose limits the Town Planning Act is to be made applicable.

My Honourable friend, Ráo Bahádur SATHE, seems to think that for this purpose an amendment of the District Municipal Act is necessary. I submit that without amending the District Municipal Act we could give election to the people on notified area committees. This can effectively be done if my amendment is accepted. When we are applying for the first time in India a novel legislation of this character by way of experiment, is it not right that the local bodies who have various powers, duties and responsibilities under the

Act, should have on them proper representation of the people likely to be affected by its provisions?

With these observations, I move this amendment with a hope that it will be considered favourably.

The Honourable Mr. SHRIDHAR BALKHISHNA UPASANI said:—Your Excellency, I beg to support my Honourable friend Mr. PATEL in this amendment. My Lord, the section as it stands provides: (reads).

This clause thus contemplates a case in which it is already proposed by Government to introduce a Town Planning Scheme in the area to be declared as a notified area. The local authority will in that case be constituted only to carry out the scheme initiated by Government and its initiation by the local authority will become a matter of necessity and a mere formality. Moreover it is a heavy responsibility to be placed on a small body which will represent the notified area. Therefore it is desirable that we should constitute the local authority for the said area in a manner which will ensure its capacity to take up the responsibility proposed to be placed upon it to initiate and carry out the proposed scheme.

Under the Municipal Act as it stands, notified areas can only be declared in places which form the headquarters of the taluka and if that restriction is removed there will be the greater necessity that the committee to represent the notified area should be constituted as proposed in the amendment. Therefore, I think the Honourable Mr. PATEL's amendment on this point should be accepted.

I have only to suggest if my Honourable friend will accept it one further amendment to his proposal, and it is that if the area to be notified under this section be in the vicinity of a town which is already a municipal town, then that area instead of being declared to be a separate notified area should form part of that Municipal town and be included within its municipal limits.

The provisions of the Bill as they stand provide for lands in the vicinity of a municipal town being taken up for a scheme and when they lie in the vicinity it will be much better to include them in the Municipal area rather than make them separate notified area, and this will be easily done if we only add the words "provided that where the area is in the vicinity of a local authority which proposes the scheme, the area shall be included in the Municipal limits". If my Honourable friend Mr. PATEL be agreeable I would suggest that those words be added to his amendment.

The Honourable Mr. C. H. A. HILL said:—Your Excellency, I really think it may save further debate if I point out that this suggestion of my Honourable friend seems to be altogether going beyond the scope of the Bill under consideration. It is true that under clause 7 of the Bill we have had to provide that, in an area in which it seems to be desirable to make a Town Planning Scheme, Government may declare such areas as "notified areas" in spite of the restrictions imposed by clause 187 of the Bombay District Municipal Act. But my Honourable friend Mr. PATEL proposes to go further and to reconstitute notified areas for that particular purpose, that is to say to

alter the constitution of the committees appointed under clause 187 of the District Municipal Act. This Bill endeavours to touch as little as possible the Municipal Act and only so far as is necessary to safeguard any operation of the Municipal Act which would prevent us from usefully applying the Town Planning Act. Well, I suggest, Sir, that there may very well arise cases of notified areas which may contain a town, whether the headquarters of a taluka or not, to which it may be advisable to apply a Town Planning Scheme; and that it would be rather a pity if, in order to apply the Town Planning Act to it, we had to reconstitute the Committee by effecting an alteration in the law, so far as that notified area was concerned. And certainly I would deprecate very strongly the imposition of a maximum number of members to a notified area. That, I think in any case most undesirable. But I suggest, Sir, that at this stage this Council would be well advised not to examine in greater detail the minutiae of the Municipal Act than is absolutely necessary to render it possible to apply this Town Planning Bill in as many localities as may seem to be desirable; and I venture to assure Honourable Members that no fear need be entertained that proposals will be made to apply the Town Planning Act without due regard to the constituted local authority. I suggest, therefore, Sir, that the proposed clause be accepted, and that the amendment to clause 7 of the Bill be rejected by the Council.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL said:—Your Excellency, what is there to guarantee beyond the assurance given by the Honourable Member in charge that the proposals under the Town Planning Act will not be applied recklessly or carelessly to any local areas by the authorities that may be charged with the execution of the Act. I appeal to this Council that before the provisions of the Act are extended to any local area, the people of that area must have fair representation on the local body of that area.

The amendment was then put to the vote and lost.

Clause 7 was then put to the vote and carried.

His Excellency the PRESIDENT.—Clause 8. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Your Excellency,—The clause reads as follows (reads).—It will be seen that this clause lays down that a Town Planning Scheme under this Act may be made in respect of a land which is in course of development or is likely to be used for building purposes. Now it is not easy in all cases to say definitely whether a particular plot of land is in course of development or is likely to be used for building purposes unless the same be close to a business centre or to the residential quarters of the better classes. In the case of lands removed from such localities especially when they lie on the outskirts of the town, it would be difficult to say with confidence that they are in course of development or likely to be used for building purposes and in case they be only used for cultivation and have no buildings on them or in close proximity, the more natural and proper inference would be that they are not in course of development or likely to be used for building purposes and in that case, they would not come under

the strict wording of the clause as it stands. But these lands may be the most suitable from a sanitary point or the only lands available in the vicinity for further extension of the town and to allow these also to be taken up for Town Planning under the Act, I propose that the following words be added at the end of the first paragraph of this clause, *viz.*, "or is required to be so used for the development and extension of any adjoining city or town." The addition of these words will allow of the lands being taken up for a Town Planning Scheme under the Act, though they may not be actually in course of development or likely to be immediately used for building purposes as they stand. The addition of the words proposed will also enable a Municipality to take up from an adjoining municipal town or notified area any land which it may require for the extension of its town in cases where the same may not be wanted for the development of the other neighbouring town or in case the latter may not be in a position to utilise it for that purpose for itself. The addition of the words proposed would thus appear to be necessary and would extend the operation of the clause and my amendment on this point may, therefore, well be accepted by Government.

The Honourable Mr. E. G. TURNER said:—Your Excellency, the amendment refers to land in an adjoining city or town. It does not say how sub-clause (1) has any reference to land adjoining a particular city or town. The clause simply says generally that a Town Planning Scheme may be made in respect of any land. If we insert the words the Honourable Mr. UPASANI suggests I do not quite see how that makes the clause more general. In fact, I do not quite see what he refers to. "Any land" refers to any piece of land whatsoever. Another thing, he refers to land which is required to be used for the extension of towns. He does not say who will so require it to be used or how the requisition will be enforced. It will be very hard on owners to tell them that they must build upon their land. I know of no such rigid provision embodied in any scheme. I also would like to refer the Honourable Member to section 9 (2), where it says very distinctly that a Town Planning Scheme may not only be applied to land referred to in sub-clause (1) of section 8 but may also refer to land which is in the vicinity of such land. I would also refer him to clause 46 where a joint Town Planning Scheme may be made for two portions of land which are under different local authorities. It seems to me that sub-clause (1) section 9 and section 46 give ample powers to provide for what I understand the Honourable Member wishes.

His Excellency the PRESIDENT:—Does the Honourable Member wish to reply.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Your Excellency,—Section 46 pointed out by the Honourable Mr. Turner refers to only cases of joint Town Planning Schemes by two local authorities joining together in a joint Town Planning Scheme. I contemplate not only those cases but also cases in which joint Town Planning Schemes may not be feasible. In the case of several small municipalities or notified areas, there may be plenty of land within their Municipal limits, which may not be wanted for the extension of their own towns and as regards which their local authorities may not have the means

to join in a joint Town Planning Scheme with a neighbouring town or city. The latter, on the other hand, may require the land for its extension and may be in a position to develop it alone on its own account if it could be taken up for it by itself or by Government. Such cases, however, would not be covered by section 46 or by section 9 or by section 8 as it stands. If the words I propose be added to the latter section, they will cover all cases in which it may be necessary to apply a Town Planning Scheme to any land in the vicinity of a town which may be required to be taken up for its extension and development.

The amendment was then put to the vote and lost.

Clause 8 was then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 9. The Honourable Mr. HILL.

The Honourable Mr. C. H. A. HILL in moving the amendment said :—Your Excellency,—This amendment is purely one of drafting. It has been pointed out by the Honourable Mr. STRANGMAN that in the case of an enactment which is liable to undergo modification hereafter, it is bad drafting to use the words “the preceding section” seeing that some day “section 8” may no longer be preceding section 9; therefore, Sir, I propose to substitute the words “section 8” for the words “the preceding section” in lines 5 and 6 of sub-clause (1) of section 9.

The motion was then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 9. Item No. 7. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—With Your Excellency’s permission, I should like to drop this amendment, as I do not wish to trouble the Council.

The amendment was by leave withdrawn.

The Honourable Mr. C. H. A. HILL spoke as follows :—With Your Excellency’s permission, I should like to make the observation that, although my Honourable friend does not wish to trouble the Council with his amendment, we will make a special note of the desirability of District Local Boards being consulted.

His Excellency the PRESIDENT :—Clause 9 (5). The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said :—My Lord,—This clause allows only one month’s time to any person affected by a Town Planning Scheme to communicate in writing any objections or suggestions relating to the scheme for the consideration of the Governor in Council. My Lord, one month is far too short and I propose that at least two months be allowed. As a rule publications in the *Government Gazette* are read by a very small minority of people and it takes some time for the general public to know anything about them. It is supposed that whatever appears in the *Government Gazette* is known to everybody, but that is only a legal fiction, and the fact is that the mass of the people in the mofussil do not get the *Government Gazette*, nor know anything about what may appear therein. Under these circumstances one month will

not at all suffice for the public concerned to get the needful information and to draw up the objections and suggestions which they may have to communicate for consideration with regard to any proposed scheme. Two months' time should at least be allowed as proposed by me and that would certainly not be too long.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—It may save the time of the Council if I say that, while Your Excellency's Executive Government has no particular views on this subject, the Members of the Select Committee considered the period very carefully and came to the conclusion that one month was ample. I do not know whether the opinion of Your Excellency's Legislative Council has undergone any change in the interval, but if that is not the case, I suggest that a division be taken to see whether the opinion of the Select Committee was a right one or whether the amendment should be adopted.

The amendment was then put to the vote and lost.

Clause 9 was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 10. The Honourable Ráo Sáheb NAIK.

The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK said:—Your Excellency,—Clause 10 (1) with the addition of the words, for which I have given notice of amendment, runs thus—

Within twelve months from the date of the notification sanctioning the making of a Town Planning Scheme, the local authority shall, in consultation with the owners and sanitary experts, prepare and publish in the prescribed manner a draft scheme for the area in respect of which sanction has been given.

My main object in asking for this change is that when the Act is to be applied to the mofussil municipalities, these municipalities will be the local authorities, and generally they have not got sanitary experts under them to advise. As sanitary objects, such as drainage, water-supply, lighting, etc., form part of the objects of the Bill, and there is likelihood of some objections on the principles of sanitation, such as situation of sites, alignment of roads and buildings, with reference to prevailing winds, facilities for drainage and the like being raised by sanitary authorities, it seems advisable that the sanitary authorities should be consulted at various stages of the Town Planning Scheme, and as the preparation and publication of the draft scheme is its first and important stage and the proposals for the new alignments of roads, drainage, etc., are to be proposed in it, I think that the local authority should draw up the draft scheme in consultation with the sanitary authorities also. To point a concrete instance in this respect, if I am rightly informed, the Belgaum Municipality, in the extension which they have recently undertaken, laid the roads and the alignments of the buildings and sold the plots to the public, unfortunately, without consulting the sanitary authorities, and somehow or other, the attention of the sanitary authorities was directed to the defect in the alignment of buildings and roads not being in conformity with the prevailing

winds, and they took objection. But, however, as the Municipality had sufficiently advanced in the sale of plots, and the public had also built houses on the plots sold, the alignment of roads and houses could not be changed without substantial loss to the public, and I have no authoritative information as to how the sanitary authorities dealt with this defect. To avoid such mistakes, I think sanitary authorities should be consulted beforehand. The rules to be made by Your Excellency, under section 53, cover only the manner of publication of the draft scheme, and therefore I humbly propose that the words "and sanitary experts" should be added between the words "owners" and "prepare".

My object for amendment of clause 10 (ii) also is the same as No. 1. As Your Excellency can command expert advice at any time, I have only worded this in slightly different words, and suggest that the same may be accepted.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA said:—Your Excellency,—I do not wish to support the amendment proposed by my Honourable friend Ráo Sáheb NAIK. In the first place when a scheme is laid before Government by a local authority it passes through the hands of one thousand and one officers of the various departments of the State like the Agricultural and Public Works Departments before Government accord their sanction to it. Under such circumstances I do not think it is necessary to consult the sanitary authorities in every case which will only cause delay in the matter. For these reasons I think the amendment proposed by my Honourable friend Ráo Sáheb NAIK is unnecessary.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—It may perhaps save the time of Your Excellency's Council if I say at once that we entirely sympathise with the Honourable Member's proposed amendment to this clause. Only I think that if the Honourable Mr. NAIK goes through the Bill carefully, he will see that the whole object and the way in which the sections are arranged and the control which Government exercise, all connote in the strongest possible manner the necessity at every stage of consulting all those persons who are qualified to advise, and if reference be made to clause 14 (2), it will be seen that the Governor in Council is bound to make inquiries before he gives sanction. All those things indicate, I suggest with deference, that the Select Committee have done all that is needed to hedge round the operations both of the local body and of the Governor in Council in such a way as to see that the best possible advice is obtained. Only the Select Committee carefully refrained from inserting specific obligations to consult specific persons, because it is a difficult thing to say who is a sanitary expert in any locality, while the Government have the service of the Sanitary Commissioner and others at its command. I suggest, therefore, that in these circumstances perhaps the Honourable Member would be willing to withdraw his amendment.

The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK:—After the explanation given by the Honourable Member in charge, I beg to withdraw my amendment.

The amendment was by leave withdrawn.

Clauses 10, 11 and 12 were then put to the vote and carried.

His Excellency the PRESIDENT:—I think that we have made good progress this afternoon and that we might adjourn till tomorrow at 11-30 A.M. The Council will now adjourn.

The Council then adjourned till Wednesday, the 9th December 1914.

By order of His Excellency the Right Honourable the Governor,

S. G. KHARKAR,

Acting Secretary to the Legislative Council.

Bombay, 8th December 1914.

Journal of the Proceedings of the Legislative Council of the
Governor of Bombay, assembled under the provisions of the
Indian Councils Acts, 1861 to 1909.

The Council met at Bombay on Wednesday, the 9th December 1914,
at 11-30 a. m.

P R E S E N T :

His Excellency the Right Honourable Lord WILLINGDON of RATTON,
G.C.I.E., Governor of Bombay, *presiding.*

The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S.

The Honourable Mr. C. H. A. HILL, C.S.I., C.I.E., I. C. S.

The Honourable Mr. PRABHASHANKAR D. PATTANI, C.I.E.

The Honourable the ADVOCATE-GENERAL.

The Honourable Moulvie RAFIUDDIN AHMAD, Bar.-at-Law.

The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.

The Honourable Mr. GHULAM MUHAMMAD valad Khán Bahádur WALI
MUHAMMAD BHURGI, Bar.-at-Law.

The Honourable Mr. T. W. BIRKETT.

The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.

The Honourable Mr. FAZALBHOY MEHERALLY CHINYOY.

The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.

The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (London), L.M. & S.

The Honourable Sardár SYED ALI EL EDROOS.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.

The Honourable Mr. W. L. GRAHAM.

The Honourable Mr. G. W. HATCH, I. C. S.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.

The Honourable Mr. J. E. C. JUKES, I. C. S.

The Honourable Mr. BALKRISHNA SITARAM KAMAT.

The Honourable Sardár DULABAWA RAISINGJI, Thákór of Kerwáda.

The Honourable Mr. NAVROJI DORABJI KHANDALAVALA, LL.B.

The Honourable Mr. JEHANGIR H. KOTHARI.

The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.

The Honourable Mr. E. MACONOCHE, I. C. S.

The Honourable Sardár Sir CHINUBHAI MADHAVLAL, Bart., C.I.E.

The Honourable Mr. J. A. D. MCBAIN.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.

The Honourable Sir PHEROZESHAH MERWANJEE MEHTA, K.C.I.E.,
Bar.-at-Law,

The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK.

The Honourable Mr. E. FERRERS NICHOLSON.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH,
LL.B.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.

The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHOY.

The Honourable Mr. MANMOHANDAS RAMJI.

The Honourable Ráo Bahádur SHRINTWAS KONHER RODDA.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD, LL.B.

The Honourable Mr. W. H. SHARP.

The Honourable Sir FREDERICK L. SPROTT, Kt.

The Honourable Mr. E. G. TURNER, I. C. S.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.

The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

The Honourable Mr. M. DEP. WEBB, C.I.E.

The Honourable the VICE-PRESIDENT:—Bill No. V of 1913, clause 13.
The Honourable Mr. UPASANI.

The Honourable Mr. UPASANI said:—Sir, section 13 provides one month from the date of the publication of a draft scheme for communicating to Government in writing any objections that may have to be urged against the draft; instead of that I propose that two months may be allowed. I had made a similar suggestion with regard to the time to be allowed for objections against the declaration of an intention to make a scheme under the Act. The same has not been passed, but here in this case it is absolutely necessary that at least two months' time should be allowed to the public to be acquainted with the details of the draft scheme and to submit in writing their objections in respect of them. The local authority is allowed 12 months to draw up the scheme, and if it is not able to prepare it within that time nine months more are allowed to the Commissioners to prepare it for them. That being the case, would two months' time be too long to be allowed to the public to state their objections and suggestions as regards a draft scheme which may have taken 21 months or more to be prepared? In the first place, the people will have to acquaint themselves with the general details of the scheme, then of the plots in which they may be particularly concerned, and if these may have been re-constituted under section 13 then with further details in regard to them. Will one month be sufficient for all this and for drawing up in writing the objections and suggestions to be communicated against all the details of the draft scheme? I need hardly state that in the first place it will take some time before people get to know of the publication of the draft scheme in the *Government Gazette*. There is no provision in the Bill that at least those whose plots are affected by the scheme shall be served with notice of the publication or of the date on which it may be expected to appear in the *Govern-*

ment Gazette and they will have to depend on their own chance to get information about it. I have already urged that only very few people in the mofussil actually get the *Government Gazette*, or read it regularly. There is no provision for notifying the publication in the local vernacular papers. That being the case, our people who are mostly illiterate will certainly require more than one month's time to study the details of the draft scheme and to submit their objections to Government. The two months which I have proposed may, therefore, well be allowed as being absolutely necessary in this case.

The Honourable Mr. E. G. TURNER said:—I think, Sir, that it is a matter of opinion whether one month is sufficiently long or not. The corresponding section in the English Act only allows one month from the time of publication of the draft scheme before its submission to Government for sanction. The Council have already rejected the amendment under clause 9 in which the Honourable Member wished two months to be put instead of one month, and I think in the case of clause 9 the case for the extra time is very much stronger than in the case of this particular clause. Under clause 9 the time was allowed to get all objections from people as to whether a scheme should be made at all, that is to say, without knowing any details of the scheme the people would have to say if they would have objection to the making of the scheme, but this case arises after a year or 21 months, during which time each of the owners would have been consulted and they would have seen maps and plans and probably carrying out agreements that they may have come to with the local authority, so that, when the draft scheme is finally sanctioned and published, I think that the owners know a very very great deal more about it than they know before the scheme was made at all. I, therefore, think that as this Council has already rejected the amendment of clause 9, it has very much stronger reason for rejecting the amendment under clause 13, and also as it is very necessary not to delay schemes more than is absolutely necessary.

The Honourable Mr. C. H. A. HILL said:—I think, Sir, that I might explain that Government have no rigid objection to this extension of period for which the Honourable Mr. UPASANI pleads. But, in point of fact, his arguments were fully considered before the Select Committee and his arguments ignore what the Select Committee had taken into account, namely, that during the whole period of the preparation of the scheme the method laid down implies and connotes that the arbitrator consults everybody concerned, furnishes them with every possible information, and, if possible, enters into an agreement with them; and by the time his procedure is completed, everybody, either remotely or closely connected with the scheme, is fully acquainted with it. Therefore, it seems to me, though we are entirely in the Council's hands as regards the period, unbusinesslike, and it would certainly be a waste of time to amplify the period to two months which is what the Honourable Mr. UPASANI pleads for.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Mr. President, as regards the observation of the Honourable Mr. TURNER

that only one month is allowed in England, I submit that we have to remember that in England all proceedings and all publications take place in the vernacular of the country. Here all proceedings are published in a foreign language and a very small percentage of the people in the mofussil are sufficiently acquainted with it. They will in many cases have to depend on others to get needful information about the details of the scheme and to get their own objections and suggestions drafted in proper form. Under these circumstances, I do not think anything will be lost by allowing two months instead of only one. Several people may have to urge objections to the scheme which may cover a number of plots. That being the case, I think that we should allow reasonable time for objections to a scheme which may seriously interfere with the rights of the people in their own private properties. Let them have some fair play. The scheme will not be delayed. No time is prescribed for Government to accord its own sanction to it, and one month's delay will certainly not matter much. Under these circumstances, I pray that at least in this case the two months' time I propose must be allowed as absolutely necessary.

The motion was then put to the vote and lost.

The Honourable Mr. UPASANI then asked for a division which resulted in 8 for and 33 against the amendment as follows:—

Ayes.	Noes.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	The Honourable Sir Richard Amphlett Lamb, K.C.S.I., C.I.E., I. C. S.
The Honourable Mr. Ghulam Muhammad valad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-law.	The Honourable Mr. C. H. A. Hill, C.S.I., C.I.E., I. C. S.
The Honourable Mr. Balkrishna Sitaram Kamat.	The Honourable Mr. Prabhashankar D. Pattani, C.I.E.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable the Advocate General.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.	The Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law.
The Honourable Mr. Vithalbhair Jhaverbhair Patel, Bar.-at-Law.	The Honourable Mr. T. W. Birkett.
The Honourable Mr. Abdul Hussein Adamjee Peerbhoy.	The Honourable Mr. G. Carmichael, C.S.I., I. C. S.
The Honourable Mr. Shridhar Balkrishna Upasani.	The Honourable Mr. Fazalbhoy Meherally Chinoy.
	The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.

Ayes.

Noes.

- The Honourable Dr. D. A. D'Monte, M.D., L.R.C.P. (Lond.), L.M. & S.
- The Honourable Mr. G. W. Hatch, I. C. S.
- The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
- The Honourable Sir Jamsetjee Jeejeebhoy, Bart.
- The Honourable Mr. J. E. C. Jukes, I. C. S.
- The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwáda.
- The Honourable Mr. Navroji Dorabji Khandalavala, LL.B.
- The Honourable Mr. Jehangir H. Kothari.
- The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
- The Honourable Mr. E. Maconochie, I. C. S.
- The Honourable Sardár Sir Chinubhai Madhavlal, Bart., C.I.E.
- The Honourable Mr. J. A. D. McBain.
- The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
- The Honourable Ráo Sáheb Venkatesh Shrinivas Naik.
- The Honourable Mr. E. Ferrers Nicholson.
- The Honourable Ráo Bahádur Ramanbhai Mahipatram Nilkanth, LL.B.
- The Honourable Mr. Manmohandas Ramji.

Ayes.

Noes.

The Honourable Ráo Bahádur
Shriniwas Konher Rodda.

The Honourable Ráo Bahádur
Ganesh Krishna Sathe.

The Honourable Mr. W. H.
Sharp.

The Honourable Sir Frederick
L. Sprott, Kt.

The Honourable Mr. E. G.
Turner, I. C. S.

The Honourable Mr. Harchand-
rai Vishindas, LL.B.

The Honourable Mr. M. deP.
Webb, C.I.E.

The Honourable the VICE-PRESIDENT:—I hope the Honourable Member who moved the amendment is satisfied that he has taken about ten minutes of the Council's time to ascertain the result.

Clauses 13 and 14 were then put to the vote and carried.

The Honourable the VICE-PRESIDENT:—Clause 15. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Mr. President, clause 15, sub-clause (1), provides that "When a local authority has published a declaration of intention to make a scheme" This means that so soon as the intention is declared people are to stop from dealing with their property altogether except with the permission of the local authority concerned. The declaration of intention is only the initial stage and as such it need not be taken as the actual starting of the scheme. After the declaration of intention a long time may elapse—sometimes one year sometimes even two years also—before even a draft of the scheme is prepared, and for aught we know the intention even after it is published may not materialise in any draft scheme at all. That being the case, I think it is not desirable that the people's rights should be interfered with before a regular draft scheme is prepared and published. It is only when the draft scheme is prepared that the scheme may be said to be definitely outlined and that may be taken to be the starting point when any interference with public rights may be allowed to commence. If no scheme is prepared by the local authority or by the Commissioner, the scheme may be dropped. If that happens, the interference with public rights will prove to have been unnecessary and unjustified, and therefore I say it is only when you have something definite done in the matter of the scheme that we might allow any interference with the people's right to deal with their properties as they like. There is no provision for payment of any compensation for their enjoyment being interfered with before the scheme is finally passed and started for execution. Strictly speaking, it is

only when the land is actually taken up that the people should lose their right to enjoy it. I do not go so far. I have taken a middle course and only propose that the restrictions to be placed on the people's right to deal with their properties should be after a draft scheme is prepared and published and not from the date on which merely an intention to make a scheme is declared. For these reasons I propose that in place of the words "declaration of intention to make" the word "draft" may be substituted in the first paragraph of clause 15 so that it may read "When a local authority has published a draft scheme" instead of "When a local authority has published a declaration of intention to make a scheme" as it at present stands. This will not in any way interfere with the scheme itself, and it will obviate the undue hardship which may be caused to the public if the paragraph remains as it stands. Both ends will be met, and I urge that in the interests alike of the local authorities and of the public this amendment may be safely accepted.

The Honourable Ráo Bahádúr RAMANBHAI MAHIPATEAM NILKANTH said:—
Mr. President, the proposed alterations would create difficulties by bringing about complications and adding to the cost of the scheme. If the starting point for the restriction provided for in this clause were from the publication of a draft scheme, a number of buildings would spring up in the interval between the publication of a declaration of intention to make a scheme and the publication of a draft scheme, some with the intention of making a profit if buildings are allowed freely to be constructed till the draft scheme is published, the draft scheme would have to be altered or its cost would increase. The object of the restriction is to make a town planning scheme as little expensive as possible, and the amendment would frustrate that object. I would therefore oppose the amendment.

The Honourable Mr. BALKRISHNA SITARAM KAMAT spoke as follows:—
Sir, no amendment standing in the name of the Honourable Mr. UPASANI has surprised me more than perhaps this amendment, because I feel that if there is any amendment which is likely to frustrate any scheme, it is perhaps this amendment by which he seeks to enforce this particular clause after the publication of the draft scheme. During all the 21 months or perhaps more, after the declaration to make a scheme, when people once get an inkling of what is proposed to be done in a particular area, I think numerous buildings will come into existence, the prices of the proposed plots or of the whole of the land will go up tremendously, and for the local authority the result will be disastrous. I think, therefore, that the amendment proposed by my Honourable friend is neither in the interests of the local authority nor in the interests of the individual owners. The whole thing, I am afraid, is misconceived, and I therefore, very strongly oppose the amendment proposed by the Honourable Mr. UPASANI.

The Honourable Mr. C. H. A. HILL said:—Sir, I am very much obliged to my Honourable friend Mr. KAMAT for his lucid explanation of what I am certain the Honourable Mr. UPASANI failed to realise in moving his amendment, and if the Honourable Mr. UPASANI had been named as the 18th Member of

the Select Committee, I feel sure he would never have moved his amendment at all; because, if anything is calculated to wreck the advantages which we hope will accrue from the Town Planning Bill now it would be to place facilities in the way of speculative builders and other persons for erecting buildings or in other ways for making arrangements to secure illicit profits from an intention to plan. It seems to me that we may just as well, if this amendment is to be carried into effect, withdraw the whole Bill. I am perfectly certain that in view of the Honourable Mr. KAMAT's lucid explanation my Honourable friend Mr. UPASANI will agree to withdraw his amendment which must be due to misunderstanding.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Mr. President, I am obliged to the previous speakers for the explanation they have given, but for my part I think that though in the interests of the local authority it may be desirable that the operation of the scheme should be taken to commence from the time the intention to make the scheme is declared, I think from the standpoint of the public the proper course should be to take it to commence only from the time when the scheme has taken a definite shape, and that, at the earliest, is when the draft of the scheme is made and published. Until then the rights of the people in their private property ought not to be allowed to be interfered with merely on the local authority's declaring its intention to make a scheme which in fact may not be made or sanctioned.

Now as to the rise in the values of the lands included in the area taken under the scheme, I think that while consulting the interests of the local authority we have also to consider the interests of the individual owners concerned, and to do justice to both so far as possible according to their legitimate legal rights. My amendment aims at securing that object, and under these circumstances I would still urge that my amendment may be favourably considered.

The amendment was then put to the vote and lost.

The Honourable the VICE-PRESIDENT:—Clause 16. The Honourable Mr. TURNER.

The Honourable Mr. E. G. TURNER said:—Mr. President, the amendment that I propose is really a matter of drafting. I think it will make the wording a little more definite if the words proposed in my amendment are substituted. It seems to me that the words "sends no answer" would mean that the municipality on receipt of an application from a builder could simply say at the end of three months that "your application is under consideration" or something of that sort, which, to my mind, will be quite unfair to the builder. I think he should get a somewhat definite answer of some sort after waiting for three months. I do not think the proposed amendment calls for any further explanation.

The Honourable Mr. C. H. A. HILL said:—I need only say, Sir, that so far as the Government is concerned the amendment is accepted.

The amendment was put to the vote and carried.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Mr. President, the amendment which I propose only requires the omission of the words “or estimated to be spent” after the words “all sums spent” in sub-clause (6). I urge this because the sub-clause provides for including in the costs all sums spent, and under clause (a) provision is also made for including all sums payable by the local authority on account of costs. That being the case, I do not see why we should further include “all sums estimated to be spent.” The estimates may or may not be correct. We have experience of the estimates being far in excess of the amounts actually spent. That being the case, it would not be proper to charge people with costs which are only estimated and not actually incurred, and it appears to me that we should include in them only sums actually spent or payable and not those merely estimated to be spent. There is, therefore, no need at all for the inclusion of the words “estimated to be spent,” and I think these may be deleted as proposed in my amendment.

The Honourable Mr. C. H. A. HILL said:—It may, perhaps, save the time of the Council if I explain that here again is an instance in which misunderstanding has caused my Honourable friend to propose an amendment. The costs of the scheme are distributed before the scheme actually comes into operation and before the execution of any works. The costs of road construction can, therefore, only be estimated. These estimates will be carefully scrutinised by Government, and perhaps my Honourable friend is familiar with the fact that estimates of construction are usually exceeded in execution, in which case it will be gratifying to the Honourable Mr. UPASANI to know that the local authority will have to spend more than is estimated. In such circumstances, I venture again, Sir, to appeal to my Honourable friend to withdraw his amendment.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Sir,—After the explanation given by my Honourable friend Mr. HILL, I withdraw my amendment.

The amendment was by leave withdrawn.

Clause 16 was then put to the vote and carried.

[At this stage His Excellency the PRESIDENT occupied the Chair.]

His Excellency the PRESIDENT:—Clause 17. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Even that I beg to withdraw.

The amendment was by leave withdrawn.

Clause 17 was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 18. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—My Lord,—Clause 18 refers to contribution towards the costs of the scheme. The provision regarding that contribution is “that the costs of the scheme shall

be met wholly or in part by a contribution to be levied on each plot included in the scheme." My Lord, what I urge is that when the area which is the subject of a scheme forms part of a municipal town, it is but fair that any cost incurred on that scheme ought to be shared by the whole population which lives within the municipal area, and even if the scheme refer to a place which stands outside the municipal limits and which by reason of its vicinity is required to be developed in the interests of the municipal town, even then it is also but fair that instead of the cost being imposed wholly or partly separately on the particular plots included in the scheme, it should be met as part of the expenditure on account of the whole town and the area included in the scheme should in that case form part of the town and be included within its limits.

Another reason is that if the contribution is separately levied wholly from only the plots included in the scheme it will be too heavy a charge on those who come under the scheme, and particularly because the costs of the scheme include good many things. Under clause 3 the scheme is to make provision for construction and diversion of streets, for construction and repair of buildings, bridges and other structures also, for drainage, water-supply, lighting, schools, markets, gardens, recreation grounds, etc.—all these are heavy items, and if the cost incurred on these is separately charged wholly or even partly upon the few owners who may own the plots included in the scheme, I think the cost will be disproportionate. Instead of that provision I propose in my amendment that the cost should be proportionately distributed. My amendment runs thus:— [Reads.] It may appear that what I propose is rather elaborate, but, my Lord, the provision made in the section as it stands regarding the apportionment of costs is far more elaborate and complicated. I submit that my proposal, when worked, will be found to be much more simple and definite than the scheme indicated in the clause as it stands for the apportionment of the costs of the scheme. According to the wording in clause 18 as it stands it will be more a matter of speculation rather than calculation, if I may be allowed to say so, to apportion the cost on each plot in proportion to the increment accruing to it as estimated by the Tribunal of Arbitration. That being the case, I think it will be much better if we provide that the cost incurred on the scheme should be shared by the whole population of the town and of the plots which may be the subject of the scheme as proposed in my amendment. In that case there will be no injustice or hardship done to any particular party.

The Honourable Mr. C. H. A. HILL said:—Again, Sir, with Your Excellency's permission, I should like to be brief. Whether the general tax-payer should or should not pay part of the cost of the promotion of local schemes for local improvements is a question perhaps of interest as occasion arises; but, as a principle at all events, I venture to think that this Council will not support this amendment. And in any case it is well within the the knowledge of Honourable Members that Government have in recent years come frequently to the assistance of local bodies with grants for purposes analogous to town planning schemes, and there is no reason to suppose that in any well-thought-out town planning scheme that may hereafter be brought before them Government will not give favourable consideration to those cases in which a

local body cannot afford to carry it out and perhaps contribute towards it. But to insert in the Bill that it is part of the general tax-payer's obligation to assist in town planning and local schemes is, I venture to submit, contrary to the general principles of this Bill and town planning in general.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Your Excellency,—After what has fallen from the Honourable Mr. HILL, I have no objection to omit that portion which relates to the contribution by Government. What I wish to retain is that the contribution should be levied as I have suggested from the whole population and that the owners of the plots in the area included in the scheme may be charged, if necessary, a higher differential rate for the special advantage to them from the scheme. If you charge the cost on the owners of the plots included in the scheme and proceed to recover them in the manner provided in the clauses as they stand, in many cases it will only have the effect of compulsory evacuation, for the owners will not be able to pay at once, and they will have to dispose of their property. Therefore, rather than do that, let us have only a separate higher rate charged for the additional advantages, and accept the amendment I propose, omitting only the portion that refers to Government contribution.

His Excellency the PRESIDENT:—Does the Honourable Member wish to amend his amendment?

The Honourable Mr. UPASANI:—Yes, my Lord, I would like to amend it as I have suggested.

His Excellency the PRESIDENT:—I think that if he wishes to amend his amendment we had better defer the consideration of this clause. We want to get on with the Bill. Will the Honourable Member let us have his amended amendment in due course?

The Honourable Mr. UPASANI:—Yes, my Lord.

His Excellency the PRESIDENT:—Then we will postpone the consideration of clause 18 for the present.

His Excellency the PRESIDENT:—Clause 19. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—My Lord,—My amendment under this clause will go out with those under clauses 15, 16 and 17 which I have already withdrawn.

The amendment was by leave withdrawn.

Clauses 19 and 20 were then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 21. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—I also beg to withdraw it, my Lord.

The amendment was by leave withdrawn.

Clauses 21 to 26 were then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 27. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—My Lord,—Clause 27 runs thus:—[Reads.] What I urge, my Lord, is that if the agreement is upheld then it will of course be binding, but if it is disallowed by Government or if it is varied then I think it will not be fair and equitable to hold that agreement binding on the parties with the variation made without their consent. If there is to be a variation, that variation should be with the consent of the parties, or otherwise it should render the agreement voidable at the option of either party. This is but fair and equitable and consistent with what we legally allow in cases of ordinary agreements between private parties under similar circumstances.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—I venture very warmly to congratulate my Honourable friend Mr. UPASANI for having suggested an amendment which is really useful and which we should be very glad indeed to accept if he will accept a modification of his wording. The wording which I would suggest to give effect to what he proposes runs as follows:—To add the following proviso to clause 27:—“Provided that if the agreement be modified by Government, either party shall have the option of avoiding it if he so elects.” That in substance gives effect to the admirable suggestion of my Honourable friend, and I venture to think that if he will agree to its substitution for his amendment the Council will probably accept it.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—I have no objection to accept it, my Lord.

His Excellency the PRESIDENT:—Then the Honourable Member withdraws his amendment?

The Honourable Mr. UPASANI:—Yes, my Lord, I agree to accept the amendment proposed by the Honourable Mr. HILL.

The original amendment of the Honourable Mr. UPASANI was by leave withdrawn, and the amendment as further amended was then put to the vote and carried.

Clause 27 was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 28. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency, I do not propose to move that amendment.

The amendment was by leave withdrawn.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—My Lord, clause 28 provides:—[Reads.] The gist of my amendment with regard to this clause is that the sums due to the local authority, instead of being recovered as arrears due on account of land revenue, should be recovered as municipal dues. They are not arrears of revenue due to Government, and the special privileges and rights which Government enjoys in respect of recoveries of their dues on account of land revenue should not be transferred to the local authority. It may be to the interest of the local authority to have special facilities for recover-

ing the dues, but it will entail great hardship on the owners who have to pay. Under the provisions of the Land Revenue Code Government impose fines, penalties, forfeiture of lands and so on, and such hard measures which are being resorted to for the collection of the Government revenue need not be adopted in respect of dues which are to be paid by the townsmen to its own municipal body. There is no difficulty in recovering other municipal dues and there need be no fear of any special difficulty in the recovery of these dues to justify the adoption of any exceptional measures. There is, therefore, no reason for a differential treatment in this matter, and to avoid needless hardship I propose that the local authority be allowed to recover their dues under this Act as ordinary municipal dues only.

The Honourable Mr. C. H. A. HILL said :—Your Excellency,—I have no desire whatever to shorten the debate on subjects which are really of a debatable character, but I venture to think that the Honourable Member has missed the whole distinction between recoveries in areas with which we are dealing now and recoveries in municipal areas. In the one case there is the movable property available for attachment; in the case of areas which we are contemplating there is probably no movable property available, and, Sir, if the method of recovering municipal dues is adopted, only movable property can be recovered. Therefore it seems to me that the Honourable Member has again somewhat misunderstood the vital distinction in this matter which caused the Select Committee to prefer that the arrears should be recovered as land revenue instead of as municipal dues. I venture to think again, Sir, that the Honourable Mr. UPASANI will, in the light of this explanation, probably be willing to withdraw his amendment.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said :—Your Excellency,—I am sorry I am not satisfied with the explanation given by my Honourable friend Mr. HILL. I still think that in the interests of the people it will be more desirable that these dues should be recovered in the manner that all other municipal dues are recovered; and I submit that no unnecessary differentiation need be made in the mode of recovery in respect of only this particular item of municipal dues.

The amendment was then put to the vote and lost.

Clauses 28 to 30 were then put to the vote and carried.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE said :—Your Excellency,—If there was any chapter in this Bill which troubled the Select Committee most, I think it was the chapter of Finance, and the Select Committee devoted a greater portion of its time to the consideration as to how they could satisfactorily work that chapter out. The amendment which stands in my name is already hinted at in paragraph 3 of the Minute of Dissent which I appended to the Select Committee's Report, but I am afraid that will not be enough for the purposes of convincing the other Members of this Council as to the necessity of the amendment which I have proposed. If my Honourable friends would examine the several stages through which these town planning schemes have to go and the way in which they are financed, they will see that

all the costs of the town planning schemes—which are bound to be exorbitant—have to be borne by the local authority and by owners of plots comprised in the town planning schemes, and in order that there should be no excessive strain on the owners of properties comprised in town planning schemes a provision is made in the Bill to limit the amount of contribution to be levied; but that contribution is to be levied on the amount of increment which is to be arrived at after calculating the market values of the plots and the prospective values of the same plots, on the assumption that the scheme is complete, and it is this, Sir, that is really a difficult matter to be dealt with. I find from the section as it stands in the Bill at clause 4 of section 30, page 13 [reads], and the clause on which I have to move the amendment (section 31), *viz.*, “except in matters arising [reads],” that the question of prospective valuation is left to be finally determined by the Tribunal under clause 31, but my submission is that if that increment could only be arrived at by correct valuation of two times—correct valuation so far as market value is concerned, and correct valuation, namely, of prospective value of the property. The first valuation should not be left entirely to the discretion of the arbitrator, and just as the Bill has made provision for including clause 4 in section 30 within the scope of the Tribunal, my suggestion is that, similarly, the question of the determination of the market value should be left to be finally decided by the Tribunal. Then I respectfully ask the attention of Honourable Members to section 17 of the Bill [reads]. So that is the section which authorizes the arbitrator to assess the prospective value of plots in the first instance, and this decision will be subject to confirmation by the Tribunal, or the decision will be final if approved by the Tribunal. Another section which authorizes the plots to be valued according to the market value is clause (d) of sub-clause (1) of section 16, and from the marginal note I find that the reference given is to Land Acquisition Act of 1894, section 23 (i), first clause, and the question of valuing the property under the Land Acquisition Act is as difficult, or is on the same lines, as the question of valuing these plots at the time of declaration of intention to make the scheme, and if the Legislature has given the right to the people to have references made to the District Judge in cases coming under the purview of the Land Acquisition Act, I for one think that no differentiation should be made between those cases and the present. Besides, this enquiry, if left to the Tribunal, will not necessarily increase the costs, because in any case the increment will have to be determined by a comparative value, namely, present value and prospective value, and if an enquiry is to be made in respect to the prospective valuation of plots, I do not think the question of having market values determined by the Tribunal will necessarily entail any heavy expense which will increase the burden on the local authority and the owners. Let us turn to page 4 of the Select Committee’s Report, Chapter III:—“No new principle regarding what is due [reads].” There is nothing particularly mentioned there which will show that the question of present valuation is not as important a question as the question of determining prospective values of plots comprised in the town planning schemes, and my submission is that if we want to introduce a new Legislature of this kind for the first time in this Presidency, we should endeavour to popularize

it and we should do everything which will inspire confidence. We should, therefore, see that cases coming under the present Act are dealt with on the same lines as cases dealt with under the Land Acquisition Act, and my submission again, therefore, is that the question of present valuation should be considered equally important, and should be left to be finally decided by the Tribunal under section 31 by adding clauses 3 and 7.

With these few remarks I propose the amendment which stands in my name.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA said:—This question was thoroughly discussed in the Select Committee and it is a pity that my Honourable friend Mr. SATHE was not present at the last meeting of the Select Committee when it was finally decided to give the arbitrator final powers as regards sub-clauses (3) and (7). I have tried to see the chief points made out by my Honourable friend, and yet I am sorry to say, my Lord, that I am not convinced by his arguments. I think that my Honourable friend has clearly seen that sub-clause (d) (1) of clause (4) to which sub-clause (3) of clause 30 refers, has nothing to do with the increase in the price of land owing to completion of the scheme and he thinks that sub-clause (3) should be included in the powers of the Tribunal. My Honourable friend Mr. SATHE said that section 17 which corresponds to sub-clause (4) of section 30 leaves in the hands of the arbitrator references to increments on the assumption that the scheme has been completed. My Lord, the Select Committee thought that the arbitrator, who was an expert, would be the proper man to value the increment or depreciation in the value of properties and prices of land owing to reasons which are due to the alteration of boundaries. It was mainly a question of calculation. I think the Council won't mind my putting a small problem before them. If a plot of land is valued at "a" in the first instance, its value will be greater or less as its size is increased or diminished. That is to be done by the simple rule of 3. If the plot's shape has been altered in such a manner that it has increased in value, the arbitrator will add a small percentage on it and value it a tax, when it will be usually very small. This valuation can be much better done by an expert than by a Tribunal. Even if he has made a mistake in valuing the plot at "a", that difference when multiplied by X, which after all is the most important item, will be so small that it is not worth while to leave it to the Tribunal. That was our idea in leaving this matter in the arbitrator's hands. We thought, that giving this work to the Tribunal will merely increase the cost of the scheme without in any way benefiting anybody. Mr. SATHE thinks that the cost won't increase. I believe the cost will go up. I believe the Honourable Mr. TURNER will be able to tell us what the increase in the cost will be. It was on these grounds we thought in the Select Committee that this matter should be left to the arbitrator, and if my Honourable friend Mr. SATHE satisfies me in his reply that the cost will not be proportionately heavy by leaving the question to the Tribunal I am prepared to side with him; but till he does so I shall support the Bill as it stands.

The Honourable Mr. E. G. TURNER said:—Your Excellency,—I quite recognize that there is a certain amount to be said for the inclusion of these

two sub-clauses Nos. 3 and 7 in clause 31 and I also recognize the analogy of the work of the Tribunal in this matter to that of a Civil Court, in the case of a reference being made to it under the Land Acquisition Act. Both the Court and the Tribunal will deal with the accuracy or otherwise of the valuation of land as on a given date, but I should like to point out that there is this important difference, that a Civil Court is only called upon to confirm a valuation when a reference is made to it, whereas the Honourable Members wish the Tribunal to confirm each and every valuation which the arbitrator makes. Now, this will increase the work of the Tribunal considerably, and every day the Tribunal sits means so much added to the costs of a scheme for which the owners have to pay. It must, therefore, be considered whether the placing of this extra work upon the Tribunal will really be a practical measure that will be beneficial to the owners as a whole. The Tribunal has already a large amount of work to perform and the calculation of the increment that will accrue to each plot will take up much of their time. In England, no appeal is allowed against an arbitrator's decision in the matter of land values. But even supposing that in some cases—*e. g.*, where a large portion of land is acquired—that it would seem more fair to allow some sort of an appeal on the arbitrator's valuation, I do not consider that it would be at all fair on the majority of owners to run up the costs of a scheme, because the Tribunal is bound to investigate the case of every owner, who has to part with land however small in amount. I consider that if the sub-clauses 3 and 7 are to be added to section 31 that there should be some proviso to the effect that the arbitrator's valuation under sub-clause 7 should only be subject to confirmation by the Tribunal when it exceeds a certain amount, say Rs. 1,000.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—The Honourable Mr. SATHE has most lucidly explained his point in this matter and we ought to admit that there is a great deal of force in his argument and in the suggestion which he bases on it. At the same time I believe that if the Honourable Mr. SATHE had been present on the particular day when the Select Committee considered this particular point he would have realized that all his arguments were then as a matter of fact taken into account and that the Select Committee, unfortunately in his own absence, unanimously came to the conclusion that the balance of advantage lay in excluding, from the necessity of confirmation, those operations of the arbitrator which are embodied in clauses 3 and 7. As the Honourable Mr. TURNER has pointed out, there is so much force in the counter-argument that it is really a question for determination by each individual upon his weighing the evidence. But to my mind the real point, which I know determined the opinion of the Select Committee and which has determined my own, was that there is really a considerable increase of cost involved both to individual owners and to local authorities if we prolong the proceedings in the manner which would be involved by relegating to the confirmation of the Tribunal these two particular classes of the functions of the arbitrator; and the Select Committee, rightly or wrongly, thought on the whole that it was better to risk the possibility of an occasional erroneous determination on the part of the arbitrator rather than to handicap all operations by this additional cost.

At the same time the arbitrator is, as a matter of fact, in a better position in respect of these two functions to determine correctly than a Tribunal of Arbitration, although the arbitrator himself is also represented on that Tribunal. The arbitrator himself has to visit the whole of the locality concerned, enter into agreements with all the individuals concerned, and he is so intimately acquainted with all the circumstances that on the whole the Select Committee decided to eliminate these two particular functions from the Tribunal of Arbitration. That was the view of the Select Committee. Therefore, I venture to think, Sir, that it is safe to continue this clause of the Bill in the form in which it left the hands of the Select Committee.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE said :—My Lord,—The Honourable Mr. TURNER said that the work of the Tribunal will be greatly increased if we left the determination of individual cases for their decision, but if we come to the practical methods of the work which the Tribunal will adopt we will find that it will not be necessary for them to go into each case, because the town planning scheme will be applied to a certain area, and I for one cannot think that each individual case will materially require their special attention. Just as an arbitrator will make a survey of the whole situation and will value plots according to the situation and other surrounding circumstances, similarly the Tribunal will take into account the whole situation which is covered by the town planning scheme and estimate the values. When they find that any cases ought to be particularly examined, examination of individual cases will be necessary, but I think this will not materially increase the cost of the schemes nor the work of the Tribunal. In all cases in which we have given the Tribunal the power under clauses (4), (5), (6) and (9) of section 30, even there the arbitrator has to do all the preliminary work and he is to be on the Tribunal. So, as he has to do all this preliminary work, he will also do preliminary work of making present valuation of plots. Being one of the Tribunal and considering the special knowledge which the arbitrator will bring to bear upon it, I do not think the costs of the scheme will be increased or the labour of the Tribunal will be materially increased. My only anxiety was not to leave the question of present valuation in the hands of the arbitrator. If the increment is to be determined by the Tribunal, I think it is but quite fair that both valuations should be left in one hand, but instead of that we have left one in the hands of the arbitrator and the other in the hands of the Tribunal. This question of increment is very important, as the owners have to contribute towards the costs of the scheme in proportion to the increment determined by the Tribunal. If there is a mistake in one, *viz.*, present valuation, there is bound to be a mistake in the other, *viz.*, increment. There is no reason to apprehend that the Tribunal will have to go through each individual case, and if my Honourable friend looks at it from this standpoint, then I think he will not oppose the amendment on the ground of additional costs. We do want to allow the whole work of valuation to be in one hand and, therefore, we think that the decision of the arbitrator should be made subject to the confirmation of the Tribunal, even on the question of present valuation. I think there need not be any apprehension on the ground that every owner will lay his case before

the Tribunal and bring forward his evidence. With these few remarks I place my amendment before the Council.

The amendment was then put to the vote and lost.

The Honourable Mr. SATHE :—I would like to have a division, my Lord.

A division was then taken which resulted in 15 for and 30 against as follows:—

Ayes.

The Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law.

The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.

The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.

The Honourable Mr. Balkrishna Sitaram Kamat.

The Honourable Mr. Navroji Dorabji Khandalavala, LL.B.

The Honourable Ráo Sáheb Venkatesh Shriniwas Naik.

The Honourable Mr. Raghunath Purshottam Paranjpye.

The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.

The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.

The Honourable Mr. Abdúl Hussein Adamjee Peerbhoy.

The Honourable Mr. Manmohandas Ramji.

The Honourable Ráo Bahádur Ganesh Krishna Sathe.

The Honourable Mr. Chimanlal Harilal Setalvad, LL.B.

The Honourable Mr. Shridhar Balkrishna Upasani.

The Honourable Mr. Harchandrai Vishindas, LL.B.

Noes.

His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay.

The Honourable Sir Richard Amphlett Lamb, K.C.S.I., C.I.E., I. C. S.

The Honourable Mr. C. H. A. Hill, C.S.I., C.I.E., I. C. S.

The Honourable Mr. Prabhashankar D. Pattani, C.I.E.

The Honourable the Advocate General.

The Honourable Mr. Ghulam Muhammad valad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.

The Honourable Mr. G. Carmichael, C.S.I., I. C. S.

The Honourable Mr. Fazalbhoy Meherally Chinoy.

The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.

The Honourable Dr. D. A. D'Monte, M.D., L.R.C.P. (Lond.), L.M. & S.

The Honourable Sardár Syed Ali El Edroos.

The Honourable Mr. W. L. Graham.

The Honourable Mr. G. W. Hatch, I. C. S.

The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.

- The Honourable Sir Jamsetjee
Jeejeebhoy, Bart.
- The Honourable Mr. J. E. C.
Jukes, I. C. S.
- The Honourable Sardár Dula-
bawa Raisingji, Thákor of
Kerwáda.
- The Honourable Mr. Jehangir
H. Kothari.
- The Honourable Surgeon-General
R. W. S. Lyons, M.D.,
I. M. S.
- The Honourable Mr. E. Maco-
nochie, I. C. S.
- The Honourable Sardár Sir
Chinubhai Madhavlal Bart.,
C.I.E.
- The Honourable Mr. J. A. D.
McBain.
- The Honourable Mr. Lalubhai
Samaldas Mehta, C.I.E.
- The Honourable Mr. E. Ferrers
Nicholson.
- The Honourable Ráo Bahádur
Ramanbhai Mahipatram
Nilkanth, LL.B.
- The Honourable Ráo Bahádur
Shriniwas Konher Rodda.
- The Honourable Mr. W. H.
Sharp.
- The Honourable Sir Frederick
L. Sprott, Kt.
- The Honourable Mr. E. G.
Turner, I. C. S.
- The Honourable Mr. M. deP.
Webb, C.I.E.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said :—My Lord, I propose that sub-clauses (2), (3) (7) and (8) of section 30 be included in clause 31.

His Excellency the PRESIDENT :—The Honourable Member is out of order. We have already refused that.

The Honourable Mr. UPASANI :—My Lord, sub-clauses (3) and (7) have only been disposed of. My amendment is that sub-clauses (2) and (8) be included in clause 31.

His Excellency the PRESIDENT:—Order, order. I wish really that my Honourable friend would shorten the debate very considerably. He is only to formally move his amendment. The Honourable Mr. SATHÉ has already spoken and I do not think it is necessary to give reasons.

The Honourable Mr. UPASANI:—Clause 31 provides [reads]. Sub-clause (6) of clause 30, which is included in clause 31, refers only to the calculation of the contribution to be levied on each plot and the arbitrator's orders as regards that money payment is not allowed to be final but is made subject to appeal to the Tribunal and it is the more necessary that his orders passed under sub-clauses (2) and (8) of section 30 which are to refer to rights, shares and ownerships in immovable property should also not be final but be likewise subject to appeal to the Tribunal. These orders will affect valuable rights in immovable property and involve judicial enquiry and will be of a far more important character than those passed under sub-clause (6), and, therefore, there is the greater reason to include sub-clauses (2) and (8) of section 30 in clause 31. Clause (2) of section 20 refers to the determination of shares in re-constituted plots allotted to be held in common and sub-clause (8) provides for the total or partial transfer of any right in an original plot to a re-constituted plot and for the extension of any right in an original plot in accordance with the provisions of sections 12 and 20. Orders passed with reference to these will be in the nature of judicial adjudication and they ought not to be final and conclusive but subject to appeal to the Tribunal. It would be anomalous to disallow appeal against these orders affecting immovable properties and rights therein when the same is allowed in comparatively less important orders, referring only to mere pecuniary payments. My amendment for inclusion of sub-clauses (2) and (8) of section 30 in clause 31 would thus appear to be necessary and should, I think, be accepted.

The Honourable Mr. C. H. A. HILL said:—Again, Sir, I venture to intrude as I did at an earlier stage of the debate on this amendment for the same reason as before, for it is perfectly clear that the Honourable Member who moves this amendment has failed to understand what the effect of this clause is. It is only a reiteration of what clause 20, which we have passed already, authorizes the arbitrator to do. Therefore it is perfectly futile at this stage, if the Honourable Member will forgive me for using the expression, to consider whether the arbitrator ought or ought not to have the power. I suggest, therefore, that with regard to clause (8) there can be no question.

As regards sub-clause (2), I would draw the Honourable Member's attention to the fact that plots can only be allotted to persons in ownership in common with their consent under clause 12 (b). It is therefore extremely unlikely that they would consent to such joint ownership when settling among themselves their respective shares. The arbitrator will not interfere in any such arrangement and so there is no necessity to add to the costs of the scheme by relegating that also to the Tribunal of Arbitration. I venture to suggest, therefore, that the Honourable Member, in view of this explanation, might perhaps be induced to withdraw his amendment.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said :—My Lord,—In all cases of allotment of shares there will be no question of their having to be considered by the Tribunal. In cases where a share is allotted without consent of the parties then the allotment will have to be considered by the Tribunal. Therefore the explanation of the Honourable Mr. HILL does not apply. Well, in every case we do allow the arbitrator to pass his order in the first instance, that is quite true, but we insist that it should be subject to a revision by the Tribunal if the same be necessary. If there is to be a Tribunal for final adjudication and settlement of the more important matters arising with reference to schemes prepared under the Act, why make the single arbitrator's orders affecting the permanent rights in immovable property final? If an appeal to the Tribunal is allowed in the matter of questions arising under clauses (4), (5), (6) and (9) of section 30 which refer to mere money claims is it not fair and reasonable that the same should be allowed in the case of more important orders passed under sub-clauses (2) and (8) with reference to immovable property?

Therefore I pray that the amendment be passed.

The amendment was then put to the vote and lost.

The Honourable Mr. C. H. A. HILL said :—This, Your Excellency, is only a matter of drafting. The Honourable Mr. STRANGMAN suggested that we ought to make it clear that clause 31 does not supersede the provisos to sub-clause 10 of clause 30. I have very little doubt myself that it could not be taken to be superseded, but as a matter of greater caution Government were advised that we should add the words which stand as my proposal, namely, “in clause 31, after the figure 30”, the words “and subject to provisos contained in clause (10) of section 30” shall be inserted.

The amendment was then put to the vote and carried.

Clause 31 was then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 32. The Honourable Mr. SATHE.

The Honourable Mr. PATEL :—My Honourable friend Mr. SATHE is not here, but he has asked me to request Your Excellency's permission to withdraw his amendment. I also beg leave to withdraw my own and the Honourable Mr. UPASANI's amendments.

Amendments by leave withdrawn.

Clause 32 was then put to the vote and carried.

The Honourable Mr. C. H. A. HILL said :—Your Excellency,—The amendment which stands in my name proposes to add certain words to clause 33, sub-clause (2). It is really in two parts. The first part is made in accordance with the suggestions of the Government of India. I need not detain the Council very long on that head because in my opening remarks I referred to the fact that in respect of clause 33 the Government of India, while approving generally of the Bill, had made certain comments on the subject of designating

a Judge of the High Court in virtue of that office as President of the Tribunal, and I explained at that time that we have devised a wording which we hoped would meet the views of the Government of India and secure the whole object which the Select Committee had in view. The observations of the Government of India were these: "Turning from the general aspect of the case, the Government of India notice that in paragraph 3 of the letter under reply it is stated the Judge of the High Court is not to sit on the proposed Tribunal in his capacity as a Judge, but as a *persona designata*. Clause 33 (2) of the Bill as drafted, however, appears to contemplate the Judge sitting as a Judge of the High Court, although not in the High Court. If the Bill makes it clear that the Judge is to sit as a *persona designata*, it is not apparent why any validation is necessary, for he would be merely sitting in his private capacity and not as a Judge of the High Court; and the Government of India see no reason for considering that a law providing for such an arrangement would be in excess of the powers of the Local Government. It is possible, however, that some alteration in the wording of clause 33 (2) of the Bill might, as regards this provision, avoid the necessity of any validating Act."

We have therefore proposed, in place of the words which at present find place in clause 33, to substitute the words "a person who holds or has held office as a Judge of the High Court of Judicature to be appointed by the Chief Justice." That, Sir, I venture to think, will be generally accepted as achieving all that the Select Committee desired and at the same time, incidentally, as rather enlarging our scope, as it is quite conceivable that ex-judges of the High Court resident in Bombay would be within the scope of selection for the appointment as President of the Tribunal. I venture to think therefore, Sir, that no difficulty will be experienced by the Council in supporting that part of the amendment.

Then, Sir, the second part relates to the province of Sind, and it is the suggestion of the Judicial Commissioner in Sind. It is a necessary amendment, for, although there is a District Court at Karáchi, there is no District Judge. The Additional Judicial Commissioner usually performs the duties of District Judge, and, therefore, it was a mistake in drafting to refer, so far as Karáchi was concerned, to the District Judge. We propose after the words "Justice" to add the words "In the District of Karáchi be such Additional Judicial Commissioner as may be appointed by the Judicial Commissioner". So that the whole clause will then read "The President shall, in the City of Bombay, be a person who holds or has held office as a Judge of the High Court of Judicature, to be appointed by the Chief Justice, in the District of Karáchi be such Additional Commissioner as may be appointed by the Judicial Commissioner, and elsewhere, the District Judge.

I venture to propose, Sir, that clause 33 be amended in accordance with these suggestions.

The Honourable Mr. UPASANI said:—As regards the amendment just proposed, my Lord, I think that if we are to provide by statute that the President

Tribunal in Bombay shall be a Judge of the High Court, he ought, strictly speaking, to act in that capacity only while he holds that office. If this appointment were to be with the consent of the parties it would be another matter. He is to be invested with jurisdiction under the Act in his official capacity and by reason of his being a high judicial functionary who will command public confidence by reason of his official status and responsibility. The District Judge is also to sit as President of the Tribunal in the mofussil in his official and not private capacity. If we make a departure in favour of a retired High Court Judge, why not then make it also in favour of a retired District Judge? Why make an invidious distinction? Rather than do it I should prefer that for the sake of ensuring public confidence it would be better to allow the clause to stand as it is.

The Honourable Mr. HARCHANDRAI VISHANDAS said :—Your Excellency,—In view of the Honourable Mr. UPASANI's remarks, I would suggest, Your Excellency, the desirability of splitting this amendment into two clauses, because, I am of the opinion that the second clause about the additional Judicial Commissioner will not admit of a difference of opinion, where there is the difference of opinion it is difficult for Members to know how to vote.

His Excellency the PRESIDENT :—I am entirely in the hands of the Council with regard to that.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD said :—I venture to think, Your Excellency, that there need be no difficulty to Honourable Members as how to vote on this matter. I am afraid my Honourable friend Mr. UPASANI has not followed the reason why this amendment has been proposed by my Honourable friend Mr. HILL. As he has explained to the Council, the Government of India have pointed out, and rightly, that it will avoid the necessity of a validating Act if you amend the section in the manner now suggested. By that amendment it must be remembered that the real object that the Select Committee had in making this proposal is not interfered with. The Select Committee wanted to secure that in the decision of these matters you ought to have a person of the status of a High Court Judge to deal with them. That is certainly secured by the amendment now proposed. You will still have a High Court Judge to preside over the Tribunal of Arbitration, although, when he is doing that work he is not sitting as a High Court Judge, you secure a person of the status and qualifications of a High Court Judge—he is to be a High Court Judge or he may be a retired Judge who may be selected for doing this work. So the substance of the thing is there which the Select Committee wanted, and my Honourable friend Mr. UPASANI will recognise that the whole object of this amendment is not in any manner to detract from what the Select Committee wanted to secure, but simply to avoid a validating Act which otherwise would have been technically necessary in order to give effect to the recommendations of the Select Committee.

There is, however, one thing that I want to be clear about, Your Excellency. Under the original proposal no doubt what was intended was a Judge of the

High Court as such Judge would be put upon this work and that being so you had the provision that he was to be nominated by the Chief Justice.

Now under the proposed amendment, what is proposed to be done is to take a High Court Judge and to put him to this work as on deputation. You also take power to appoint, if it is desirable, a retired Judge of the High Court to this post. Under these circumstances it is a matter for consideration whether you want to leave the appointment to the Chief Justice. Supposing you appoint a retired Judge of the Court, then you are not disturbing the High Court in any manner. Under those circumstances it is a matter for consideration whether it is still desirable to leave the appointment of such a retired Judge in the hands of the Chief Justice. This is a point that arises for consideration, because in the Select Committee we intended to take a Judge as a Judge, but now that you are providing for the appointment of a retired High Court Judge who is a non-official altogether, still you leave the appointment in the hands of the Chief Justice.

The Honourable Sir PHEROZESHAH :—What is your own opinion. (Laughter.)

The Honourable Mr. SETALVAD (continuing) :—I only want to draw the attention of the Council to this. It all depends upon circumstances whether it will be desirable to leave the appointment to the Chief Justice or to the Governor in Council. It is very difficult, I quite admit, to decide whom you are to leave it to, but I want to draw the attention of the Council to the fact that this is a matter which under the altered amendment does require consideration.

The Honourable Sir PHEROZESHAH MERWANJI MEHTA said :—Your Excellency,—I have very great respect for the extremely painstaking zeal of my Honourable friend Mr. UPASANI. But I trust he will not consider hair-splitting a portion of that painstaking zeal. It seems to me that on this occasion he really has been splitting hair. He says that there is an essential difference between a Judge appointed as a Judge and the same man appointed not as a Judge but as one selected for the purpose of carrying out the functions of a Judge. It seems to me that the object which the Select Committee had in view and which the Council has in view is to see that there is a person of a certain status and of certain qualifications who is appointed as President of this important body. If that object is secured we get all that we want.

Now my Honourable friend Mr. SETALVAD I thought, when referring to the point which he raised, was going to compliment the Government on the self-denying ordinance placed on themselves by my Honourable friend Mr. HILL and Your Excellency's Government. (Laughter.) Instead of taking the power in their own hands to nominate a retired Judge themselves, they have left the nomination to be made by the Chief Justice. When raising his point, it was easy to observe that my Honourable friend Mr. SETALVAD was very much puzzled to say where the power should be—whether the

power should be taken away from the Chief Justice and given to Government. I think we can leave the matter as in the amendment suggested by my Honourable friend Mr. HILL. I think we can well trust them when they deny themselves the power of appointing a Judge and give it to another person. It seems to me that the amendment proposed by my Honourable friend should meet the full approval of the Council.

The Honourable Mr. W. L. GRAHAM said:—Your Excellency,—I understand that under section 2 a High Court Judge in Bombay and a District Judge elsewhere will be appointed to preside over the Tribunal of Arbitration, and the Council will see that under section 40 fees are provided for. By the Honourable Member's amendment a retired High Court Judge can also be appointed. If such an officer is appointed to arbitrate, I would beg to bring to notice that no provision has been made for his remuneration in clause 40.

His Excellency the PRESIDENT :—I think the Honourable Member should defer his remarks till we come to clause 40.

The Honourable Mr. C. H. A. HILL said :—Your Excellency,—I do not think I need deal very long in replying to the debate on my original motion since it has found such forcible and unequivocal support from my Honourable friends Sir PHEBOZESHAH and Mr. SETALVAD. But I should like to say, Sir, that I have never in my life felt, as I have felt today, my complete and hopeless incapacity for explaining matters clearly. I have never failed so miserably as I have today, to explain points clearly which, I am certain, if thoroughly understood, would have eliminated much of the debate which has taken place this morning. I can only express my regret to the Council that my incapacity in that respect should have caused so much of their time to be wasted.

Also, Sir, I think perhaps I had better refer to one point, namely, the question of leaving in, the words "to be appointed by the Chief Justice". It seems on the whole to be more consistent with the whole idea which underlay the drafting of these sections by the Select Committee to leave the matter as far as possible to the nomination of the Chief Justice: and I am quite sure that my Honourable friend Mr. SETALVAD has no intention really to object to it, although he seemed rather dubious in the matter.

I do not think I need add more, Sir, in commending this amendment to clause 33 to the consideration of the Council.

The amendment was then put to the vote and carried.

The Honourable Mr. BALKRISHNA SITARAM KAMAT said :—Your Excellency,—The amendment which stands in my name seeks to add the word "non-official" after the word "impartial" in sub-clause (3) of clause 33, so that with this addition the sub-clause will read thus :—(Reads.) The Tribunal of Arbitration as constituted under the present clause 33 would consist of one Judge and two Assessors, and although I have no doubt that in all probability the person chosen by the presiding Judge as the assessor may be a fit and

suitable person or an impartial person, and although also I have not the least doubt that the person chosen by the Judge may be trusted to discharge his duty very impartially, still I think, Sir, that it is quite conceivable that the person chosen by the District Judge in the mofussil or by the High Court Judge in the City of Bombay may happen always to be an official in the actual service of the Government. My object therefore in bringing this amendment is to secure and to expressly lay down that one of the assessors at least shall be a non-official; by "non-official", I mean a person not in the actual service of Government for the time being. I must confess, Sir, as a Member of the Select Committee that there was ample opportunity afforded to us to discuss this section thoroughly, and, just as the Honourable Sir PHEROZESHAH MEHTA remarked yesterday, I have absolutely nothing to complain regarding the very patient hearing and the very considerate manner in which the Chairman of the Select Committee received the suggestions of the Members on the various clauses, and particularly on this clause 33, regarding the Tribunal of Arbitration. I therefore bring forward this suggestion purely as a subsequent suggestion. It will be seen that the Honourable Mover in charge of the Bill has met the wishes of the Members of the Select Committee in two material points about the Tribunal of Arbitration, firstly in doing away with the clause regarding a second arbitrator which was laid down in the original Bill, and secondly, also by having a District Judge in the mofussil or a High Court Judge in the City of Bombay as the presiding authority on the Tribunal, and in these matters the Honourable Member in charge has met the wishes of the Members of the Select Committee very well, and our acknowledgments are therefore due to him. But if we go one step further, and if the suggestion which I venture to make is accepted, I think it will secure in a greater measure that confidence on the part of the public and that general acceptance of this Bill which has been the aim both of the Honourable Member in charge as well as the Members of the Select Committee, as they themselves say, in their report. I think, Sir, that according to the ordinary laws of arbitration throughout the world, it is quite necessary that there should be representatives on the Tribunal of the various interests concerned regarding the points at issue, and so if there is at least one non-official assessor in the constitution of this Tribunal, it will secure greater confidence, as I say, on the part of the public regarding the awards. By way of analogy we are told in the marginal note of this section that this section is modelled after section 48 (a), sub-clause (3), of the Bombay Improvement Trust Act. Even there I find that one of the assessors is to be appointed by the Corporation of Bombay. That means that there is at least some opportunity to the people to represent their views on that Tribunal, and by analogy of reasoning, although I do not contend and press that the local authorities in the mofussil should have their direct representative on the Tribunal because I know there are certain technical difficulties, and although I do not wish also to contend and press that there should be a representative of the owners of plots, still I think if I only ask that the person to be chosen by the presiding Judge be a non-official, it would only be

going one step further to secure that confidence of the public in this measure which is necessary, especially in a Bill of such a novel character, and which in the first stage of its operation requires a good deal of tactful consideration.

It might be contended perhaps that such suitable non-official persons may not be available to the extent as is necessary, but I for one think that in a place like Bombay where there are so many architects and land valuers there will not be any difficulty in choosing a suitable man who knows something about valuation of lands and the technicalities of land. So far as the mofussil is concerned, I think this Bill would be applied in the first instance to big towns like Poona and Ahmedabad, and in such places, although of course suitable experts knowing something about land valuations may not be as plentiful as they are in Bombay, still there are persons, retired servants from Government service for instance, and I have no objection to retired servants, because they form a non-official class, and there are such persons retired from Government service either from the Engineering Department or the Revenue Department who know sufficiently the technicalities of land and land valuation. I therefore think that there will be no practical difficulty either in the City of Bombay or in the mofussil to select a non-official expert. He need not be quite an expert on Town Planning; if he is a man knowing something about the technicalities of land valuation, I think his common sense will lead him to come to a correct judgment regarding all the points that will be referred for arbitration. So practically there will be no serious difficulty in choosing a suitable person a non-official assessor on this Tribunal of Arbitration. For these reasons, and especially in order to ensure the confidence of the public in the Tribunal of Arbitration, I have to urge that the Honourable Member in charge will meet further the wishes of the Members and of the public in giving one of the assessors at any rate a non-official person.

The Honourable Mr. C. H. A. HILL said:—May I, Sir, intrude once more upon the debate. I regret to say that I am unable to agree to the amendment proposed in the Bill itself, but I venture to hope that if I assure the Honourable Member that we will provide in the rules that wherever possible the impartial person referred to in this section shall be a non-official, and if my Honourable friend will accept that undertaking on my part and withdraw his amendment, I am quite certain that there will be no cause for regret. The difficulty in the way of accepting the Honourable Member's amendment is this; he may be quite right that there will not occur serious difficulty in finding an impartial non-official person, but we cannot be sure that it is so, and to that extent, it seems to me undesirable to tie ourselves down by legislation in a manner which in a given individual case, however remotely possible, should cripple our usefulness in carrying out Town Planning. And therefore I venture to suggest that my Honourable friend, in view of our undertaking that we will provide by rule that he shall ordinarily be, where possible, a non-official, will withdraw his amendment.

The Honourable Mr. BALKRISHNA SITABAM KAMAT:—Your Excellency,—If the rules contemplated under section 33 are well laid down as

mentioned by the Honourable Member in charge, I have no objection to withdraw my amendment.

The amendment was by leave withdrawn.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—I do not propose to move my amendment, my Lord.

The amendment was by leave withdrawn.

The Honourable Mr. C. H. A. HILL said:—My amendment, Sir, in sub-clause (3) of section 33 is merely consequential and also so as to conform with the amendment which the Council has adopted in respect of sub-clause (2). I venture, therefore, to formally propose it.

The amendment was then put to the vote and carried.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—I beg to withdraw my amendment, as also those of the Honourable Mr. SATHE and the Honourable Mr. UPASANI.

The amendments were by leave withdrawn.

Clause 33 was then put to the vote and carried.

Clauses 34 to 36 were then put to the vote and carried.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—This, as I intimated in my opening remarks yesterday, is the second amendment necessitated in this Bill by the view taken by the Government of India that it is undesirable to pass a validating Act. The Government of India agree that to legalise an arrangement by which a Tribunal of Arbitration may state a case for a ruling of the High Court, requires validation, and they are rather reluctant to pass a validating Act specially for that purpose. The Government of India suggest that, in view of the very careful constitution of the Tribunal of Arbitration by appointing to that body as President the highest judicial authority available in the different areas concerned, the Bill already provides an adequate safeguard that legal points shall be carefully taken into account; and no doubt in the course of time certain rulings will grow up which will further aid the Tribunals of Arbitration in connection with their work under this Act, and, in such circumstances Your Excellency's Council has come to the conclusion that on the whole this clause may safely be omitted as suggested by the Government of India.

I should like to explain to Honourable Members that, as a matter of fact, this clause was inserted by the Select Committee at the suggestion, I think, of only one Honourable Member. Originally the Select Committee were most anxious to take every possible step to meet every possible contingency in the way of doubt in regard to the operation of this Act, and we rather went out of our way, perhaps in some respects, to safeguard and hedge round the operations of the Tribunal we were setting up. Well, Your Excellency's Legislative Council has now had the opportunity of going clause by clause through this Bill and are in a position to judge for themselves whether the final, if I may so describe it, safeguard of permitting a Tribunal of Arbitration to state a case for the ruling of the High Court on any question of law is such a matter that,

having regard to the views of the Government of India, is worth insisting upon. I venture to suggest, Sir, that the omission of this clause will for all practical purposes have no deteriorating effect on the efficient machinery we are setting up. It was possibly an act rather of excessive caution on the part of the Select Committee to insert it. At all events, Sir, I suggest that, in view of the difficulty of overcoming the reluctance of the Government of India to validate it, we should now withdraw clause 37 from the Bill.

The motion was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 38. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I beg to withdraw my Honourable friend Mr. SATHE's and those of mine and the Honourable Mr. UPASANI.

The amendments were by leave withdrawn.

Clauses 38 and 39 were then put to the vote and carried.

His Excellency the PRESIDENT: Clause 40. The Honourable Mr. KAMAT.

The Honourable Mr. BALKRISHNA SITARAM KAMAT said:—Your Excellency,—This amendment is purely consequential and practically hinges upon the previous amendment. If therefore the previous amendment has been withdrawn, this also I beg to withdraw.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT: Can the Honourable Mr. GRAHAM tell the Council how long he will take to submit his amendment? (After a pause.) Perhaps we will postpone the consideration of clause 40.

His Excellency the PRESIDENT: Clause 41. The Honourable Mr. PATEL.

The Honourable Mr. PATEL: I beg to withdraw my amendment.

The amendment was by leave withdrawn.

Clauses 41 to 46 were then put to the vote and carried.

His Excellency the PRESIDENT: Clause 47. The Honourable Mr. UPASANI.

The Honourable Mr. UPASANI: I beg to withdraw my amendment.

The amendment was by leave withdrawn.

Clause 47 was then put to the vote and carried.

His Excellency the PRESIDENT: Clause 48. Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Your Excellency,—The clause as it stands provides for compensation in case of a final scheme being revoked or varied to any person who may have incurred expenditure in complying with the scheme. I propose similar compensation to persons who have sustained any substantial loss or injury by reason of the revocation or variation. Supposing that a scheme of Town Planning is revoked or varied after being in part executed and an owner of a plot is given back his own plot in a condition which might require him to incur further expenditure, if you wish to give him compensation for what he has expended, then on the same principle he will be entitled to compensation for what he may have to

expend to have the plot restored to its original condition. If the principle of compensation is allowed it ought I think to be allowed in all cases where expenditure have been incurred or may have to be necessarily incurred as also where substantial loss or injury may have been sustained.

The Honourable Mr. E. G. TURNER said :—Your Excellency, The wording of the clause is analogous to the wording of the corresponding section in the English Act. The insertion of the words proposed would needlessly encourage litigation, as owners would doubtless bring forward all sorts of claims. If a person has incurred expenditure for the purpose of complying with a scheme there can then be no doubt about the amount of compensation to be paid.

The Honourable Mr. C. H. A. HILL said :—Your Excellency,—I regret to say that we cannot accept this amendment which, as the Honourable Mr. TURNER has pointed out, gives far too wide an opening for bogus claims; in fact it will leave the door open to practically any sort of bogus claims that may be brought forward, and will distinctly encourage litigation. The clause as it stands, which perhaps the Honourable Mr. UPASANI has not realised, is definitely specific in that, if, at any time after the date on which the final scheme has come into force, such scheme is varied or revoked, any person who has incurred expenditure for the purpose of such scheme shall be entitled to receive compensation. It relates to a part of the process of formulating a scheme, and the Select Committee certainly had no idea of enlarging that so as to encourage any body who has any sort of grievance to come forward and get compensation, and I venture to think that Your Excellency's Council will agree in that view.

His Excellency the PRESIDENT: Does the Honourable Mr. UPASANI wish to say anything in reply?

The Honourable Mr. UPASANI: I do not wish to say anything.

The amendment was then put to the vote and lost.

Clause 48 was then put to the vote and carried.

The Honourable Mr. PATEL having withdrawn his amendment to clause 49, clauses 49 and 50 were put to the vote and carried.

His Excellency the PRESIDENT: Clause 51, Honourable Mr. UPASANI.

The Honourable Mr. UPASANI: I beg to withdraw my amendment.

Amendment by leave withdrawn.

Clauses 51 and 52 were then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 53. The Honourable Mr. HILL.

The Honourable Mr. C. H. A. HILL said :—This amendment is consequential, Sir, on the elimination of clause 37. There are certain figures in the sub-clause of section 53 of the Bill which require alteration, namely, all the numbers relating to clauses which appear after section 37. I propose, therefore, that in sub-clause (l) for the figure "41" be substituted the figure "40". In sub-clause (m) for the figure "43" be substituted the figure "42". In

sub-clause (n) for the figure "44" be substituted the figure "43". In sub-clauses (o) and (p) for the figure "46" be substituted the figure "45". In sub-clause (q) for the figure "51" be substituted the figure "50".

His Excellency the PRESIDENT:—I am sure Honourable Members do not wish me to repeat the figures proposed by my Honourable friend.

The amendment was then put to the vote and carried.

Clause 53 was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 18. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Your Excellency, In the amendment that I have given notice of, I propose to omit the words "and Government in such proportion as Government may fix having regard to the means of the Local Authority". As regards the remaining portion I have already explained my reasons for charging the costs of the scheme to the whole population of the town and not on only the owners of the plots included in the scheme. I have also given my reasons for the cost being recovered in the form of a rate instead of in one sum and for charging a differential higher rate to the owners of the plots if the same be deemed necessary for any special advantages which may be secured to them under the scheme.

The Honourable Mr. C. H. A. HILL said:—Your Excellency, I have only one remark to make about the amendment, now that the vital part of it has been removed, and that is that, as consequential to it, if it be accepted, we shall have to recast the whole of the Town Planning Bill.

His Excellency the PRESIDENT:—Under those hideous circumstances, I think, my Honourable friend will see his way to withdraw his amendment.

The Honourable Mr. UPASANI:—Then I beg to withdraw the amendment.

Amendment by leave withdrawn.

Clause 18 was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 40. The Honourable Mr. GRAHAM.

The Honourable Mr. W. L. GRAHAM said:—Your Excellency,—The amendment I beg to propose to sub-clause (1) of clause 40 is consequential on the amendment passed in clause 33, and I beg to suggest that this clause should read:—

"The arbitrator, the President of the Tribunal of Arbitration, and the Assessor shall, save where they are salaried officers of Government, be entitled to such remuneration either by way of monthly salary or by way of fees or partly in one way and partly in the other, as the Governor in Council may from time to time determine."

The Honourable Mr. C. H. A. HILL said:—Your Excellency, So far as I can see, the Honourable Mr. GRAHAM is to be thanked for having brought to notice an amendment which is really consequential to the alteration effected at the instance of the Government of India, and the amendment would probably have

been introduced in our Legal Department had it occurred to us. We, therefore, are very much obliged to the Honourable Member for having brought this to our notice. I understand that the amendment is to read (reads).

If that is correctly given then I think that Government may accept the amendment proposed.

The amendment was then put to the vote and carried.

The Honourable Mr. GRAHAM then proposed that sub-clause (2) should read as follows :—

“The salary of an arbitrator, a President of the Tribunal of Arbitration, or an Assessor who is a salaried officer of Government and any remuneration payable under sub-section (1) and all expenses incidental to the working of the Tribunal of Arbitration shall, unless the Governor in Council otherwise determines, be defrayed out of the funds of the local authority and shall be added to the costs of the scheme.”

The amendment was then put to the vote and carried.

Clause 40 was then put to the vote and carried.

The Honourable Mr. C. H. A. HILL said :—With Your Excellency's permission, I have one more verbal amendment consequent on the elimination of clause 37 which has hitherto escaped our notice and that is the substitution in clause 15 of sub-clause (2) of the figure “43” for the figure “44”. In doing so, Sir, I hope that no other figures of this character have escaped the attention of Your Excellency's Legal Department and that this is the last amendment I shall have to propose.

The amendment was then put to the vote and carried.

Bill read a second time.

The motion for the Second Reading of the Bill was then put to the vote and carried.

The preamble was then put to the vote and carried.

The Honourable Mr. C. H. A. HILL in moving the third reading of Bill No. V of 1913 said :—With Your Excellency's permission I will now move that the third reading of Bill No. V of 1913 be passed by this Council. In doing so I do not think that many remarks will be expected of me. This Bill was introduced almost exactly a year ago in this Council and was read for the first time and referred to a Select Committee last March, leaving five months in full during which the Bill was before the country since the Select Committee sat, and, as I have already said, it was a very representative Select Committee. During these months the Select Committee's Report as well as the Bill as revised have been available to the public for criticism. The number of amendments which we have discussed in this Council has no doubt been considerable, but while some of them, I think, betrayed a want of appreciation of the extremely technical subject of Town Planning I do not on that account think that the time of the Council has been needlessly wasted in considering them. The point really is that in this technical matter the Select Committee was able to

make use of the services of such experts as were available. They deliberated on the matter at very unusual length and submitted an unusual report, and it was on that account that several sections of this complex measure gave rise to misapprehensions or misunderstanding in the minds of some of those who were not present on the Select Committee. As I have already said, I cannot sufficiently express my own sense of appreciation to the Members of this Council, and particularly to Members of the Select Committee, for the manner in which they have assisted Your Excellency's Government throughout in disposing of this measure. I am assuming that the third reading will be passed and the Bill will become law, and I think, Sir, as Sir PHEROZESHAH said, that it is a matter for congratulation for Your Excellency that Your Excellency's Government should be taking the lead in India in this class of legislation. I am quite confident that this measure, which the Select Committee so carefully deliberated, will prove an efficient measure for the improvement and future extension of towns in this Presidency, and I should like to add that, far from being a measure of oppression, as feared in some quarters, or of fomenting trouble between local bodies and the people residing in their limits, it will, I hope, pave the way, by the clauses relating to agreement, to a state of affairs in which much which is done at present, as a rule, through official channels and without full understanding on the part of people, will in future be carried through by agreement after discussion with the Arbitrator. I do not know that I need say more. I have already said that I cannot adequately express my sense of gratitude to the valuable help I have received from all Members of this Council on this matter, without which help I can only say I should not have been able to ask Your Excellency as I now do to permit me to move the third reading of this Bill.

His Excellency the PRESIDENT: Before the Bill finally leaves the Council, I should like to say that I feel that the character of the debate to which we have just listened and the peaceful course that this measure has had in passing through its various stages are a happy omen for the future usefulness of the Town Planning Bill. I have been surprised, I own, that there has been so little of what I call really substantial criticism of the details of the Bill, but this is largely due to the constant care and attention which my Honourable Colleague Mr. HILL and his Select Committee have given to its provisions which have enabled them to present it to the Council so much improved that it has almost escaped the searching criticism of my Honourable friend Mr. UPASANI. I think it was my Honourable friend Sir PHEROZESHAH who made an observation on second reading, which I think of great importance and with which I entirely agree. He expressed the view that this is a test measure and that we must all remember that it is the first Bill of the kind that has been introduced into India and that the responsibility of its administration lays an important task on the Bombay Government. He urged, and I think perfectly rightly, that we should act with caution and care in going forward with its administration, and I perfectly agree with him in his view. Honourable Members may rest assured that Government will do all they possibly can to administer the Bill with absolute fairness, and I trust that we shall have the fullest co-operation of all Honourable Members and people of influence in

their various districts to assist us in our endeavour. After all, what is the real result which we wish to achieve from this Bill? I think it can fairly be said without any offence to anybody in the Bombay Presidency, or in other parts of India, that we see towns and suburbs all around us literally tumbling up into being without any idea of road development or the laying out of plots, without any knowledge or thought of sanitation, or the various other necessities of Town Planning. What I hope we may achieve by this Bill is this that, we shall find that Government and the local authorities will in the future combine with the citizens in their various localities to secure better, healthier and more sanitary homes for our workers, better means of access to their various places of labour and fine open spaces where they may get fresh air, healthy recreation, and, if we can secure these results, we shall raise up in this country a healthier, happier and much more self-respecting race of people than we can possibly expect to under the circumstances in which a good many of them live at the present time. With these words I thank all the Honourable Members for the constant attention they have given to the passing of this Bill through the Council, and all the assistance they have given during its various stages.

Bill read a third time.

The motion for the third reading of Bill No. V of 1913 was then put to the vote and carried.

His Excellency the PRESIDENT: I think perhaps we had better adjourn till three o'clock.

The Council adjourned till three o'clock.

The Council re-assembled after lunch at 3 p.m.

BILL NO. VIII OF 1914 (AN ACT TO PROVIDE FOR A SURVEY OF THE TOWN AND ISLAND OF BOMBAY).

His Excellency the PRESIDENT: Order, order. A Bill to provide for a Survey of the Town and Island of Bombay. First reading. The Honourable Sir RICHARD LAMB.

The Honourable Sir RICHARD LAMB in moving the first reading of the Bill said:—Your Excellency,—I have not very much to add to what is set forth in the Statement of Objects and Reasons. We have had in preparing the Bill the advantage of there being already in force in Calcutta an Act providing for a survey such as we wish to have completed in Bombay. We have therefore to a very great extent been willing to learn from Calcutta, and to draft our Bill on the lines of the Calcutta Survey Act. The survey itself has been undertaken after prolonged correspondence and examination of the methods which should be followed in carrying it out. The correspondence began so long ago as 1908, when enquiry was made into the need for a new survey to take the place of Laughton's survey. The Laughton survey was, as is generally acknowledged, a fairly accurate survey; but it was made very many years ago, and the

The Honourable Sir RICHARD LAMB moves the First Reading of the Bill.

arrangements for maintaining the survey records were not adequate, with the result that it is now very much out of date. The record maps are not available in numbers, and as to those which are available, great difficulty is found in consulting them. We therefore investigated whether a resurvey of the Town and Island of Bombay could be carried out by merely going over again through the old survey or whether an entirely new survey was desirable. On investigation it seemed perfectly clear that an entirely new survey was necessary. It was not possible to pick up for the most part the boundary marks of Laughton's survey, and it was necessary, therefore, to start afresh. We considered the best means in which the survey should be carried out and the Government of India consented to assist us by deputing an expert surveyor, Mr. Newland, with a certain establishment. We decided that the commencement of the work should be experimental, and as the work proceeded, to find out in what manner the survey should be done, and to what extent we should carry it on. The experimental work has proved successful. We are, therefore, as a matter of fact, continuing the survey, the extension and expansion of the experimental work, and what this Bill seeks to provide is legislative sanction to the procedure adopted by the surveyors. A great number of clauses of the Bill deal entirely with survey matters and follow, very closely indeed, even the wording of the Calcutta Act. The insertions in this Bill which are not to be found in the Calcutta Act are taken from the Bombay Land Revenue Code in respect of clauses 14 and 15 which provide for the regulation of survey fees. It will be proper to explain here that in the mofussil we have been carrying out, for some time past, a number of City surveys under the Land Revenue Code, and in all those surveys, a portion of the expenses is recovered by fees for the sanads which are issued to the respective owners of the plots demarcated and mapped as surveyed. In the case of Bombay before we began operations we consulted the Municipal Commissioner, the City Improvement Trust and the Port Trust. The Municipal Commissioner heartily concurred in the proposal that the survey should be undertaken, and the City Improvement Trust, as well as the Port Trust, also concurred. The Port Trust signified its willingness to bear a proportion of the cost. The Municipal Commissioner signified that he would be willing to recommend to the Corporation that the Corporation should bear a proportion of the cost. The City Improvement Trust it has not been thought necessary to ask. For the remainder of the cost it is proposed that as in the mofussil, so also in Bombay the holders of lands demarcated should contribute by paying fees for the record of their land. The exact proportion in which the cost will be distributed is not a matter which is dealt with in this Bill. I refer to these facts only in order that the Council may understand what is actually being done. The Bill itself deals with nothing more than the power given to Government to recover from holders of land certain fees which it is anticipated will suffice to cover perhaps about half the cost.

The next clause which contains a variation from the Calcutta Act is clause 19 in which words are inserted, which are not found in that Act, regarding the preparation of a Register of Possession. I do not propose at this stage of the proceedings to go into details as regards the character of a Register of Posses-

sion. I understand that there have been some apprehensions expressed as to what the effect of such an enactment may be, but I think that in all probability when we come to thrash the matter out in the Select Committee, a stage at which I hope this Bill will arrive in due course, we shall be able to show that there is no substantial ground for apprehension, and that the Register of Possession will be such a Register as must be maintained so as to do away with the necessity of hereafter undertaking, after another 30 or 50 years, another survey of Bombay, and so as to maintain a record of the actual holders of properties in Bombay. The remaining clauses follow the Calcutta Act, and I do not propose to deal with them now. There is also a Bill, of which I shall move the first reading, as soon as this Bill has been disposed of, which is entirely consequential on this Bill and makes certain amendments in the City of Bombay Land Revenue Act. On that I will make further remarks when we come to that Bill. For the present purpose, Sir, I think I have said sufficient to lay the Bill before this Council, and to justify my asking that this Bill may be read for the first time.

The Honourable Sir PHEROZESHAH MERWANJEE MEHTA said:—May it please Your Excellency,—This is a very harmless and innocent looking Bill in appearance, but I think that Honourable Members when they study it more carefully will find that it is a far more extensive Bill and deals in matters of greater importance than would be otherwise supposed. In that connection, Your Excellency, I cannot help wishing that we were following a course which the Viceroy's Council used to follow in the days when I was a Member of it. This Bill was published in the *Government Gazette* certainly long before the 18 days which are prescribed by our rules,—I believe it was published about the 2nd of November, but even then, I venture to think that the Bill is of such a character and requires such a minute examination that it seems to me almost impossible that the public, the press or any other bodies interested in it would really be able to study it before it came before the Council even for the first reading. In the Governor General's Council in the days to which I refer, the course which was followed with regard to Bills was this, that the first reading was allowed to come on and the first reading was passed. Then the Select Committee did not follow immediately after that. Its appointment was brought forward in the next sessions, and at the beginning of the sessions a Select Committee was appointed which brought up its report during the same sessions, and the Bill was considered and proceeded with in the usual course. That procedure allowed the public, the press and bodies interested to make their representations before the Select Committee commenced its deliberations. The course which we are following very often results in this, that the Select Committee finishes its deliberations before the people are able to come forward with their representations; and all the rest of the time, sometimes a good deal of time elapses after the report of the Select Committee is made and that is really of no avail so far as the deliberations of the Select Committee are concerned, and the Members of Council can realise from their experience that it is very difficult to make effective representations after a Bill has been considered by the Select Committee. The other course enables the Select Committee to gain time to

receive all possible representations which the public, the press, the parties interested and other bodies interested could make in regard to the matter. Your Excellency, I make this observation particularly with regard to a Bill of this character which requires a very minute study before we can observe what is the real extent of the operations of the Bill, and I will venture to show that the operations are of a character which, if really carried out, would create an agitation in the City of Bombay to which there will scarcely be any other parallel.

Now, my Lord, this Bill reminds me of an incident in this Council which took place in the year 1904. I believe it was the first time that Your Lordship's predecessor, Lord LAMINGTON, presided. A similar innocent looking Bill was brought forward alleged to have been based upon a Bill which had been recently passed in England itself, the English Motors Act,—the Act was passed, I believe in 1903, and this was brought in 1904, and a similar Bill had been passed for Bengal a few months before, and it was alleged in the Statement of Objects and Reasons that the Bombay Bill was based upon the English Statute and the Bengal Bill, and so it was, except with regard simply to one section. All the rest of the Bill was certainly founded upon the English Statute and the Bengal Bill, except one section, which quietly took power to grant monopolies for running motors not only in every town and place in the mofussil, but in every street and every road in all the streets including the City of Bombay, a most extensive thing. My Lord, I ventured to point out to the Council on that occasion,—and Lord LAMINGTON who had come then fresh from England was somehow or other cognisant of the question of granting monopolies in this way,—and after I took objection, he took the opportunity of discussing the matter with his colleagues during the lunch interval and pointed out to them that such a thing could not possibly be allowed, and when they returned, the Honourable Mr. FULTON, afterwards Sir ROBERT FULTON, ruefully announced that they had determined to withdraw that section completely. My Lord, the same thing happens with regard to the Bill before the Council. It is perfectly true that it is founded upon the City of Calcutta Survey Act,—I believe it is Act I of 1887. Now I perfectly admit that all the main provisions of this new Bill are founded on the Calcutta Act, and as the Honourable Sir RICHARD LAMB said:—"You have simply to substitute Bombay for the word Calcutta," and nothing would have led anybody to imagine that there was any substantial difference between the present Bill and the Calcutta Survey Act unless he had gone very minutely through the sections, because the sections are the same except the certain sections which were thrown out regarding arbitration from the Calcutta Act which were not required in this Act. The Calcutta Survey Act gave the usual power to Government to make rules for the purpose of carrying out the objects of the Act. Now the Calcutta Act contained a very appropriate clause for that purpose. I believe it was section 23 and it ran as follows:—"The Local Government may lay down rules not being inconsistent with this Act to provide for the preparation of maps and for the collection and record of any information in respect of any land to be surveyed under this Act and generally for the proper performance of all things to be done and for the regulation of all proceed-

ings to be taken under this Act", certainly a most proper section for the purpose of giving power to make rules. Now, Your Lordship will see, what does the Bombay Bill contain, and that is in section 19. The Calcutta clause gave only power to make bye-laws for purposes of survey, the main object of survey legislation. Now section 19 of the Bill before the Council reads thus: "Government may lay down rules not being inconsistent with this Act to provide for the preparation and maintenance of maps", the same words, perfectly right, "and of a Register of Possession". These are the additional words "and of a Register of Possession", otherwise the section is the same. Now, my Lord, I submit, "to make rules for the purpose of maintaining a Register of Possession" is an absolutely different thing from a survey, and the preparation and production of maps. I will ask the Members of Council to realise what the addition of these few words means really. In the first place, I will briefly state that it means an inquisition into all the private titles of private owners in the City of Bombay, whether they pay land revenue or not. Now I am not speaking without the book in saying this. A letter came from the Government of Bombay to the Bombay Corporation asking them to consent to pay a certain portion, one-sixth I believe, of the cost of the survey. Something in that letter, I frankly confess, roused my suspicion, and I moved in the Corporation that it be sent to the Standing Committee for the purpose of examination and report, and I spoke to the Chairman of the Standing Committee to ask the Commissioner for an explanation of certain of my suspicions, whether it did not involve some inquisition into private titles. The matter went before the Standing Committee, the Commissioner was asked for an explanation, and I think my Honourable friend Mr. CURTIS, I believe he is somewhere here, was approached by Mr. CADELL and consulted as to what the real meaning was, and Mr. CURTIS will contradict me if I am not correct. In consultation with Mr. CURTIS he explained what would be the meaning of those words in the Bill, and I have got the letter which Mr. CADELL addressed. Upon that explanation in consultation with Mr. CURTIS, he sent a letter in which he explained the matter in this manner, and I ask the attention of the Council to the real explanation of what was intended to be done by the insertion of those few words. "The enquiry into disputed cases will be conducted by a gentleman of legal training appointed by Government". All these would come in under the Rules, there is nothing in the Act. The letter further said "I understand that it is the intention of Government shortly to legislate in the matter. I enclose a copy of paragraphs 17 and 18 of the Report of the Committee appointed by Government to make proposals. It will be seen that it is proposed to maintain a Central Office and make the registration of all changes and valuation of titles compulsory. This will doubtless have the effect of making entries strong evidence in Courts of Law, and this evidence will doubtless soon, if not immediately, be treated as presented. The record maintained will in fact be a record-of-rights". That is the meaning of those few words. Thus we have here under the guise of power of making rules for the purpose of maintaining a Register of Possession an inquisition into the titles of all private owners in

the City of Bombay, so that there will come into existence in time a record-of-rights.

Now, Your Excellency, I ask in the first place, what right have Government to investigate private titles so that there should be at any time a record-of-rights so far as private properties are concerned? If you give notice to people to prove their right of title to possession hundreds of people who would never otherwise have dreamt of raising any claims will come forward. Has anybody ever heard of people being required to produce their title deeds so that all the flaws in them may be discovered? Most gentlemen will be aware that any number of titles, if examined by a solicitor, he will find that there are flaws in them. Though the titles may be perfectly good, still on investigation into the titles, it will lead to the exposure of flaws. So strong is the feeling in England in regard to that matter that Courts of Law will not permit witnesses to be compelled to produce title-deeds. That is the law in England, and that is the law which has been followed in India itself under the Evidence Act, and under section 131 no witness can be compelled, though all documents relevant for the purposes of a case can be compulsorily acquired, to produce his title deeds in any Court of Law, and Your Lordship and Members of Council will understand what this means. As I say, a title may be perfectly good, but if you subject it to a critical examination there may be a hundred flaws in it. Not that the party would be turned out in consequence, but he does not desire those flaws to be known to other people to raise all sorts of speculative claims in a variety of ways. Take for instance the Government themselves. If you go into the reported cases you will find that there are a number of them in which Government have absolutely refused to produce anything which may in any way show any defect or flaw in their own titles. I ask my honourable friend, Sir RICHARD LAMB, whose knowledge and experience of revenue matters is, I suppose, unequalled by anybody in this Presidency, whether Government will not refuse as utterly confidential the production of a document of that sort. They will never produce such documents, and I can imagine, if we were impertinent enough to put a question relating to the production of a document, Sir RICHARD LAMB getting up and sternly declining it as an absurd request and giving a *non possumus*. Whenever there is a dispute, the party would be required to go before a gentleman of legal training and to prove that he has a good title. Even to prove that he has possession he must produce his title deeds. Mark the use of that word "Possession". It is one of those dangerous words which might mean anything. What do you mean by "Possession"? Do you mean actual physical possession, do you mean the actual physical possession which may be held by a tenant at will, or a tenant at sufferance or by any body but the rightful owner? What possession do you mean?

The Honourable Mr. CURTIS :—Beneficial possession.

The Honourable Sir PHEROZESHAN M. MEHTA :—Now what is a beneficial possession? My Honourable friend Mr. CURTIS will find that "beneficial possession" means all sorts of different things. What a vista of litigation and dispute would that raise up? A man is to be required to show his title to

beneficial possession? I am afraid my honourable friend Mr. CURTIS who is expounding law will find it very difficult to support what he says when the time comes for him. It may mean, if you set aside actual possession, possession by a tenant at will, possession by sufferance, possession by monthly rent, possession for a period of years, it must mean, if he means anything at all, ownership, rightful ownership, and how are you going to prove the rightful ownership except by producing your title deeds? Supposing that you are called upon to prove your beneficial possession or ownership, how are you going to do it? Are you going in person with a bundle of your documents before this gentleman of legal training to produce and let him examine them. Well, an ordinary individual cannot go and propound his title deed before a legal gentleman, he must go to a pleader or a solicitor and take his advice. Now this will lead to putting an enormous burden upon private owners. It would be a real taxation of a heavy character upon every house-owner and every private owner in the city of Bombay. Even before any dispute arises if he is asked by notice to appear before this legal gentleman and produce his beneficial possession, do you think that anybody will venture to go before him without having consulted some solicitor or some legal adviser? Consider all the expense of the procedure which must follow under these circumstances? Are you going to allow the beneficial possession of the properties in Bombay to be taxed in this manner? For what? for a thing in which Government have no right to meddle at all. Government are perfectly right in carrying out a survey like Laughton's survey, and we would all like a survey which marks out the boundaries of properties, irrespective of the titles of those people who may be there. So far as you may require evidence for the purpose of proving the possession of any strip of land you may be required to produce it. But beyond that what right have you to go into the question of the titles of private owners? The Calcutta Survey Act wisely confined itself to the functions proper of a Survey Act, and made them out accordingly. They never entered into this question of a record of possession or record of rights. Therefore, Your Excellency, I beg to point out to the Members of Council that this is a far more extensive Bill involving questions which would give rise to perturbation in this city such as you have never dreamt of in the old days. Everybody would tremble if he is spoken to with regard to his title deeds. In the city of Bombay, it is true that there are a certain number of large land owners who possess a large portion of the city. But there are a large number of what are called single house owners, people—a widow or a man who owns only a single house, part of which he or she occupies and part of which is let out. From the rent he or she maintains himself or herself. Just imagine a person in that position being called upon to appear before this gentleman of legal training and asked to show his possession. If it is disputed by anybody claimants may arise who would never have dreamt otherwise of questioning the right of the rightful person, and that he or she would be required to appear before this gentleman to show that he is entitled to beneficial ownership. What a burden you are putting upon the private owners and for a purpose in regard to which Government have no right to meddle at all? There are tribunals which go into these questions of disputed rights when the

disputes arise. I do not know if Government have obtained the opinion of the Judges of the High Court. You will find that the percentage of disputed claims is very small, and for these few cases the Civil Court is the tribunal. They go to the Civil Tribunal and get their disputes decided. But here you enter upon an enquiry into all the properties in a large city like the city of Bombay and call upon them to prove their right of beneficial ownership all at once. As I said, Government have no right whatever to call upon any private owner except for certain public definite purposes like the survey and other things to do what is needful.

My Honourable friend very glibly spoke of beneficial ownership. Take the question of an undivided Hindu family. What a difficult task it would be to settle it? Is the manager of the joint family to be put down, or all the persons interested or possibly all those occupying the house living together, are they all to be put down, and how long is this to be gone on with time after time, the registers being altered and changed and the thing carried on from year to year indefinitely?

My Lord, I have given no notice of any amendment at the first reading as I once intended to do, because I think it is possible to thrash out the matter in the discussion in the Select Committee, and therefore it is that I have given no notice of any amendment in regard to this point. But I do impress upon the Council that this Bill is far from being an innocent looking production which at first sight it appears to be, and it is not only not innocent, but I think it is likely, if carried out in the way in which it appears at present it might be, to do immense mischief, bring about immense agitation and throw a heavy pecuniary burden upon the citizens of Bombay which Government have no right to impose upon them. As I said, they are perfectly right in carrying out a survey for general purposes and for municipal purposes; they are perfectly right that they should have such a survey. But I say that, if this Bill tries to go beyond that purpose, it would be entering upon a function, which it is not the function of Government to enter upon, it would be meddling into private rights, it would be entering upon an inquisition of private titles and title deeds which no country does,—I won't say no country in the world because when I say that, it may be said "Oh there is Germany and Prussia", but I hope we have got rid of the fondness for imitating their methods, of following the Prussian models and German models as was once the vogue. I trust we shall no longer be enamoured of Prussian models and Prussian dictation (laughter).

The Honourable Sir RICHARD LAMB :—What about Scotland and London?

The Honourable Sir PHEROZESHAH MEHTA :—There is no such thing as a Compulsory Register of Possession there.

The Honourable Mr. CURTIS :—I beg the Honourable Member's pardon.

The Honourable Sir PHEROZESHAH MEHTA continuing :—Well, I shall have the opportunity of pointing out at the proper time that my friend Mr. CURTIS is mistaken in thinking that any such thing exists in England or Scotland of the sort he imagines.

I venture to submit, My Lord, that if this Council embarks upon such an inquiry as is possible under the wording of section 19 in a country like this, and in a City like Bombay, with a population, Hindu and Mahomedan, with their different habits and their special laws, you will bring about such an agitation to which, as I said, there will scarcely be any other parallel. Take the case of a Mahomedan family. How will you discriminate whom to put on that Register of Possession? Well these are questions with which I will deal later on. I say that if you consider the conditions of Bombay life, if you consider the conditions of an enormous City like Bombay, if you press on this Bill with the object of securing a Register of Possession, you may call it a Record-of-Rights, I think you will bring a hornet's nest round your ears such as that of which we have no experience for very many years past indeed.

With regard to the rest of the Bill and with regard to the distribution of the cost, as I said, these details can best be settled when the matter goes to the Select Committee, and I know that my Honourable friend Sir RICHARD LAMB has asked me if I would serve on that Select Committee, and I have expressed my willingness to do so, though I should have preferred perhaps not to be so burdened because it is a matter which I feel essentially affects the interests of the City of Bombay, and I could not possibly refuse to serve on a Committee of that character.

With regard to the other question in reference to the distribution of the costs of the survey, as to the charges for giving maps of the different properties to private people, this will have to be considered, whether such a thing should be compulsory or voluntary. If it is a useful thing for private parties to possess I have no doubt they will come forward voluntarily to ask for copies of those plans, but I am not quite sure yet whether it is wise to impose a compulsory burden upon every body to come forward and pay charges for securing the plans. This is a question which requires very careful consideration.

Then, My Lord, I come to the point which I first made, and that is that this is a Bill of very great magnitude in which it is necessary that the public should have ample time to consider the dimensions of the Bill. You cannot expect people, when the Bill was published only on the 2nd of November, to have gone into it thoroughly before it came before the Council to-day. The Select Committee, if you appoint it at once, may sit at any time. There is nothing to restrict the Chairman of the Select Committee from calling it immediately after the Council closes, and very often such has been the case. This procedure will not give enough time for the purpose of enabling all the interested parties including the general public as well as the Press to really examine and make representations with regard to this Bill. And that was what made me to suggest whether such a course as I sketched out and which was followed in the Viceroy's Council might not be a useful course to take, that the appointment of the Select Committee should not follow immediately the adoption of the first reading of the Bill, but that the Select Committee should be appointed early in the next sessions, so that the parties interested and the public might have ample time to send in their representations which could then

be considered by the Committee. What I say is that a Select Committee sitting in that way could receive all representations before commencing its deliberations. All the time that is required by our rules is 18 days before taking the report of the Select Committee in consideration and that will be within the time which the Council will occupy in the sessions and the Bill can be disposed of at that sessions without any further delay. However, this is only a suggestion which I throw out. This has been in my mind in connection with various other things in regard to which discussions had arisen as to the time which should be given for the purpose of enabling the public to make their representations, and very often I think my Honourable friend Sir RICHARD LAMB had to say that he will not call the Select Committee for such a period of time so that the parties may have time to make representations. It seems to me that the other course is a more definite course and the representations could be considered in the Select Committee. I have known of instances in which Select Committees have not considered the representations sent to them in this way. The representations have come sometimes perhaps a short time after the report had been drawn up by the Select Committee, and then of course the memorials were laid aside without being considered by the Select Committee. However, that is only a point which I have to throw out for future consideration, but I submit again that this is a Bill which requires very careful consideration and examination indeed.

The Honourable Mr. G. S. CURTIS said:—In view of the remarks which have fallen from the Honourable MOVER, I must ask the Council to bear with me if I go at some length into the history of the existing survey and, the circumstances under which it was originally undertaken. The existing survey of Bombay was started in 1865 on the initiative of Mr. Arthur Crawford, the Municipal Commissioner of the day, and carried out partly by subordinate of the Government Trigonometrical Survey under Col. Walker and partly by members of the Bombay Survey Department under Col. Laughton. The cost was rather more than rupees three lakhs and a half, of which the Bombay Municipality contributed the sum of over 50 thousand rupees. The completion of the map was followed by the preparation of a register designed to show the tenure of the land and the liability of the occupant to Government but the entries in this register were not based on any regular enquiry. They were filled up by an establishment of karkuns without any particular supervision. The survey and register were completed in 1874. In 1876 the Bombay City Land Revenue Bill (II of 1876) came before the local Legislative Council, and in the course of the discussion upon it the Advocate General while he dwelt on the undesirability of enquiry into the titles emphasized the expediency of the Collector maintaining a register in which all transfers of title to land paying revenue to Government would be entered. This was the origin of section 30 of the present Land Revenue Act. In 1888 the present Municipal Act was passed. That Act contains a section, 149, which provides that all transfers of titles to premises paying property-tax shall be notified to the Municipal Commissioner. That section is, I believe, largely a dead letter owing to the want of a proper map and register.

The Honourable Sir PHEROZESHAH :—It is not a dead letter; It is actually being done.

The Honourable Mr. CURTIS (continuing) :—In 1890, the question of surveying Bombay once more came up for consideration. (I should mention that when Col. Laughton's survey was completed in 1874 it was said by experts that it would require revision in 12 years. *In England maps of this sort are revised every 20 years.) The question was referred to Sir Charles Ollivant, who was Municipal Commissioner for many years, for his opinion, and he said that he was in favour of revision and considered it absolutely necessary to co-ordinate the Collector's map and the Municipal Register, there should in his opinion be one map and one register which should be kept up to date and show all details. The matter was the subject of correspondence for some years, but though the need of a fresh survey was fully established, financial considerations led to its being deferred. In 1908 Messrs. Barthalomew, the well-known map-makers of Charing Cross, brought to the notice of Government the inadequacy of the maps of Bombay and urged the desirability of bringing them up to date. As the result of that representation and under directions from Government the Collector of Bombay addressed a letter to the Municipal Commissioner from which I read the following paragraphs :—

4. The first question I would ask is does the Municipal Executive Engineer find the existing map so unsatisfactory as to render a revision urgently necessary and, if so, should that revision take the form of a fresh cadastral survey of the whole Island as indicated in the report, or would a partial revision suffice for municipal purposes? The second question is what proportion of the cost of revision is the Corporation prepared to meet?

5. It has been suggested that a topographical map, showing merely roads, and public passages, also public buildings and Government and Municipal property, but not attempting to define the limits of private properties, would suffice for the needs of the public and the Municipality. Such a map could be prepared for about one quarter of the cost of the proposed cadastral survey. On this question also I request that I may be favoured with your opinion.

6. In the event of a decision in favour of a complete cadastral survey it is suggested that a considerable portion of the cost might be recovered from the property owners by the levy of a cess fixed in proportion to the area of each property. A minimum charge of Rs. 5 for a holding containing less than 100 square yards, increasing by gradations to a maximum charge of Rs. 15 for a holding of over 4,000 square yards, is estimated to produce nearly $2\frac{1}{4}$ lakhs of rupees. In return for this charge it is suggested that the property holder should be given a plan of his holding drawn to scale and certified by the officer in charge of the survey as correct. The levy of this cess would require legislation. I am to invite your opinion on the desirability of undertaking legislation for the purpose.

In reply the Municipal Commissioner forwarded the opinion of the Heads of Departments and added his own. All were unanimous that a mere topographical survey would not be satisfactory and that a cadastral survey was absolutely necessary.

Now, Sir, there seems to be a certain amount of misunderstanding in the public mind as to what the expression "cadastral survey" really means. The word cadaster is derived from late Latin *Capitastrum*, and meant originally a poll tax. Later it was taken as equivalent to the expression *terrana capitatio* meaning the units of territorial taxation into which a province was divided for purposes of land tax. Finally it meant a register of the quantity, value, and ownership of land or property in a country.

The Municipal Commissioner then, Sir, opined for a cadastral survey. The same question was put to the Port Trust and to the Improvement Trust: both gave similar replies. Both said that they wanted (i) the map, (ii) a register of properties contained in that map.

On receipt of these replies further enquiries were made by Government as to whether a partial re-survey would suffice. It was then found that the maps of Laughton's survey were in a tattered condition, that the records of the original theodolite observations were lost and that with the exception of spasmodic efforts on the part of badly paid and badly supervised surveyors, no revision of the map worth the name had been carried out since it was completed in 1874. Government, on this, decided that a complete revision of the survey of Bombay was necessary. The next question arose as to the agency by which the survey was to be done. Many members of this Council who come from Mofussil towns, are familiar with our ordinary City surveys.

These surveys have of late years been taken up on a large scale at the request of the Municipalities. At the moment surveys are proceeding in Poona, Sholapur, Bârsi, Gadag and there must be some 30 towns in which the survey is completed, in progress or likely to be undertaken in the near future.

The Honourable Sir PHEROZESHAH MEHTA:—Under what Act?

The Honourable Mr. CURTIS (continuing):—Under the Land Revenue Code. But, Sir, it was found that the survey of Bombay was a far more difficult and complicated matter than the survey of a Mofussil town. The value of property in Bombay is so great that a very slight mistake in calculation may have most serious consequences. Hence Government decided not to employ Provincial Agency but to ask the Government of India to lend the services of surveyors from the Trigonometrical Survey. The Government of India were pleased to comply with the request, with the result that the estimates for the survey were prepared under the direct supervision of the Superintendent of the Government Trigonometrical Survey, to whom we are under great obligations for the personal interest which he has taken in the matter. The task of framing estimates was not an easy one. There was a complete lack

of knowledge as to the outturn of work, which might be expected from the surveyors and above all whether it would be possible in the more crowded parts of the City to use the theodolite by day or whether it would not be necessary to "take sights" by night. Finally as a means of solving these differences it was decided to make an experiment in Girgaum. This experiment which was finished in March last was found quite satisfactory and furnished ground for supposing that the cost instead of being nearly 10 lakhs of Rupees would not exceed $6\frac{1}{2}$ lakhs. Having settled this point, the next question was what was to be done. It would have been more regular to have dismissed the experimental party and suspended proceedings until the necessary changes in the law had been made. But this would have involved useless expenditure. It was felt that it was better to expand the nucleus party of surveyors and proceed with the work without delay. This has been done and the result is that the survey of the estate as far as the north of Girgaum is now complete. Specimen sheets showing the new maps have been placed in the ante-room of the Council alongside with the maps prepared by Laughton dealing with the same areas. I venture to think that no unprejudiced person who examines them will be disposed to question the need for a re-survey.

I now come, Sir, to consider the principle of the Bill before the Council. I gather from the speech of the Honourable Sir PHEROZESHAH that he is not opposed to the re-survey and that he is prepared to support the first reading of the Bill, subject to certain sections of it, more particularly section 19, being carefully examined by a Select Committee at as late a date as possible. I will now turn to section 19 and the expression there used *the Register of Possession*.

The Honourable Sir PHEROZESHAH :—It is styled elsewhere the *Record of Rights*.

The Honourable Mr. CURTIS (continuing) :—The Record of Right in possession. A cadastral survey as I said before postulates (i) a map, (ii) a register. It is for the Council to decide finally what this register shall contain. But I urge adherence to my original definition, a public register of the quantity, value and ownership of the real property in the given area.

Now as to the expression "beneficial possession", I can assure the Honourable gentlemen that I have never contemplated an elaborate enquiry into titles. If it will set his mind at rest on the point I should be quite willing to accept a proviso to section 19.

"Provided that from the Register of Possession there shall be no inference as to the title." What is wanted is to obtain a reliable list of the person's owning or occupying properties in Bombay. This list will be of the greatest possible utility to Government, to the Municipality and to the Port and Improvement Trusts.

The Honourable Sir PHEROZESHAH MEHTA :—You do not require a list for Municipal purposes at all.

The Honourable Mr. CURTIS :—That is a point which I must ask the Honourable Member to settle with the head of the Municipal Executive.

The Honourable Sir PHEROZESHAN MEHTA :—He is the head of the Municipal Executive but not the Municipal representative.

The Honourable Mr. CURTIS :—As I say I am quite ready to accept a proviso to section 19 that there shall be no inference as to title. From my point of view an enquiry into titles is quite superfluous. The Registers prepared for Laughton survey by mere karkuns without any regular enquiry have according to judicial pronouncements acquired a very high value. I am sanguine that our Registers, based as they will be on a formal enquiry held by an officer of high attainments, will ripen in course of time into a credence of title which will be very valuable indeed.

I now turn to Sir PHEROZESHAN'S remarks regarding the registration of title in England and Scotland. The point is not very material for the purposes of the present discussion, but I can assure him that when he says that there is no registration of title in England or Scotland he is wrong. I can show him, if he cares to read them, a whole series of reports regarding registration of titles in England and if he likes to turn to the front page of the Times Newspaper, he will find advertisements inserted by the Registrar of Middlesex giving notice of applications for registration with absolute title.

The Honourable Sir PHEROZESHAN MEHTA :—Is this registration compulsory or voluntary?

The Honourable Mr. CURTIS :—Compulsory as regards the County of Middlesex. Turning to the Mofussil we have, as I have already said, carried out City surveys in several places under sections 131-132 and following sections of the Land Revenue Code and Rule 82 of the Rule under section 214 of that Code. The procedure there is practically the same as that which we intend to adopt for Bombay. First of all a map is prepared. Next an enquiry officer is appointed who draws up a register. Entries in that register hold good as between Government and the Municipality on the one hand and the public on the other unless they are questioned by a Civil Suit brought within one year of the completion of the Register.

The Honourable Sir PHEROZESHAN MEHTA :—Do they affect the Revenue.

The Honourable Mr. CURTIS :—City surveys are not as a rule undertaken for fiscal purposes. In 99 cases out of 100 land in the urban area to which City Surveys are offered pays no revenue to Government. From a Revenue Officer's point of view it is unfortunate that the provisions of the Land Revenue Code in this respect cannot be applied to Bombay City. If they could, sections 131-132, etc., could be applied without further ado. As they cannot, we have to pass a special Act, and we have gone to Calcutta for our model.

As regards the additions to that Act which appears in our present Bill I contend that no more have been made than are necessary to make the Bill harmonize with the Supplementary Bill IX of 1914 and provide for the proper maintenance of the Survey Register. The Honourable member has read a letter from the Municipal Commissioner in which he remarks that an enquiry into

disputed cases will be conducted by a gentleman with legal training. What is there to object to in this? If the enquiry were to be conducted by a Revenue Officer, it would at once be impugned on the ground of revenue bias.

Sir, I will not trouble the Council with my remarks any longer. I urge that this measure is one of very great utility, and of supreme necessity for the efficiency of the Municipal administration, for the operations of the Improvement Trust and for the proper development of this great City, of which we are all so proud. I therefore ask that it may be read a first time.

The Honourable Sir RICHARD A. LAMB said :—Your Excellency,—I propose to detain the Council for a very few minutes. After the somewhat impassioned rhetoric of my Honourable friend Sir PHEROZESHAH MEHTA, and after the somewhat diffuse speech of my Honourable friend Mr. CURTIS, it will not be proper to detain this Council long, especially as I understand that there is no objection to taking the first reading of the Bill.

I do not find myself entirely able to appreciate the grounds on which the Honourable Sir PHEROZESHAH MEHTA anticipates a terrific outbreak of distress and distrust discomfort and inconvenience to the landholders in Bombay. It seems to me that it is not necessary to assume that because a Register of Possession is to be framed that there will be a detailed inquiry into the titles of all persons holding lands. I presume that in any survey whatever when the plots of land are measured, demarcated and mapped there must be formed some list of those plots of land, and I presume that there must in all cases be entered against each item in the list some person's name. Personally I do not know of any survey that has ever come under my observation in which there is not such a list. There is always such a list in which there is an indication of whose holding the particular plot is. Such a list may properly be called a Register of Possession, or a Record of Possession, and I cannot myself understand how an entry of the actual possessor, the beneficial possessor, or whatever term you apply to the names entered in the register of plots which have been demarcated and mapped,—how the entry in the name of the actual possessor can be regarded as likely to cause immense disturbance and to involve inquiry into all the titles of all the landholders in Bombay. I cannot understand how if there be such a trouble imminent it has not already arisen since the year 1876, because in that year it was laid down that the Collector of Bombay should maintain such Registers as were necessary for recovering the revenues of Bombay; that the revenue was recoverable in the first instance from the superior holder, and it was also laid down that whenever there was any change in title,—the word "title" is used in the definition of superior holder,—whenever the title to any land, house or other immovable property was transferred or assigned, both the person by whom and the person to whom such property was transferred or assigned should give notice of the same to the Collector. That at the present time is being done by the Collector of Bombay, and ever since the year 1876 the Collector of Bombay has been keeping a list of persons, with their title as superior holders, who hold lands in the City, and the people holding these lands have been obliged to give notice to the Collector of any transfers or changes in their title. This has been in force now for all these 38 years, and as yet no disturbance

whatever has arisen. Similarly you find in the Municipal Act there is a section laying down, I think it is section 156, that a Register is to be kept of the persons primarily liable for the payment of Municipal taxes. The Commissioner keeps an Assessment book in which he enters the names of the persons primarily liable for the payment of property taxes. Under section 146 the person primarily liable is the actual occupier of the premises if he holds the premises immediately from Government or from the Corporation or from a fazendar. Otherwise the taxes shall be primarily leviable, if the premises are let, from the lessor; if the premises are sub-let, from the superior lessor; and if the premises are unlet, from the person in whom the right to let the same vests, that is the person in whom the title rests. Therefore the Municipality at least since the year 1888 has been maintaining a Register in which the title to the land is entered, and under section 149 of the Municipal Act the persons entitled have to give notice to the Commissioner of any transfer of title. So that first under the Bombay City Land Revenue Act and next under the Municipal Act there are at present in existence two Registers, one kept by the Collector and one by the Municipal Commissioner, of lands in the City of Bombay in which the names of people who are entitled to hold them are entered, and a notice has to be given by them to the Collector and the Commissioner of every change or transfer of title in those lands. All that is proposed to do now is to have under the survey of Bombay one record of the possession of these lands; and it is hoped that this Record of Possession of the lands which are now surveyed, demarcated and mapped will be of such a quality that both the Collector of Bombay and the Municipal Commissioner will be able to refer to it as something authoritative for the purpose of filling in their own entries for collection of the land revenue and for the collection of the Municipal tax. That it will become at once and straightaway a Record-of-rights, I do not myself regard as probable. What kind of possession it is which will cause a person's name to be entered in the register, is a point which the enquiring officer will have to determine.

A form of Register has been suggested,—it has not been finally adopted, it was suggested by the Committee to which the Honourable Mr. CURTIS referred on which he himself sat, and on which we had the benefit of the advice of the Honourable Mr. HATCH, who is now here, and of the present Solicitor to Government, the Honourable Mr. NICHOLSON. They suggested a form of Register to contain the new Survey number, Laughton's survey number, Sheet number of map, Area in square yards, description of tenure, name of person (certified at survey) in beneficial ownership, nature of beneficial ownership, name of person from whom title immediately derived, original grant (if any) from Government, and date, land revenue due to Government, ground-rent due otherwise and the reference to mutation register. Then they go on to suggest the form of the Mutation Register. Therefore, Sir, it seems to me that the fear which my Honourable friend expressed that very great hardship, consternation, distress and inconvenience will be caused to the land-holders in Bombay rests on no substantial basis, and I venture to suggest with all respect that it is a fantastic dream. Any way I am glad to recognise that my Honourable friend is

willing to thrash out the matter in the Select Committee, and does not wish to oppose the first reading.

As regards the time which has been given to the public for the consideration of this Bill, I may say that the procedure for the conduct of Bills in the Viceroy's Legislative Council is laid down by rules applicable to that Council, and the procedure for conducting Bills in this Council is laid down by a separate set of rules for this Council, that the two sets of rules do not coincide, and that if we were to adopt the procedure followed in the Viceroy's Council we shall have to revise our rules.

The Honourable Sir PHEROZESHAH MEHTA.—No, no. You can do it under your present rules.

The Honourable Sir RICHARD LAMB.—My Honourable friend does not agree with me in this respect, but my own opinion is that we could not do it. I have not studied the point very closely, but at any rate time is given under our own procedure by an adequate lapse of time between the publication in the Gazette and the taking of the first reading, and then by calling together the Select Committee at a reasonable date after the first reading has been taken. As I have already informed my Honourable friend privately, I do not propose to proceed with the Select Committee on this Bill until some time in January,—I should like to have it some time between the 8th and the 15th of January. I think, therefore, Sir, that the first reading of this Bill may now be passed.

His Excellency the PRESIDENT said:—I think Honourable Members will agree that we have had a very interesting discussion on this Bill which deals with a very important question for the City of Bombay, but before going into its merits I would like to refer to certain suggestions which have been made as to giving more time for consideration of this Bill in its future stages. I venture to suggest that as my Honourable colleague proposes to postpone the session of the Select Committee until the middle of January that will allow every one ample time to consider the Bill and give everyone full opportunity of carefully weighing its provisions. For, after all, the controversy on the Bill is really a very small matter. It is a question as between the 2 terms "Record of Rights" and "Register of Possession". I notice at the beginning of his speech my Honourable friend Sir PHEROZESHAH MEHTA gave us an interesting parallel of a Bill which was brought into this Council in 1904, at the time Lord Lamington was Governor of this Presidency, and when, I gather, he was overwhelmed with the oratory of my Honourable friend—

The Honourable Sir PHEROZESHAH MEHTA :—No, Sir, by the arguments.

His Excellency the PRESIDENT :—Well, I give my Honourable friend the full benefit of his arguments—and that Lord Lamington was so overwhelmed that he withdrew the offending clause in the Bill after consulting his colleagues. I almost think my Honourable friend thought that history would repeat itself in this case and hoped that I would take my colleagues into consultation and withdraw the offending portion of this Bill, but the fact is that Lord Lamington was "a new boy," and I have had opportunities of listening to my Honourable friend before now, and I am able to withstand his eloquent sugges-

tion. Honourable Members will agree that we want to have a Map of Bombay. From my Honourable friend Sir PHEROZESHAH MEHTA, I gather, the Map of Bombay should contain public grounds, public places and buildings of all sorts, but that the names and holdings of owners of private properties should not be included in this map.

The Honourable Sir PHEROZESHAH MEHTA :—No, No.

His Excellency the PRESIDENT :—I should like the Honourable Member to tell me what it is he wishes for.

The Honourable Sir PHEROZESHAH MEHTA :—My Lord, what I say is, in the survey, include all properties in the City of Bombay, their boundaries, all the public roads, and all the public places which belong either to Government, to the Corporation, the Improvement Trust, or to the Port Trust. The important thing is that no encroachment should take place. It is essential to put down boundaries of all properties, private properties included, and I do not dispute about it in any way.

His Excellency the PRESIDENT :—Then I think I am right in my view of my Honourable friend's position. He wishes to have absolutely clear boundaries as between private property and public property laid out but as regards boundaries between one private property owner and another that no enquiry should be made in order to define such boundaries, while our desire under this Bill is to have a full and complete map of the City of Bombay, with public and private ownerships clearly defined.

I really fail to see the objection to the inclusion of private ownerships in this survey, for speaking with some personal experience as a property-owner at home every field, every building, and every house of my own property is defined with my name on the maps and with clear boundaries as between my property and the various private owners who own property round me. It seems to me that for Municipal and other purposes of this or any other City, some map of this sort is a most desirable thing, and I have a firm hope that this Bill will emerge from the Select Committee under the same favourable circumstances as the Bill which we discussed this morning. I do not know if my Honourable friend Mr. CURTIS is likely to be on the Committee but I hope that if he is, he and my Honourable friend may be able to discuss this point of difference and smooth away any difficulty which may exist and that this Bill will prove to be in the future of real value and utility to the City of Bombay.

Bill read a first time.

Motion for the first reading of the Bill was then put to the vote and carried.

The Honourable Sir RICHARD A. LAMB said :—Your Excellency,—
 I now request that the Bill may be referred to
 a Select Committee consisting of all the elected
 members of this Council who come from the City
 of Bombay and a few more, namely : the Honourable Sir PHEROZESHAH MEHTA,
 the Honourable Mr. CHINoy, the Honourable Mr. MANMOHANDAS RAMJI, the
 Honourable Mr. SETALVAD, the Honourable Mr. BIRKETT, the Honourable Sir
 JAMSETJEE JEEJEEBHOY, the Honourable Sir FREDRICK SPROTT, the Honour-

Appointment of the Select
 Committee.

able Mr. HATCH, the Honourable Mr. CURTIS, the Honourable Mr. CARMICHAEL and myself, with instructions to report by the 31st of January 1915.

The Honourable Sir PHEROZESHAH MEHTA :—It will give a very short time.

The Honourable Sir RICHARD A. LAMB, continuing :—I suggested the 31st of January because I thought that it was possible that we could meet early in January, and that we should be able to get through our discussion and have the report published before the 31st of January, so that the Bill as revised by the Select Committee might be before the public for the period between its publication and the meeting of this Council on or about the 13th March. If we get it out before the 31st of January, that will give six weeks before the publication of the Bill as revised by the Select Committee, and the meeting in March.

The Honourable Sir PHEROZESHAH MEHTA :—I would suggest, My Lord, 15th of February. Time should be given to the public to make their representations. If the report is made by the 15th of February, there will be time enough for the public to consider and make representations by the end of March.

The Honourable Sir RICHARD LAMB :—I have no objection to have it by the 15th of February. I suggested 31st January because it appeared to me we have from now to the middle of January a whole month. In that time the public could consider the matter further, and make any representations if they wished to before the 8th or 10th of January. Then the report would be before the public for full six weeks. If six weeks is too much and it is better that they should have a longer time before the Select Committee publish their report, I do not mind. We will alter the date, and say with instructions to report by the 14th of February.

Bill referred to a Select Committee.

The motion was then put to the vote and agreed to.

BILL No. IX OF 1914 (AN ACT FURTHER TO AMEND THE BOMBAY CITY LAND REVENUE ACT, 1876).

His Excellency the PRESIDENT :—A Bill further to amend the Bombay City Land Revenue Act. The Honourable Sir RICHARD LAMB.

The Honourable Sir RICHARD A. LAMB in moving the first reading of the Bill said :—Your Excellency,—This Bill is auxiliary and subsidiary to the Bill which the Council has just read a first time. I propose that this Bill be also read a first time, and that as soon as it is passed that it also be referred to the same Committee.

Bill read a first time

The motion was put to the vote and carried.

The Honourable Sir RICHARD A. LAMB :—Your Excellency,—I propose that this Bill also be referred to the Select Committee consisting of the same Members as the Committee to which Bill No. VIII has been referred, with instructions to report by the same date.

Appointment of the Select Committee.

Bill referred to a Select Committee.

The motion was put to the vote and carried.

ILL No. X OF 1914 (AN ACT TO DECENTRALIZE AND OTHERWISE TO FACILITATE THE ADMINISTRATION OF CERTAIN ENACTMENTS IN FORCE IN THE PRESIDENCY OF BOMBAY).

His Excellency the PRESIDENT:—A Bill further to decentralize and otherwise to facilitate the administration of certain enactments in force in the Presidency of Bombay. The Honourable Mr. PATTANI.

The Honourable Mr. PRABHASHANKAR D. PATTANI said:—Your Excellency,—I beg to introduce the Bill to decentralize and otherwise to facilitate the administration of certain enactments. The Royal Commission on Decentralization submitted their report in 1909, and since that date the Government of India and the Local Governments have been gradually carrying into effect the various proposals of the Commission. There was considerable discussion on the question whether there should be a general Decentralization Act or specific Decentralization Acts, that is Act specifying the particular sections in which amendments should be made. It was finally decided that the latter course was preferable, and accordingly a Decentralization Bill has been introduced and passed in the Imperial Council, and similar Bills will be passed in the Local Councils. Thus the Madras Decentralization Bill was introduced in the Madras Legislative Council last June and we take ours in hand to-day.

A full account in justification of the Bill has been given in the Statement of Objects and Reasons, and as the provisions of the Bill consist of details which will be studied by the Select Committee, I will not discuss them at present; I would only point out that the necessity for giving more powers to the Divisional Commissioners has long been felt. Hitherto the Commissioner has had to refer for the orders of Government various local matters, such as those dealing with Sanitary Committees, which he could easily dispose of himself. The delegation of the powers mentioned in the Bill will make both for efficiency and for expedition in the administration of the country. I move, Your Excellency, that the Bill be read a first time.

Bill read a first time.

The motion for the first reading of the Bill was then put to the vote and carried.

The Honourable PRABHASHANKAR D. PATTANI said:—Your Excellency,—

The Bill having been read a first time, I move that a Select Committee be appointed consisting of the Honourable Mr. CURRIS, the Honourable Mr. HATCH, the Honourable Rao Saheb NAIK, the Honourable Mr. UPASANI, the Honourable Rao Bahadur RAMANBHAI, the Honourable Mr. BELVI, the Honourable SHEIKH GHULAM HUSSEIN Hidayatallah, and myself, with instructions to report by the 15th of January.

The Honourable Mr. UPASANI:—I should suggest, my Lord, before the 31st of March.

The Honourable Mr. PATTANI:—I propose that we should sit as soon as possible after this Council is over, so that the Members now present in Bombay may sit on it. The idea is to consider this Bill as soon as the Council is over.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Your Excellency,—This Bill refers to 10 Acts and it was published for the first time in the *Government Gazette* only on the 12th November. Strong objection has already been taken by the Honourable Sir PHEROZESHAH MEHTA in connection with the Bombay City Survey Bill that the time allowed was not sufficient for the expression of public opinion. Therefore it would not be proper to commence the deliberations of the Select Committee immediately and I pray that a longer time should be allowed for submitting the report of the Select Committee. I leave it to Your Excellency to fix the time so as to be sufficient for the public to consider the provisions of the Bill and to submit their representations if they wish to make any.

His Excellency the PRESIDENT:—I think a Select Committee should be appointed to consider this Bill and submit their report by the 15th of February.
 Bill referred to a Select Committee. The motion was put to the vote and carried.

**BILL No. VI OF 1914 (AN ACT TO AUTHORIZE THE LEVY OF
 DUES ON VESSELS FOR THE PROVISION OF LIGHTS
 ON THE COAST OF THE PROVINCE OF SIND).**

His Excellency the PRESIDENT:—Bill No. VI of 1914. An Act to authorise for the levy of dues on vessels for the provision of lights on the Coast of the Province of Sind. The Honourable Mr. HILL.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—In proposing that Bill No. VI of 1914, a Bill to authorize the levy of dues on vessels for the provision of lights on the Coast of the Province of Sind, may be read the first time, I venture to think that I shall not be charged with making an unreasonable proposal. In the case of this particular Bill, the provisions are taken bodily, and without any subtle exceptions or additions, from a pre-existing Act which has worked for 10 years in Madras, and I shall if the first reading be carried, then suggest that it be referred to a Select Committee chiefly composed of gentlemen in Sind, with the suggestion that we should sit almost immediately to consider it. The Bill, as Honourable Members will see, follows clause by clause the Madras Coast Lights Act of 1904 (Act IX of 1904) relating to the lighting of the Coast of the Presidency of Madras; with one single exception. In clause 3 of the Madras Act a schedule is given which details the different circumstances under which different rates of dues are levied in respect of vessels coming from different directions. It will be obvious, I think, to Honourable Members that in the case of Madras Coast Lights, which relate to the lighting of Coasts over many miles on the East and West of India, the circumstances are entirely different to those relating to the Coast of the Province of Sind. In the Statement of Objects and Reasons are detailed the lights which are in existence now in the Coast of Sind, and which are proposed to be brought under the operation of the Bill in question. Therefore the details of clause 3 in the present Bill simply say that “For the purpose of providing lights on the Sind Coast (Reads)”.

Well, Sir, that is the only respect in which this Bill differs from the Madras Act, except that the minimum tonnage of vessels in this Bill which will come within its operation is 45 tons, whereas in the Madras Act it is 30 tons. Otherwise, this Bill slavishly follows the Madras Act. The general outline of it is that vessels exceeding 45 tons making use of the ports notified by the Commissioner in Sind shall pay dues (below a certain maximum) at a rate fixed by the Governor in Council and notified in the *Sind Official Gazette* and that the dues for sailing vessels shall not be more than half the rate for steam vessels. The remaining clauses refer to procedure, to seizure in default of payment of light dues and to the usual penal clauses. I do not think, therefore, Sir, that, until the Select Committee has examined the Bill it will be necessary to enter upon a discussion of the provisions of the Bill, and I suggest that the Council should agree to the Bill being read for the first time now with a view to being referred to the Select Committee.

The Honourable Mr. HARCHANDRAI VISHINDAS said :—Your Excellency,—The first suggestion that would strike one as quite germane to a Bill of this nature is that it is quite necessary to consult the people who are affected by the imposition of the fees. Now I dare say that it is just possible that the Government will be able to make out a good case for the levy of the fees. But at present I am afraid I do not find myself in possession of sufficient data to decide upon this question with authority. The mere example that has been quoted to us as justifying this enactment is the provision on the Madras coast. I am sorry to say that I am not familiar with the provisions of that Act, but apart from that we are not told of any other instance in which fees of this kind have been levied for the provision of lights. I do not know whether the provision of lights in big ports like Bombay or Calcutta has necessitated the levy of fees of this nature. It may or may not be the case. But at all events I am strongly of the opinion that this is a case in which some further time should be allowed to the parties concerned before even the first reading of the Bill is passed, for the main reason that it is obvious that the main provisions of this Bill relate to the levying of fees. Secondly, if you pass the first reading of the Bill, you will be directly committing yourself to the position that the levy of fees is at least necessary, the other question of details being left to be determined by the Select Committee at the second reading. If, on the other hand, it appears to you from enquiries and from representations that might be submitted to the Council by the boat-owners and the owners of other crafts concerned from whom all this fees will be levied, that they have made out a case for exemption, and if the Council is convinced of it, then I submit, Your Excellency, even the first reading should not be passed. I am not aware if any such objections were invited from the boat-owners and other people concerned in Karachi, and if they were, I do not know whether they have submitted any objections. However, I think that this is a case in which even the first reading of the Bill should not be undertaken until the Council has had the opportunity of knowing that the parties concerned have been consulted and what reply they have submitted, in which case there will be a very good case for the levy of the proposed fees. On the

other hand, if they have made objections, I think it is necessary for the Council to investigate into the validity of the objections and their soundness, and if after this the Council is convinced that the objections are not sound, then the first reading may be passed and the Bill proceeded with. If that course does not appeal to this Council, there is another course, and that is this, that the Select Committee should have power to consider objections of the nature I suggest, but even then there will be this objection, as I have said already, you will have admitted the principle of the levy of this fees, and then the course I am suggesting will be entirely nugatory and futile. I therefore, with these few remarks, place this consideration before Your Excellency that the first reading be postponed allowing the interval for the public opinion to develop.

The Honourable Mr. MONTAGU DE POMEROY WEBB said:—Your Excellency,—Speaking on behalf of the Shipping and Commercial Communities of Karachi I heartily welcome this Bill which may be regarded as the coping-stone of 7 years' sustained and persistent representations from Karachi for the better lighting of the Sind Coast. I hope my Honourable friend Mr. HARCHANDRAI will be satisfied if I explain that so far as the Indian merchants and the Karachi Chamber of Commerce are concerned Government have already submitted the first draft of the Bill nearly a year ago and the Shipping and Mercantile Communities have approved of the Bill and expressed their willingness to defray whatever fees are necessary in order to obtain a proper lighting of the Coast of Sind. The Bill appears to be in every way satisfactory. The lights which it is proposed to supply are, as far as we are able to judge quite in order, indeed, and the light which has already been showing for some months at Cape Monze is generally recognized by shipping people to be one of the finest lights East of Suez,—a very good light indeed. I hope therefore that this Council will agree to the first reading of the Bill. When it goes to the Select Committee, there are one or two minor matters such as the minimum of tonnage on which fees should be levied, and also the period or frequency at which fees should be levied that will need consideration. These matters can be dealt with by the Select Committee. Meantime, I strongly deprecate any postponement of the first reading of the Bill which I would now ask the Council to read for the first time.

The Honourable Mr. W. L. GRAHAM said:—Your Excellency,—Speaking on behalf of the Shipping interests, I heartily endorse the words which have fallen from my Honourable friend Mr. WEBB. We had this Bill already under consideration I think since 1906. The Bill was thoroughly considered by the Karachi Chamber of Commerce, and, as I said before, on behalf of the shipping and trading interests of Karachi, I cordially agree with all their proposals except one or two small points which will be thrashed out in the Select Committee. I therefore suggest that the first reading should be gone through.

The Honourable Mr. JEHANGIR H. KOTHARE said:—Your Excellency,—I heartily endorse every word that has fallen from the lips of the Honourable Mr. WEBB in connection with the lighting of the Sind Coast. The necessity

is felt most keenly for years past and so forcibly pointed out to the public by late Commander HOOD, one of the most experienced navigators who visited the Sind Coast regularly for years, and other matters both Europeans and Natives, and the sooner we deal with this important Bill the better.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—I regret that I did not make it clear in my introductory remarks that this Bill was the result of consultation and references to and from the Karachi Chamber of Commerce to the Commissioner in Sind and that it has been ascertained that it represented the wishes of the Shipping Community. I think, Sir, if I had made this clear my Honourable friend Mr. HARCHANDRAI would probably have omitted to criticize from that point of view the taking of the first reading of the Bill.

As regards the principle of the levy of fees, it has been properly said that it rests upon the principle that the general tax-payer should not pay the charges of maintenance of services which are for the benefit of a particular class, and that that class should contribute. The construction of these lights, at all events, has been carried out at provincial expense; but it is for the upkeep of the lights that it is now proposed to levy fees from those who benefit by the institution of these lights. I shall be very glad indeed to ask my Honourable friend Mr. HARCHANDRAI to assist me on the Select Committee. I am quite prepared to promise, if it is so desired by the Select Committee, or, in any case, that this Bill, with such amendments as may be introduced in the Select Committee, shall, after publication, be specially referred again to the Karachi Chamber of Commerce, and such other bodies as may be best qualified to advise us in regard to the Bill. In these circumstances, Sir, I think, I may venture to move the first reading.

Bill read a first time.

The motion was put to the vote and carried.

The Honourable Mr. C. H. A. HILL:—I should like to propose now that the Bill be referred to a Select Committee consisting of the following members:—

Appointment of the Select Committee.

The Honourable the ADVOCATE GENERAL,

The Honourable Mr. T. W. BIRKETT,

The Honourable Mr. HARCHANDRAI VISHINDAS,

The Honourable Mr. J. H. KOTHARE,

The Honourable Sir FREDERICK SPOTT,

The Honourable Mr. MONTAGU DE POMEROY WEBB, and myself,

with instructions to report at convenience.

Bill referred to the Select Committee.

The motion was then put to the vote and carried.

The Honourable Mr. HARCHANDRAI VISHINDAS said:—Your Excellency,—As the Honourable Member in charge of the Bill had consulted me in the morning if I would serve on the Select Committee, I had consented.

to it, but if it is intended to meet just now it will not be convenient for me, but if it is intended to meet on some other day, then I would suggest, to carry out the object that I have in view, that some other time be fixed, for the reason that the interval I intend to utilise by making inquiries of the people I have got in contemplation about whom I spoke on the motion of the first reading, that is, the owners of small boats and other crafts who are affected by the Bill. When the Honourable Mr. WEBB said—

His Excellency the PRESIDENT :—Order, Order. The Honourable Member cannot go into a dissertation of the Bill now. He may talk about the Select Committee.

The Honourable Mr. HARCHANDRAI VISHINDAS :—I was suggesting that in that case my name be taken off. My own point is that fees should not be levied without consulting the people concerned. I was elaborating that point. If it is intended to meet immediately and submit the report, then I am afraid I cannot serve on the Select Committee unless I acquaint myself with the wishes of the parties who would be affected by the provisions of this Bill.

The Honourable Mr. C. H. A. HILL :—When I spoke to the Honourable Member this morning, I suggested that we should sit tomorrow, Thursday, and submit the report immediately, and I still propose that.

The Honourable Mr. HARCHANDRAI VISHINDAS :—May I give an explanation? As this is a matter of levying fees on which I would be consulted, I think it would not be proper to give my consent to serve on the Committee unless I consulted the parties concerned. Therefore if my name is taken off, there is an end of the matter. If my name is to be retained, then I would not agree to the proposal of the report being submitted soon.

The Honourable Mr. C. H. A. HILL :—May I understand that the Honourable Mr. HARCHANDRAI proposes not to serve on the Select Committee?

The Honourable Mr. HARCHANDRAI VISHINDAS :—Quite so.

The Honourable Sir RICHARD A. LAMB spoke as follows :—Your Excellency,—I regret that in suggesting the names of the Select Committee to sit on the two Bills a little while ago, I entirely by oversight omitted to mention the name of the Solicitor to Government, and I fully intended all the time that he should be asked to sit on the Select Committee. I now propose that the name of the Honourable Mr. NICHOLSON be added to that Select Committee.

The motion was put to the vote and agreed to.

The Honourable Sir RICHARD A. LAMB said :—Your Excellency,—I have one more request to make in respect of the Select Committee on the Gujarat 'Talukdars' Bill. The Honourable Mr. BARROW having resigned his seat on this Council, his place on the Committee is vacant, and in order that it may be filled, I request that the Commissioner, N. D., may be appointed a Member of that Select Committee.

The motion was put to the vote and carried.

His Excellency the PRESIDENT in closing the session of the Council said:—In adjourning this session of the Council I have once more to thank Honourable Members most sincerely for the help and assistance they have given me during the session, and I can assure them that these are no empty words, for I appreciate very fully the constant assistance and consideration that I have received from Honourable Members, in my responsible position during the last two years. We have passed one most important Bill but I dare say Members are not sorry that our session has not been quite of such length as on the last occasion. May I say in conclusion that I am sure it is the wish of every Honourable Member in this Council, the deep and sincere wish, that our political sky may be clearer ere long, and I trust that on the next occasion we shall again meet under the same pleasant and though not always unanimous still united circumstances as we have always met on previous occasions.

The Council then adjourned *sine die*.

By order of His Excellency the Right Honourable the Governor,

S. G. KHARKAR,
Acting Secretary to the Legislative Council,

Bombay, 9th December 1914.