

# BOMBAY LEGISLATIVE COUNCIL DEBATES

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FROM 21st TO 27th JULY 1922

VOL. VI—PART I

OFFICIAL REPORT



BOMBAY  
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**Agenda for the Second Session of the Bombay Legislative  
Council held at the Council Hall, Poona, on Friday,  
the 21st July 1922, at 2 p.m.**

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**I.—NOMINATION OF FOUR CHAIRMEN.**

**II.—GOVERNMENT BILLS.**

(1) Bill No. XIII of 1921 (A Bill further to amend the Prevention of Cruelty to Animals Act, 1890)—*First Reading.*

(2) Bill No. XIV of 1921 (A Bill further to amend the Matadars Act, 1887)—*First Reading.*

(3) Bill No. XV of 1921 (A Bill to make provision for the management and control of certain open spaces in the City of Bombay)—*First Reading.*

(4) Bill No. VIII of 1922 (A Bill further to amend the Prince of Wales Museum Act, 1909)—*First Reading.*

(5) Bill No. X of 1922 (A Bill further to amend the Prince of Wales Museum Act, 1909)—*First Reading.*

(6) Bill No. IX of 1922 (A Bill further to amend the Karachi Vaccination Act, 1879)—*First Reading.*

(7) Bill No. XI of 1922 (A Bill further to amend the Aden Port Trust Act, 1888)—*First Reading.*

(8) Bill No. XII of 1922 (A Bill further to amend the law relating to public ferries in the Presidency of Bombay)—*First Reading.*

(9) Bill No. VII of 1922 (A Bill further to amend the City of Bombay Municipal Act, 1888)—*Second Reading.*

**III.—SUPPLEMENTARY ESTIMATES.**

**IV.—PRIVATE BILLS.**

(1) Bill No. XII of 1921 (A Bill to repeal Section 32 of the Bombay Civil Courts Act, XIV of 1869)—Mr. B. G. Pahalajani, M.L.C.—*First Reading.*

**V.—MOTIONS TO AMEND STANDING ORDERS.**

(a) Motions which have been referred to Select Committees—*Second Reading.*

(b) Motion No. 1 of 1922 for leave to amend Standing Orders—Mr. B. G. Pahalajani.

(c) Motion No. 2 of 1922 for leave to amend Standing Orders—The Honourable Sir Chimanlal Setalvad, Kt., LL.D.

## VI.—DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

### *Resolutions by Dr. K. E. Dadachanji, M.L.C.*

1. This Council recommends to Government that no new scheme involving reclamation of land from the sea should be taken in hand in the city of Bombay till the reclamation schemes already notified are completed and the land so reclaimed is disposed of.

2. That in view of the heavy mortality from epidemic diseases in this province, this Council recommends the Government to appoint a committee to enquire into the sanitary conditions of the municipal and rural areas and to draw a comprehensive scheme of sanitation and medical relief in both the areas, so as to reduce the heavy mortality from plague, cholera, influenza, malaria and other epidemics in this province.

### *Resolution by Mr. A. S. Deshmukh, M.L.C.*

1. With a view to give adequate remuneration to the revenue and police patels, this Council recommends to Government that the Wingate scale in force may be revised in the Deccan only as follows :—

Deccan—

Rs. 9 per cent. for the first thousand.

„ 6 „ „ „ „ second „

„ 3 „ „ „ „ „ third „

The scale for every thousand further may be revised at 1 per cent.

The scale for Chawary and Potgi expenses—

Rs.

Population 1 to 100 .. .. 6

Further Rs. 3 per cent. or part of per hundred and the maximum amount should not exceed Rs. 90.

The scale of special Mushahira—

In addition to the above scale for the ordinary remuneration of patels, special remuneration may be granted in all cases as follows :—

Class I—Places such as described under Class II, but the ordinary land revenue of which gives small emoluments to the patel—  
Special allowance, Rs. 150.

Class II—Large centres of traffic and important railway stations—Special allowance, Rs. 90.

Class III—Extraordinary large or troublesome places in the district, being market towns—Special allowance, Rs. 60.

Class IV—Ordinary large places in the district—Special allowance, Rs. 30.

### *Resolutions by Mr. Ibrahim S. Haji, M.L.C.*

1. This Council recommends the Government to appoint a committee of officials and non-officials, with a majority of non-officials, to consider and suggest the requisite legislation for the re-organization of the Bombay city police force in order to increase the number of the Indians in the responsible posts of the inspectors, superintendents and other high posts in the administrative department.

2. This Council recommends the Government that the principle of communal representation as prevailing in the province of Sind be extended to the Mahomedans and the Marathas and the depressed classes in the municipalities and the district local boards of the Presidency proper.

3. This Council recommends the Government that those officers of the Educational Department whose services were confirmed prior to the 21st August 1921 be exempted from the provisions of paragraph 3 of Government Order No. 4673, dated the 21st August 1921.

*Resolution by Mr. B. V. Jadhav, M.L.C.*

1. That this Council recommends to Government to appoint a selection board to recommend candidates for appointment in the various departments in the Central and Southern Divisions for the purpose of recruitment of the backward communities including the Marathas.

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

1. This Council recommends to Government to investigate through a committee the causes that have led to the scarcity of capital in rural areas for agricultural operations and to adopt measures to meet the growing demand for cheap capital in those areas.

2. This Council recommends to the Government not to revise in future rates of survey assessment in those parts of the Presidency where they have been revised already.

3. This Council recommends to Government that in view of frequent famines in Gujarat they be pleased to construct major irrigation works in that province.

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

1. This Council recommends to the Government that in view of the uncertain and unsettled state of law relating to public charitable and religious trusts and endowments (existing and future) in this Presidency and in view of the need of ensuring proper and necessary safeguards to protect such trusts and endowments, the Government should at an early date introduce legislation making provision for—

(a) the registration of existing and future endowments and trusts declared for public charitable and religious purposes ;

(b) the submission of audited accounts of such trusts ;

(c) making the trustees or managers of such trusts liable in the same manner as trustees under the Trust Act of 1882 ;

(d) securing the trust properties and incomes thereof to the object of the trusts ;

(e) the creation of district or other boards for the control and supervision of such trusts and endowments ;

(f) and for such other matters as may be necessary for preventing the alienations and misapplication of such properties.

2. This Council recommends to the Government that it will be pleased to appoint a standing committee of the members of this Council consisting of officials and non-officials for the purpose of scrutinizing and approving the rules and regulations made from time to time under the rule making powers

conferred upon the Governor in Council by the legislature in the various enactments passed by it, before they are finally sanctioned and have the force of law.

*Resolutions by Rao Bahadur R. M. Nilkanth, M.L.C.*

1. This Council recommends to Government that the practice of touring officers hiring carts and buying provisions through officers and servants of Government be discontinued.

2. This Council recommends to Government that the rates for hire of carts and prices of provisions to be paid by touring officers should not be fixed by Government but should be settled by contract in each case.

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

1. This Council recommends that a committee be appointed by Government to make enquiries into the grievances of the tenants holding lands under the khoti system in the Ratnagiri and Kolaba districts.

2. This Council recommends to Government that a sum of three lakhs of rupees should be set aside every year for the purpose of granting scholarships to students of the non-Brahmin backward classes studying in secondary schools and colleges in the Central and Southern Divisions and the city of Bombay.

3. This Council recommends the Government that the principle of communal representation be extended to the non-Brahmin backward and depressed classes in the municipalities and the local boards of the Presidency.

*Resolution by Mr. Kanji Dwarkadas, M.L.C.*

1. This Council recommends to Government that a committee be appointed to enquire into and report on the facilities that at present exist for the recreation—including open air and indoor—for the working classes in the city of Bombay and what steps should be taken to make adequate provision for them.

*Resolution by Mr. Lalbhai Ambaram, M.L.C.*

1. This Council recommends to Government that a committee of official and non-official members with a majority of the latter be appointed to consider the Remission and Suspension Rules now in force in the Bombay Presidency and if necessary to submit a revised draft of the same for the sanction of Government with a view to properly secure the interests of both the Government and the landholders.

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

1. This Council recommends to Government the desirability of making the Jail Manuals in respect of prisoners in the Presidency available to the general public, and supplying copies thereof to the members of the Legislative Council.

2. This Council recommends to His Excellency the Governor acting with his Ministers that early steps be taken to establish in Surat a demonstration factory fitted with the most up-to-date machinery and conducted on scientific methods to familiarise the people engaged in the gold thread industry with the use of the up-to-date machinery and of the improved scientific methods by which the industry is carried on in France and other countries of Europe ; and that a sum of Rs. 1,00,000 be set apart in the next year's budget for the purpose.

3. This Council recommends to His Excellency the Governor in Council that all estimates with regard to expenditure on the Development Scheme should be placed before the Finance Committee at least seven days before any demand is made to the Council for a grant for the same.

*Resolution by Dr. S. S. Balliwala, M.L.C.*

1. That this Council recommends to His Excellency the Governor in Council that all proposals for increasing the assessment of land revenue brought up before the Governor in Council be subject in future to a discussion of the same by the Legislative Council and the recommendations of the Council as a result of the discussion be the guiding factor in the revision of the assessment of the land revenue.

*Resolution by Rao Bahadur D. A. Vichare, M.L.C.*

1. This Council recommends to Government that 10 per cent. of the admission to the Engineering, the Agricultural, the Commercial, the Medical and the Forest College of the Bombay Presidency, shall be allowed to the successful P. E. students of Marathas, with allied castes and Mahomedans respectively, as reserved seats, irrespective of age-condition and that the remaining seats shall be filled by students of higher efficiency than P. E. from all castes and creeds including the above two classes.

*Resolution by Rao Saheb L. V. Parulekar, M.L.C.*

1. This Council recommends that the Government be pleased to pay to the municipalities grant in aid of primary education sanctioned by Government Resolution No. 1667 of 3rd July 1918, Educational Department, equal to the expenditure actually incurred in that particular year and not equal to the estimated expenditure for that year as determined by actual figures of expenditure of the previous years.

*Resolutions by Rao Saheb P. G. Halkatti, M.L.C.*

1. This Council recommends that the Government of Bombay should every year make provision in the budget of a sum of at least five lakhs of rupees for being given as scholarships to students going to receive education in agricultural, technical, industrial and such other subjects in and out of India.

2. This Council recommends that the Government of Bombay should take the necessary steps to include all the villages of the Sholapur district, wherein the Kanarese language is spoken by the majority of the people, into the Bijapur district.

*Resolutions by Sardar V. N. Mutalik, M.L.C.*

1. This Council recommends to His Excellency the Governor in Council to be pleased to take steps, as early as possible, either by necessary changes in the rules, or by executive orders, or by legislation, to accord to all "political prisoners" a treatment similar to that given to political prisoners or first class misdemeanants in England.

2. This Council recommends to His Excellency the Governor in Council to be pleased to issue orders under section 135-A of the Bombay Land Revenue Code, exempting all unsurveyed alienated villages from the introduction of Record of Rights, and to issue orders to stop its introduction, or to stop the operations where they have been begun, except where the holders of the villages so desire.

3. This Council recommends Government to be pleased to take steps to finish the work of introducing Revision Survey Settlements in alienated villages, where they are due, within two years.

4. This Council recommends Government to be pleased to take steps to the effect that charges for the collection of local fund cess in inam villages should be borne by the revenues of the local fund collections, and should not be collected from the revenue of the holders of villages.

*Resolutions by Mr. Mangaldas Girdhardas, M.L.C.*

1. This Council recommends to Government that the whole of the amount received as Himayat assessment for all the tanks in this Presidency be earmarked and used for the repair of tanks only and that a separate account be kept for the same.

2. This Council recommends to Government that as a special case the difference between the total amounts received as Himayat assessment for all the tanks and the total amount spent in the repair of the tanks for the last ten years be utilized in making special repairs to the tanks during the next ten years.

3. This Council recommends to Government that just as all Government buildings are inspected and repaired every year, all the tanks on which there is Himayat assessment should be inspected and repaired every year.

*Resolutions by Mr. S. T. Kampli, M.L.C.*

1. This Council recommends to His Excellency the Governor in Council that in respect of vernacular untrained teachers the municipalities be authorised to engage such teachers at such rates of pay and on such conditions of service as may be agreed upon between such municipalities and the teachers to be employed by them.

2. This Council recommends to His Excellency that the district local boards be empowered to appoint their own non-official chief officers.

3. That this Council recommends to Government that steps be taken to introduce the teaching of English language in the vernacular training schools and colleges in the Presidency so as to enable the trained teachers to teach English language and primers in vernacular primary schools.

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

1. This Council recommends to the Governor in Council that Mr. M. K. Gandhi now undergoing a sentence of six years' simple imprisonment be treated as first class political prisoner as such a prisoner is treated in England.

2. This Council recommends to the Governor in Council that the posts of registration-inspectors be abolished.

3. This Council recommends to the Governor in Council that the posts of inspectors of veterinary hospitals be abolished.

4. This Council recommends to the Governor in Council that Government Resolution No. 1825 of 6th February 1922 regarding the suspension of the Ahmedabad municipality be withdrawn.

5. This Council recommends to the Governor in Council that in future no appointment should be made to the post of sub-inspectors and inspectors of Abkari Department without holding a competitive examination of qualified candidates only.

6. This Council recommends to Government the desirability of rescinding the suppression of the Ahmedabad municipality and of re-establishing it by restoration of franchise of rate-payers and election of councillors by November 1922.

7. This Council recommends to the Governor in Council that high and middle school scholarships reserved for Mahomedans and backward classes be amalgamated and be open to the backward classes of both communities, Hindus and Mahomedans.

8. This Council recommends to the Governor in Council that the Development Department be asked to provide residential quarters for lower middle classes by building chawls for them in Trombay and Salsette in the same way as the provision of 50,000 tenements made by the department for the poor classes

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

1. This Council recommends to Government the desirability of differentiating between ordinary criminal prisoners and political prisoners; and of making provision to ensure better treatment of the latter kind of prisoners.

2. This Council recommends to Government to amend the Rent Acts for the purpose of preventing profiteering on the part of tenants by sub-letting their premises.

## VII.—PAPERS PRESENTED TO THE COUNCIL.

(1) Report of the Select Committee on Bill No. VII of 1922 (A Bill further to amend the City of Bombay Municipal Act, 1888).

(2) Reports of the Select Committees appointed to consider motions to amend Standing Orders.

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*Friday, the 21st July 1922.*

The Council assembled at the Council Hall, Poona, on Friday the 21st July 1922, at 2 p.m., the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

*Present :*

ADDYMAN, Mr. J.  
 ADHAV, Mr. P. N.  
 BATLIWALA, Dr. S. S.  
 BEDREKAR, Khan Bahadur ISMAIL SAHIB M.  
 BENNETT, Colonel V. B.  
 BHATE, Mr. G. C.  
 BHURGRI, Mr. J. M.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Mr. S. K.  
 BULLOCKE, Mr. A. GREVILLE.  
 CHITALE, Rao Bahadur G. K.  
 CLAYTON, Mr. F.  
 COOPER, Khan Bahadur D. B.  
 CRERAR, Mr. J.  
 DADACHANJI, Dr. K. E.  
 DALAL, Sardar Khan Bahadur ADARJI M.  
 DALAL, Mr. D. B.  
 DESAI, Rao Saheb HARILAL D.  
 DESAI, Rao Saheb DADUBHAI P.  
 DESHMUKH, Mr. ANANDRAO SHRIPATRAO.  
 DRAKHAN, WADERO MAHOMED PANAH.  
 DUBHASHE, Mr. SHANKAR BALKRISHNA.  
 DWARKADAS, Mr. KANJI.  
 FERNANDES, Major C.  
 FERREIRA, Mr. D. J.  
 GANDHI, Mr. C. M.  
 GARUD, Rao Bahadur S. D.  
 GHOLAP, Mr. D. D.  
 GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH.  
 GIRDEHARDAS, Mr. MANGALDAS.  
 GODAD, Khan Saheb ABDULLA AVJAL.  
 GODBOLE, Dewan Bahadur K. R.  
 GRIFFITH, Mr. F. C.  
 GULAMHUSEN, Mr. SULTANALI SALEMANJI.



HAJI, Mr. IBRAHIM S.  
HAJI KHAMISO GUL MAHOMED, Mr.  
HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA.  
HAVELIVALA, Mr. M. A.  
HAYWARD, The Hon'ble Mr. M. H. W.  
HOOD, Mr. A. J. F.  
HULKOTI, Mr. CHANNAPPA CHANVIRAPPA.  
JADHAV, Mr. B. V.  
JEHANGIR, Mr. COWASJI.  
JUVEKAR, Mr. D. G.  
KALBHOR, Mr. G. M.  
KALE, Rao Bahadur R. R.  
KAMBLI, Mr. S. T.  
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MEAD, Mr. P. J.  
MEHTA, The Hon'ble Mr. C. V.  
MODI, Sardar Davar T. K.  
MOHOMED Mr. SALAHUDDIN K.  
MONIE, Mr. P. W.  
MOTIRAM, Rao Saheb RUPCHAND.  
MOUNTFORD, Mr. L. J.  
MUTALIK, Sardar V. N.  
NILKANTH, Rao Bahadur R. M.  
NELSON, Mr. F.  
NIMBALKAR, Mr. K. B.  
PAHALAJANI, Mr. B. G.  
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PARULEKAR, Rao Saheb L. V.  
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PATEL, Mr. J. B.  
PAWAR, Shrimant J. A.  
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PRADHAN, Mr. M. W.

PROES, Mr. E. M.

RAHIMTOOLA, The Hon'ble Sir IBRAHIM.

SAHERWALA, Khan Saheb I. A.

SALGAR, Mr. R. G.

SATHE, Rao Bahadur G. K.

SAYED NABI BAKSH SHAH.

SETALVAD, The Hon'ble Sir CHIMANLAL H.

SHIRRAS, Mr. G. FINDLAY.

SURVE, Mr. A. N.

THAKOR of AMOD, Sardar NAHARSINGHJI.

THAKURDAS, Mr. PURSHOTAMDAS.

THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

The Honourable the PRESIDENT : Order, order. Are any new members desirous of taking their seats ?

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

Colonel V. B. Bennett.

Sardar Khan Bahadur Adarji M. Dalal.

Mr. Haji Khamiso Gul Mahomed.

Mr. J. B. Kanga.

Mr. H. L. Painter.

Mr. A. J. F. Hood.

Mr. F. Nelson.

Mr. Cowasji Jehangir, O.B.E.

The Honourable the PRESIDENT : I appoint the following honourable members to form the panel of chairmen presiding in the order mentioned :—

Dr. K. E. Dadachanji.

Mr. A. Greville Bullocke.

Rao Bahadur G. K. Sathe, C.I.E.

Mr. M. A. Havelivala.

#### SALE OF LITERATURE ON NON-CO-OPERATION IN MUNICIPAL SCHOOLS.

Mr. P. N. ADHAV (Satara District): (a) Will Government be pleased to state if teachers in municipal schools are allowed to sell literature on non-co-operation to school boys during school hours ?

(b) If not, will Government be pleased to lay on the Council table the enquiry made by the Chairman, School Committee, on the representation of some non-Brahmin teacher in Satara city municipality school no. 1 ?

The Honourable Mr. R. P. PARANJPYE: (a) No.

(b) It is reported that the Chairman, School Board, Satara city municipality, did not receive such a representation.

#### NIGHT SCHOOLS FOR AGRICULTURISTS IN SATARA DISTRICT.

Mr. P. N. ADHAV (Satara District): Will Government be pleased to state what action if any is taken to give help in shape of grant-in-aid to the night schools for agriculturists at Padali and Bhaktawadi in Koregaon taluka, Satara district, after the information required by the deputy educational inspector having been supplied through the Maratha Vidya Prasarak Samaj long ago about August 1920?

The Honourable Mr. R. P. PARANJPYE: Both the schools received grants-in-aid in 1921-22.

#### FILLING UP VACANCIES IN PRIMARY SCHOOLS.

Mr. P. N. ADHAV (Satara District): Will Government be pleased to state whether during the last year (1921-1922) a circular has been issued to fill up 75 per cent. of the vacancies in primary schools from candidates of the non-Brahmin classes? If so, will the Government be pleased to give the following information:—

(a) The number of posts that fell vacant from 1st September to end of March 1922 in Satara district;

(b) Number of applicants (i) non-Brahmins, (ii) Brahmins;

(c) Number of vacancies filled in by (1) non-Brahmins and (2) Brahmins during the above period?

The Honourable Mr. R. P. PARANJPYE: Enquiries are being made.

#### PIMPRI GHAT ROAD.

Mr. G. C. BHATE (Kolaba District): Will Government be pleased to state:—

(a) \* \* \* \*

(b) \* \* \* \*

(c) Will the Tata Power Company's proposed lake for electric power affect the intended project?

(d) If so, what provision is being made in the agreement with the Tata Company regarding the same?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH:

(a) \* \* \* \*

(b) \* \* \* \*

(c) Yes.

(d) Extract clause 12† of the Agreement executed between the Tata Power Company, Limited, and the Secretary of State for India in Council, dated 20th May 1921, is put up.

Mr. G. C. BHATE: Has the Collector of Kolaba or the Government taken any action under this clause 12 as regards the Pimpri Ghat Road?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : I want notice of the question.

COLLECTION OF ANNA CESS IN THE KOLABA DISTRICT.

Mr. G. C. BHATE (Kolaba District): Will the Government be pleased to state the amount of one anna cess collected from each of the several talukas of the Kolaba district and allotment made by the district board of the same to the respective talukas for the last five years ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : The information is contained in the accompanying statement.\*

The Honourable the PRESIDENT : In regard to the supplementary question just put by Mr. Bhatte I might have been inclined to interfere and I might have stated that it is no supplementary question. I have already explained once what a supplementary question is, and I want to explain it again. A supplementary question is one which ought to arise out of the question put upon the paper. The question which Mr. Bhatte has asked just now does not arise out of the question put on the paper, and it has no bearing upon the original question. You can ask something about the scheme, but whether the Collector has taken action or not is a matter which raises another point altogether.

Mr. G. C. BHATE : Sir.....

The Honourable the PRESIDENT : Order, order. It is no use disputing a ruling of the Chair.

DISTINCTION IN STARTING SALARIES OF GRADUATES IN EDUCATIONAL AND OTHER DEPARTMENTS.

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

(a) Whether it is a fact that the declared policy of Government is to attract to the Educational Department better men than to other departments ?

(b) If so, what distinction they have adopted in their starting salary and scale of promotion as compared with those in other departments ?

(c) Whether it is a fact that a graduate clerk in the Revenue Department started with Rs. 30 per mensem and a graduate assistant teacher started with Rs. 50 per mensem before the time scale of pay came into force ?

(d) If so, what distinction is maintained now ?

The Honourable Mr. R. P. PARANJPYE : (a) and (b) These parts have already been answered.

(c) The latter portion of part (c) of the question has already been answered; the answer to the former portion is in the affirmative.

(d) None.

SUITABILITY OR OTHERWISE OF 'EASY STORIES FROM INDIAN HISTORY' BY MARSDEN AS A TEXT BOOK.

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

(a) whether there is a strong feeling among the public against the text book in history, viz., 'Easy Stories from Indian History' by Marsden prescribed for the higher forms of the primary and the lower forms of the secondary schools?

(b) whether the educational experts and local bodies were consulted at the time of prescribing this book?

(c) If not, do Government intend to consult them?

The Honourable Mr. R. P. PARANJPYE: (a) A certain amount of criticism has been received from teachers and others.

(b) and (c) The book was scrutinised by the divisional inspectors and the principal suggestions made by them were incorporated in it. Local bodies were not consulted.

Rao Saheb D. P. DESAI: May I know why local bodies were not consulted?

The Honourable Mr. R. P. PARANJPYE: It is not the usual practice.

Mr. JEHangIR B. PETIT (Bombay Millowners' Association): Will Government consider the desirability of instituting the practice?

The Honourable the PRESIDENT: That is a suggestion for action. You can ask, "Have Government considered the question of the desirability"?

Mr. JEHangIR B. PETIT: Thank you, Sir. Have Government considered the question of the desirability of instituting the practice?

The Honourable Mr. R. P. PARANJPYE: I want notice of that question.

SUITABILITY OR OTHERWISE OF SHORT HISTORY OF THE BRITISH EMPIRE BY ANDERSON AND MARSDEN AS A TEXT BOOK.

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

(a) Whether it is a fact that the Short History of the British Empire by Anderson and Marsden is not brought up to date and that the book has to be supplemented by the teachers a great deal for the requirements of the examination?

(b) If so, what steps they have taken to change the text-book?

The Honourable Mr. R. P. PARANJPYE: The 1921 edition of the book is thoroughly up to date.

APPOINTMENT OF ASSISTANT DEPUTY EDUCATIONAL INSPECTOR AT AHMEDABAD.

Rao Saheb D. P. DESAI (Kaira District): (a) Is it a fact that a first year trained non-matric teacher is appointed as assistant deputy educational inspector in the Ahmedabad district to inspect first and second grade schools having third year trained headmasters?

(b) If so, what are his special qualifications?

The Honourable Mr. R. P. PARANJPYE : (a) and (b) If, as is presumed, the question refers to Mr. M. B. Pandya, who was appointed assistant deputy educational inspector, Ahmedabad, in June 1920 it may be stated that in addition to a 1st grade training college certificate, he holds a drawing teacher's certificate, a first class gymnasium certificate, and a First Aid certificate and has studied up to the matriculation standard. He was specially recommended by the Educational Inspector not only as a man of zeal and industry, but as one who had rendered valuable service on the occasion of His Imperial Majesty's last visit to Bombay.

#### BUILDING SITE FOR THE TOWN OF NADIAD.

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

(a) What is the area set aside as a building site for the town of Nadiad which is exempt from ordinary land revenue or altered assessment ?

(b) How much of this area is available for building purposes ?

(c) How much area is required under sanitary principles for the present total population of Nadiad ?

(d) Whether it is a fact that Government have under contemplation a scheme to increase the habitable area, if so, on what lines ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : (a) The area exempt from land revenue and set apart as village site or town site, exclusive of public roads, is 250 acres.

(b) None.

(c) This is a matter of opinion, and depends on local conditions. Every assistance in arriving at a correct opinion will be given by the expert advisers of Government to the municipality if it will supply them with the necessary data.

(d) No. If a town planning scheme is required it should be framed by the municipality under the Town Planning Act.

#### VACANCY OF THE POST OF VICE-PRINCIPAL, P. R. TRAINING COLLEGE, AHMEDABAD.

Rao Saheb D. P. DESAI (Kaira District) : (a) Will Government be pleased to state for how many days the post of the Vice-Principal, P. R. Training College, Ahmedabad, remained vacant from 1st September 1921 ?

(b) Are Government aware that the Vice-Principal of the P. R. Training College has to do both the teaching work in the college and the work of the Secretary of the Book Committee ?

(c) Have the Government received any complaint from the Principal of the P. R. Training College, Ahmedabad, as regards the post of the Vice-Principal remaining vacant for a long period and consequently the work of the College and the Book Committee suffering considerably ?

The Honourable Mr. R. P. PARANJPYE : (a) 23 days.

(b) Yes.

(c) No.

**NUMBER OF URDU STUDENTS OF THE P. R. TRAINING COLLEGE,  
AHMEDABAD.**

Rao Saheb D. P. DESAI (Kaira District): (a) Will Government be pleased to state how many students have joined the first year, second year and third year classes of the Urdu side of the P. R. Training College for men, Ahmedabad, during this college year?

(b) Will Government be pleased to state the total strength of pupils for these classes in the said college?

The Honourable Mr. R. P. PARANJPYE :

				Number of students who joined.
(a)	First year class	..	..	31
	Second year class	..	..	15
	Third year class	..	..	19
				Number of students who were permitted to join.
(b)	First year class	..	..	36
	Second year class	..	..	24
	Third year class	..	..	19

**RECORDS OF COMPLAINTS MADE TO COLLECTORS AND ASSISTANT  
COLLECTORS WHILE ON TOUR.**

Mr. S. S. GULAMHUSEN (Northern Division): Will Government be pleased to state—

(a) Whether it is the practice for the Collectors and Assistant Collectors in the Northern Division when on tour to ask cultivators and other persons if they have any grievances against the police, the talatis and other petty revenue officials?

(b) If such a practice is in use, do the touring officers keep any records of the complaints made to them?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) It is the practice for officers while on tour to ascertain whether any grievances exist and to take whatever steps they deem necessary to remove them. It is not the practice of touring officers however to invite people to bring complaints against subordinate officials.

(b) All complaints received in writing are officially recorded. Most officers make notes of verbal complaints for their own use but these are not necessarily recorded officially.

**ESTABLISHMENT OF THE CONSULTING ARCHITECT.**

Mr. IBRAHIM S. HAJI (Bombay City): Will the Government be pleased to state date of the creation of the establishment of the Consulting Architect and what has been the expenditure for the last five years of that establishment?

The Honourable Khan Bahadur SHAIK GHULAM HUSSAIN HIDAYATALLAH: Information regarding the dates of creation of the offices of the Consulting Architect to Government and of the Architectural District under him was supplied during the last session of the Council. The total

expenditure on establishment in these two offices during the last five years (ending 1920-1921) is Rs. 3,44,912 (Consulting Architect's office) and Rs. 1,68,701 (Architectural District).

**CASTE OF STUDENTS ADMITTED INTO THE DHARWAR VERNACULAR  
TRAINING COLLEGE.**

Mr. C. C. HULKOTI (Dharwar District): Will the Government be pleased to state :—

(a) How many students in the Dharwar district appeared for the Vernacular School Final Examination in the years 1918, 1919, 1920 and 1921 ?

(b) How many passed each year in the same years ?

(c) Out of the passes, how many were Brahmins and how many Non-Brahmins ?

(d) And how many Brahmins and Non-Brahmins were admitted each year into the Dharwar Vernacular Training College ?

The Honourable Mr. R. P. PARANJPYE: (a) and (d) A statement\* giving the information is laid on the table.

(b) and (c) These parts of the question have already been answered.

**CASTE OF INCUMBENTS OF CERTAIN POSTS IN DHARWAR DISTRICT.**

Mr. C. C. HULKOTI (Dharwar District): (a) Are the Government aware that more than 50 per cent. of the posts of (1) district deputy collectors, (2) mamlatdars, (3) sub-judges and (4) sub-assistant surgeons in the Dharwar district are held by the members of the Saraswat and Gaud Saraswat communities, and

(b) are they further aware that they are in charge of the richest and most favourably situated talukas of the district ?

(c) Will the Government be pleased to state if there are any special reasons for posting such a large number of officers belonging to a particular community in the Dharwar district ?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) Out of 5 deputy collectors at present serving 3 are Saraswats or Gaud Saraswats. Out of 13 mamlatdars including resident magistrates, 4 are Saraswats or Gaud Saraswats.

Out of 8 sub-judges and 19 sub-assistant surgeons 4 and 8 respectively are Saraswats or Gaud Saraswats.

(b) The answer is in the negative.

(c) No community is given preferential treatment in respect of this district.

**MANAGEMENT OF THE LOCAL BOARDS.**

Mr. G. M. KALBHOR (Poona District): (a) Will Government be pleased to state what steps they have taken to reconcile the ill-feeling of Brahmin and non-Brahmin sects in the management of the local boards ?



(b) The names of local boards which have presidents from backward communities ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : There has been no evidence of ill-feeling between Brahmins and non-Brahmins in the management of any local board except Dharwar, where the Assistant Collector is reported to have intervened with success as a member of the district local board in disputes which had produced a dead-lock.

A statement\* is laid on the table which has been prepared on the presumption that the expression "backward communities" as used in this question means non-Brahmins.

#### DISPENSARIES OPENED BY THE LOCAL BOARDS.

Mr. G. M. KALBHOR (Poona District): Will Government be pleased to state what amount they have handed over to the local boards to promote medical help and how many new dispensaries have been opened by the local boards during the last two years ?

The Honourable Mr. R. P. PARANJPYE : Government sanctioned grants-in-aid of Rs. 1,12,704 during 1919-20 and of Rs. 1,24,760 during 1920-21 to local boards to promote medical relief. Eight new dispensaries were opened during 1919-20 and nine in 1920-21 in local board areas in the Presidency including Sind.

#### RUSTICATED STUDENTS : DHARWAR TRAINING COLLEGE.

Mr. S. T. KAMBLI (Dharwar District): (a) Is it a fact that the rusticated students of the Dharwar Training College are ordered to be specially examined ?

(b) If so, was the special examination held, and with what results ?

(c) How many candidates appeared and how many were successful ?

(d) What is the average percentage of successful to unsuccessful candidates in the annual examinations of the said college based on the figures of the last two years ?

The Honourable Mr. R. P. PARANJPYE : (a) This part has already been answered.

(b) and (c) The examination was held from 4th to 17th January 1922 : 53 students passed out of 54.

(d) 98 per cent. roughly.

#### PLEADERS IN THE COURT OF COLLECTORS.

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

(a) Whether it is a fact that Collectors hearing cases in which pleaders have a right to appear do not keep their courts open on the day of hearing ?

(b) Is it a fact that the pleaders in such cases are obliged to wait and stand or sit outside their tent or court without any intimation being given to them as to the exact time when they will be called in ?

\* Vide Appendix D.

(c) Is it a fact that the pleaders are not allowed to enter their courts during office hours on the day when such cases are fixed for hearing without previous permission of such officers ?

(d) Have the Government issued any orders or circulars that pleaders appearing in Collectors' and Assistant Collectors' courts have no right to enter their courts without previous permission being obtained ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) No.

(b) No.

(c) Pleadors have not the right to enter a Collector's office without permission except when he is engaged in hearing a magisterial case in open court.

(d) No.

#### RETIREMENT OF MR. MANNUR, ASSISTANT DEPUTY EDUCATIONAL INSPECTOR, DHARWAR.

Mr. S. T. KAMBLI (Dharwar District) : (a) Is it a fact that Mr. Mannur was an assistant deputy educational inspector in the district of Dharwar in the years 1918-1919, 1919-1920 ? Has he retired ? If so, from what date ?

(b) Was he a Brahmin or a non-Brahmin ?

(c) Is a successor appointed to fill the vacancy caused by his retirement ? If so, who was appointed ? What is his caste, whether a Brahmin or a non-Brahmin ?

The Honourable Mr. R. P. PARANJPYE : (a) Mr. Mannur was an assistant deputy educational inspector at Dharwar from 1917-1918 to 1921-1922. He retired on 14th May 1922.

(b) He was a non-Brahmin.

(c) Yes. Mr. Mannur was succeeded by Mr. Kaliwal, a Brahmin.

#### CULVERT ON THE KARWAR-BELLARY ROAD.

Mr. S. T. KAMBLI (Dharwar District) : (a) Is the Government aware that the culvert No. 162 on the Karwar-Bellary road about four miles from Hubli towards Gadag is in a most dangerous condition ?

(b) If so, how long has that culvert been in that condition ?

(c) What steps have been taken to put it in order ?

(d) If none, what is the reason ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : (a) Yes.

(b) For a short time after its damage by storm water in November 1919.

(c) and (d) Repairs were begun last March and will in all probability be completed before July 1922.

#### ROAD BETWEEN KAMBARGANVI RAILWAY STATION AND DHARWAR-GOA FRONTIER ROAD.

Mr. S. T. KAMBLI (Dharwar District) : (a) Is the Government aware that there is no road connecting the Kambarganvi railway station with the provincial road namely Dharwar Goa-Frontier road ?

(b) If so, why has none been constructed from the said railway station to the nearest provincial road ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : (a) Yes ; but there is a cart track about 1½ miles in length which connects the station with the village of Arvtgi on the road in question.

(b) Because the station of Kambarganvi is of little importance. Moreover the Dharwar-Goa road is also a very unimportant thoroughfare. This is not the only station of the kind but there are also other stations in the locality, e.g., Devaryi railway station. These stations are instituted not with the object of serving the travelling public but rather of providing convenient halts or crossing places in the organization of the railway as such.

#### REPORT OF THE TECHNICAL EDUCATION COMMITTEE.

Mr. S. T. KAMBLI (Dharwar District) : (a) Has the committee appointed to consider the question of technical education concluded its labours ?

(b) If so, has it prepared its report ?

(c) If so, will the Government be pleased to lay on the Council table a copy of the said report ?

The Honourable Mr. R. P. PARANJPYE : (a), (b) and (c) A copy of the report is laid on the table.

#### PROMOTION OF APPRAISERS AND EXAMINERS AT KARACHI.

Mr. G. H. KASSIM (Karachi City) : (a) Is it a fact that appraisers and examiners have been recommended by the local Government for a maximum of four promotions although their service may be 20 years ?

(b) If not, will Government be pleased to state what recommendations have been made by the local Government and what is the reason for their not recommending appraisers and examiners, who are mostly Indians, for as many increases as their length of service as in the case of preventive officers, telegraphists and postal employees ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) \* \* \*

(b) The reasons for not recommending appraisers and examiners for as many increases as their length of service justified under the revised scale of pay in accordance with the principle applied in the case of preventive officers are as follows :—

(1) The conditions of service in the appraising and examining departments were and are entirely different to those in the preventive service.

(2) The position of the preventive officers in the matter of pay or promotions had been relatively worse in the past than that of the appraisers and examiners and the need for an immediate increase in the initial rate of pay in the case of the former was therefore more pressing.

(3) The comparatively more favourable rates of pay and of the annual increment recommended for appraisers and examiners were considered sufficient to justify the application of a different principle in fixing the initial pay under the revised scheme.

#### APPOINTMENT OF MR. A. W. DALRYMPLE AS A NOTARY PUBLIC IN KARACHI.

Mr. G. H. KASSIM (Karachi City) : (a) Are Government aware that Mr. A. W. Dalrymple, who has been recently appointed a notary public in Karachi, is ignorant of Hindu, Sindhi and Bania Sindhi characters ?

(b) That the Indian Negotiable Instruments in Karachi are invariably drawn in the above characters?

The Honourable Mr. M. H. W. HAYWARD: (a) Yes.

(b) No. They are frequently drawn up in Gujarati and English.

#### GENERAL INCOME AND EXPENDITURE IN SIND.

Mr. G. H. KASSIM (Karachi City): Will Government be pleased to lay on the table a statement showing the income to Government from all sources in Sind, and the expenditure during the last ten years?

The Honourable Mr. H. S. LAWRENCE: The member's attention is invited to the final reply given to question put by Khan Saheb S. N. Bhutto, O.B.E., M.L.C., at the meeting of the Legislative Council held on 23rd February 1921.

#### DESTRUCTION OF RATS IN SIND.

Mr. G. H. KASSIM (Karachi City): (a) Will Government be pleased to state if it is a fact that there was a reward fixed for the destruction of rats in fields in Sind?

(b) Are Government aware that since the stoppage of these rewards the rats are not killed with the result that the number of rats is on the increase and crops suffer thereby?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) Yes.

(b) Yes: The question of renewing the rewards is under the consideration of Government.

#### EXPENDITURE OF ISSUING THE *Sind Official Gazette*.

Mr. G. H. KASSIM (Karachi City): (a) Will Government be pleased to state how much money is spent every year by Government in issuing the *Sind Official Gazette*?

(b) Do other divisions of the Presidency issue their own official gazettes?

(c) If the reply is in the negative, will Government be pleased to state why this expenditure is incurred for Sind?

The Honourable Sir CHIMANLAL SETALVAD: The net expenditure incurred on the publication of the *Sind Official Gazette* during the past five years was as under:—

Year.	Amount.		
	Rs.	a.	p.
1917	4,718	8	2
1918	4,945	3	0
1919	5,897	11	0
1920	6,873	3	6
1921	8,377	11	0

(b) and (c) This has already been replied to.

#### REPUBLICATION OF THE *Sachai* IN KARACHI.

Mr. G. H. KASSIM (Karachi City): Is it a fact that a circular has been issued by the deputy educational inspector to head masters of all schools in the district, in which it is stated that the *Sachai* which is now being

published again should be encouraged and that all teachers should purchase a copy of that paper and pay Rs. 4 yearly or else they should report to the contrary and their names will be reported to the educational inspector in Sind ?

If so, will Government be pleased to state :—

(1) If they intend to republish the *Sachai* which was recently discontinued and was working at a loss ?

(2) The reasons for its republication ?

(3) Whether the republication would be helped out of public funds ?

The Honourable Sir CHIMANLAL SETALVAD: The deputy educational inspector, Sukkur, issued a circular to the teachers in his district intimating the cessation of the publication of the *Sachai* as a Government paper and its possible continuation under private management. He invited the teachers to support the new paper as a source of unbiased information and requested that the names of such as were prepared to do so should be communicated to him. The circular distinctly laid down that no master should consider himself compelled to subscribe.

(1), (2) and (3) No.

#### SCHOLARSHIP FOR EDUCATION AMONG HINDU AND MOSLEM WOMEN IN SIND.

Mr. G. H. KASSIM (Karachi City): (a) Are Government aware that every Sindhi Mahomedan student in the Sind College and in other colleges gets a scholarship ?

(b) Will Government be pleased to state if they intend helping the cause of higher female education of Hindus and Moslems by instituting scholarships of at least Rs. 15 each in girls' high schools and Rs. 30 each in the D. J. Sind College ?

The Honourable Mr. R. P. PARANJPYE: (a) No. The number of Sindhi Mahomedan students in receipt of scholarships in the different colleges in the Presidency, including Sind, is 58 out of 83.

(b) This part of the question has already been answered.

#### APPOINTMENT OF CERTAIN UNQUALIFIED PERSONS IN KARACHI AS DEPUTY COLLECTORS AND MUKHTYARKARS.

Mr. G. H. KASSIM (Karachi City): (a) Will Government be pleased to state if Messrs. G. M. Mirza, Abdul Fateh Shermahomed, Thurley, Parasram B. and Messrs. Mahamed Parial, Rupchand Chhabaldas, Sherali Sadikali, C. A. J. Cardiero and Tobin, deputy collectors and mukhtyarkars, respectively, in Sind, have passed the examination qualifying for these posts ?

(b) If the reply is in the negative, will Government be pleased to state the reasons for appointing these gentlemen as deputy collectors and mukhtyarkars ?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) With the exception of Mr. Tobin the persons mentioned have not passed the examination qualifying for the posts.

(b) Mr. G. M. Mirza appeared thrice for the examination but failed to pass. He was exempted as his work was considered sufficiently good to justify his

appointment as mukhtyarkar. He did very well as mukhtyarkar and has since been selected as deputy collector, in which appointment he continues to do excellent work.

Mr. Parsram Babumal appeared twice and failed. He was granted exemption in consideration of age, long and approved service and of the fact that he had passed in 1894 the lower departmental examination which was then considered a sufficient qualifying test to the post of mukhtyarkar.

Mr. Rupchand Chhabildas was exempted as it was not considered necessary for him to pass the examination as he had been transferred from the judicial branch of the Provincial Civil Service, for which he had qualified under the rules, to the executive branch of the Provincial Civil Service as resident magistrate.

Messrs. Sher Ali and Abdul Fattah were exempted in pursuance of the policy of taking up Mussalmans who have shown themselves suited for such appointments. Mr. Fattah who had been an inspector of police, before he was appointed mukhtyarkar, has justified his selection by his subsequent promotion to deputy collector.

Mr. Muhammad Parial held substantively the post of Mir Munshi in the Commissioner's office when that appointment was included in the cadre of mukhtyarkars.

Mr. Cordiero became a mukhtyarkar in similar circumstances, as he held the appointment of head clerk to the Collector of Larkana when the appointments of head clerks were incorporated in the cadre of mukhtyarkars.

Mr. Thurley was specially chosen for the post he now occupies during Mr. Murphy's transfer to the Income Tax Department. He will revert to his substantive post in the Salt and Excise Department, when the former post can be filled from the regular cadre of deputy collectors.

#### REMISSION OF LAND REVENUE IN SUJAWAL TALUKA.

Mr. G. H. KASSIM (Karachi City): Will Government be pleased to state—

(a) What arrangements were made to dispense relief in the form of land revenue remission in Sujawal taluka incidental to the breaches in Belo Bund of that taluka in Karachi district in the year 1919?

(b) Was any officer of the mukhtyarkar or deputy collector's grade appointed to do that work specially, as is usually the case in Sind? If yes, what was the name of that officer?

(c) Was any other officer asked or expected to supervise his work?

If yes, what was the rank of that officer and what were his qualifications as compared with those of the officer appointed for the work?

(d) Did the authority sanctioning the special appointment for the work create the appointment in view of the magnitude of the work and the undivided attention which it required?

(1) If not, what was the consideration that led to his such decision?

(2) If yes, what was the nature of recognition departmental or otherwise bestowed on him?

(e) Were any remission decisions of this special officer reversed by any superior officer or officers and with what result?

(f) Were any complaints made against him and with what result?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) In 1919-20 owing to the floods caused by a breach in the Belo Loop Bund about 26,000 acres of rice cultivation were destroyed by submersion in Sujawal taluka. This caused heavy remission work, and in order to dispose of it as expeditiously as possible a special officer was appointed to help the mukhtiyarkar in charge of the taluka.

(b) Yes, the officer appointed was of the mukhtiyarkar's grade. His name is Mr. Doulatram Mushtakram.

(c) Yes, Mr. Ghulam Mustaffa Mirza, the then daftardar to the Collector, Karachi, was specially asked by the Collector to supervise the work of the special mukhtiyarkar and subsequently as he was appointed deputy collector in charge of the division, he had to take tests of all the remission work done by the special mukhtiyarkar. His rank was that of an acting deputy collector. Regarding the qualifications of each officer it appears that Mr. Doulatram has passed the higher standard departmental examination and has put in service of about 22 years in the Revenue Department whereas Mr. Mirza has not passed the higher standard departmental examination (now called qualifying examination), but was exempted by the Commissioner in Sind and has put in ten years' service in the Revenue Department.

(d) Yes, but no recognition was bestowed on the special mukhtiyarkar as the work done by him was not of an extraordinary nature and he was specially appointed to do that work alone.

(e) Decisions of remission work done by the special mukhtiyarkar were in several cases reversed by the deputy collector who had suspected the mukhtiyarkar of dishonesty. But when the papers were put up to the Collector for confirmation of the deputy collector's estimates, he disagreed with them, as they were made not by the inspection of standing crops just as the special mukhtiyarkar had done, but by the inspection of stubble only which the Collector thought was a dangerous guide.

(f) No formal complaints from zamindars were received against the special mukhtiyarkar. But the deputy collector did suspect him of partiality and dishonesty in the matter of disposal of remission claims. He laid twelve charges against the special mukhtiyarkar but on detailed departmental enquiry they all were found to be unfounded.

#### PALA FISH CASE AT SUKKUR.

Mr. G. H. KASSIM (Karachi City): (a) Has the attention of Government been drawn to the judgment of Mr. Hafiz, City Magistrate of Sukkur, in a case known as the Pala Fish case?

(b) If so, what action do Government propose to take with regard to the action of Mr. Rourke, the city police inspector, who was in charge of the case?

(c) Is it a fact that Mr. Rourke has been confirmed as the city police inspector?

The Honourable Mr. M. H. W. HAYWARD: Government have made the enquiries promised but do not consider it necessary to take any action with regard to the conduct of inspector Rourke in the case, who does not appear to have acted otherwise than in good faith.

Mr. Rourke was confirmed as inspector of police with effect from the 23rd August 1921.

**APPOINTMENT OF MR. THURLEY AS ASSISTANT COMMISSIONER IN SIND.**

Mr. G. H. KASSIM (Karachi City) asked : (a) \* \* \*

(b) \* \* \*

(c) Have Government received any representations from the members of the Revenue Department eligible for this post of a deputy collector praying to be appointed for this post ?

(d) If the answer is in the affirmative, what orders have been passed upon their representations ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) \* \*

(b) \* \* \*

(c) and (d) The Commissioner in Sind reports that no representations have been received by him in the matter.

**ATTENDANCE OF THE COMMISSIONER OF INCOME TAX IN SIND IN HIS OFFICE.**

Mr. G. H. KASSIM (Karachi City) : (a) Will Government be pleased to state whether the Commissioner of Income Tax in Sind attended his office in the latter part of August, the whole month of September and a greater part of October 1921 ?

(b) Did he put any application for sick or other leave ?

(c) Has he drawn full pay for the months of August, September and October 1921 ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) During the months in question this officer's attendance was, owing to ill-health, very irregular. During a part of the time he was an in-patient at the civil hospital, suffering from acute malaria. He has since tendered his resignation on grounds of ill-health.

(b) No.

(c) Yes.

**HOUSE RENT AND LOCAL ALLOWANCES TO OFFICERS OF IMPERIAL SERVICE AT KARACHI.**

Mr. G. H. KASSIM (Karachi City) : Will Government be pleased to state if they intend to give house rent and local allowances to officers of the Imperial Service at Karachi ?

If yes, the total cost of such allowances ?

The Honourable Mr. H. S. LAWRENCE : The question of granting house rent allowance to certain officers of the all-India service stationed at Karachi is under consideration. There is no proposal before Government to grant local allowances to such officers.

**HORSE ALLOWANCE TO SOWARS IN EXCISE DEPARTMENT IN SIND.**

Mr. G. H. KASSIM (Karachi City) : (a) Will Government be pleased to state if it is a fact that sowars in the Excise Department in Sind are not getting any horse allowance ? If the reply is in the affirmative, will Government be pleased to state how these men feed their horses ?



(b) What was the salary of these sowars in 1908 and what is it now?

(c) Will Government be pleased to state why have they not been given the salary promised to them in Circular No. 384 of June 1920?

(d) When will the revised pay of inspectors and clerks in the Excise Department be sanctioned?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) No separate horse allowance has been sanctioned for sowars, but their pay has been so fixed as to take into account the cost of feed of animals.

(b) In 1908 the pay of sowars was Rs. 30 and it has remained at that figure since then. In addition they are now in receipt of temporary and provisional allowance at the rate of 50 per cent. of their pay.

(c) and (d) The question of the revision of pay of inspectors, clerks and sowars is under consideration.

#### CARRYING OF DEAD BODIES FROM CIVIL HOSPITAL, AHMEDABAD.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Are Government aware that the arrangements for carrying dead bodies from the Civil Hospital, Ahmedabad, to the burial ground are very crude and that in most cases they are being carried in a more or less uncovered condition through public streets? Do Government propose to take any steps in the matter?

The Honourable Mr. R. P. PARANJPYE : All claimed dead bodies are disposed of by their relatives or friends. Unclaimed bodies are carried on a bamboo stretcher to the burial ground, covered with an old blanket kept for the purpose. All civil medical officers are being instructed to see that the arrangements are suitable and that they are properly carried out.

#### ATTENDANCE OF ASSISTANT AND SUB-ASSISTANT SURGEONS AT AHMEDABAD, SURAT AND POONA.

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

(a) the statutory hours of morning attendance of the assistant and sub-assistant surgeons at Ahmedabad, Surat and Poona?

(b) whether any record is being maintained for the regularity and duration for their attendance?

(c) whether Government are aware that the said assistant and sub-assistant surgeons are very irregular in their attendance during those hours?

The Honourable Mr. R. P. PARANJPYE : (a) Ahmedabad—The outdoor department begins at 8-30 a.m. and the ward work at 9-0 a.m. Assistant and sub-assistant surgeon come at these hours and leave at 12 noon. The sub-assistant surgeon on duty for the day comes at 3-0 p.m. and leaves at 8-0 p.m. For the remainder of the time the House Surgeon is on duty. He lives in the hospital compound.

Surat—There are no assistant surgeons at the hospital. The sub-assistant surgeons attend from 8-30 to 12-30 in the morning or longer if there are patients requiring attention. The hours vary slightly according to season. The hospital is open for serious cases all day and night and there is always one sub-assistant surgeon on duty. The assistant surgeon in charge of C. F. Parekh Dispensary attends the dispensary from 8-30 a.m. to 1 p.m. or 1-30 p.m.

**Poona**—In term time work begins at 8-30 a.m. in the school and in the hospital at 10 a.m. in winter and 9 a.m. in summer until completion of attendance on all patients. The time varies from 1. p.m. to 4 p.m.

(b) No record is kept of the attendance except at Ahmedabad where the time of arrival and departure of assistant surgeons and sub-assistant surgeons is entered in a special book kept for the purpose in the House Surgeon's office.

(c) No complaint of irregularity has so far been received at any of these places.

**Khan Saheb A. M. MANSURI** : I want to ask a supplementary question. Do Government propose to maintain a record at Surat and Poona ?

**The Honourable Mr. R. P. PARANJPYE** : I submit, Sir, it is a suggestion for action.

**The Honourable the PRESIDENT** : That is my duty. I allow the question. You may decline to answer, and there you are the master of the situation. But for allowing the question I am the master.

**The Honourable Mr. R. P. PARANJPYE** : I should like the honourable member to bring it forward as a resolution.

**The Honourable the PRESIDENT** : Very well, that is your answer. Have you got any more questions to ask ?

**Khan Saheb A. M. MANSURI** : No more questions.

#### CONSUMPTION OF LIQUOR.

**Sardar V. N. MUTALIK** (Deccan Sardars and Inamdars) : Will Government be pleased to place on the table a statement showing the total consumption of liquor in each district, month by month, from the beginning of the official year (April 1st) to the end of December for years 1919, 1920 and 1921 ?

**The Honourable Mr. C. V. MEHTA** : The information is furnished in the attached statements.\*

#### REVISION OF PAY OF THE CLERICAL ESTABLISHMENT UNDER THE COLLECTOR OF SATARA.

**Sardar V. N. MUTALIK** (Deccan Sardars and Inamdars) : (a) Will Government be pleased to state whether sanction of Government was obtained for the extra increment given to some clerks, over and above that provided for in appendix A to Government Circular, Finance Department, No. 438—1920 as required under the Standing Orders ?

(b) Will Government be pleased to state if bad remarks on Service Sheets or any other remarks by criminal courts were taken into consideration, at the time of giving extra increments ?

(c) Will Government be pleased to state whether it is a fact that in spite of the orders of Government that increment of pay was to be given on *pre-war* pay, some clerks, who were taken in service after the Government resolution for revision of pay, were given even an extra increment, and if so, were any orders of Government passed on such increments ?

**The Honourable Mr. H. S. LAWRENCE** : (a) Sanction of Government was not obtained.

\* Kept in Secretary's office.

(b) The Collector took the record of previous service into consideration in making promotions. Government have subsequently revised the Collector's orders, and in many cases have reduced the extra increments sanctioned by the Collector.

(c) It is not a fact.

#### KADIM SANADI SERVICE IN BELGAUM DISTRICT.

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

(a) whether it is a fact that in the village of Budalmukh in Chikodi taluka of the Belgaum district, the original Kadim "Sanadi" service inam is confiscated, and no man from Kadim Sanadi Service inam holders is appointed on any remuneration to serve in the village?

(b) Whether Jadid Sanadi inam holders, whose inam was created by the inamdar of the village, to render service to the inamdar's family are made to work as 'Sanadi' village servants, and are ordered not to do any work for the inamdars?

(c) If so, will Government be pleased to state the reason why the inamdars of the village are deprived of their right to exact service from the sanadi servants, and why Government are forcing service on the sanadis who are not British grantees?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) Yes. The kadim sanadi of the village died in 1860 and his post was then made khalsa. There is therefore no Kadim Sanadi for that village. In the sanadi revision, no sanadi was given to that village as the scale laid down is one sanadi for every 1,000 of population. The population of Budalmukh is only 419. The existing Taral was therefore ordered to do the service.

(b) and (c) It is true that a jadid sanadi was up till now serving both Government and the registered inamdar who complained that the sanadi in question was jadid and as such should not be told to do Government service. In 1918, the Prant ordered that the inamdar of the village should not take private service from the jadid sanadi. The inamdar then filed an appeal to the Collector against the Prant's order. The inamdar's appeal was upheld and orders were issued for not taking sanadi services from the sanadi in question as he was not a kadim sanadi. It has now transpired that the service holding of the discharged sanadi was the joint property of the registered inamdar and his three bhaubands each of whom holds  $\frac{1}{4}$ th share in the inam village and that the land was assigned by them all for Government service about the year 1850. The three bhaubands have now put in a petition complaining against the discharge of the sanadi and requesting that he should be reinstated. The matter is still under enquiry.

#### LEAVE RESERVES OF SUBORDINATE JUDGES.

Mr. B. G. PAHALAJANI (Western Sind): (a) Will the Government state how many of the leave reserves of the sub-judges have acted during the last 10 months for sub-judges on leave, for how many months each and where?

(b) Will the Government give the expenditure, actual, on the sub-judges gone on leave for each year separately during five preceding years, paid to the temporary holders of vacancies of sub-judges gone on leave in Sind and the Presidency?

The Honourable Mr. M. H. W. HAYWARD: Statements containing the information relating to subordinate judges both on deputation and on leave are placed on the Council table.

#### MULLA SCHOOLS IN SIND.

Mr. B. G. PAHALAJANI (Western Sind): (a) Will the Government give the total cost, including inspection, on Mulla schools in Sind?

(b) Are the Mullas literate or illiterate? If the former, is any previous literacy insisted upon before a grant is given?

(c) How many months' training do the Mullas receive in Sind?

The Honourable Mr. R. P. PARANJPYE: (a) Rs. 2,82,639 for 1920-1921.

(b) The Mullas are generally literate. No previous test of literacy has hitherto been insisted on. An order has recently been issued to the effect that in future no Mulla school will be registered unless the Mulla passes the IVth vernacular standard. This order, however, is not to take effect till after one year from the date of its issue.

(c) Three months.

#### REPORT OF THE CONFERENCE IN CONNECTION WITH MULLA SCHOOLS.

Mr. B. G. PAHALAJANI (Western Sind): (a) Is the Government aware of a conference of inspecting officers in Sind held at Larkana from the 16th to 20th November 1921, about the Mulla schools?

(b) Has the Government received any report of the proceedings or the conclusions arrived at?

The Honourable Mr. R. P. PARANJPYE: (a) Yes.

(b) No. A copy of the resolutions of the conference has been received by the Director of Public Instruction and the matter is under his consideration. A report will be submitted to Government when all the points under consideration have been cleared up.

#### INSPECTION OF MULLA SCHOOLS.

Mr. B. G. PAHALAJANI (Western Sind): (a) Is it true that a circular has been issued in Sind that Hindu inspecting officers should not pay visits to the Mulla schools?

(b) What is the reason for issuing such a circular?

The Honourable Mr. R. P. PARANJPYE: (a) A rule was introduced some years ago by a former educational inspector in Sind forbidding non-Mahomedan educational officers to visit a Mulla school without his permission unless invited in writing by the Mulla.

(b) No definite information is available on the point, but it is believed that the rule owed its origin to a desire to prevent interference with the Mulla schools by the district deputy inspectors in the early days of the Mulla school system, before the position of the Mulla deputy inspectors was consolidated. The educational inspector in Sind has now been asked to cancel the order.

## RE-SURVEY OF RIGHT AND LEFT BANKS OF THE INDUS.

Mr. B. G. PAHALAJANI (Western Sind):

(a) & (b) \* \* \* \*

(c) Will the Government state the establishment maintained for this new mere survey work—how many officers, superior, inferior and menial?

The Honourable Sir CHIMANLAL SETALVAD: (c) Numbers of officers, superior, inferior and menial entertained for the purpose of the close contour survey of the area commanded by the proposed Sukkur Barrage canals are :—

- |                          |   |
|--------------------------|---|
| (a) Superior             | .. 1 Superintending Engineer.<br>3 Assistant Engineers.<br>10 Upper Subordinates (7 permanent and 3 temporary).<br>7 Lower Subordinates.<br>39 Surveyors.                         |
| (b) Office               | .. 1 Head Clerk.<br>1 Accountant.<br>7 Clerks.<br>3 Sub-divisional clerks.<br>1 Assistant Draftsman.<br>5 Tracers.  |
| (c) Inferior and menial. | 59 Daroghas (Ranging lines and locating points).<br>12 Tapalis and Tyndals.<br>44 Peons or khalasis.<br>1 Havildar.<br>1 Naik.<br>747 Survey Khalasis (coolies).<br>2 Chowkidars. |

The services of most of the persons under (c) will be dispensed with after 30th April and will not be re-engaged till 1st October.

In addition to the above there is one Executive Engineer attached to the Division who is engaged in working up details regarding supply of materials from local sources, etc.

Besides the contour survey the following investigations are in hand :—

- (a) Detailed inspection and noting on conditions of all existing channels likely to be incorporated in the new system of canals.
- (b) Details of labour available in each locality.
- (c) Labour saving appliances.
- (d) Drainage lines.
- (e) Further detailed observations of the Indus below the Rohri gorge.
- (f) Conditions of the existing Eastern Nara supply channel.
- (g) Detailed design of buildings, canals, etc.

## DISTRIBUTION OF POLICE FORCE IN BOMBAY.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): (a) Will Government be pleased to state the strength of the police force in the mill area, the manner in which it is distributed over the area and whether it is housed on the spot?

The Honourable Mr. M. H. W. HAYWARD: There are two police stations in the mill area proper, viz., Dadar and DeLisle road. The strength of these two police stations is as follows:—

(a) *Dadar Police Station*—

Inspector	..	..	..	1
Deputy Inspector	..	..	..	1
Sergeants	..	..	..	2
Sub-Inspectors	..	..	..	2
Jemadar	..	..	..	1
Head Constables	..	..	..	10
Constables	..	..	..	119

(b) *DeLisle Road Police Station*—

Inspector	..	..	..	1
Deputy Inspector	..	..	..	1
Sergeants	..	..	..	2
Sub-Inspectors	..	..	..	2
Jemadar	..	..	..	1
Head Constables	..	..	..	8
Constables	..	..	..	70

Of the above (a) 4 European officers, 2 Indian officers, 1 jemadar, 4 head constables and 50 constables reside in hired quarters in the section. Two head constables and 30 constables reside outside the section within two miles of the police station, all but 4 constables being housed in Government quarters in Sussex road. The remaining officers and men live in hired quarters beyond two miles from the police station.

(b) The inspector lives at the police station, 1 sub-inspector and 1 sergeant live on DeLisle road, 1 sub-inspector and 1 sergeant at Mahim bazaar and 1 deputy inspector on Suparibag road, all hired quarters. The majority of the head constables and men live in E and D Divisions from one to three miles from the police station and the remainder in B and C Divisions, all in hired quarters.

Mr. JEHangIR B. PETIT (Bombay Millowners' Association): Do the Government consider the strength of the police force stationed in the mill area is sufficient?

The Honourable Mr. M. H. W. HAYWARD: No, Sir.

Mr. JEHangIR B. PETIT (Bombay Millowners' Association): Will they take steps to supply the deficiency?

The Honourable Mr. M. H. W. HAYWARD: They are doing so.

The Honourable the PRESIDENT: There is one thing I want to tell the House about and that is, that our rules are borrowed from the rules of the House of Commons. Of course in the House of Commons some latitude is allowed, but it all depends on the Government Members whether to answer a question or not and if they think that a certain question, although not strictly allowed by the rules, may be allowed and if they wish to answer that question, I shall raise no objection—only the honourable members ought not to catechise the Chair.

## USE OF DOHAD DHARMSALA, PANCH MAHALS DISTRICT.

Khan Sahab I. A. SAHERWALLA (Northern Division): (a) Will Government state whether the land for dharamsala which is built by public subscription on the station at Dohad in Panch Mahals is given by Government for public purpose?

(b) If so, are Mahomedans allowed to use the dharamsala?

(c) Have any petitions from the Mahomedans been received by Government praying for allowing them to use the said dharamsala?

(d) What action do Government propose to take in this matter?

The Honourable Khan Bahadur SHAIK GHULAM HUSSAIN HIDAYATALLAH: (a), (b), (c) Replies have already been given.

(d) The grant of land was not made for building a private dharamsala but on the clear understanding that the applicant would build a dharamsala for passengers of all communities and it was suggested that on completion of the building it should be handed over to the local board and that the application for a revenue free grant should then be renewed. As the conditions mentioned above were not fulfilled the Collector has since issued orders for the withdrawal of the revenue free grant and for charging the annual rent for the land occupied by the dharamsala building according to rules.

## LANDS HELD BY AGRICULTURISTS IN SHOLAPUR DISTRICT.

Mr. R. G. SALGAR (Sholapur City): Will the Government be pleased to give the following information:—

(a) What is the total acreage of the lands held by agriculturists in Sholapur district?

(b) What is the total acreage of the land mortgaged to the sawkars by the agriculturists?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) The total acreage of land held by agriculturists in the Sholapur district according to the last return ending 1916-17 was 2,159,850 acres. Later figures will be available when the return ending 1921-22 is prepared.

(b) It is not practicable to supply the information asked for as it would require overhauling all the entries of Record of Rights of each village.

Rao Sahab D. P. DESAI (Kaira District): Are not the debts of the agriculturists mentioned in the Record of Rights?

The Honourable Sir IBRAHIM RAHIMTOOLA: I require notice of that question.

Rao Sahab D. P. DESAI: May I know in whose interests this Record of Rights is maintained?

The Honourable Sir IBRAHIM RAHIMTOOLA: In the interests of the agriculturists.

Rao Sahab D. P. DESAI: I understand that mortgage debts of agriculturists are not entered in the Record of Rights .....

The Honourable the PRESIDENT: I am afraid the honourable member is, by means of a question, raising a debate.

Rao Saheb D. P. DESAI : In that case, Sir, I will take up this matter another time.

#### WATANDAR KULKARNIS AND PATELS IN SHOLAPUR DISTRICT.

Mr. R. G. SALGAR (Sholapur City) : Will Government be pleased to say—

(a) How many watandar kulkarnis and patels there are in the Sholapur district ?

(b) How many of them are enjoying the inam lands free of assessment ?

(c) If any assessment is taken, on what rate and on what lands above referred to ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) 1,020 kulkarnis and 1,201 patels.

(b) 56 kulkarnis and 48 patels.

(c) In some cases judi equal to full assessment is levied and in some cases it is equal to one-fourth, one-third, one-half and three-fourths of the assessment. Judi is calculated according to the rules in Appendix IV (b) of the Bombay Survey and Settlement Manual, Volume II.

#### LAND ACQUIRED AT DADAR FOR MUNICIPAL PURPOSES.

Mr. A. N. SURVE (Bombay City, North) : (a) Is it true that in the case of land at Dadar bearing new survey No. 1472, the Municipal Commissioner had intimated to the owner that unless the latter agreed to sell a part of his land at the rate of Rs. 6 per square yard the former would consider the expediency of acquiring the whole piece of his land ?

(b) On failure of the landowner to comply with the above demand, did the Commissioner obtain a declaration for acquisition of the whole land, though a part of it was really needed ?

(c) Did the landowner thereafter consent to sell the required portion at the rate offered, i.e., Rs. 6 per square yard, provided he was allowed to retain the piece which was not required for municipal purposes but in respect of which a declaration was obtained ?

(d) Did the Commissioner then offer to waive the acquisition in respect of unrequired portion on condition that the landowner did not make any claim for compensation for the portion of land which was actually required though he had offered for it at the rate of six rupees per square yard ?

(e) Was this fact brought to the notice of the land acquisition officer ?

(f) Was the landowner subsequently paid at the rate of Rs. 4 per square yard in respect of land required and allowed to retain the other part ?

(g) Will the Government be pleased to place on the table copies of correspondence in the above case and the petition submitted by the owner to the Government ?

The Honourable Sir CHIMANLAL SETALVAD : Enquiries on this subject ought to be addressed to the Municipal Commissioner or the corporation. A note of information supplied by the Municipal Commissioner has already been furnished to the member.



DEPRIVAL OF PENSION OF MR. VINAYAKRAO JOSHI OF EDUCATIONAL  
DEPARTMENT.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to lay on the Council table all the correspondence leading to the deprival of the pension of Mr. Vinayakrao Joshi, retired educational inspector?

(b) For what specific action of Mr. Joshi is his pension stopped?

(c) Was any reference in this matter made to the Government of India?

The Honourable Mr. H. S. LAWRENCE: (a) No.

(b) For a breach of the conditions of Article 351, Civil Service Regulations.

(c) The matter is within the competence of the local Government.

Mr. C. M. GANDHI (Surat City): May I enquire which condition?

The Honourable Mr. H. S. LAWRENCE: I would like notice of that question, Sir.

Mr. G. B. TRIVEDI (Thana District): My question is for what specific action of Mr. Joshi is his pension stopped? There is no reply to that.

The Honourable Mr. H. S. LAWRENCE: The conditions of Article 351, Civil Service Regulations, are open to anybody to study for himself. These conditions have been broken by Mr. Joshi and the breach of those conditions is the specific action of Mr. Joshi.

Mr. G. B. TRIVEDI: That is a general reply, it does not name the specific action enquired about.

The Honourable the PRESIDENT: You need not make any comment on the reply, but if you want to ask any questions, you may ask them.

Mr. G. B. TRIVEDI: I asked one more question—whether the Minister for Education was consulted in this matter, but you, Sir, disallowed it .....

The Honourable the PRESIDENT: You are going into another question .....

Mr. G. B. TRIVEDI: You have written .....

The Honourable the PRESIDENT: This is not the time for that and I fear you are now going beyond the order of the day.

PURCHASE OF SAFES FROM MESSRS. GODREJ AND BOYCE.

Mr. G. B. TRIVEDI (Thana District): (a) Has the attention of Government been drawn to the correspondence that appeared in the issue of the *Bombay Chronicle* of the 15th September 1921 in which it is stated that a confidential Government circular from the Separate Department was issued asking Government officers not to buy any more iron safes from Messrs. Godrej and Boyce?

(b) Has any such circular been issued? If so, for what reasons?

(c) Has the firm's donation to Tilak Swaraj Fund any connection with the issue of the circular?

(d) Will Government be pleased to state how many safes were bought by them during the last five years and how many of them were of foreign make and how many of Indian manufacture and how many of the latter were bought from Messrs. Godrej and Boyce?

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

(b) The *Chronicle's* correspondent was inaccurate.

(c) and (d) Government have no further information to give.

Mr. C. M. GANDHI : The question is simple, it asks whether any such circular has been issued and, if so, for what reasons.

Mr. PURSHOTAMDAS THAKURDAS : Do Government intend putting an accurate statement of the facts on the Council table ?

The Honourable Mr. H. S. LAWRENCE : The answer to that will be found in answers to (c) and (d), that Government have no further information to give.

Mr. PURSHOTAMDAS THAKURDAS : Why I am asking for this further information is because that will give the people of this Presidency some information which will assist them in dispelling the inaccurate statements. Do Government intend placing an accurate statement of the facts in connection with that on the Council table ?

The Honourable Mr. H. S. LAWRENCE : I can only say that Government have no further information to give.

Mr. C. M. GANDHI : Will Government be pleased to lay on the Council table a copy of the circular issued by the Separate Department ?

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

Mr. KANJI DWARKADAS : Do Government intend taking any steps to contradict the inaccurate statements of the correspondent of the *Chronicle* ?

The Honourable Mr. H. S. LAWRENCE : No, Sir.

Mr. KANJI DWARKADAS : Why not ?

The Honourable Mr. H. S. LAWRENCE : I am afraid the staff of the Secretariat will not be enough to take steps to contradict every inaccurate statement appearing in the *Chronicle*.

Mr. G. B. TRIVEDI (Thana District) : Is it not a fact that a Government Resolution has recently been issued in the matter ?

The Honourable Mr. H. S. LAWRENCE : I am not aware of it.

Mr. G. B. TRIVEDI : In May 1922 ?

The Honourable Mr. H. S. LAWRENCE : I am not aware of it.

Mr. G. B. TRIVEDI : With regard to (c) and (d) have Government no further information, or do they decline to give further information, or are they unable to give further information ?

The Honourable Mr. H. S. LAWRENCE : Government have no further information to give.

The Honourable the PRESIDENT : It is pure waste of time of the Council to ask Government what a certain thing means. Every one of us, honourable members included, can put a sensible interpretation upon the words of Government. Government say "they have no information to give". That means not that they decline to give any information but that they have no further information.

Mr. G. B. TRIVEDI : How many safes were bought by Government during the last five years and how many of them were of foreign make and how many of Indian manufacture and how many of the latter were bought from Messrs Godrej and Boyce ?

The Honourable Mr. H. S. LAWRENCE : Government have no further information to give.

Mr. G. B. TRIVEDI : Does it mean that Government have no information on records ?

The Honourable Mr. H. S. LAWRENCE : May I explain this, Sir, that these safes are bought by many officers in the various parts of the Presidency and this information as to how many safes had been bought and of which particular character is not on the records of Government at the head-quarters ?

Mr. G. B. TRIVEDI : Is it not proved that these safes were bought by the Separate Department ?

The Honourable the PRESIDENT : The honourable member may ask any question arising out of the question on paper.

Rao Bahadur G. K. CHITALE : Why a separate notice is needed when the question is specific ?

The Honourable the PRESIDENT : That I have already allowed but he proposes another question.

Mr. G. B. TRIVEDI : I will put another question. Clause (b) of this question is "Has any such circular been issued ? If so for what reasons ?" The answer is that the *Chronicle's* correspondent was inaccurate. My supplementary question is whether any such circular as mentioned in (2) (b) was issued. I ask an answer to that question, whether as a matter of fact a circular from the Separate Department was issued asking Government officers not to buy any more safes from Messrs. Godrej and Boyce.

Mr. C. M. GANDHI (Surat City) : What was the character of that circular ?

The Honourable the PRESIDENT : Has the circular any character ?

Mr. C. M. GANDHI : I mean contents.

The Honourable Mr. H. S. LAWRENCE : I have not got the circular here with me. So I cannot refer to it.

Mr. C. M. GANDHI : Will this circular be kept on the Council table ?

The Honourable Mr. H. S. LAWRENCE : I can give no such assurance.

Mr. C. M. GANDHI : Will it be placed on the Council table before this session is over ?

The Honourable Mr. H. S. LAWRENCE : I will have to consider when I obtain the papers from Bombay.

The Honourable the PRESIDENT : The Honourable the Finance Member will require some time to consider.

Mr. KANJI DWARKADAS : To consider what ?

The Honourable the PRESIDENT : Order, order.

#### INSPECTION OF PRIMARY SCHOOLS IN AHMEDABAD, NADIAD AND SURAT.

Mr. G. B. TRIVEDI (Thana District) : (a) Were any attempts made by the Honourable Minister for Education and Local Self-government to discuss the situation and arrange for amicable settlement of the question of inspection of primary schools in Ahmedabad, Nadiad and Surat with non-co-operating councillors of those municipalities ?

(b) Were these Ministers consulted in the steps taken by the Commissioner, Northern Division, against the municipalities ?

(c) Is it true that possession of some primary schools in Surat was taken over by breaking open locks ?

(d) Did the Rashtriya Kelavni Mandal, Surat, claim that the schools were in its possession ?

(e) Had they put up their signboards there ?

(f) Did Government take any steps to obtain an order from the law-courts at Surat to get their possession ? If not, why not ?

(g) Are Government aware that this action has created dissatisfaction among the people of Surat ?

(h) How many schools were thus taken possession of ?

(i) What was the total attendance of boys in these schools in January 1922 as compared with the attendance in November 1921 ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : (a) to (f) These have been already replied to.

(g) Some people were satisfied and some were dissatisfied.

(h) Fifty-five.

(i) 230 as compared with 5,461.

Mr. G. B. TRIVEDI (Thana District) : Was there any special reason for not granting usual  $2/3$  ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : I am very glad the honourable member wants information. But I want notice from the member of the supplementary question.

#### MR. THAKKUR, ACTING MAMLATDAR, SHAHPUR, AND POLITICAL LECTURES.

Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to state—

(a) For what period was Mr. Thakkur holding the post of acting mamlatdar at Shahpur in Thana district ?

(b) Whether he has been lately reverted from that post ?

(c) If so, reasons for his reversion ?

(d) Is it a fact that a member of this Council visited Kinhavli in Shahpur taluka, Thana district, and asked Mr. Thakkur to get up a meeting for his lecture and the meeting being poorly attended, the member complained against Mr. Thakkur to the Collector and the Collector thereupon had Mr. Thakkur reverted ?

(e) Is it a part of the duty of a mamlatdar to arrange for audiences for political lectures ?

(f) Will Government be pleased to lay all the correspondence relating to the incident on the table ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) Mr. Thakkur has been in Shahpur continuously since February 1920.

(b) and (c) Mr. Thakkur has not been reverted.

(d) Government have no information as to the facts mentioned in the question, but Mr. Thakkur has not been reverted.

(e) No.

(f) There is no official correspondence in the matter which can be laid on the Council table.

#### GRANTS TO EUROPEAN SCHOOLS.

Mr. G. B. TRIVEDI (Thana District): What was the amount of (1) special grants, (2) cadet grants, (3) building grants and (4) grants for scholarships made in 1919-20 and 1920-21 to purely European schools only?

The Honourable Mr. M. H. W. HAYWARD: The accompanying statement\* gives the information required.

#### EXPENDITURE AND COST IN EUROPEAN AND NON-EUROPEAN SCHOOLS.

Mr. G. B. TRIVEDI (Thana District): What was the total (including indirect) expenditure and cost to Government per student in European schools in 1919-1920 and 1920-1921 and what were the corresponding amounts for (a) English teaching and (b) Anglo-Vernacular aided schools per student in non-European schools.

The Honourable Mr. M. H. W. HAYWARD: A statement† giving the information is laid on the table. The figures do not include the cost of inspection and direction.

#### BUILDING GRANTS TO EUROPEAN SCHOOLS.

Mr. G. B. TRIVEDI (Thana District): Are there any cases of building grants being two-thirds of the total cost in case of European schools in 1919-1920 and 1920-1921? If so, for which school or schools? What was the amount of grants thus made.

The Honourable Mr. M. H. W. HAYWARD: The Cathedral High School, Bombay, received a grant of Rs. 1,413 in 1919-1920 and the Pensioners' School, Poona, a grant of Rs. 1,550 in 1920-1921. The two grants were in excess of two-thirds the expenditure on the buildings.

#### RELIGIOUS INSTRUCTION IN EUROPEAN SCHOOLS.

Mr. G. B. TRIVEDI (Thana District): (a) Does ordinary teaching staff give religious instruction in any European schools? If so, in which schools?

(b) Are any grants made towards the payments of such teachers for the time they devote to such instruction?

(c) Is such instruction given during or before or after school hours?

The Honourable Mr. M. H. W. HAYWARD: (a) Yes, in those shown in the list‡ laid on the table.

(b) and (c) No. It is given outside the periods devoted to secular instruction.

\* Vide Appendix E.

† Vide Appendix F.

‡ Vide Appendix G.

**LIST OF PERSONS PASSED THE QUALIFYING EXAMINATION IN THE  
REVENUE DEPARTMENT.**

Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to lay on the Council table the following information :—

(a) Information about persons who have passed the qualifying examination in the Revenue Department for the mamlatdar's post in and since 1910 but have not yet been confirmed as mamlatdars or any other posts of equal grades :—

Name.	Educational qualifications.	Year in which passed.	Date of appointment in the Revenue Department.	Present pay.	Reasons for not giving the permanent appointment of mamlatdar's grade.

The Honourable Sir IBRAHIM RAHIMTOOLA : The qualifying examination was first held in the year 1913 and not in 1910 as stated by the member. Half the number of vacancies occurring in the mamlatdars' cadre are reserved for direct recruits and the remaining half for those who have passed the higher standard examination. The passing of the qualifying examination merely renders the person passing, eligible for the place of mamlatdar. It does not give him any right to the appointment. Promotions to the grade of mamlatdar are given in consideration of proved merits, seniority, and public expediency.

The requisite statement \* containing the information required by the member is placed on the Council table.

**REVISION OF SALARIES OF SECONDARY TEACHERS.**

Mr. G. B. TRIVEDI (Thana District) : (a) Is it a fact that the selection grade appointments in the last revision of salaries of secondary school teachers were made generally on the principle of mere seniority ?

(b) Will Government be pleased to give the names of officers so selected with their pay and length of service at the time of selection ?

The Honourable Mr. R. P. PARANJPYE : (a) No. The appointments were made by selection on the principle of efficiency combined with seniority.

(b) The list† required is placed on the table.

**DEPUTY SUPERINTENDENTS AND ASSISTANT SUPERINTENDENTS  
OF POLICE ACTING AS SUPERINTENDENTS.**

Mr. G. B. TRIVEDI (Thana District) : (a) How many deputy superintendents of police acted as Superintendents in the year 1920-21 ?

(b) How many assistant superintendents of police acted as Superintendents in the same year ?

\* Kept in Secretary's office.

† Vide Appendix H.

The Honourable Mr. M. H. W. HAYWARD: Statements\* containing the information are placed on the Council table.

AMOUNT OF STORES ORDERED BY THE GOVERNMENT OF BOMBAY FROM  
DIRECTOR GENERAL OF STORES.

Mr. G. B. TRIVEDI (Thana District): Will the Government be pleased to place on the Council table a statement showing (a) the indents placed by the Government of Bombay with the Director General of Stores in London for the year 1921-22 and (b) the amount of goods with their values ordered out in 1920-21?

The Honourable Sir IBRAHIM RAHIMTOOLA: Statements† giving the information required are laid on the table.

LOCAL ALLOWANCE TO VERNACULAR TEACHERS IN THANA DISTRICT.

Mr. G. B. TRIVEDI (Thana District): Have the Government received a representation from vernacular teachers of the Thana district for local allowance?

(b) If so, have they decided the matter and what is the decision?

The Honourable Mr. R. P. PARANJPYE: (a) and (b) Local allowance is already being paid to primary teachers in places in the Thana district where the cost of living is very high. Government have received a representation for the grant of local allowance at increased rates to all teachers in this district and the matter is under consideration.

CENSUS WORK ALLOWANCE TO VERNACULAR TEACHERS OF UMBERGAON  
PETHA, THANA DISTRICT.

Mr. G. B. TRIVEDI (Thana District): Is it a fact that vernacular teachers in UMBERGAON petha, Thana district, have not received census work allowances on the same scale as Government clerks in the revenue and other departments?

(b) If so, what is the reason of the difference?

The Honourable Sir CHIMANLAL SETALVAD: One bill only for Rs. 15 has been passed by the provincial superintendent of census on account of local fund teachers in UMBERGAON petha. In this bill mileage limited to daily allowance for journeys under 20 miles was claimed and was certified as reasonable by the Collector. Travelling allowance bills of other teachers are still unsettled because they asked too much. In these cases the provincial superintendent has required that the amounts be reduced to actual expenses and care will be taken to see that the teachers are not out of pocket. Government have ruled that claims for travelling allowance shall (1) be for actual expenses and (2) be reasonable.

SPECIAL DEPUTY EDUCATIONAL INSPECTOR OF DEPRESSED CLASSES  
SCHOOLS.

Mr. G. B. TRIVEDI (Thana District): (a) Is another post of special deputy educational inspector of depressed classes schools to be created this year for the other three districts in the Deccan and Karnatic?

\* Vide Appendix I.

† Kept in Secretary's office.

(b) If not, why not ?

(c) If it is to be created, has the Depressed Classes Mission Society been consulted ?

(d) If not, why not ?

The Honourable Mr. R. P. PARANJPYE: (a), (b), (c) and (d). It was proposed to appoint one more assistant deputy educational inspector for depressed classes. The question of the exact locality to which he was to be posted was to be decided later on in consultation with the divisional inspector. Owing to the financial stringency, however, the proposal could not be proceeded with and has been dropped for the present.

#### INDIAN MERCHANTS' REPRESENTATION ON BOMBAY PORT TRUST.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state what progress has been made in the matter of giving more representation to the Indian Merchants' Chamber and Bureau on the Board of Trustees of the Bombay Port Trust since their reply to my question on the subject on the 10th October 1921 ?

(a) When do they hope to announce their decision ?

(b) When do they propose to bring in a bill for the amendment of the Bombay Port Trust Act ?

The Honourable Sir CHIMANLAL SETALVAD: A bill for the amendment of the Bombay Port Trust Act with a view to altering the constitution of the Board of Trustees is under the consideration of Government and it will shortly be introduced in the Legislative Council.

Mr. KANJI DWARKADAS: Will it be introduced at the September session ?

The Honourable Sir CHIMANLAL SETALVAD: Very likely.

#### REMOVAL OF BRANCHWOOD FOR RAB PURPOSES FROM GAUCHARAN LANDS.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state if there is any restriction to the removal of branchwood of *injaili* trees for rab purposes from Gaucharan lands ?

The Honourable Mr. C. V. MEHTA: The attention of Mr. Trivedi is invited to Rule 5 in Article 149 at page 121 of the Bombay Forest Manual, Vol. II.

Mr. C. M. GANDHI (Surat City): Is it available for members of this Council, or is it like the Police Manual ?

The Honourable Mr. M. H. W. HAYWARD: I believe it is being placed in the Council Library.

#### NEW POST OF SPECIAL DEPUTY EDUCATIONAL INSPECTOR.

Mr. G. B. TRIVEDI (Thana District): (a) Was a new post of special deputy educational inspector to be filled up by a depressed class man created in 1921 for the districts of Poona, Satara and Sholapur ?

(b) Is it his duty to recommend opening of new schools for the depressed classes ?



(c) How many new schools did he recommend for being opened in 1922 ?

(d) How many of these are proposed to be opened ?

(e) If fewer schools than those recommended are to be opened, what are the reasons for not opening all as recommended ?

The Honourable Mr. R. P. PARANJPYE: The information is being obtained.

#### PROHIBITION OF PUBLIC MEETINGS.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state—

(a) How many District Magistrates issued notices prohibiting holding of meetings in their districts in connection with the *hartal* of 13th April 1922 ?

(b) What exact incidents happened in those districts to justify such notices ?

The Honourable Mr. M. H. W. HAYWARD: (a) The District Magistrate of Belgaum.

(b) The District Magistrate had reason to believe that the *hartal*, if it took place, would cause a disturbance of the public tranquillity.

Mr. G. B. TRIVEDI (Thana District): Sir, in my question about Mr. Joshi's pension, I had asked whether the Honourable the Minister for Education was consulted, and you have disallowed it on the ground that Government are one, and that their decision is binding. My question was "Has the Government....."

The Honourable the PRESIDENT: Order, order. I am afraid I have been a little too liberal in allowing members to question my rulings. I cannot allow it.

Mr. G. B. TRIVEDI: You have allowed it.

The Honourable the PRESIDENT: I have been giving honourable members a little liberty as it were merely by way of grace. I thought it a practice convenient when the Council came into existence to inform honourable members of my reasons for disallowing any of their questions, so as to make them familiar with precedents in the House of Commons as to the drawing up of questions, since our Rules and Standing Orders as regards questions are borrowed *literatim et verbatim* from the House of Commons. Accordingly, I have been following that practice up to now merely by my choice. I am glad to say most of the members have been kind enough to work in harmony with my intentions, and the way of drawing up questions has also improved. It seems Mr. Trivedi is not quite satisfied with my ruling disallowing some of his questions. What does the honourable member want? I do not want to hear any arguments.

Mr. G. B. TRIVEDI: I am not questioning your ruling. You told me to raise this point at question time.

The Honourable the PRESIDENT: I did not ask you to raise it. Some honourable members want to enter into correspondence with me as regards my rulings for disallowing questions. Some are writing to the President saying "My dear Sir Narayan, why have you not allowed such and such a question

of mine?" I resent any honourable member, either official or private, entering thus into correspondence with the Chair. It would be intolerable if the Chair were to be trifled with in that way. If any honourable member comes into my chambers I am always willing, and it is my duty, to give him my advice and also to hear his views. I have been always willing to do it. What does the honourable member want? What is he not satisfied with?

Mr. G. B. TRIVEDI: The question was about the constitutional practice, and you told me to raise it in the Council.

The Honourable the PRESIDENT: I did not ask you to raise it. I simply asked the Secretary to write to you in reply to your letter to me that the President cannot enter into correspondence with any non-official members about any ruling of the Chair, but if any member wants to ask anything he may ask. Now, you may ask any question and I will answer if it is in order.

Mr. G. B. TRIVEDI: My submission is that the ruling that you gave was as regards the constitutional position, and I wanted Government's opinion on that, whether.....

The Honourable the PRESIDENT: Government has nothing to do with my power to disallow questions.

Mr. G. B. TRIVEDI: All right, Sir.

The Honourable the PRESIDENT: For the information of all honourable members I should exactly state the point raised by Mr. Trivedi as to the position which Members of Government, Ministers included, occupy with reference to the attempt which has been made in certain questions to enquire whether, on certain matters, any Member of Government or any Minister was consulted, and if so what his advice was. I have ruled out such questions to be irregular and improper, and that for two reasons.

The first reason is, taking the case of Ministers alone, the Ministers are responsible under the statute for transferred subjects only. From the statutory point of view then the question whether any Minister or all the Ministers were consulted or not on any matter relating to a reserved subject is out of order under the Standing Orders: whether the members ought to be consulted or not is entirely for His Excellency the Governor. Now, according to the opinion of the law officers of the Crown in England, the word Governor is used in all these Acts relating to delegated legislatures in two senses: (1) as the representative of the Crown, and (2) as the head of the executive Government. His Excellency occupies the former position in the matter of convening this Council, proroguing it, addressing it and other matters, which being the prerogatives of the Crown have been transferred to His Excellency under the statute. One of the prerogatives is that the discretion is left to His Excellency to bring about an interchange of views between the Executive Councillors and the Ministers by making rules in that behalf; it is entirely his discretion, and there he is acting as His Majesty acts with regard to his Cabinet, where His Majesty is supposed to call the members of the Cabinet. Our Standing Orders require that a question should relate to a matter which is within the special cognisance of a Member of the Government who being in charge of a department is a member of this Legislative Council. His Excellency is not such a member. He alone can answer whether any Member of Executive Council was consulted,

etc. Therefore questions of the nature I have referred to must be ruled out of order.

Secondly—and that is a constitutional point—in the case of Government, whether it consists of the Members of Government alone or Ministers alone, or both combined, they all form the Cabinet of the local Government, and this Council has nothing to do with what passes in the Cabinet. The latest authority on this constitutional question is the recent debate in the House of Commons on the subject of the newly created Cabinet Secretariat, where it was complained that Cabinet secrets were going out. It was Mr. Asquith who complained and the Prime Minister Mr. Lloyd George said he could not help it. But in the House of Commons the Chair has ruled “We do not know,” that is, the House of Commons does not know; “what passes in the Cabinet”. The Cabinet is an inner circle of advisers as Anson in his *Laws and Customs of the Constitution* calls it. The House holds the whole Cabinet or Government responsible for its policy but will not individualise any member of it so long as he does not resign but remains in office. The whole Government, consisting of the Crown’s Ministers, constitute one entity or one person and are collectively responsible; they stand or fall together. That, in my opinion, applies to the local Government here. I hope now the position is made clear.

Mr. G. B. TRIVEDI: I am very much obliged to you, Sir.

The Honourable the PRESIDENT: I have to make three announcements. One is that in regard to the farewell message which was sent by the House to His Royal Highness the Prince of Wales. I have received the following message from His Excellency the Governor’s Private Secretary:—

“I am to acknowledge receipt of your telegram dated 17th of March forwarding a resolution passed by the Bombay Legislative Council and to convey to you His Excellency’s warm appreciation of the loyal sentiments expressed therein.

“The resolution has been communicated to His Royal Highness as desired.”

And His Royal Highness has been pleased to send through His Excellency the following gracious reply:—

“Please convey to the President of the Bombay Legislative Council my assurance of the gratification with which I have received their resolution for the terms of which I would invite Your Excellency to express my best thanks to all members.” (Cheers.)

Then the third announcement that I have to make is that the following reply has been sent by the Right Honourable Mr. Montagu, the late Secretary of State, to the resolution passed by this House:—

“Please convey to the Bombay Legislative Council my heartfelt appreciation of its welcome message. I shall watch its work in the future with unabated confidence and interest.” (Cheers.)

Another announcement that I have to make is this. Hitherto I have allowed honourable members to know the reasons why any of their questions have been disallowed. I am not going to continue that practice henceforth because honourable members have had sufficient time, one year and a half, to be familiar with the proper form in which to put questions. I initiated the practice merely for our own educative purposes, and I think that it has had its effect, and I am going to discontinue that from now.

**A BILL FURTHER TO AMEND THE PREVENTION OF CRUELTY  
TO ANIMALS ACT, 1890 (BILL No. XIII OF 1921).**

The Honourable Mr. M. H. W. HAYWARD: Sir, I rise to move the first reading of the bill further to amend the Prevention of Cruelty to Animals Act, 1890, in its application to the Presidency of Bombay. It is a small bill which will not probably give much trouble to the Council. It contains two separate amendments. One is the amendment of section 3 of the Act and the other is the amendment of section 4.

The amendments of section 3 are amendments arising out of a case which occurred in 1919 in the High Court, and legislation has been undertaken in view of the remarks made by the learned Judges who sat on that appellate bench of the High Court. It was pointed out in that judgment that section 3 of the Act makes it criminal to ill-treat an animal in various ways in any public place, but it leaves everybody at liberty to ill-treat their animals in their stables or in any other private place. The first amendment, therefore, proposed is to omit the words in the beginning of the section which restrict the Act to ill-treatment in public places, and so to lay down that no one is at liberty to ill-treat his animals in his own stable or other private place. It has also been proposed to make it penal to neglect to supply an animal under his control sufficient food or drink.

It was also pointed out in that judgment that as the section is now worded it was apparently only an offence to ill-treat an animal so long as it was retained in possession, but it was no offence to abandon the animal and to turn it loose and permit it to starve. There was a strong body of public opinion against allowing a man to turn his domestic animals loose and to allow them to starve, so the second amendment of this section has been proposed to make it penal to abandon or turn loose any animal without making due provision for its subsistence. These then are the amendments proposed in section 3 to make it an offence to ill-treat an animal in private and to make it an offence to ill-treat an animal by neglecting to feed or water it or by turning it loose and making no provision for its subsistence, and I think that these amendments will in all probability appeal to members of this Council.

The other set of amendments are the amendments of section 6. That section provides for the disposal of animals which have been found to have been ill-treated, and the practical working of that section was this, that if an animal had been ill-treated it was sent to an infirmary and the infirmary in Bombay to which such animal was sent by the magistrate was the Bai Sakarbai Petit Hospital. The authorities of the hospital were very glad to receive those animals for treatment, but, as the section now stands, there was no remedy for them if they were given incurable animals for treatment, and the consequence was that a very heavy expenditure had to be incurred by those authorities in treating a number of animals for which there was really no accommodation or space in the hospital. They raised this question in 1914 recommending that incurable animals ought to be treated otherwise than in their hospital and there was correspondence on the subject between their veterinary officer, the Principal of the Bombay Veterinary College, and the honorary presidency magistrates. The matter was later on taken up by the Bombay Society for the Prevention of Cruelty to Animals, and eventually a conference was arranged between the Bai Sakarbai Petit Hospital, and the Bombay Society for the Prevention of Cruelty to Animals and the honorary magistrates. The conference reported on

[Mr. M. H. W. Hayward]

the matter in 1919 and the result of their report is now the legislation which is placed before the Council. The proposed legislation will practically effect this. It will make it possible for Government to provide expert advice on the question whether an animal is likely to become fit again for work or whether it is practically incurable, and it will provide in the latter case for the animal to be discharged from the infirmary, such as the Petit Hospital, and be either destroyed or sent to *pinjrapole*. It will provide for the cost of the treatment of animals that are sent to the hospital being recovered from the owners of those animals, so that no unnecessary expense will fall on the hospital, while the owner will not be liable to pay heavy expenses for attempts to cure animals that cannot be cured because it will be possible to send incurable animals either to *pinjrapole* or to have them destroyed under the orders of the magistrate. I do not think it is necessary for me now to go into details of the amendments of this section or do more than to explain generally the proposals resulting from this conference and their report to Government.

I propose, if this measure meets with the approval of the Council, to refer the bill to a select committee, who will carefully scrutinise the details of these two sets of amendments, amendments in section 3 and in section 6, and then report their opinion within a month to this Council.

Rao Bahadur R. R. KALE (Satara District): Mr. President, while conceding that the objects with which the proposed amendments are sought to be made are good, I must say, Sir, that the omissions which it is sought to supply are not omissions which were due to any oversight, but there is a principle underlying those omissions in the Act as it was passed in the year 1890. The first omission which is referred to is the omission to bring under the operation of this Act cases where cruelty is caused not in public but in private. The statement of objects and reasons seems to show that this is illogical. It is stated that if an animal is ill-treated "within sight of any person that the feelings of the onlookers are more considered than those of the animal which is ill-treated. This is illogical, for if cruelty is to be prevented it should be prevented if practised privately, as well as publicly. It is, therefore, proposed to amend section 3 in order to make it clear that it applies also to cruelty in private." Now, a reference to the discussion at the original passing of this enactment will show, Sir, that the cruelty practised in private was deliberately omitted from the operation of the bill on the ground that the conditions in India do make it necessary to place restrictions upon interference with privacy and also on the ground that it will lead to oppression and interference with the public, because, after all, the power will ultimately lie with the police, as is suggested in the discussion on that Act, and it will always be very difficult to prevent the police from raiding the houses of the people or entering their houses in order to see whether an animal is in a fit condition or not. It was for that reason that the cruelty to animals practised in private was omitted from the operation of the bill. Secondly, with regard to the question as to what amounts to cruelty, it is sought now to make cruelty include starvation. That is also a question which has to be considered having regard to the poverty of the large number of people in this country. I mean it will be very difficult to find owners of cattle in the mofussil who can be said at all times to be sufficiently able to even supply food to their own families, and there are numerous cases in which it might be said that they are starving their cattle and so they will be penally liable. The point is that it is sought to make starving a

[Rao Bahadur R. R. Kale]

criminal offence, and I submit, therefore, that the principle in the bill encroaches upon the poverty and the privacy of the people.

The second question is about improving the present procedure. No doubt, it is very laudable to have cattle sent to a veterinary hospital to have them examined but the cost is to be borne by the owners. So then, the question would arise as to whether, in the present condition of the people of this country, it is desirable to saddle the people with the cost of obtaining a certificate from the veterinary hospital. My submission is that the principle which is sought to be introduced by the amendment is objectionable both on the ground that it encroaches upon the private rights of the people and also that it will affect the poorer classes of the people. Of course, rich people or wealthy persons who possess cattle, I know, will not come within the purview of this enactment. They are ever expected not to ill-treat or to starve their animals, but it is the poor people who, owing to their ignorance and owing to their poverty, will be sought to be made amenable to the provisions of this Act. Therefore, I think on principle this amendment need not be undertaken at present.

Dewan Bahadur K. R. GODBOLE (Poona District): Mr. President, I also oppose the first reading of this bill, but I do not want to traverse the grounds of opposition that have already been covered. What this bill seeks to do is to amend section 3 of the present Act and the amendments proposed to be made will make cruelty practised in private houses by agriculturists and others also punishable. As was remarked by the previous speaker, the amendments will place another handle in the hands of the police enabling them to go into private houses of agriculturists, which will then be a fresh means of extortion placed in their hands.

What is proposed is to add sub-sections (d) and (e) to the present section 3. Sub-section (d) proposes to punish the man who neglects to supply any animal under his control with sufficient food or drink. I am acquainted with the conditions of cattle in the rural areas of this district; and I may tell the Council that if there are one thousand cattle in a village, half this number are underfed in the months of April and May, and also to a certain extent in the latter half of February and in March, every year. That is the usual condition of cattle in the district. So long as there are crops, and so long as there is green grass on the country side, cattle get moderately sufficient food; but, as soon as green grass and crops in the fields disappear, more than half the cattle of the village are let loose on the lands of the village where they browse and pick up little tufts of grass here and there, and in the evening they return to their stables in a famished condition. During the twelve hours of the day they are underfed and half starved. This is the condition of the bulk of the cattle in our rural area as and, if we pass this enactment, the owners of these cattle become liable to be hauled up before the magistrate and fined Rs. 100 for each head of cattle. This will be very oppressive and bear very hard on the rural population of our Presidency.

Then, sub-section (e) proposes to fine a man Rs. 100 if he turns loose any animal without making due provision for its sustenance. Under this provision also the owners of rural area animals can be hauled up before a magistrate. I, therefore, think on the whole that the proposed amendment of section 3 is undesirable. The bill pre-supposes that our people, our agriculturists, are intentionally cruel to their animals. This condition I am not prepared to

[Dewan Bahadur K. R. Godbole]

grant at all. In the case of useful cattle, our agriculturists ~~are very tender~~ to them, and take every possible care to feed them and to treat them well, so as to get sufficient work out of them. Generally, the agriculturists of our rural committees take particular care of their serviceable cattle. As regards unserviceable and surplus cattle, these are underfed in certain seasons and this will lead to their owners, the agriculturists, being hauled up before magistrates, if the present bill is passed. I, therefore, think that the proposed amendments should not be made.

Then, section 6 of the act is proposed to be amended. That amendment also, is, I think, unnecessary, except in one particular. As it stands at present under section 6 of the Act, if the magistrate sends a head of cattle to an infirmary, after the animal is cured, the owner of the animal has to pay the cost of its up keep and so on. If the owner fails to do so, then the animal is sold, and if any surplus remains after defraying the cost, it is handed over to the owner. In the case of deficit, the Government, I think, has to meet it....

The Honourable Mr. M. H. W. HAYWARD : The hospital bears the cost.

Dewan Bahadur K. R. GODBOLE : The effect of the amendment that is proposed to be made will be that the poor agriculturist will not only have to pay for the food of the animal and its upkeep but he will have to pay the fee of the veterinary officer which will be an additional burden thrown on him; and, poor as he is, he will feel this burden very heavy and difficult to bear.

I, therefore, do not think that this bill should be supported by the Council except in the one particular which I have mentioned, namely, the cost that is at present thrown on the infirmary, and I think there should be some provision to ensure that the excess cost is made payable by the owner of the cattle.

With these remarks, Sir, I oppose generally the first reading of this bill. The bill is all right in principle but looking to the condition of things as they exist in our mofussil areas, it will do a great amount of harm and will place in the hands of the police additional avenues of extortion and harassment of the people.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I agree with Dewan Bahadur Godbole and oppose the first reading of the bill. I think, Sir, that the bill is brought out perhaps with the intention of making some money out of it, otherwise, clause 2 should not have been worded as it appears to have been worded. Dewan Bahadur Godbole has said that half the cattle in the mofussil would come under the operation of this Act. I say not half but perhaps three-fourths of the cattle in rural areas would come under the operation of this Act. Clause 2 (d) states "sufficient food". What are we to understand by "sufficient food"? "Sufficient food" also includes concentrated food. Everybody knows that agriculturists do not give concentrated food to cattle unless they are rich enough to do so. If an average agriculturist of the poor class does not give concentrated food, will it be said that his cattle are not sufficiently fed? Again, there is "drink". What is sufficient drink? In more than half the number of the villages in this Presidency, there is lack of adequate provision by which cattle in rural areas might get sufficient water. On my side many tanks remain empty during summer and even in the latter part of winter, and I do not think people give sufficient drinking water to their animals. Clause 2 (e) reads "abandons or turns loose any animal without making due provision for its sustenance". I cannot grasp what is meant by

[Rao Saheb D. P. Desai]

"turning loose any animal". Does turning loose on a grazing area constitute an offence under this bill? When cattle are let out from the village, they are turned loose and they go to the grazing areas and there of course they graze on them. Under these circumstances any police patel can under this bill haul the people up before a magistrate and say that their animals were under-fed or turned loose and in this manner without any fault on the part of the agriculturists they may come in for a fine of about Rs. 100.

In clause 6 again there are these words "if any person employs in any work or labour any animal which by reason of any disease, infirmity, wound, sore or other cause is unfit to be so employed, or permits any such unfit animal in his possession or under his control to be so employed"; the village police might take advantage of this. When an animal is yoked to a plough, it is yoked from morning till evening and mostly the animal gets thoroughly knocked down during this part of the season. In the monsoon particularly the spectacle of an animal working from morning till evening is not uncommon. We find it everywhere; especially when a cultivator has a pair of bullocks, and one bullock is kept out of work through sheer inability to work or through sheer weakness. Under clause 6, therefore, such cattle may also come under the purview of this bill and hence I object to it.

Then I find that this clause empowers a magistrate to kill an animal. Is it not worse than simple ill-treatment?....

The Honourable the PRESIDENT: Will Rao Saheb Dadubhai Desai kindly allow me to point out that he is now discussing the bill as if it were before the House for the second reading? This is the first reading. The first part of his speech I did not object to, because it was all right as he was dealing with principles. But now he is taking the bill clause by clause and commenting upon certain points. That is not allowed at the first reading when the honourable member can only discuss the question of the principle and oppose the first reading on the ground of the leading principles of the bills. If the honourable member wishes to object to a particular clause, that may be done in the select committee.

Rao Saheb D. P. DESAI: Then I have nothing further to add and so shall only say the principle as expounded by the Honourable the Home Member is, I think, faulty and, as I have stated already, I think, this bill goes much farther to harass the agriculturists than the previous bill and therefore I oppose it.

Rao Bahadur G. K. SATHE: Sir, I wish to offer a few remarks on the motion for the first reading of this bill, and I do so, with a view to oppose the first reading. The principle on which I oppose it is this. Clause 2 (d) has this wording "neglects to supply any animal under his control with sufficient food or drink". Before I make any further remarks, I really congratulate Government on its attempt to secure the blessings of these dumb animals, but in doing so I feel they are rather entrenching upon the private rights of the people. In determining the question as to the sufficiency of food, what should be our standard? It may vary with individuals. A rich man in Bombay may have his own standard of sufficient food required for the cattle under his control while a man living in a village may have a different standard of sufficient food. When cattle are the mainstay of the agriculturists in this country and in this Presidency, is it not to be expected of the people that they will do



[Rao Bahadur G. K. Sathe]

their utmost to secure or to see that the animals from whom they have to take work are kept in a good condition? Those of us who have known famine conditions have seen that even by raising loans these people try to feed their animals and to continue their life so as to be in a position to give them work after the famine ceases. And when such an amendment is being brought forward by Government, is it not a commentary on the intelligence of the ordinary ryot in this Presidency? Do we really find cases in which they neglect to feed their cattle having the means to support them? In famine days some people who are not in a position to feed their animals do send them out to different places and they underfeed them but they do so in a manner that will make them serviceable after the famine ceases.

If we take into account the kind of treatment which these agriculturists give to their animals, it is really a pity that Government should undertake a bill of this character. Apart from the question whether it will give power of extortion or other things, it will certainly influence people on one hand and officers on the other. The practical proposition is, are we going to control this? Taking into account a large number of cattle spread all over the country, it is not really feasible to carry out the provisions of this Act and to keep a vigilant eye on the condition of the animals used for agricultural work and for other work. It is rather too early and it may likely be misunderstood by the people for whom it is really intended. I do not wish to offer any remarks on clause 3 at this stage. The main principle in the first instance is not acceptable, and I think it is better to oppose entirely the first reading of this bill.

MR. PURSHOTAMDAS THAKURDAS: I rise to support the first reading of the bill on the general principle enunciated by the Honourable Member in his statement of objects and reasons. I fully realize the great force in the arguments put forward by my honourable friends from the mofussil districts. I would submit for their consideration whether they would attach no importance to the fact that ever since the Act of 1890, the date of the first Prevention of Cruelty to Animals Act, there have been no complaints in the mofussil of the tyranny or any of the other abuses that may be connected with some of the powers that are available to the police under this Act. I dare say, I may be told, Sir, in reply that the powers that the Honourable the Home Member now proposes under the bill to give to the police are stricter, and may lend themselves to abuses which did not appear up till now. But I would have very much preferred it, Sir, if any of my honourable friends who preceded me had given the Council a few instances of prosecutions in the mofussil districts up till now under the Prevention of Cruelty to Animals Act. No one has suggested that this bill may be passed as it stands. In fact, the Honourable Member himself has suggested that the bill should go to the select committee to receive full consideration from all points of view. I therefore submit that the honourable members, who oppose the first reading of the bill may look at the question from the point of view I have suggested, and I hope the Council will pass the first reading of the bill.

I hope, in spite of the Council's keenness for retrenchment and economy, the Council will certainly not endorse the opinion expressed by my honourable friend, Rao Sahab Dadubhai Desai, that the motive of Government in bringing forward this bill seems to be to make more money. I feel that it would be churlish to Government if we ascribed such motives to them when they brought

[Mr. Purshotamdas Thakurdas]

such bills for the sheer purpose of alleviation of the sufferings of cattle and animals. I would at once, Sir, point out that whilst the dangers of this measure might be several times more increased in the mofussil than they have been till now, the necessity of a measure like this—I will not say in exactly the form presented to the Council, but somewhat on those lines—has been very great in Bombay and it is quite possible that the Honourable Member in charge might be able to effect some amendment of the draft bill on those lines. It would be useful, as regards the city of Bombay, if the Honourable Member could give us some figures, if available to him on the spot, to show that complaints of this sort have been frequent in Bombay and in fact so frequent, that the Society of the Honorary Magistrates in Bombay have thought it necessary to go into the question thoroughly and to approach Government in a direction that I will refer to later on.

In the meantime I submit, Sir, that this bill should receive full support of this Council on the main principle, namely, amending not necessarily for the whole of the Presidency but for at least such parts of the Presidency where a measure like this may be necessary; and I would point out, Sir, that under clause (1) of section 2 of the original Act of 1890, although the bill may extend to the whole of British India, the Governor in Council notifies the area to which it is to extend from time to time. From a reference to Local Rules and Orders made under Enactments Applying to Bombay and under Local Rules and Orders made under the Enactments Applying to Bombay, Volume I, page 147, I see that the Act of 1890 has been extended, in what at first sight looks like a most judicious manner and with great discretion. I would refer only to one or two items with your permission to show that it has not been applied up to now either carelessly or without any discretion :—

“Extending the Act except sub-sections (2) to (6) of section (6) to the Province of Sind.” Then “Extending the Act to the Municipal District of Surat” and so it goes on.

Even where the Act has been extended, certain sections have not been applied. It shows that the Government have not been quite remiss in watching exactly what is suitable to a district and what is not. As the bill has to go before the select committee, I trust that the discussion that has taken place up to now will give a lead to the select committee, and I hope the bill will come forward before this House from the select committee in a manner satisfactory to all concerned.

I wish, Sir, only to indicate now one complaint—if I may call it a complaint—which I wish to bring to the notice of the Council and of Government. Of all the societies for the prevention of cruelty to animals that have been started since the Act of 1890 was passed, the best society so far as the financial position is concerned, is the one started in Bombay by the late Sir Dinshaw Petit, the first Baronet. There is no doubt that the income of that society—I do not know whether it is the society or the hospital that gets it—but the income is so good owing to the fines that are being levied on people who are guilty of cruelty to animals going to the society that the financial position may be said to be quite satisfactory. And yet the Honorary Magistrates' Society came to the conclusion that something radical requires to be done in the management of the society. I understand that it has nothing particular to do with the management, but it is due to dual control that is being exercised

[Mr. Purshotamdas Thakurdas]

partly by the Government and partly by the trustees of the society. While I support the Government in their effort to see that everything is done to see that the society's management is efficient, I certainly, Sir, think that this Council will agree with me that Government ought to ensure that the place to which cattle are sent has not only got adequate equipment and adequate fund, but has got such provision that the best of treatment is available to them. I mention it in the hope that the Honourable Member in charge may look into this as early as he possibly can and not allow it to drag on as it has been for the last few years. I would mention that the President of the Society, Sir Dinshaw Petit mentioned this last year at the society's annual meeting and I hope the Honourable Member in charge will be in a position to say exactly in which direction he wishes to move.

I will only add, Sir, that one of the subjects raised by one honourable member was regarding the standard of sufficiency of food. It is a detail about which this Council need not have any quibbling doubts. For, after all, the magistrate trying the person who has been brought before him on a charge of cruelty would take into consideration the standard of how cattle of people of similar standing are usually fed. If this Council tried to exactly and accurately define these things, I am afraid they may have to scrap or materially modify many of the Acts now on the statute book. I think the Council should look at this measure from a broader point of view and leave it to the select committee to go into the various details. I hope this Council will pass the first reading of the bill.

Rao Bahadur S. D. GARUD (West Khandesh District): Mr. President, I beg to oppose the first reading of this bill. I agree with the previous speakers that this bill is entirely unsuited to rural areas. The standards of living which prevail in rural areas are entirely different from those which prevail in Bombay, and perhaps one reason why this bill is before the Council is that Government is anxious to introduce or enforce better standards in places like the city of Bombay. But when rural areas are likely to be included in this Act, it becomes a matter which must be closely examined by the Council. Government have themselves acknowledged the difficulty of feeding cattle in famine times. What is the food supplied to cattle in times of famine at cattle camps organised by Government? It is nothing better than cactus. Would that, I ask, be "sufficient food" under the Act? If Government themselves admit that people are put to this necessity in famine times, I submit, Sir, that in rural areas people even in other times, give food to cattle which may not be considered sufficient under this bill. It would work a great hardship in rural areas if this bill is ever brought into force there. It may be said that both the amendments proposed would work a great hardship in rural areas. The first to which I would refer is the supply of sufficient food to animals and the second is abandoning the cattle or turning them loose. This is a matter where different standards may be applied and where it will be difficult to define exactly what is a proper standard, because cattle are often turned loose in the rural areas. This bill is likely to work a great hardship in the rural areas but if Government wish to restrict the Act to certain parts of Bombay, they should clearly say so in the enactment and I for one would have no objection to the bill.

Mr. J. CRERAR: Sir, I confess that it was with considerable surprise that I discovered that the proposed legislation, which I thought *prima facie* was a measure which would commend itself very strongly to the humanity of this

[Mr. J. Crerar]

Council and which has been undertaken for one among other reasons in deference to that profound sentiment of the sanctity of animal as well as human life which is an article of faith of large sections of the population of India, should have been received, on general grounds of principle, apart from any other questions of expediency arising from the detailed proposals placed before the Council, with opposition from two or three of the members of this Council who have spoken on it. I am, however, very glad to see that the duty, which otherwise would have devolved upon me, of replying to Rao Bahadur Kale and those gentlemen who followed him, has been to a very large extent discharged by the very able and discriminating speech made by my honourable friend Mr. Purshotamdas Thakurdas.

Before I proceed, to deal with the arguments used by the opponents of this bill, there are one or two points, which appear to be points of misunderstanding, which I desire to make clear. In the first instance, the arguments of the opponents of this bill have almost entirely been based on the great inconvenience, if not worse, which would be entailed upon the rural population of this Presidency. Now I should particularly like to invite the attention of this Council to this fact that the Act is not one which necessarily applies to the whole of the Presidency. It is to be extended to particular areas by the Governor in Council and, as my honourable friend Mr. Purshotamdas Thakurdas has pointed out it has been extended with a very great degree of discrimination. If honourable members will refer to the Local Rules and Orders, they will see that the general practice has been to extend it to urban areas, to cantonments and to municipalities; and for two reasons: first because in those areas we have got, in nearly all of them, the necessary machinery for the care and proper treatment of the animals to be dealt with under the Act, and secondly because in those urban areas the kind of cruelties, which the Act is intended to penalise, are perhaps of more frequent occurrence. We all know perfectly well that the rural population in this Presidency and throughout the greater part of India is to a very large extent dependent economically upon its animals, and I understand my honourable friend to urge that this is sufficient to secure the latter from any cruel treatment. I do not think that the reason is wholly economic and that the rural population have other reasons for treating their cattle well. I should like, however, to point out to the Council that inconveniences apprehended by my honourable friend to the population in rural areas are not likely to arise if this bill is passed. I understand Rao Bahadur Kale to object to the bill on two grounds. He said, first of all that it is a grave infringement of private rights. I am astonished that my honourable friend opposite should suggest that deliberate cruelty to animals is the private right of any citizen. He added further that the passing of this Act constituted a grave encroachment upon the poverty of the people. I do not quite understand what my honourable friend meant. But if my honourable friend meant that this bill, if passed into law, would be so administered as to be a very severe burden on the peasantry, I think that he has received a very proper reply in the argument of my honourable friend Mr. Purshotamdas Thakurdas that, in the administration of an Act which has penal clauses, you must postulate some slight degree of intelligence and discernment on the part of the magistracy.

These are the two main arguments which were brought by the opponents of this bill, and I desire to meet them frankly and squarely. One of the arguments — it would have been a substantial one if the hypothesis on which it is based were sound — has already been disposed of by my honourable friend opposite.

[Mr. J. C. Crerar]

It is argued that this bill, when passed, will be applied generally throughout the rural areas in this Presidency, and that those who are likely to fall within its danger will be predominantly the ignorant and uncultured peasantry of the Presidency. I have already pointed out that this Act is not necessarily of general application. It is an Act which is intended to be applied in areas where it can be intelligently and usefully worked. That is the substantial reply to that argument. The second argument is that the administration of the Act would place in the hands of the police, a formidable weapon of tyranny. I have not any desire to repeat the argument of my honourable friend opposite, who has already pointed out that though the penal clauses of the existing Act have been, in certain areas, in operation for over 30 years, we have not heard any instance from the opponents of this bill where, in the administration of the existing Act which, as a matter of fact, confers very extensive penal powers upon the magistracy, the fears expressed by them have actually been realised in practice. I think that is rather a substantial point. The other aspect of that argument is that these powers would be in the hands of the police. I do not know whether honourable members who oppose this bill realise the fact that offences under this Act are not cognisable by the police, and that an enquiry under this Act would, in the ordinary course, be made under the supervision of the magistrate ordering that enquiry. That, Sir, disposes of the arguments which have been brought against this bill.

But what I should appeal to this Council to realise in particular is the state of affairs in some of our large towns. It must be within the knowledge and observation of many honourable members of this Council that particularly in Bombay instances do occur of very grave and very serious cruelty to animals. No one who has been to the veterinary hospitals in Bombay and the mofussil would deny that something ought to be done to remedy that. During the year 1915, there was a total of 1,853 horses and bullocks sent to the Sakarbai Hospital for treatment. In 1916 there were 2,377 and I fear the later figures would be very much larger.

One of my honourable friend's most important points, as I understood him, is that this Act was passed in 1890 and that such and such were not then the intentions of the legislature. Well, Sir, the legislature of that time were perhaps not as enlightened as the legislature of the present time. I do not think that was a very formidable argument. Twenty years is a pretty long period for progress in the general enlightenment of the public and in social reform, and in social reform I must certainly include the attitude and sentiment of the public towards the treatment of animals. Perhaps my honourable friend contends, not that the legislatures of 1890 were not enlightened, but that the general public were not sufficiently advanced. But does my honourable friend, Rao Bahadur Kale, contend that in the thirty years intervening since the passing of this Act there has not been a very marked progress in the enlightenment of the public? If that is true, Sir, and I think it is true, surely this Council will at any rate be prepared to accept the general principles of this bill. It is all that we ask the Council at this stage to do and we will consider in the select committee any inconveniences which are likely to arise from the particular detailed proposals. The principle of this bill is to render more highly penal acts of deliberate cruelty to animals. That is the principle and the only principle which the House at this stage is called upon to accept.

The Honourable the PRESIDENT : The House will rise now for half an hour and meet at 4-35 p.m.

*After Recess.*

The Honourable the PRESIDENT : Order, order.

Mr. JEHangIR B. PETIT (Bombay Millowners' Association) : Sir, I beg to support the principle underlying the bill which is now before us ; and hope the House will accept the first reading thereof. The principle underlying the bill is the adoption of more effective and stringent measures to prevent cruelty to animals by the amplification of the present Prevention of Cruelty to Animals Act in the light of the experience of the working of it during the last 30 years. Those charged with the duty of working the Act have in the past experienced numerous difficulties which this Act seeks to remedy. It is necessary to point out that the main principle underlying the present Act remains unaltered. It is only sought to make the scope of the Act wider and its power more effective, as it has been felt in the light of past experience that this should be done if cruelty is to be prevented ; and I fail to see what possible objection there can be to the acceptance by this House of the first reading of this bill.

So far as the first part of this bill, which seeks to make cruelty impossible within the precincts of private property, is concerned, it is quite reasonable that that extension should now be made after the working of this Act for the last 30 years. There is absolutely no reason why cruelty should be practised with impunity within the precincts of private property any more than on a public street or in a public place ; and it is but right that this defect which was allowed to exist so long should now be remedied without delay. It passes my comprehension how any one can seriously suggest that this should not be done and that cruelty should be allowed to be practised on lower animals within private property, whilst it should be prohibited and made punishable, if practised on a public street or in a public place.

The second part of the bill deals with the substitution of certain new sections for some of the existing ones as an endeavour has been made to remove the various defects that have been found to exist in the working of this Act ; as for instance, the difficulty experienced hitherto in recovering the feeding charges and the cost of treatment of an animal from the owner of it, in the event of his refusal, under certain circumstances, to remove it from the infirmary. In nine cases out of ten, it was found that when an animal was not likely to be permanently cured, the owner of it refused to take delivery of it, and, therefore, the infirmary itself had upto now to bear the charges of the up-keep and treatment of the animal. An attempt is now made in this bill to remedy this defect by empowering the magistrate to authorise the sale of such animals and by ordering that the proceeds thereof shall be devoted towards defraying the expenditure incurred in feeding and treating them. Provision is also made to dispose of the excess, if any resulted. Steps are also taken to determine what should be done in the event of the animal being declared incurable or totally unfit for work. Power is given to the trying magistrate to send it to the *pinjrapole*, which power does not exist in the present Act. Under certain circumstances, power is also given for the destruction of the animal, if it is found to be unfit for work or incurable. Personally I do not see any harm in the embodiment of these provisions in this bill, in order to remove the defects which exist at present and which have been found in the past to make

[Mr. Jehangir B. Petit]

the detection, prosecution and prevention of cases of cruelty very difficult, if not impossible. I hope, therefore, that the House will accept the principle underlying this bill, namely that the several powers, conferred by the present Act should be made more stringent and effective than hitherto, and agree to refer this bill to a select committee for consideration and report.

Mr. A. N. SURVE (Bombay City, North): Mr. President, the object of this amending bill is very commendable. Cruelty to animals must be minimized as much as possible. He who has any feelings of kindness could not like animals to be subjected to inhuman cruelty. In the Presidency town, Bombay city, cases come up which expose the cruelty, the inhuman cruelty, of the owners of animals. Some owners overwork their animals, underfeed them, and when they become incapacitated, they starve them. Such cases occur very often in the Presidency town. Only in the month of February last one Abdul Dudhwalla was fined by the bench of honorary presidency magistrates for starving two horses. So the bill as far as it relates to starvation of animals is certainly commendable. Then, the second point is that the ill-treatment of animals whether practised in public or in secret must be equally punishable. The third good point is that in cases of incurable animals the magistrate has been given authority to either destroy the animal or to send it to *pinjrapole*. These are certainly very good points in the bill. Had the bill only stopped here, I do not think there would have been a single dissentient voice in this House. But unfortunately the bill has gone further. It has tried to widen the scope of the original Act, which is an India Act and not a provincial Act. We have made it applicable to our province by a Government order. So especially as the amending bill is trying to widen the scope of the original Act, I think we must be very cautious. The amending bill tries to inflict cruelty upon the owners of animals in its attempt to prevent cruelty to animals. If I may say so, the bill penalises the possession of animals. There is hardly a year in which there is no failure of rain and consequent famine in some part or other of this Presidency. Take the case of a famine-stricken part where the owner is so hard-pressed that he does not find food for himself. Then, how is he to provide food for his animals. The bill tries to see only to the fact of non-supply of food to the animals. It does not see whether the non-supply was voluntary and intentional. If a man is hard-pressed on account of famine or other unavoidable and involuntary circumstances, would this House like such a man to be punished because he has not the means of providing food to his animals? Thus, this bill does not distinguish between intentional or wilful starvation of animals and their starvation due to involuntary and unavoidable causes, such as famine, fire, flood, etc., and the inclusion of this provision in the bill is hereafter likely to cause great harassment to the ryots.

Then, another point of principle is that the original Act does not make the owner of an animal liable for the charges of treatment if they exceed the value of the animal, but in the amending bill the owner is saddled with that burden. Now, for instance, if an animal is curable but it would take such a long treatment that the charges of treating it would exceed its value, in that case why should the poor owner be burdened with the liability? Suppose, for instance, the value of an ox is Rs. 40 and the charges for treating it are Rs. 100. In that case would this House like that the poor cultivator should pay Rs. 100 when he could as a matter of fact buy another ox for Rs. 40?

[Mr. A. N. Surve]

What I want to bring to the notice of this House is that an option should be given either to the magistrate or to the owner that, in cases where the charges for treatment are likely to exceed the value of the animal, the owner should at the very beginning say "I am going to send it to the *pinjrapole*, I do not want it" and thus save himself from the extra cost.

Then, the third point is about payment for a certificate which has to be given by a veterinary officer. I think when the magistrate sends the animal to the infirmary the animal would be under the treatment of a veterinary officer and he is the person who can give a certificate. So when he is actually treating an animal, why should the ryot be made to pay for obtaining a certificate of fitness from him? I think the certificate ought to be given free.

There are other minor points also, but I do not wish to take up the time of the House. The points which I have alluded to are likely to prove very harassing to the ryot, and therefore I request the honourable mover of this bill to get them amended, and until that is done I cannot be a party to the first reading of this bill, and I therefore oppose its first reading.

The Honourable the PRESIDENT: Mr. Surve, you are putting the cart before the horse. You say that you will oppose the first reading until your points are conceded and the bill is amended, but the bill can only be amended in committee and on second reading.

Sardar Khan Bahadur A. M. DALAL (Broach District): Mr. President, I rise to support this very beneficent measure. It is rather belated, and it should have been introduced many years ago. It is an educative measure, and I say from my experience in the *mofussil* that the cruelty perpetrated on these poor animals is intentional and deliberate. I agree with the opposers of the bill that the real agriculturists love their cattle; not only that, they would rather go without food themselves than allow their cattle to famish. We are not legislating for those that love their animals, but we are legislating for those who offend the rules of humanity. Mr. Crerar has made a very good point that after 20 or 25 years this humanitarian measure comes upon us with surprise, and this measure is one which is likely to do very great benefit to the poor dumb animals. There is some force in the argument of the opposers of the bill that this measure will operate cruelly on the rural population. No doubt, it has a tendency to do so, and if it can be arranged that the application of the bill is to be confined to the urban areas, this difficulty can be removed. There are many other points touched upon by the opposers of this bill, but they can be looked into in the select committee. But as regards the principle, I think no member in this House will oppose its principle, because it is beneficent. It is salutary, and educative. Therefore, I cordially support the introduction of this bill.

Mr. G. C. BHATE (Kolaba District): Mr. President, I am very sorry to differ from those honourable members who spoke in support of this bill. The principle underlying the present bill and the principle underlying the old bill should be taken into consideration before we come to a definite conclusion. Under the old Act as it is, the question of cruelty to animals in private houses is discussed, and also the question of cruelty to animals in public places is discussed. We are now amending section 3 and section 6



[Mr. G. C. Bhatc]

of the old Act, but there are intermediate clauses between those two sections namely, sections 4 and 5 which particularly deal with cruelty to animals in private places. Now, the question is whether the principle underlying these two sections being 4 and 5 of the old Act, should be extended to other cases. These two sections deal with that point and particularly section 5 which says that—

“If any person kills any animal in an unnecessarily cruel manner, he shall be punished with fine which may extend to two hundred rupees, or with imprisonment which may extend to six months or with both.”

The heading of the section is “Penalty for killing animals with unnecessary cruelty anywhere.” Section 4 relates to cruelty to animals in private houses. The point is whether this principle is to be extended to other places. The difficulty of extending the provision to other places has very well been pointed out by various speakers before me, and I fully endorse the views of those speakers.

I shall now try to answer some of the questions raised in the debate. It has been said that the Act is not applicable to the mofussil at the very beginning and the Government will take care to see whether it is possible and feasible to extend this Act to a particular area but the point is that it is not within the competence of this legislature to see whether its application is right or wrong. The whole difficulty arises there. We enact a provision and leave it to the executive to bring it into force. The point is that we will not be able to judge whether the Act is applied where it is necessary that it should be applied. So, the argument that it will not be made applicable to all the places has no force when we take this fact into consideration that we have no control over the matter.

Then, as regards the other point that in cities like Bombay many instances of such cruelties occur which make it necessary that there should be an amendment to the old Act. What I wish to say in this connection is that this principle can be introduced in the Police Act for the sake of Bombay without making it applicable to the whole province, because in that Police Act there are certain sections which deal with such cruelties. With these words I oppose the first reading of the bill.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Mr. President, it is unfortunate that these dumb animals have got no representative in this House. If they had, I am sure the tone of the debate would have taken another turn altogether. You have to picture to yourself by your own local observation whether there are any cruelties practised in the urban and the rural areas or not. If to your knowledge they are practised, then this legislation is good and ought to be supported at least as far as the first principle is concerned. It is true no doubt in these days this Council which is a responsible Council will have to be very anxious, because even an innocent looking section is sometimes interpreted in such a manner as to be very oppressive indeed. If that is the only fear in the minds of many of my honourable friends, then I take it that they should look at the question from this point of view.

Now, I would put before you certain facts and you might compare your experience with them. Well, I have learnt them only during the last three or four months. I am putting it to you, is it or is it not true that certain young animals are allowed to die through starvation in very big stables in both urban

[Rao Bahadur G. K. Chitale]

and other mofussil areas by professional breeders? Well, if you find that this is a fact, no question of private right ought to intervene, because they are as valuable as the lives of human beings. Do you not know in the city of Bombay the evil has grown to such an extent that there is no hope of rearing any young stock? If you visit all those stables where milch cattle are kept, you will find that young stock is not allowed to live for three days. It may be for economic reasons, and for making profits; but the human sentiment revolts against such sort of cruelty on dumb animals, especially when they have no voice in the matter. From this point of view I support the first reading of the bill.

There are certain reasons which cause us to be cautious in these days: We are suspicious of every action that Government takes. It may be very well argued that this may be a thin end of a legislation by which Government seeks to have power so that the whole mass may be brought under their thumb. If you proceed from that mental attitude, then there is no hope, if this legislation is of that character. Very good in appearance, but I am not surprised at the argument that the Act has so far been beneficently administered, it does not appeal to me because there is no guarantee that it will be beneficently administered. We have seen how section 144 of the Criminal Procedure Code has been used. There is no doubt that that kind of suspicion exists in the minds of honourable members in this House and they are naturally suspicious, for instance, it may be that even though it may not be a cognisable offence, a magistrate who may be in collusion with the police, may perpetrate many inhuman things, but apart from that I am appealing to the House to look at the matter this way—if the principle is sound, then support the first reading; if in the second reading or after we get the report of the select committee you find that it does not minimise the risks, then by all means throw the bill out. I am not confident what the report of the select committee might be, but all that I press for is, let it be discussed in a smaller body from various points of view and try to amend the measure in as much popular manner as possible so as to eliminate all chances of risks and then in that case I am sure that this Council will throw out the bill if it does not find it to be suitable. Under those circumstances, I am sorry that I find I must support the first reading of this bill as against those friends of mine who always go with me.

(At this stage the Honourable the President withdrew and the Deputy President occupied the Chair.)

An Honourable MEMBER: I move that the question be put.

The Deputy PRESIDENT: I believe the question has been sufficiently discussed and therefore I accept the closure.

The Honourable Mr. M. H. W. HAYWARD: Sir, I agree entirely with you that this matter has been now fully discussed and I do not think that there will be any real difference of opinion that the bill ought to be referred to a select committee of the House.

I do not propose to deal with the details which have been discussed, because this is not the time to deal with details. I simply rely upon the principles underlying this bill; those principles are so simple that I feel sure that it will be quite impossible for them to be rejected by the majority of the members of this House. They are in reference to section 3 simply these:

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Firstly, cruelty to animals ought not to be practised in private. Who says they ought? No one. The House agrees that they ought not to be practised in private. Secondly, animals ought not to be allowed to starve. Who disagrees? No one. The principle is accepted. Thirdly, animals ought not deliberately to be turned loose to starve. Who opposes that? No one. Those principles, Sir, are unanimously accepted. The only difficulty is in working them out in details. That, Sir, is not a matter for us to decide now. That is a matter to be worked out in the select committee and then to be decided in the second reading of the bill. The principle involved in the amendment of the other section, section 6, is this, that those who have ill-treated and injured their animals should pay the expense of making them well. Who is going to say that that is wrong in principle? There are, I quite admit, details which will have to be considered, for instance, the capacity of the man to repair the damage he has done, but there can be no two minds about the principle. That principle only is now before the House; the details, as I said before, are for the select committee and the second reading of the bill in this House.

There seems to have been some misunderstanding as to the scope of the Act and of the bill. The present Act does not apply anywhere until it has been extended by notification under the first section of the Act. The notifications that have been issued are few. It has been extended to the city of Bombay, to most of the cantonments and to a certain number of municipal areas in the mofussil. All the places to which it has been extended are, to the best of my belief, places where there are hospitals for treating animals. It was left to the executive to decide from time to time to what areas the Act might properly be extended, and no good reason has been given why the power to extend should not be left to the executive. If the executive makes mistakes in extending it to areas to which it ought not to be extended, I am quite sure that that executive will very promptly be called to account by the members of this House.

There was also a misunderstanding as to probability of undesirable interference by the police. The Act has not led to that so far and there is no reason that I can see why the amendment of the Act should have that effect—the amendment does not increase the powers of the police in any way and it does not make the offences cognizable which hitherto have been non-cognizable. They are non-cognizable offences, they cannot be taken up by the police, they are not within the cognizance of the police. It is not probable that policemen who have plenty of work to do with cognizable offences, are going to deliberately add to their work by taking up non-cognizable cases under the Act.

So it seems to me that the opposition to this bill has been based on two misapprehensions, the first that the Act is an Act which is worked by the police. It is not worked by the police. The second misapprehension that the Act applies to all rural areas. It applies to no rural areas, it only applies to certain cities, municipalities and cantonments where we have already hospitals for the treatment of animals.....

Mr. B. G. PAHALAJANI (Western Sind): I believe there are certain talukas to which it applies in rural areas.

The Honourable Mr. M. H. W. HAYWARD: I am obliged to the honourable member from Sukkur. If that is so, that is a matter which no doubt the honourable member will bring to our notice with a view to remedying the mistake if a mistake has been made, but the principle is unaffected. The Act

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applies to cities and municipal areas, where there are means of treating animals. It is not necessary for me to say anything more on the principles of the bill now before the House—the principles that cruelty should not be allowed to animals even in private, that animals should not deliberately be allowed to starve, that animals should not deliberately be turned loose to starve and that those responsible for causing injuries to their animals ought to be made so far as possible to pay the expenses of remedying those injuries. I feel sure that those are principles which will be accepted by all the members of this House. I feel that they must be accepted for the good name of this Presidency. This is the most forward and most advanced Presidency. We must not allow it to be said of us that we deliberately stood up for the rights of men to illtreat their animals. I feel sure that nothing of the sort will happen, and that the first reading of this bill will be passed by this House both on the merits and for the good name of the Presidency.

Question put. House divided.

Bill read a first time. Ayes 50; Noes 20. Motion carried.

*Division No. 1.*

*Ayes.*

ADDYMAN, Mr. J.	JADHAV, Mr. B. V.
BATLIWALA, Dr. S. S.	JEHANGIR, Mr. COWASJI.
BEDREKAR, Khan Bahadur ISMAIL SAHIB M.	KANGA, Mr. J. B.
BENNETT, Colonel V. B.	KER, Mr. J. C.
BHUTTO, Khan Bahadur S. N.	KHAN, Mr. A. A.
BOLE, Mr. S. K.	LORY, Mr. F. B. P.
BULLOCKE, Mr. A. GREVILLE.	MEAD, Mr. P. J.
CHITALE, Rao Bahadur G. K.	MODI, Sardar DAVAR T. K.
CHERRAR, Mr. J.	MOHOMED, Mr. SALAHUDDIN K.
DADACHANJI, Dr. K. E.	MOUNTFORD, Mr. L. J.
DALAL, Sardar Khan Bahadur ADARJI M.	NEESON, Mr. F.
DALAL, Mr. D. B.	PAINTER, Mr. H. L.
DUBHASHE, Mr. S. B.	PARANJPE, The Hon'ble Mr. R. P.
DWARKADAS, Mr. KANJI.	PAWAR, Shrimant J. A.
FERNANDES, Major C.	PETIT, Mr. JEHANGIR B.
GANDHI, Mr. C. M.	PRADHAN, Mr. M. W.
GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH.	PROES, Mr. E. M.
GRIFFITH, Mr. F. C.	RAHIMTOOLA, The Hon'ble Sir IBRAHIM.
GULAMHUSEN, Mr. SULTANALI SALEMANJI.	SAHERWALA, Khan Sahab I. A.
HAJI, Mr. IBRAHIM S.	SALGAR, Mr. R. G.
HAJI KHAMISO GUL MAHOMED, Mr.	SAYED NABI BAKSH SHAH.
HALKATTI, Rao Sahab PHAKIRAPPA GURUBASAPPA.	SETALVAD, The Hon'ble Sir CHIMANLAL H.
HAYWARD, The Hon'ble Mr. M. H. W.	SHIRRAS, Mr. G. FINDLAY.
HOOD, Mr. A. J. F.	THAKURDAS, Mr. PURSHOTAMDAS.
HULKOTI, Mr. CHANNAPPA CHANVIRAPPA.	THOMAS, Mr. G. A.

*Tellers for the Ayes:* Mr. PURSHOTAMDAS THAKURDAS and Rao Bahadur G. K. CHITALE.

## Noes.

ADHAV, Mr. P. N.  
BHATE, Mr. G. C.  
COOPER, Khan Bahadur D. B.  
DESAI, Rao Saheb DADUBHAI P.  
FERREIRA, Mr. D. J.  
GABUD, Rao Bahadur S. D.  
GODBOLE, Dewan Bahadur K. R.  
KALBHOR, Mr. G. M.  
KALE, Rao Bahadur R. R.  
KAMBLI, Mr. S. T.

MOTIBAM, Rao Saheb RUPCHAND.  
MUTALIK, Sardar V. N.  
NIMBALKAR, Mr. K. B.  
PAHALAJANI, Mr. B. G.  
PARULEKAR, Rao Saheb L. V.  
PATEL, Mr. B. P.  
PATEL, Mr. J. B.  
SATHE, Rao Bahadur G. K.  
SURVE, Mr. A. N.  
VICHARE, Rao Bahadur D. A.

*Tellers for the Noes:* Dewan Bahadur K. R. GODBOLE and Rao Saheb D. P. DESAI.

(At this stage the Honourable the President resumed the Chair.)

The Honourable Mr. M. H. W. HAYWARD : Sir, I now move that this bill be referred to a select committee consisting of Mr. Purshotamdas Thakurdas, Mr. Jehangir B. Petit, Mr. A. N. Surve, Rao Bahadur R. B. Kale, Rao Bahadur G. K. Sathe, Mr. Ibrahim S. Haji, Mr. F. C. Griffith, Mr. H. L. Painter and the Mover.

Rao Bahadur G. K. SATHE : I would rather prefer to be excluded.

The Honourable Mr. M. H. W. HAYWARD : I propose then Mr. C. C. Hulkoti.

Mr. B. V. JADHAV : I beg to suggest that the name of Mr. K. B. Nimbalkar, to represent the agricultural community in the Central Division, be added.

The Honourable Mr. M. H. W. HAYWARD : I agree to the suggestion.

Question put that the bill be referred to a select committee consisting of Mr. Purshotamdas Thakurdas, Mr. Jehangir B. Petit, Mr. A. N. Surve, Rao Bahadur R. R. Kale, Mr. Ibrahim S. Haji, Mr. F. C. Griffith, Mr. H. L. Painter, Mr. C. C. Hulkoti, Mr. K. B. Nimbalkar, and the Mover

and agreed to.

The Honourable Mr. M. H. W. HAYWARD : I propose that the committee be instructed to report within a month, so that the bill can be brought up for the next meeting of the Council.

Bill referred to a select committee. Question put and agreed to.

### A BILL FURTHER TO AMEND THE MATADARS ACT, 1887 (BILL No. XIV of 1921).

The Honourable Sir IBRAHIM RAHIMTOOLA : Mr. President, I beg to move that the Bill further to amend the Matadars Act, 1887, be read a first time. The attention of Government was drawn to the anomaly which exists in the Act, which makes it, in certain circumstances impossible to hold an election for filling up a vacancy. This

First reading.

amendment is brought forward for the purpose of remedying that defect, and making it possible for elections to be held for filling up vacancies in the posts of patels. Section 17 of the Act reads as follows :—

“ On or in anticipation of the occurrence of a vacancy in the office of patel in any village to which section 15 applies, the matadars of the village may elect some member of the matadar family whose turn it is to enjoy the right of office to fill the vacancy.

“ If a majority of the said matadars fail, within such reasonable period as shall be prescribed by the Collector in this behalf, to nominate some member of the matadar family aforesaid for the vacancy, or if the person nominated is disqualified for office, the right of office shall vest in the representative matadar of the said family.”

This section provides that in order to make the election effective, there should be a clear majority of the matadars in the village. Now, section 30 of the Act lays down that certain persons shall be deemed to be disqualified for the patel's office, and a long list of disqualifications is given. In addition, sub-section (2) of section 30 provides that any matadar who is adjudged by the Collector after a summary inquiry to be of general bad character, or is disqualified under clause (g) of sub-section (1), shall be deprived for the rest of his life of any right which he would otherwise have of voting at an election of an officiator, or of appointing a deputy to officiate. The result is that the matadar who is disqualified is deprived of his right of voting in the election. The Commissioners have reported that in many cases there are only two matadars in a village. Now, if one of them is disqualified under section 30, there is only one man who has to exercise the right of election, and it is extremely difficult to see how a majority could be secured under these conditions. Even in cases where there are three, and one of them is disqualified, it is difficult to get a majority. It is therefore proposed in all those cases in which it is possible to do so, to count the majority of those matadars who are entitled to vote, excluding those who have been disqualified so that a majority may be secured. It must be held under those conditions that the majority is valid and the nomination takes place in the manner I read out to you under section 17. It is the intention of this bill to provide that, as far as possible, an effective election should be held, and the nomination should be by means of such election. It is a non-controversial bill, and I trust that the Council will pass the first reading.

Bill read a first time. Question put and agreed to.

The Honourable Sir IBRAHIM RAMIHTOOLA : Sir, in view of the fact that the bill is non-controversial, and is generally acceptable to the Council, I should like to move that the bill be

read a second time.

Bill read a second time. Question put and agreed to.

*Bill read clause by clause.*

Clause 1 (*Short title*) ordered to stand part of the bill.

Clause 2 (*Amendment of section 17 of Bombay Act VI of 1887*) ordered to stand part of the bill.

Preamble ordered to stand part of the bill.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I beg to move that

the bill be read a third time.

Bill read a third time. Question put and agreed to.

**A BILL TO MAKE PROVISION FOR THE MANAGEMENT AND  
CONTROL OF CERTAIN OPEN SPACES IN THE CITY OF  
BOMBAY (BILL No. XV OF 1921).**

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Sir, I move that the bill to make provision for the management and control of open spaces in the city of Bombay be read a first time. Honourable members of this Council are aware that there are certain open spaces in the city of Bombay which are the property of Government. They are shown in the schedule as Esplanade Maidan, Marine Lines Parade Ground, the Oval, and the Kennedy Sea-face. They are used by the public for their recreations. The past experience has shown that they are subjected to misuse or injury by the public. Government had framed certain rules to protect these parts from injury or misuse, but as these rules have not received the sanction of the legislature, they had not the force of law. Therefore this bill proposes to empower Government to make rules for the protection and regulation of those Parks. Similar power has been given to the municipality for the protection of their open spaces under Bill No. VII of 1922.

Further, this bill extends its provisions to all lands that may be reclaimed from the sea hereafter and will become the property of Government. The Bill is a simple one and I hope this Council will accept the first reading of this Bill.

Mr. PURSHOTAMDAS THAKURDAS : Mr. President, whilst I have nothing particular to urge against the first reading of this bill, I think, this opportunity is a very handy one to express the strong feeling that exists in the public regarding the manner in which the Government look after some of the open spaces, to control which this bill is brought before the Council. Whilst Government are anxious to have powers to save these open spaces from injury or misuse or for regulating the use of such parts, I am afraid it may justifiably be said that the open spaces are more being injured by Government themselves than by the public, in the sense that Government themselves allow them to be built upon, presumably quite temporarily, and then the temporary occupation stops there much too long to be called temporary. I particularly refer, Sir, to the space called in the schedule to the bill as the Kennedy Sea-face where you have the three gymkhanas, the Hindu, the Parsi and the Mahomedan Gymkhanas, it is proposed or it was proposed—I am speaking subject to correction—to cut off a part of the land of these open spaces in such manner as to make their lands practically useless for the purpose for which it is used till now, namely, for cricket matches. I understand that a very strong representation was made to Government and it would be very interesting to know from the Minister in charge what action he has taken to preserve this land for one of the great purposes, namely, of keeping it available for various gymkhanas there for the purpose of playing ground, and generally speaking for the use of these communities. Whilst nobody in the Council would have anything to say against the control by Government for preserving these open spaces from injury, etc., I would personally, Sir, very much like to know what instances the Honourable Minister can give of the injury that has been done to these open spaces in the past and which has necessitated the bringing of a bill like this before the Council. But I very strongly plead in the name of the citizens of Bombay, if I may, that it is very necessary when these open spaces are there that Government should not allow them to be occupied except under very exceptional circumstances indeed, as during the war for military purposes. The war is over and still I understand a

[Mr. Purshotamdas Thakurdas]

part of the maidan is under occupation of the military. If Government want to preserve them, let them preserve them first from any such temporary buildings which have the knack of staying there for much too long, and I dare say the Council would not mind giving them the power that they seek to have, provided the Minister indicates what he has in his mind when he says that there are many instances of misuse by the public. I would like to know also what Government propose to do with the open space known as Charni Road Park or Garden. I have heard a rumour that it is the intention of Government to put up some sort of store buildings there. I would just repeat once more for whatever it is worth that I wish the Minister does indicate what the position of this open space is at present as far as its occupation is concerned, when he expects these open spaces to be available for the use of the public, and especially in connection with this Charni Road Bag, what is the position regarding the outlying boundaries of the Hindu, Parsi and Mahomedan Gymkhanas.

I think it can safely be said that Bombay is particularly poor and unfortunate as far as open spaces are concerned. The three or four pieces of land that have been mentioned by the Honourable Minister happen to be in a certain part of the island which is more or less in the occupation of the better class of people. When you go more inside the city, you find it is perhaps a mistake for which the people more than the Government are responsible but the fact remains that there is not a single open space with Government in the Indian quarters of the city. And although this cannot be improved upon at the moment, it is all the more necessary that whatever open spaces are available shall be preserved as such without being even temporarily built upon except under very exceptional circumstances.

Mr. IBRAHIM S. HAJI (Bombay City): Mr. President, after what has fallen from my friend Mr. Purshotamdas Thakurdas, I think, I must submit to this House the one consideration which draws my attention. It is this that these four open spaces of Bombay which could rightly be termed as the lungs of the town are likely in future years to come, particularly under these new reforms, to be used as the grounds to fight the political battles of the different parties. But, if the Government secure to themselves the rights of regulating the use, I am afraid that under the disguise of these terms these open spaces will not be available for different political parties to have demonstrations with respect to their programme. I have no objection whatsoever if the Government have the inclination and the desire on behalf of the citizens of Bombay to protect these open spaces from being misused or injured, but I would suggest to the Minister for Local Self-Government that these open spaces should be available for the benefit of political demonstrations of different political parties, and the fact that these demonstrations will take place in these open spaces will not be considered as an abuse or misuse of these open spaces. Bombay, Sir, you are fully aware, is a crowded city and my honourable friend Mr. Purshotamdas Thakurdas has also explained that there is a great want of open spaces in the city of Bombay. I submit, Sir, that with the enlarged electorates, when the elections have to take place and the electors have become more active, I am afraid the people, the candidates and the voters, will have to resort to these open spaces in order to demonstrate their programme.

The second point for consideration is, Sir, that perhaps Government has now come forward to get these powers from the Council particularly after the tramwaymen's strike last year. The Esplanade Maidan was used as the place of gatherings of these tramwaymen. In the city, which is full of industrial



[Mr. Ibranim S. Haji]

organizations, I think it is essential that the Government must make provision for the use of such open spaces by the strikers. In this bill they are going to ask for certain powers to make rules and regulations. When such strikes take place, when the labour party or the labour organizers come forward to show their demonstrations, their demonstrations should not be considered either as the misuse of these open spaces or as injuring these open spaces. But for these open spaces, Sir, these labour organizations will have no place to gather together and express their opinion with respect to certain grievances against the capitalists, or masters or owners of certain institutions, and if the Government are prepared to give such an undertaking that these open spaces will be available both for political demonstrations as well as for industrial demonstrations, I think I would not be a party to oppose this bill.

Mr. E. M. PROES : Mr. President, it seems from the last two speeches that have been made on this subject that the object of this bill is not quite understood. Especially from what my friend Mr. Haji has said, he would seem to think that the Government have got something at the back of their minds to prevent people from using these open spaces in a proper or legitimate way. Nothing of the kind. The words "misuse" and "injury" really mean this. Let us take the oval as an illustration. Cattle are often driven at night on to the oval for grazing purposes, they graze there and spoil the grass which we water and roll and preserve for the purpose of games. At present we can do nothing to the owners of such cattle. We have no powers. Then, again, if you pass that way at night, you will often find a number of people sitting there with oil lamps gambling. I have seen myself parties of 40 and 50 sitting there gambling till 10 p. m. and till midnight; and we can do nothing because we have no power, absolutely no power, at present to stop such use of the open spaces. That is really what is meant by misuse of and injury to the open spaces. I am only giving two instances which often occur. I know this because it is my department that has to look after these open spaces and my men have no power. They have been trying to stop such misuses, but are helpless. There is of course nothing to prevent people from using these open spaces for a proper purpose. I do not think that when meetings have taken place on these open spaces Government or anybody has taken any objection. There is nothing more in this bill than what I have just said, and I think everybody will be benefited by having these open spaces well looked after.

As regards the garden Mr. Purshotamdas Thakurdas talks about at the Charni Road station, that garden has been maintained by us for many years past and we know that it is a very pleasant place to go to and has been used by many people. We have no intention of destroying that garden. There has been a proposal which I think has really caused my honourable friend's remarks—for the Development Department, while they are working at the Kennedy Sea Face, to put up a temporary store there, but that will only be purely temporary.

Mr. PURSHOTAMDAS THAKURDAS : Then, can you tell us how long that store would be there ?

Mr. E. M. PROES : I cannot say just now, but I am quite prepared to find out. Then again, as regards the large maidan, I think Mr. Purshotamdas Thakurdas also mentioned something about the military huts. I may tell him that nobody is more anxious to get them removed than Government and we have told the authorities concerned to remove them within a given period.

Mr. PURSHOTAMDAS THAKURDAS : Will you give us an approximate idea of the given period ? In how many years or months ?

Mr. E. M. PROES : No question of years. Probably they will be removed before the next cold weather. We have given them a definite order now to remove them. So I am trying to explain that we are simply trying to do the best we can for these open spaces and there is nothing in the nature of this bill to give Government any additional power to prevent people from making any proper use of the open spaces in a legitimate way.

Rao Bahadur R. R. KALE (Satara District) : Mr. President, I wish to make one or two observations and those observations are based on the principle that this power of rule-making as carried out in certain enactments is a power which is absolute. That is to say, the rules which are made hereafter by the Government are in no way subject to the approval of anybody else, either this Council or any other body. I must say that there is so far no provision in our enactments—I mean enactments of this Council—which contain provisions enabling the Governor in Council to make rules. But that also is a power which I think ought to be limited and perhaps there might be an occasion to bring forward.....

The Honourable the PRESIDENT : This is not a question for the first reading. This is a question which you can raise in the select committee. It is a very good point for the select committee and the second reading. Any member, if the bill goes to the select committee, may propose where it is said that the rules made by Government extend to the lands mentioned in the schedule and to such other lands in the city of Bombay as the Government may by notification direct, that such notification shall be subject to the sanction of anybody, Rao Bahadur Kale, or the Council or any other authority, but it is not a point for the first reading.

Rao Bahadur R. R. KALE : I thought, Sir, that absolute power is given here.

The Honourable the PRESIDENT : It is absolute power, but that absolute power can be limited in the select committee. It is no doubt a point of principle. The principle is there. Government are to make rules and extend them by a notification. But you can say that that notification shall not be valid unless sanctioned by some authority. That will not shut you out. But it is not a point for the first reading at all.

Rao Bahadur R. R. KALE : In view of the observations of the Chair, I will not dilate upon that point.

Mr. COWASJI JEHangIR : Mr. President, my friend Mr. Purshotamdas has raised two points while my friend Mr. Haji raised one in the course of the debate on this bill. The first honourable member referred to the gymkhanas and mentioned the fact that Government had threatened to cut off a part of the cricket grounds which would considerably inconvenience the gymkhanas and make cricket matches impossible. As far as I know the position is this. The Bombay municipality.....

The Honourable the PRESIDENT : You are quite right in referring to the point; but I am afraid we are now drifting into a discussion whether a certain action of the Government with reference to certain open spaces.....

Mr. COWASJI JEHangIR : That open space is included in the bill.

The Honourable the PRESIDENT : I beg your pardon.

**Mr. COWASJI JEHangIR:** On account of the operations of the Bombay Development Directorate the foot-path on Kennedy Sea Face had to be closed in order that a railway line might be put down. This greatly inconvenienced the public, as this foot-path had been a popular promenade for the citizens of Bombay, not only of one but of many localities. The municipality strongly protested against this foot-path being closed to the public. The railway line had to be laid down for the work of the Bombay Development Scheme.

The question is whether the foot-path should be left open and a portion of the gymkhana grounds made available for the railway track. When this was proposed, the gymkhanas protested. Under these circumstances it is a very difficult thing to decide whether the gymkhanas should be deprived of the fringe of their cricket ground, or the public should be deprived of their foot-path. The gymkhanas took up the cudgels on their own behalf and the municipality on behalf of the public. As far as my information goes, the matter is left to the arbitration of a committee of the gymkhanas and the municipality which is to decide as to which party should suffer. Between these two Government have to decide, and I presume they have not done so as yet. That is the position.

I strongly sympathise with the gymkhanas; matches will become impossible; and the gymkhanas will greatly suffer. At the same time one cannot help sympathising with the very large number of citizens of Bombay including yourself, Mr. President, who have, for many years, frequented both mornings and evenings this promenade for their usual constitutional. I am not here to judge between the two parties, but I am simply placing the position before the Council.

As regards the other point raised by my honourable friend, the municipality is responsible for the open spaces in the Indian quarters of Bombay and not Government. It is not the duty of Government to provide these open spaces, but it is the duty of the municipality; but I do contend that it is the duty of the Government to give the necessary help in securing them.

I am now coming to the point raised by my friend Mr. Haji. He says that the bill might give the power to the Government to prohibit public meetings of the citizens of Bombay on the open spaces, for he anticipates that if the Government were to frame the rules, they would frame them in a way whereby such meetings might be prohibited. He thinks that the section itself contemplates it, because of the words 'the protection of such lands from injury or misuse'. If he thinks that his constituents, the labourers, are likely to cause any injury or misuse, then his interpretation is correct. I do not believe that his constituents are likely to do so.

**Mr. IBRAHIM S. HAJI:** If you please look below, you have 'for regulating their management and the manner in which they may be used by the public, and for providing for the proper behaviour of persons in them.....'

**Mr. COWASJI JEHangIR:** Exactly so. I trust that he has no such misapprehension that his constituents will ever come under that description. I think he is confident that they will never misbehave themselves when he happens to be the orator. If he has any such misapprehension, he will have the opportunity to protest against those words and change them in the select committee. I feel confident that if he considers the question, he will realise that it will be difficult to change the wording of the section and that it cannot

[Mr. Cowasji Jehangir]

be changed in order to meet an eventuality which I trust will never arise when he is a speaker at the meeting—and that is a riot.

These powers given to Government are already enjoyed by the municipality over lands in their possession used for recreation. Under these circumstances I cannot see any objection to the bill as it stands.

The other points which my honourable friend has raised will only arise when rules are not framed to the satisfaction of this Council or are not properly interpreted by Government. By the many methods which this Council can adopt, they can see that the rules are so framed that they meet with its approval —(An honourable member : How ?)

The Honourable the PRESIDENT : Unless a legislative enactment provides that rules made by Government shall be subject to the sanction of the legislature, I do not think the Council can have any right to interfere. This question has arisen in the House of Commons. They have made some arrangements like this : If Government make any rules, they should be laid upon the table, and if nobody raises any debate on them, within a certain period, then they become valid.

Mr. COWASJI JEHangIR : What I was trying to impress upon the House was the power of moving resolutions and the power of asking questions which the constitution gives them.....

The Honourable the PRESIDENT : There is some such proviso inserted in the Act itself to the effect that such notification shall not come into force unless it is laid upon the table of the House and that if no debate is raised upon it and no question is asked about it and no resolution is passed by the Council, it shall come into operation.

Mr. COWASJI JEHangIR : I was merely pointing out what effect, what force such a resolution passed by this Council has upon the Government.....

The Honourable the PRESIDENT : I only suggest that it is a point of order. I mean a legislative enactment is under a duty to put the Council on the right track as regards the enactment.

Mr. COWASJI JEHangIR : I quite realise what you mean, Sir. What I want to point out is that even if such a proviso is not included in this bill, the Council has ample powers by resolutions which it can constantly pass and thus constantly remind Government of the defects and that such resolutions will have a considerable influence upon Government.....

The Honourable the PRESIDENT : You have not taken into account another entity, namely, the courts which will construe the Act and not the Council after an Act is passed.

Mr. COWASJI JEHangIR : I meant the moral influence upon Government, not the legal.

Mr. KANJI DWARKADAS : Sir, Government are just now trying to deprive the principal gymkhanas of the very valuable land which makes cricket matches possible for them during week-ends. That reminds me of a similar attempt that Government made on another occasion when they tried to behave in a very shabby way towards the sportsmen and the sports of the Presidency. Not very long ago, you will remember, Lord Sydenham's Government.....

The Honourable the PRESIDENT: I do not remember; in fact I have been trying to find out what relevancy it has to the bill before the House.

Mr. KANJI DWARKADAS: What makes me nervous about giving this power to Government is this, that this is not the first attempt that they are making to take away lands belonging to gymkhanas. Some years back they took away the best plots in the city, the Elphinstone College grounds and built upon them the Science College; then the University Gardens where also they are putting up buildings and now this is another attempt Government are making to deprive Bombay of open spaces.....

The Honourable the PRESIDENT: The erection of buildings upon some properties has nothing to do with the bill before the House. What may happen hereafter has nothing to do with the bill before the House. We are now dealing with existing things.

Mr. KANJI DWARKADAS: It is because we want to prevent this misuse of open spaces by Government that we are nervous about giving them these powers.

The Honourable the PRESIDENT: Please confine yourself to the bill before the House.

Mr. KANJI DWARKADAS: Then as regards the fear expressed by my honourable friend Mr. Haji, I do not think that it is quite justified. My honourable friend Mr. Griffith will remember that when he was the Commissioner of Police in Bombay, he allowed the open Chowpatty sands for public meetings not once but more than twice and thrice and the late Lokamanya Tilak was also cremated on the Chowpatty sands by special permission of His Excellency the Governor. It is therefore not at all right to attribute motives to Government and say they are asking for these powers because they want to prevent political meetings of any nature. If political meetings are of a constitutional type, I am quite sure Government will never interfere with such political meetings.

Then, Sir, my honourable friend Mr. Cowasji Jehangir said that either the public must suffer or the gymkhanas must suffer. I do not see why either of them should suffer. Only during the week-ends they have cricket matches and during the rest of the days they have practice in cricket and tennis. All these gymkhanas are controlled by very reasonable people and I am quite sure that if a compromise could be suggested, the authorities.....

The Honourable the PRESIDENT: What has the compromise with owners of gymkhanas and other outsiders got to do with the bill? I allowed that because I was not in possession of the facts but as the matter came to be debated, I see now that the whole thing is going beyond due bounds. You please confine it to those honourable members who have already spoken and try to steer clear of it yourself. It is not relevant to the bill.

Mr. KANJI DWARKADAS: With regard to the point referred to by Mr. Purshotamdas Thakurdas with regard to open spaces inside the Indian town, the Stanley Reed Committee has recommended that Government should take steps to have more open spaces in the city for the working classes. As a resolution on this matter is coming before the Council, I shall say nothing more about it at present.

**Mr. B. V. JADHAV :** Sir, Government are now seeking power to make rules for the regulation of certain open spaces in Bombay. Members from the city of Bombay are much exercised over it because they think that these rules may entrench upon their rights and may put certain hindrances in the use being made of these open spaces. Under the present circumstances, as Rao Bahadur Kale said, it has been deemed necessary to put some restrictions upon the power of making rules or at all events that some broad principles should be laid down by Government in this instance. Here in the present bill, an open cheque is being asked by Government that they should be allowed to make rules for the regulation of these open spaces. I think if the mover of this bill gives us an assurance or idea of what the skeleton of these rules will be, then members will be in a position to say whether they should be allowed or not or whether.....

**The Honourable the PRESIDENT :** It is a matter for the select committee. When the select committee makes its report, then it will be open to the Council here to move amendments. It is entirely within the power of this Council.

**Mr. B. V. JADHAV :** Will the select committee make rules ?

**The Honourable the PRESIDENT :** No. You say some broad principle should be laid down and the rules based on that. It is in the power of the select committee to lay down that principle or to indicate what should be done.

**Mr. B. V. JADHAV :** If that is so, Sir, the first reading may be allowed if the principles are to be laid down by the select committee, and if the mover accepts that, then I have no objection to have the motion for the first reading carried.

**Dr. K. E. DADACHANJI (Bombay City, South) :** Sir, I rise to support the first reading of the bill. Under the new Bombay Municipal Act we have given the municipal corporation the power to frame rules to control the open spaces in the Bombay city. Now it is sought to give Government the power to frame regulations for their own open spaces. Since a long time the Bombay municipal corporation have been pointing out to Government that there should be some rules made to regulate the use of their open spaces, and I am very glad that, though too late in the day, this bill is brought forward here for the consideration of the Council. As regards what has fallen from my honourable friend Mr. Cowasji Jehangir about Kennedy Sea Face matter, I am one of the members of the small committee appointed by the corporation. When we came to consider the matter about gymkhanas.....

**The Honourable the PRESIDENT :** Please observe the ruling I have already given.

**Dr. K. E. DADACHANJI :** Very well, Sir, I will not allude to that matter. As regards the misuse which, as has already been pointed out by my honourable friend Mr. Proes has to be met; as regards gambling, I agree that some rules should be made to regulate this evil. As regards allowing this open space for political meetings, I see no particular objection, if such meetings are to be carried on along constitutional lines, as we know that on the Hyde Park Maidan they are allowed without any interference from the Government because they are carried on in a constitutional manner. With these words I support the first reading of the bill.

**Mr. C. M. GANDHI (Surat City) :** This is rather a novel bill. I confess I have not come across any such bill where there are no other substantial

[Mr. C. M. Gandhi]

clauses, but the Government is merely taking powers to make rules. Government is taking power to make rules over which the Council shall have no control. The objectionable words in clause 2 are "rules for securing the protection of such lands from injury or misuse." "Misuse or injury," what do these words mean? Mr. Proes did not explain that. He says that people assemble and gamble in such open places. But if that were so Government have ample powers under the City of Bombay Police Act to check it. Under the guise of this innocent looking bill Government wants to have powers which may afterwards be abused. It is therefore necessary that the bill ought to be scrutinized with very great care by the representatives of the select committee if at all it goes to the select committee.

Mr. A. N. SURVE (Bombay City, North) : Mr. President, I rise to oppose the first reading. The powers which are sought are not necessary, because the lands do not contain gardens and the second reason is there have been no instances in which these lands have been misused. For these two reasons, I think, the power which is sought need not be given. Now in the statement of objects and reasons it is said that such power is given to the municipality and therefore it might also be given to Government. But there is a great difference between these two cases. The power which is given to the corporation is of framing bye-laws. These bye-laws will be approved by the corporation. The corporation will be under the direct control of public opinion. But in the case of the Government that will not be the case. In the case of the Government, rules will be made by them and they will be final and will have to be obeyed. That is the distinction between these two cases. My honourable friend Mr. Cowasji Jehangir said that this Council has ample power, but with great respect I differ from him. Government want these powers for framing rules and when once they are framed it will be practically impossible to get them amended. Suppose Government framed rules and they are objectionable, what would be our remedy? The remedy in our hands will first be to move a resolution in this House. The second is by bringing an amending bill, but that will not be available to us. Because it will not be an Act that will have to be amended but it will be the rules framed under that Act, and as far as I am aware this House has no power to amend rules which are made by Government under the power conferred upon it by that Act. So I think if we give power to the Government now we will have no power left in us to remedy the wrong if committed. I give an instance in which the Government have deprived the general public of the use of such lands. I refer to the Kennedy Sea Face. A few years ago there were 2 or 3 gymkhanas only and the remaining sea face was available to the public. Now there have been many gymkhanas and this ground has been occupied by these private bodies to such an extent that the general public are deprived of the use of the sea face, for the purposes of games and sports. In this case Government have practically deprived the general public of this open space that would have been available to them. Then there is one more minor point. This is that at present Government do not possess any machinery by which they can use the powers that this bill can confer upon it, therefore this bill if it is passed into an Act would remain idle on the statute book. I think the Government can make use of the provisions contained in the City of Bombay Police Act and the Penal Code to protect public open spaces—if they at all need protection—therefore any further power is unnecessary. With these remarks I oppose the first reading of this bill.

Mr. G. B. TRIVEDI (Thana District) : Sir, neither the Minister in charge nor the head of the Public Works Department have been able to convince the Council as to what this misuse of and injury to these open spaces by the public are. The only instance given is that some people sit there up to midnight gambling. Now, I have seen many people on the Kennedy Sea Face sitting round a lantern playing cards. That is not gambling, and if gambling is really going on, then, under the Police Act, Government have ample power.....

The Honourable the PRESIDENT : Mr. Trivedi, you are covering the ground already covered by half a dozen speakers.

Mr. G. B. TRIVEDI : I am speaking specially about people who are enjoying their.....

The Honourable the PRESIDENT : The previous speakers have referred to all that. Unless there is something new, using the arguments which have been already used by others renders you liable to be called to order on the ground of tedious repetition.

Mr. G. B. TRIVEDI : The other thing is that, in spite of what has been said that there ought to be no apprehension about the misuse of the Act, the words in clause 2 are quite clear, and the manner in which the open spaces may be used by the public convey that if Government frame rules showing the manner in which they may be used by the public, it is likely, as my friend Mr. Haji pointed out, that Government may prohibit certain kinds of meetings there, and therefore the public may be inconvenienced. So, these two things ought to be guarded against when the bill goes before the select committee.

Rao Bahadur R. R. KALE : Sir, I move for a closure.

The Honourable the PRESIDENT : I adopt the closure, and call upon the Honourable the Minister in charge to reply.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Sir, the issue before the House is whether Government should be given power to make rules for the protection of these open spaces which are the property of Government. Similar powers have been given to the municipalities. Several extraneous matters have been brought in in the consideration of the bill, which have nothing to do with the principle of the bill. My friend Mr. Hajisays that industrial and political demonstrations might not be allowed. But they have been allowed up to this time.

Mr. IBRAHIM S. HAJI : How will it be after Government are given the power ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Even after Government have the power, there is absolutely nothing to prevent those meetings being held. Moreover, the Council should take into consideration the fact that these open spaces are the property of Government. Now, Government, if they wanted to do so, could have stopped every one from making any use of the open spaces. On the contrary, Government allows the people to make use of them, provided they use them properly. I hope, therefore, that the Council will accept the first reading of the bill.

Bill read a first time. Question put and agreed to.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Sir, I am entirely in the hands of the Council in the matter of referring the bill to a select committee.



/Honourable MEMBERS : It must be referred to a select committee.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Sir, I move that the bill be referred to a select committee consisting of the following honourable members, to report within a month :—

Dr. K. E. Dadachanji, Mr. Jehangir B. Petit, Mr. Kanji Dwarkadas, Mr. Ibrahim S. Haji, Mr. M. W. Pradhan, Mr. E. M. Proes, and the Mover.

Dr. S. S. BATLIWALA : I would suggest that the name of Rao Bahadur Kale be added.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : I have no objection.

Dewan Bahadur K. R. GOBOLE : I would suggest that the name of Mr. Nelson be added to the committee.

Mr. C. M. GANDHI : I think Mr. Purshotamdas Thakordas may also be put on the committee.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : I have no objection to accepting the names of both Mr. Nelson and Mr. Purshotamdas Thakordas.

Question put that the bill be referred to a select committee consisting of  
 Dr. K. E. Dadachanji, Mr. Jehangir B. Petit, Mr. Kanji Dwarkadas, Mr. Ibrahim S. Haji, Mr. M. W. Pradhan, Mr. E. M. Proes, Rao Bahadur R. R. Kale, Mr. F. Nelson, Mr. Purshotamdas Thakurdas and the Mover with instructions to report within a month,

and agreed to.

### A BILL FURTHER TO AMEND THE PRINCE OF WALES MUSEUM ACT, 1909, BILL No. VIII OF 1922.

The Honourable Mr. R. P. PARANJPYE : Mr. President, I have great pleasure in moving the first reading of Bill No. VIII of 1922, a Bill further to amend the Prince of Wales Museum Act, 1909. I might mention that the bill consists mostly of clauses seeking to make some changes in the constitution and working of the board of the Prince of Wales Museum. The changes have all been suggested by the board itself, and I will just mention in brief what those changes are. The first change is the substitution of the Director of Industries in the place of the Director of Public Instruction, who has rather too many committees to attend. He has not been able to attend many of the meetings of the board, and it is thought that the Director of Industries would be a more suitable person to represent industrial matters on the board. Then again, another clause allows the Bombay municipality, which is represented on the board, to elect its representatives by ballot. This change has been introduced on the suggestion of the municipality itself. Then, it is proposed to put two members representing the Bombay Natural History Society on the board, so long as their very valuable collection is in the hands of the board. Certain negotiations have been carried on with the Natural History Society, by means of which their collection is to be in the museum, so that it may be available to the large public, and for that purpose the Natural History Society is to be allowed to

[Mr. R. P. Paranjpye]

appoint two representatives on the board. They will be there so long only as their collection will be in the museum. If it comes about any time that either the museum does not want that collection, or they are not able to take proper care of the exhibits, the Natural History Society will take away their collections, and their two representatives will be no longer on the Board.

Dewan Bahadur K. R. GODBOLE : Do they pay any rent for the building and space they occupy ?

The Honourable Mr. R. P. PARANJPYE : As regards that I would point out that it is for the benefit of the museum that their valuable collection should be in the museum. The Natural History Society of course do get a certain advantage of their collection being properly used, and I believe the Council will agree that the main advantage is for the public, and it is therefore necessary that their collection should be in the museum itself. Then again the Bombay Branch of the Royal Asiatic Society which has also a very valuable collection of antiquities are going to offer to house that collection in the museum, and they are to be given one representative. The University of Bombay is going to be also given one representative because it is necessary that the interests of higher education should be considered in the administration of this museum. Over and above that it is proposed to take power to appoint four other members, mainly of a specialist qualification who may be useful occasionally to help in assisting and properly looking after the scientific collection of the museum. A similar power exists in the case of the Calcutta museum and this power is taken in order that the Board may not have to engage highly paid specialists in order to help and advise on the housing of the scientific collection. It is not proposed that all the four should be appointed, and it is proposed that they will be co-opted by the board when a necessity arises. And only for certain definite periods.

Then there are certain simple clauses which were not formerly incorporated in the Act, that is, as regards the filling up of vacancies, the tenure of office of the various members, and some other formal clauses of this nature. And I do not believe the Council will take any objection to all these matters. When a member for instance goes away and there is no power by means of which his place can be filled in again and so on ; and then finally there is proposed to be inserted a power which the museums of a similar nature are always entrusted with, that is, accepting, exchanging occasionally, distributing or selling articles in the museum. A museum in order that it should be a useful and a living institution should have all these powers. Very often a museum has duplicates and one way of increasing the richness of a museum would be the exchange of samples of which there are duplicates in the two museums. Occasionally some samples get old and they have to be sold. But when we constitute a museum with a strong body of trustees, all these powers must be given to the board of trustees. I mean these are the main clauses which this bill seeks to introduce into that Act and I hope the Council will accept this bill which is entirely of a non-contentious nature.

Bill read a first time.

Question put and agreed to.

The Honourable Mr. R. P. PARANJPYE : Mr. President, I would move for the necessary suspension of the rules in order that the bill may be read a second time now.

Rao Bahadur R. R. KALE (Satara District) : Mr. President, I must say that no doubt the other clauses are formal but with regard to the clause 3 (b) it contemplates exchange or sale of articles delivered by way of loan. Mr. President, you are aware that when a similar small measure was on the anvil of this Council last year, the question was whether the board of the museum had power to mortgage immovable property, and the question was whether that power could also not be extended to movable property, and if I remember rightly, the power with regard to both movable and immovable property was discussed at that time and certain restrictions are also applied to movable property. Now I find that in this clause power is taken to sell or exchange movable property. So I think this is a matter which is of some importance and the second reading should not therefore be allowed at this stage. But of course-I would submit that this section which is rather contentious should be discussed further.

The Honourable the PRESIDENT : Where ?

Rao Bahadur R. R. KALE : In the select committee.

The Honourable the PRESIDENT : The select committee stage is gone.

Rao Bahadur R. R. KALE : The question was whether the rules should be suspended.

The Honourable the PRESIDENT : You may move an amendment that the bill be referred to a select committee. Standing Order VIII, 5, (2).

Rao Bahadur R. R. KALE : I think I would rather move that the bill may be referred to a select committee.

The Honourable Mr. R. P. PARANJPYE : I am prepared to accept the amendment and I shall propose a select committee.

The Honourable the PRESIDENT : You must withdraw your first proposal for the second reading of the bill.

The Honourable Mr. R. P. PARANJPYE : Mr. President, I am prepared to accept the proposal and I shall propose that the bill be referred to a select committee. I thought it was a non-contentious bill and it may be allowed to pass without a reference to the select committee.

The Honourable the PRESIDENT : Then, you must withdraw your original motion and make a fresh one.

The original motion that the bill be read a second time was then by leave withdrawn.

The Honourable Mr. R. P. PARANJPYE : Mr. President, I propose that the bill be referred to a select committee consisting of Rao Bahadur R. R. Kale, Mr. Purshotamdas Thakurdas, Mr. Cowasji Jehangir, Mr. B. V. Jadhav, Mr. G. B. Trivedi, Mr. J. C. Ker and myself, and the select committee to report within a fortnight.

Rao Bahadur R. R. KALE (Satara District) : I would suggest that instead of my name Mr. Bhate's name be substituted.

The Honourable Mr. R. P. PARANJPYE : Very well.

Question put that the bill be referred to a select committee consisting of Mr. Bhate, Mr. Purshotamdas Thakurdas, Mr. Cowasji Jehangir, Mr. B. V. Jadhav, Mr. G. B. Trivedi, Mr. J. C. Ker and the Honourable Mr. R. P. Paranjpye, with instructions to report within a fortnight,

Bill referred to a select committee.

and agreed to.

**A BILL FURTHER TO AMEND THE PRINCE OF WALES  
MUSEUM ACT, 1909 (BILL No. X OF 1922).**

The Honourable Mr. R. P. PARANJPYE: Mr. President, this is a very small bill indeed and it is only of a very technical nature. First Reading. In the Act that we passed some time ago to empower the museum trustees to incur loans a small difficulty—not exactly a difficulty, but a small point—was raised by the trustees, who wanted a little greater power about the nature of their loans. They think that at present if they want loans they have to pay a very heavy rate of interest and if a loan is to be repaid by the sinking fund during the currency of the loan, they find they might have to pay too much. Consequently, what they think is that the loan might have a currency for a short time, while the sinking fund might go on to a slightly longer period whatever period Government desires. It is intended, of course, that with a short period loan they will incur another loan to pay for that loan, hoping to pay that new loan at a much smaller rate of interest. A similar power has been put in in other Acts of a similar nature by which Government authorise a regularly constituted body to incur loans, and it is therefore for this purpose that a small change is suggested in this bill. I hope that the Council will have no objection to this enactment. I move that the bill be read a first time.

Bill read a first time. Question put and agreed to.

The Honourable Mr. R. P. PARANJPYE: I propose, Sir, that the bill be referred to the same select committee to which Bill No. VIII of 1922 has been referred and subject to the same condition, namely, to report within a fortnight.

Bill referred to a select committee. Question put and agreed to.

**A BILL FURTHER TO AMEND THE KARACHI VACCINATION  
ACT, 1879, BILL No. IX OF 1922.**

The Honourable Mr. R. P. PARANJPYE: Mr. President, I beg to move the first reading of Bill No. IX of 1922 (A Bill further to amend the Karachi Vaccination Act, 1879). This bill again is quite non-contentious. The Karachi municipality have offered to take over the vaccination work which at present is in the hands of the Government. The bill therefore contains the necessary provisions in order that the Karachi municipality should carry out the provisions of the Vaccination Act. There is another small amendment in regard to the boundaries for the purpose of this Act, namely that it is proposed to include Port Trust estates and others, and I hope that the Council will carry the first reading of the bill.

Bill read a first time. Question put and agreed to.

The Honourable Mr. R. P. PARANJPYE: Now, Sir, I am in the hands of the Council whether they wish to refer the bill to the select committee.

The Honourable the PRESIDENT: You have to move.

The Honourable Mr. R. P. PARANJPYE: I move that the bill be read a second time.

Second reading. Bill read a second time. Question put and agreed to.

*Bill read clause by clause.*

Clause 1 (*Short title*) ordered to stand part of the bill.

Clause 2 (*Amendment of section 1 of Bom. IV of 1879*) ordered to stand part of the bill.

Clause 3 (*Amendment of sections 1, 2, 12 and 31 of Bom. IV of 1879*) ordered to stand part of the bill.

Clause 4 (*Amendment of section 2 of Bom. IV of 1879*) ordered to stand part of the bill.

Clause 5 (*Amendment of sections 3, 4 and 6 of Bom. IV of 1879*) ordered to stand part of the bill.

Clause 6 (*Amendment of section 5 of Bom. IV of 1879*) ordered to stand part of the bill.

Clause 7 (*Amendment of section 6 of Bom. IV of 1879*) ordered to stand part of the bill.

Clause 8 (*Amendment of sections 16, 17 and 19 of Bom. IV of 1879*) ordered to stand part of the bill.

Clause 9 (*Amendment of section 26 of Bom. IV of 1879*) ordered to stand part of the bill.

Clause 10 (*Amendment of section 29 of Bom. IV of 1879*) ordered to stand part of the bill.

Clause 11 (*Amendment of section 31 of Bom. IV of 1879*) ordered to stand part of the bill.

Preamble ordered to stand part of the bill.

Third reading.

The Honourable Mr. R. P. PARANJPYE : I move, Sir, that the bill be read a third time.

Bill read a third time.

Question put and agreed to.

The Honourable the PRESIDENT : The Council is adjourned till 2 p.m to-morrow.

*Saturday, the 22nd July 1922.*

The Council re-assembled at the Council Hall, Poona, on Saturday, the 22nd July 1922, at 2 p.m., the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

*Present :*

ADDYMAN, Mr. J.  
 ADHAV, Mr. P. N.  
 BATLIWALA, Dr. S. S.  
 BEDREKAR, Khan Bahadur ISMAIL SAHIB.  
 BENNETT, Colonel V. B.,  
 BHATE, Mr. G. C.  
 BHURGRI, Mr. J. M.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Mr. S. K.  
 BULLOCKE, Mr. A. GREVILLE.  
 CHITALE, Rao Bahadur G. K.  
 COOPER, Khan Bahadur D. B.  
 CRERAR, Mr. J.  
 DADACHANJI, Dr. K. E.  
 DALAL, Sardar Khan Bahadur ADARJI M.  
 DALAL, Mr. D. B.  
 DESAI, Rao Saheb HARILAL D.  
 DESAI, Rao Saheb DADUBHAI P.  
 DESHMUKH, Mr. ANANDRAO SHRIPATRAO.  
 DRAKHAN, WADERO MAHOMED PANAH.  
 DUBHASHE, Mr. SHANKAR BALKRISHNA.  
 DWARKADAS, Mr. KANJI.  
 FERNANDES, Major C.  
 FERREIRA, Mr. D. J.  
 GANDHI, Mr. C. M.  
 GARUD, Rao Bahadur S. D.  
 GHOLAP, Mr. D. D.  
 GHULAM HUSSAIN, The Honourable Khan Bahadur SHAIKH.  
 GODAD, Khan Saheb ABDULLA AVJAL.  
 GODBOLE, Dewan Bahadur K. R.  
 GRIFFITH, Mr. F. C.  
 GULAMHUSEN, Mr. SULTANALI SALEMANJI.  
 HAJI, Mr. IBRAHIM S.  
 HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA.  
 HAVELIVALA, Mr. M. A.

HAYWARD, The Honourable Mr. M. H. W.  
HOOD, Mr. A. J. F.  
HULKOTI, Mr. CHANNAPPA CHANVIRAPPA.  
JADHAV, Mr. B. V.  
JUVEKAR, Mr. D. G.  
KALBHOR, Mr. G. M.  
KALE, Rao Bahadur R. R.  
KAMBLI, Mr. S. T.  
KANGA, Mr. J. B.  
KASSIM, Mr. G. H.  
KER, Mr. J. C.  
LAGHARI, Khan Bahadur KHAIR BAKSH  
LAWRENCE, The Honourable Mr. H. S.  
LORY, Mr. F. B. P.  
MANSURI, Khan Saheb A. M.  
MEAD, Mr. P. J.  
MEHTA, The Honourable Mr. C. V.  
MOHOMED SALAHUDDIN K., Mr.  
MOTIRAM, Rao Saheb RUPCHAND.  
MOUNTFORD, Mr. L. J.  
MUTALIK, Sardar V. N.  
NILKANTH, Rao Bahadur R. M.  
NELSON, Mr. F.  
NIMBALKAR, Mr. K. B.  
PAHALAJANI, Mr. B. G.  
PAINTER, Mr. H. L.  
PARANJPYE, The Honourable Mr. R. P.  
PARULEKAR, Rao Saheb L. V.  
PATEL, Mr. B. P.  
PATEL, Mr. J. B.  
PAWAR, Shrimant J. A.  
PETTIT, Mr. JEHANGIR B.  
PRADHAN, Mr. M. W.  
PROES, Mr. E. M.  
RAHIMTOOLA, The Honourable Sir IBRAHIM.  
SAHERWALA, Khan Saheb I. A.  
SALGAR, Mr. R. G.  
SATHE, Rao Bahadur G. K.  
SAYED NABI BAKSH SHAH.  
SHIRRAS, Mr. G. FINDLAY.  
SUBVE, Mr. A. N.

THAKOR of AMOD, Sardar NAHARSINGHJI.

THAKURDAS, Mr. PURSHOTAMDAS.

THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

The Honourable the PRESIDENT : Order, order.

**A BILL FURTHER TO AMEND THE ADEN PORT TRUST ACT, 1888,  
BILL No. XI OF 1922.**

The Honourable Sir CHIMANLAL SETALVAD : Mr. President, I beg to move that bill No. XI of 1922, a bill further to amend the Aden Port Trust Act, 1888, be read the first time. It will be observed that it is purely a formal bill necessitated under the following circumstances. As the Aden Port Trust Act at present stands, one of the members has to be the Deputy Assistant Quartermaster-General, Aden Brigade. Owing to the re-organisation of the military staff the post of this officer has been abolished. Therefore, it becomes necessary to substitute in his place some other officer representing the General Officer Commanding, and in order to avoid in the future any contingency such as has now occurred, it is proposed to substitute these words : " an officer of the Head Quarters Staff, Aden Brigade, appointed in virtue of his office by the General Officer Commanding ". We now leave it to the General Officer Commanding to appoint an officer who will represent the military interests on the board. That is the only effect of the present bill. I beg to move that it be read the first time.

Bill read a first time. Question put and agreed to.

The Honourable Sir CHIMANLAL SETALVAD : As Sir, I have indicated the bill is purely of a formal character, I beg to move that the bill be read a second time.

Bill read a second time. Question put and agreed to.

*Bill read clause by clause.*

Clause 1 (*Short title*) ordered to stand part of the bill.

Clause 2 (*Amendment of section 6, Bom. V of 1888*) ordered to stand part of the bill.

Preamble ordered to stand part of the bill.

The Honourable Sir CHIMANLAL SETALVAD : Sir, as the bill has not undergone any change either at the first or the second reading, I beg to move that the bill be read a third time.

Bill read a third time. Question put and agreed to.

**A BILL FURTHER TO AMEND THE LAW RELATING TO PUBLIC  
FERRIES IN THE PRESIDENCY OF BOMBAY  
(BILL No. XII OF 1922).**

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Mr. President, I beg to move that Bill No. XII of 1922, a bill further to amend the law relating to public ferries in the Presidency of Bombay, be read a first time. The object



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of the bill is to empower Government to transfer public ferries, as they think fit, to district local boards within whose jurisdiction they are situate. Further it gives power to such boards to manage such ferries. This is a simple bill, and I hope the Council will accept the principle which is to transfer these ferries to the control and management of those local boards within whose jurisdiction they are situate. With these remarks I beg to move that the bill be read a first time.

Rao Bahadur R. R. KALE (Satara District): Sir, I congratulate the Honourable Minister for the step in advance which is now proposed to be taken by virtue of the provisions of this bill and in supporting the principle underlying the bill, I have to make one or two observations. The bill as it is framed empowers Government to declare by notification that any public ferry shall vest in the district board. I would certainly suggest that the principle should also be extended to municipal areas. There are ferries in municipal districts and in the Bengal Ferries Act we find already a provision enabling the Government to extend this right to municipal areas, and I see no reason why in this bill also the same principle should not be extended to municipal areas.

Another observation which I wish to make is as regards the schedule. Under the schedule certain powers which were hitherto exercisable by Government are to be exercised hereafter, when the Government makes a declaration by notification, by the district board. Among the powers certain sections have been mentioned, I think, as a consequential measure, if the district board is to be the manager and controller of the ferries which are within its jurisdiction. Then I do not see why the power to exempt from time to time should not also be conferred on the district boards. Even now we find members or officers of Government.....

The Honourable the PRESIDENT: That is a point of detail which may be removed in the select committee. Your first point is a matter of principle and is in order at the first reading. It strikes me that you are going to oppose the bill at its first reading on the details, which is not allowed by the standing orders.

Rao Bahadur R. R. KALE: I am not opposing it, Sir.

The Honourable the PRESIDENT: You say the bill is imperfect, does not go far enough.

Rao Bahadur R. R. KALE: I support the bill, but I should not be understood to approve the bill as it stands.

The Honourable the PRESIDENT: Let me make this point clear, because honourable members ought to fully appreciate what their duty is at the first reading of a bill. In consequence of their failure to understand this the honourable members are handicapped at further stages. If you think that the scope or principle of a bill is limited but ought to be extended, you have to point it out at the first reading and, if you like, oppose the bill on that ground.

Rao Bahadur R. R. KALE: As the bill does not go far enough, I think that the principle must be opposed.

The Honourable the PRESIDENT: You say that it is wanting in certain things and that certain municipal areas should also be included?

Rao Bahadur R. R. KALE: Yes.

The Honourable the PRESIDENT : That is a point which you may work out in your speech for the benefit of all honourable members so that the Council can come to a decision as to whether the bill should pass the first reading.

Rao Bahadur R. R. KALE : My submission to the Council is therefore that although the principle so far as it is enunciated is acceptable, still because it does not extend to the municipal areas, we ought to realise that it falls short of the full extension that should take place, and, as I have already said, if similar powers are given to Government so far as the Bengal Ferries Act is concerned, I see no reason why the Government of Bombay should not be empowered by notification to declare any municipal area to be fit to exercise these powers and rights which belong to the ferries.

Secondly, although it might appear to be a point of detail, still I think it is a point of principle in this way, that if the rights and privileges belong to the district local boards, then certainly the right to exempt certain persons from the operation of tolls on the ferries should also belong to that same body. So long as the Government were the owners of the ferries and so long as they levied the tolls and the proceeds of the tolls were credited to Government, the power to exempt no doubt properly belonged to Government, but if the proprietorship in these ferries is transferred to the district boards, then I submit it follows as a consequence that the right to exempt certain persons or officers must also belong to the district local boards or the municipal boards, whichever the authority may be. So I think the Council will be with me in my contention that the bill as framed does not go far enough in its present form.

Mr. G. C. BHATE (Kolaba District) : Sir, I fully endorse the views expressed by my honourable friend Rao Bahadur Kale.

The Honourable the PRESIDENT : You think the principle of the bill ought to go farther than it does ? If so, why don't you move an amendment ?

Mr. G. C. BHATE : My difficulty is that we are at the first reading and I do not know whether an amendment can be moved.

The Honourable the PRESIDENT : Why not ?

Rao Bahadur R. R. KALE : I pointed that out to the Honourable Minister in charge.

The Honourable the PRESIDENT : The way of moving an amendment, when in your view the principle is either not sound or does not go far enough, is pointed out in May's Parliamentary Practice. It is at page 357, 12th edition, and reads as follows :—

"It is also competent to a member who desires to place on record any special reasons for not agreeing to the first reading of the bill", (the second reading in the House of Commons is equivalent to our first reading), "to move, an amendment to the question, a resolution declaratory of some principle adverse to or differing from the principles, policy or provisions of the bill, or expressing an opinion as to any circumstances connected with its introduction or prosecution or otherwise opposed to its progress or seeking further information....."

So it is competent for you to move an amendment that this House, while approving of the principle of the bill as far as it goes, is of opinion that it does not go far enough and therefore disapproves of the bill, so that the whole discussion will be focussed upon that point.

Mr. B. G. PAHALAJANI (Western Sind) : May I seek some light ? Our rule 66 in the Council Manual reads :—

"On the first reading of a Bill the principle of the Bill and its general provisions may be discussed : the detailed provisions shall not be discussed, nor shall any amendment of the Bill be moved at this stage."

The Honourable the PRESIDENT : The honourable member is reading from the Manual, which is incorrect ; you are to read our authoritative Standing Orders. Standing Order VIII, 4,(2) reads as under :—

“ On the first reading of a Bill the principle of the Bill and the general provisions may be discussed ; the detailed provisions shall not be discussed nor shall any amendment of the Bill other than an amendment of principle, be moved at this stage.”

Is the Honourable Minister in charge prepared to undertake that this matter shall be considered in the select committee if the bill passes the first reading ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Yes, Sir.

The Honourable the PRESIDENT : Upon that distinct understanding no amendment such as I have suggested need be moved. I only want to save further complications during the second reading of the bill.

Mr. G. C. BHATE : I would like to point out one defect in the bill as it is and it is this, that in the schedule under clause 3 powers.....

The Honourable the PRESIDENT : Order, order. We are not considering the schedule now—that is a matter of detail which will be for the select committee and further stages if the bill passes the first reading. We are dealing with the principles of the bill now.

Mr. G. C. BHATE : The bill is not self-sufficient in that, if passed, it will have the effect that certain provisions in the District Local Boards Act will have to be deleted and that is why the bill is not self-sufficient.

The Honourable the PRESIDENT : That may be. That is a matter of detail which may be suggested in committee hereafter. It is a matter not for the first reading.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : Sir, I would like to make one observation in connection with this bill. This bill, it appears to me, is only one-sided transaction. Government takes the power to declare that a ferry shall rest in the district local board irrespective of the consent of the district local board about the working of the ferry. From my experience I can say that there are certain ferries in the districts which are worked at a loss and if such ferries are transferred to district local boards, it will be a strain on their purse. So I think that point ought to be considered and if this power is to be taken by Government, it should be subject to the consent of the district local board concerned.

As regards the power of exemption, I perfectly agree with what the honourable member from Satara, Rao Bahadur Kale, has said.

Sardar Khan Bahadur A. M. DALAL (Broach District) : Sir, I would like to accept the principle of the bill but I might object on the ground that the district local boards are not financially well enough to run the ferries. I therefore submit that some provision should be made in the select committee to consider the financial aspect of this question. With these remarks I accept the first reading of the bill.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Sir, I gather from what has fallen from Rao Bahadur Kale that the provisions of the bill should be extended to municipalities. That will be considered in the select committee. Now another

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point raised is that ferries do not pay the district local boards and should therefore be transferred with their consent. This Council cannot have it both ways.

Honourable MEMBERS: We do not want it both ways.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: I will consider other points raised in the select committee.

Mr. C. M. GANDHI (Surat City): Sir, before the question is put we want to be enlightened as to whether it will be open in the select committee to so modify the bill as to include the vested power in the municipalities, or they will only be vested in district local boards.

The Honourable the PRESIDENT: What you mean is whether if the bill passes the first reading, the principle affirmed will be confined to the local boards only or whether it may be extended to municipal bodies. As it is a point susceptible of argument on both sides, I have given the benefit of the doubt to the Minister in charge to consider it in select committee. If the matter were clear, it would have been my duty to ask Rao Bahadur Kale to propose his amendment and allow him to ask the House to reject the bill. The question of municipalities and local boards is merely a supplementary one to the broader principle of transfer to local bodies. Anything else?

Mr. C. M. GANDHI: Nothing.

Bill read a first time. Question put and agreed to.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Sir, I beg to move that the bill now be referred to a select committee consisting of the following members:—

Mr. B. V. Jadhav,

Sardar V. N. Mutalik,

Mr. D. J. Ferreira,

Rao Bahadur R. R. Kale,

Rao Bahadur D. A. Vichare,

Mr. G. A. Thomas,

Mr. L. J. Mountford and the Mover

with instructions to report within one month.

Mr. PURSHOTAMDAS THAKURDAS: May I suggest that the name of Sardar Adarji Dalal, who is the president of the district local board of Broach, should be added? Broach is an important district in the Presidency.

Question put that the bill be referred to a select committee consisting of Mr. B. V. Jadhav, Sardar V. N. Mutalik, Mr. D. J. Ferreira, Rao Bahadur R. R. Kale, Rao Bahadur D. A. Vichare, Mr. G. A. Thomas, Mr. L. J. Mountford, Sardar Adarji M. Dalal and the Mover, with instructions to report in a month, and agreed to.

## A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888 (BILL No. VII OF 1922).

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Mr. President, before I move the second reading of the bill, I would request you to suspend the provisions of Part VIII, Order 8 (2) (a), of

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the Standing Orders as the report of the select committee was not sent to honourable members 15 days before the session of the Council, but only 12 days before it.

The Honourable the PRESIDENT: I suspend the provision.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDA-

YATALLAH: Sir, I move that the bill further to amend the City of Bombay Municipal Act, 1888, be read a second

time. This bill, amongst other provisions, contains two important provisions, one for popularising the constitution and widening the franchise, and the other for the removal of the sex bar. The bill was referred to the select committee. The select committee was unanimous about the removal of the sex bar. The contentious point before the select committee was whether the franchise should be of Rs. 10 or Rs. 20. The report of the select committee is before this House. The majority of the members of the select committee were in favour of the ten rupee franchise. There are three dissenting notes appended to the report of the select committee on this point. The opponents of the ten rupee franchise base their case on two grounds. The first ground is that the corporation twice recommended the twenty rupee franchise, and, secondly, that the interests of the minorities will be jeopardised by adopting the ten rupee franchise. I would like to deal with these objections in the first place. As regards the first objection, no doubt, a twenty rupee franchise was recommended by the Bombay corporation.

The Honourable the PRESIDENT: The procedure, according to the Standing Orders, is that the report of the select committee shall be presented to the Council by the Member in charge of the bill, and that in presenting a report the Member in charge shall confine himself to a brief statement of fact. It is also provided that there shall be no further discussion of the report at this stage. After the presentation of the report of the select committee, the Member in charge may move that the bill, as reported by the select committee be read a second time. The speech which the Honourable Minister is making would be quite relevant to the second reading. Therefore, he should now merely present the report and make a brief statement of fact, if there is any.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDA-YATALLAH: Sir, I beg to present the report of the select committee on the bill further to amend the City of Bombay Municipal Act, 1888. The select committee has accepted the removal of the sex bar, and the majority of the members of the select committee have accepted that the franchise should be a ten rupee one. The report of the select committee is before the House, and I present it to the Council. Mr. President, I now move that the bill be read a second time.

Mr. M. A. HAVELIVALA (Bombay City): Sir, before the Honourable Minister makes his speech, I have got to raise certain objections as regards certain sections of the bill. I do not know whether I may raise them at this stage or afterwards.

The Honourable the PRESIDENT: That may be done when the second reading is passed, and the bill comes to be read clause by clause.

Mr. M. A. HAVELIVALA: I rise to a point of order. There are certain sections in this bill which were not in the original draft.

The Honourable the PRESIDENT: That is a point which will arise afterwards. At the second reading, you may state your objections. There must be a question put first.

Mr. M. A. HAVELIVALA: I only wanted to know whether this is the proper time to state my objections.

The Honourable the PRESIDENT: Whatever you have got to say, you may say during the discussion on the motion for second reading. If you are not satisfied with the report of the select committee, you may oppose the second reading, or you may move that the bill be re-committed to the select committee. The Standing Orders are very clear.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Sir, I move that the bill be read a second time. The bill was referred to a select committee, and the report of the select committee is before the House. There were only three members of the select committee who opposed the ten rupee franchise, and they have based their case on two grounds, one that the corporation recommended a twenty rupee franchise twice, and the other that by adopting the ten rupee franchise, the interests of several communities will be jeopardised. As regards the first ground, no doubt the corporation twice recommended the twenty rupee franchise, but the present corporation is in favour of the ten rupee franchise, because they have ordered their Municipal Commissioner to prepare the electoral rolls on the basis of the ten rupee franchise, at a considerable cost, in anticipation of the sanction of this Council. (Honourable Members: Hear, hear). This clearly shows that the present corporation is not only in favour of the ten rupee franchise, but that they want to have the election early next year. Not only is the corporation in favour of it, but there is a strong demand from the public for it, and Government have received a number of memorials from various associations in favour of the ten rupee franchise. Moreover, in this matter, Government have followed their general policy of popularising and widening the franchise and in pursuance of that policy this reform has been introduced in the Bombay corporation. I have thus shown to the Council that it is not the Bombay corporation alone which is in favour of the ten rupee franchise, but the public and the Government are in favour of it. Moreover, the ten rupee franchise will benefit a very large section of the public. This is a measure, in fact, for the greatest good of the greatest number, and I think every member of this Council ought to support it.

One of the opponents of the ten rupee franchise, I find, is my friend Mr. Havelivala, but when I heard his speech at the time of the first reading of the bill, he was decidedly in favour of the ten rupee franchise; he even waxed eloquent in the advocacy of male adult suffrage in the city of Bombay.

I shall now deal with the second ground, namely, that it will jeopardise the interests of some of the communities. From the figures that I have, I find that the voting strength of the various communities will be the same in the ten as in the twenty rupee franchise. Some of my Parsi honourable friends are under the apprehension that their interests might be jeopardised by adopting the ten rupee franchise. But I must remind this House that the Parsi community, though having a voting strength which is much less than that of other communities is in the majority in the corporation, and that is because of their education, their public spirit, and their influence. If past experience

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is any guide, I am sure, even by adopting the ten rupee franchise, Parsi gentlemen will be returned in large numbers. (Honourable Members : Hear, hear.)

Mr. JEHANGIR B. PETIT : What is the statement of figures which was referred to just now regarding voting strength ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : I said that under the twenty and the ten rupee franchise the voting strength of the various communities will be the same. We have not got the actual figures.

Then again, there will be cumulative voting in the city of Bombay. Therefore, I do not think the interests of minorities will be jeopardised by adopting the ten rupee franchise. If any of the communities are not returned by election, Government have retained certain number of seats for nomination, and I am sure the claims of those communities which are not returned by election will be considered.

Coming to the question of nomination, certain objections are raised that Government should not have the power of nomination. One honourable member who is opposed to that principle, but who is not here to-day, says in his minute of dissent that Government make fantastic selections. I do not care to take any notice of it, as the honourable member is not present here, but I would like to place all the nominations which have been made last year by Government before this Council. No doubt, no Parsi gentleman was nominated, because the Parsis were already elected in large numbers on the corporation. In fact, nominations were made almost from every community—the Marathas, the Hindus the Mahomedans, the Jews, etc. I have certain amendments which I will propose later on.

With these remarks, I move that the bill be read a second time.

Dr. S. S. BATLIWALA (Bombay City, North) : Mr. President, when this bill was referred to the select committee a hope was expressed in this hall by members representing Bombay city, that there is a great deal of difference of opinion in the city about the ten rupee franchise and the graduate vote, and that therefore that matter should be thoroughly discussed in the select committee and some suitable arrangement arrived at. I regret to find that the select committee has not thought fit to think of the dignity of the corporation which has the best interests of the city at heart, and though on two previous occasions the Bombay corporation have suggested the franchise being raised to twenty rupees, the select committee has thought fit to recommend ten rupee franchise, and to do away with the graduate vote. Sir, I maintain that ten rupee franchise is too low at the present juncture, and that twenty rupee franchise should be accepted as repeatedly advised by the Bombay corporation.

Sir, it is said by the Government or the Government representative that a person who is thought fit to vote for the Council should also be fit to vote for the municipality, and secondly that there is a distinct advantage in having only one electoral roll for the purpose of vote both for the Legislative Council and the corporation. Sir, it is not necessary that what might be considered as satisfactory basis for electoral purposes in one case need necessarily be so regarded in the other. In adopting the low basis of franchise for Council

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elections Government have provided for communal and class elections with a view to safeguard the interests of certain minorities and certain classes. We in the corporation have no such class or communal representation or minority election. Therefore, the basis of election in one cannot be the basis of election in the other. Besides that, Sir, the Legislative Council cannot by a stretch of imagination be compared with the Bombay corporation. The former is quite differently constituted from the latter. We are aware, Sir, that our Council is composed of Executive Councillors, Ministers and members presided over by the President. The Executive Councillors cannot be dictated to by the members. Is there anything like that in the Bombay corporation? You are aware that the Bombay corporation can make and unmake any chief officer. Have you any power to make and unmake executive officers here? Are you aware that the power of the purse is with the corporation? Is the power of the purse wholly and solely with the Council? (Honourable Members: Yes.) There are votable and non-votable grants and transferred and reserved subjects, and you dare not say anything about non-votable grants. You may make your recommendations morally, but legally you could be thwarted. Sir, another glaring instance is that all our resolutions are not to be supervised or submitted to the Governor in Council, while here in this Council any resolution can be vetoed by the Governor in Council. You do not mean to say that these are not the flagrant instances which show the difference between the Council and the corporation.

You will therefore, see, Sir, from all this, that you cannot compare the franchise of the Council election with the franchise of the corporation election and what may be considered as satisfactory basis for the electoral purposes in one case need not necessarily be so regarded in the other. Sir, the real point was not whether the municipal franchise conformed to that fixed for the provincial Councils but whether the twenty rupee franchise approved by the corporation did not sufficiently widen the electorate and was not a solid and genuine advance on the conditions obtaining hitherto. You are not to see that the municipal franchise conformed with the Council's franchise but you have to see whether you are sufficiently widening it taking into consideration the interests that you are to guard against, of, I think, the classes and the masses. Besides, Sir, if we accept 20 rupee franchise, we are not widening our franchise to a small extent. What are our present number of voters in the city of Bombay? They are between 12,000 and 13,000, and if you accept the 20 rupee franchise you will be widening your electorate from 13,000 to 60,000. But when we accept the ten rupee franchise it will be something like 95,000 to 1,00,000. I therefore ask why should honourable members be led away by the idea that we are not sufficiently widening our franchise and we leave off a large number unrepresented? If the corporation of Bombay ever since its existence consisting of the members elected by 12,000 ratepayers has done justice to the work entrusted to its care, and if they have succeeded in making Bombay what it is to-day, I really cannot understand why, if we widen the electorate by five times that number, we shall not be called sufficiently progressive. Some have expressed their fear that the landlord class is in the majority, and therefore the minorities will be nowhere. I beg to say it is not so. The Bombay corporation is well known for its cosmopolitan representation and for all classes working in harmonious relations in the interest of the city. The Honourable Minister has been good enough to say that Parsis need not be alarmed as they will have ample avenues to come in and that they will be



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able to secure a sufficient number of representatives, and he cited the example of the present corporation having on its board a large number of Parsis. I say, Sir, that certainly the Parsis are in good number on the present corporation but that is due to the absence of communal representation and the electorate being intelligent and not unwieldy. When the Parsis are reduced to the state of extreme minority, as it will surely happen by ten rupee franchise, I am afraid, Sir, their influence will not be sustained as to enable them to come in the corporation as they have done in the past. A few might be returned but that will be quite out of proportion taking into consideration their past and present services, intelligence, education and sacrifices which have been so generously appreciated by all the previous speakers. I need not say, Sir, that this is the view held by a very large section of the Parsi community.

Then, Sir, I ask if Government has thought fit to take the opinion of the Bombay corporation on such a subject as this (that is, if one goes straight to the corporation and asks them their opinion with a view to be guided by that opinion). Is it fair that, after the corporation having expressed its opinion not once but twice, and that too after mature deliberation and after holding several meetings and discussing the subject threadbare in the interest of the city, the Government should now say "No, we shall do as we like" or that the mofussil members who, I am quite sure, are not half in touch with Bombay as the Bombay representatives are, should say "No, we shall insist on ten rupee franchise in spite of the corporation's deliberate opinion given twice against it?" Is it fair on the part of the honourable members of this Council, that with all the arguments advanced in favour of twenty rupee franchise by those people who bear the brunt of the administration of local self-government, that they should be set aside and that the ten rupee franchise be accepted, because it is based on so-called democratic principle? I respectfully question whether the ten rupee franchise is based on true democratic principle. If that be so, I must say that we do not understand what democracy means. I humbly say that we change the constitution with a view to enlarge and widen the franchise and to introduce democratic principles. I appeal to my honourable friends from the mofussil that they will not be guided by any other arguments except that the representatives of the city, who are on the board of the corporation and who have the city's welfare at heart, are the best judges of the situation and it should be their advice that should be followed.

Of course, it is absolutely in your power not to accept the suggestion, but I appeal to you that we the members of the corporation of Bombay do feel keenly that if this franchise is not put down at Rs. 20, it will very materially alter the position of the corporation which might bring the corporation in future to grief. I am a bit pessimistic on that point. I hope I am wrong.

Sir, there are other points in the select committee's report of dissentients in which my honourable friend Rao Bahadur Kale says that he is not in favour of nominations. Mr. Haji and Mr. Dumasia are also of the same opinion. I for one, Sir, am of opinion that we cannot afford to lose the advantage gained by nominations made by Government. All these nominations would be very valuable assets. We know that certain deserving classes could never come in were it not for the nominations by Government. We know that on the corporation board as well as on the standing committee, if these deserving classes are not nominated as has been suggested, then the corporation as a whole will

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suffer. I will give you a concrete instance. If all the nominations in our standing committee are done away with and if there is no room on the standing committee for such officials as I mention, namely, the Police Commissioner, the Chairman of the Improvement Trust and the Executive Engineer, Presidency, it would be a serious loss to the corporation. All these officers bring to bear their knowledge, intimate acquaintance and experience they have of the city on the deliberations of the standing committee and not only that, but there are various questions which are intimately connected with the corporation's questions which these officers are able to enlighten the corporation on, and thus their presence helps in solving many naughty questions and points of differences between different bodies. It is for these reasons that I do not think we should come in the way of nominations by Government either on the standing committee or on the corporation.

Then, Sir, I might say one word about not enfranchising the graduates. It has been said as an argument that because all the rent payers will include the graduates, therefore it is not necessary that the graduates should be given a franchise separately. I for one, Sir, beg to differ from that opinion, because I know for certain that there are scores of graduates who do not pay Rs. 10 rent and would be absolutely deprived of their right of voting, and a right of voting of an intelligent character, not of a voting which has no intelligence or voting by illiterate classes. It is an intelligent vote. I for one, Sir, believe that if you deprive a large class of these votes, it would be serious injustice to the education and to the city. If I could give you only one instance out of many, many more, you will agree with me when I say that it would be a public loss .....

The Honourable the PRESIDENT : Order, order. This is a very good subject for the first reading so far as the franchise to graduates is concerned. At the first reading of this bill, although I did not refer specifically to the question of franchise to graduates, I said enough to put the Council on the right track so far as that question was concerned. Now that question ought to have been debated and the principle ought to have been settled then. But the first reading has settled the principle that graduates are not to enjoy the franchise so far as ward elections are concerned. If the honourable member wishes to deal with the question of graduates forming a separate constituency like the Chamber of Commerce and so on, he will be in order. But as regards the other question of lumping up the graduates with the ward elections, that principle was settled at the first reading.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : Sir, May I point out that that point was raised in the select committee ?

The Honourable the PRESIDENT : I have nothing to do with what the select committee did as to that. I am not responsible for what takes place in a select committee ; I am responsible for what takes place here. At the invitation of the honourable member, Mr. Petit, and at the invitation of Mr. Purshotamdas, I distinctly pointed out, while the bill was discussed on the motion for first reading, what the duty of honourable members was on the first reading of a bill, and that the principles of the bill are to be gathered from the statement of objects and reasons. In the statement of objects and reasons of this bill the Honourable Minister in charge has explicitly said that the clause in the bill relating to this matter, clause 4, does away with multiform

[The President]

franchises and goes in for a uniform franchise. Now you cannot bring in graduates in the ward elections because that question was settled at the first reading. But you can speak about graduates forming a separate constituency and propose an amendment to that effect when the bill is read the second time. That shows how careful honourable members ought to be at the first reading.

Dr. S. S. BATLIWALA : I bow to your decision, Sir, but I would not support the graduate constituency, because it was only five or six days ago, when the subject was brought forward by Mr. Baptista at the corporation meeting, the corporation voted against it, saying that they would not like to have a graduate constituency but they would like to have a graduate vote. Under these circumstances, I am not in favour of that suggestion which you have been good enough to make.....

The Honourable the PRESIDENT : No ; I have not made any suggestion. I have merely pointed out what would be in order and what would not be in order.

Dr. S. S. BATLIWALA : It is a matter of extreme regret to me, Sir, that graduates have been deprived, by the select committee, of the franchise.

The Honourable the PRESIDENT : Even if the select committee had brought in graduates in clause 4, I should have ruled it now as out of order on the ground that the select committee had extended the scope and principle of the clause. I had already pointed out at the first reading that the select committee can only move within the ambit of the principle affirmed at the first reading, that the scope of the bill or a clause cannot be extended.

Dr. S. S. BATLIWALA : I realise, Sir, that it should have been done at the first reading. I will not say anything further on that point now.

Mr. M. A. HAVELIVALA (Bombay City) : Mr. President, I want to point out some important defects in this bill and I submit, Sir, that the House would be better advised if they referred this bill back to the select committee for further consideration and report. First of all, Sir, I wonder how important sections dealing with the powers of the Chief Judge of the Small Cause Court and the removal of the Commissioner by majority came to be inserted in the draft bill. If you will see, Sir, the original draft bill.....

Rao Bahadur R. R. KALE (Satara District) : May I rise to a point of order ? I do not know whether the honourable member is moving a motion by way of an amendment, because he said that he wants the bill to be re-committed to the select committee.

The Honourable the PRESIDENT : Let us hear him a little further. We may then know what he wants.

Mr. M. A. HAVELIVALA : I am only pointing out, Sir, some of the defects in the bill.

The Honourable the PRESIDENT : What Rao Bahadur Kale asks is whether you are moving an amendment that the bill be re-committed to the select committee.

Mr. M. A. HAVELIVALA : I am asking your leave to point out that the bill as it has come to us from the select committee has several defects, and.....

The Honourable the PRESIDENT: What is the point on which you want my ruling?

Mr. M. A. HAVELIVALA: The report is bad, and the House cannot consider the report, because some sections in the bill were not referred by the House to select committee for its consideration. I shall quote an authority....

The Honourable the PRESIDENT: The select committee has every right to insert a new clause provided it is within the scope and principle of the bill. The mere fact that new clauses are inserted does not mean that the select committee report is inoperative and it will not bar the Council from reading the bill a second time. It is perfectly in order. If anything is inserted which is not within the scope of the bill, like the election by the graduates, I would have at once said that it is out of order, and I would have asked the House not to read the bill a second time. If there is any new section beyond the scope of the bill as settled at its first reading, then it is open to the honourable member to bring it to my notice. If I am satisfied, I will rule it out of order.

Mr. M. A. HAVELIVALA: Section 10....

The Honourable the PRESIDENT: We have not reached that stage. It is perfectly open to you to bring it to my notice, when we deal with each of the provisions of the bill. It is perfectly open to you to move now an amendment that the bill be recommitted to the select committee, because certain sections were not properly discussed.

Mr. M. A. HAVELIVALA: I wish to point out, Sir, that it is rather an important bill, and I am going to move an amendment that it is imperfect, and that therefore it should be referred to the select committee in order that the bill be made perfect.

First of all, I would point out that the bill does not say from what date it will come into force. It is rather an ambiguity. It refers to section 33, and that section says: "general elections of councillors to be elected in place of councillors retiring on the first day of April 1923, etc". But I think the idea is that the bill is to come into force as soon as it receives the consent of the Governor General. That is what I understood from the Honourable Member in charge. If that is so, my point is whether, with regard to justices and other elections, if any vacancy falls in the meantime, is it to remain vacant? The sections of the Municipal Act dealing with those elections by the present bill are repealed. I think a clear provision ought to be made to the effect that the abolition of the justices and other elections should not come into operation until 1st April 1923.

There is another defect which it is my duty to point out. Clause 7 says:

"A person shall not be qualified to be elected at an election by an association or body determined by Government in this behalf under the provisions of sub-section (1) of section 5, unless he is at the time of election a member of that association or body or a person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm, company or corporation registered as a member of such association or body."

Clause 3 says:

"Seventy-six councillors elected at ward elections, one by the Bombay Chamber of Commerce, one by the Indian Merchants Chamber and Bureau, one by the Bombay Millowners' Association and two by such bodies as will be determined by Government."

Supposing the Government determines that the Bar Association should send in a representative, and that representative happens to be an outsider, I think it should be made clear that the member returned should belong to that particular body and should not be an outsider.

[Mr. M. A. Havelivala]

Then, Sir, I come to another point which is also worth considering if this bill is to be launched for election as early as January or February next year. At present the municipal elections in Bombay are held by open voting under the Municipal Act. If you are to hold the elections by a much larger number of voters by open voting, I think the elections should be by ballot and not by open voting. I understand the work is very, very hard and will press heavily on the municipal executive.

These are the points I submit for the consideration of the select committee and I move that the report of the select committee be recommitted to that committee.

The Honourable the PRESIDENT: The original proposition was

"That Bill No. VII of 1922 (A Bill further to amend the City of Bombay Municipal Act 1888) be read now the second time."

Since then an amendment has been moved

"That the bill be recommitted to the select committee.

The question now is

"That the bill be recommitted to the select committee."

I think the honourable mover has set a very good example by confining the discussion to the question of recommitment only and I hope that honourable members will follow that example.

Mr. G. B. TRIVEDI (Thana District): Sir, the two points that have been suggested by my honourable friend Mr. Havelivala are worth considering but they are not sufficiently strong to induce this Council to send the bill back to the select committee, because those points can easily be dealt with by the Honourable Minister in charge by moving an amendment if he thinks fit, or if the Council thinks that they are worth considering, the thing can be done here. Besides we know that last time this Council was so eager on having this bill passed as early as possible so that the elections may be held next year. On the former occasion we even sacrificed one day out of the non-official days and therefore I do not think that this Council will agree to send back this report to the select committee again.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, I did not want to intervene, but it does appear to me that this is one of the first attempts to gain time, and it appears to me that it does not rest on solid grounds. In the first place this is not the opportunity (though technically Mr. Havelivala may be right in what he has done) for drawing attention of this Council to certain defects in the actual working of the Act. But what points has he made? He has made two points, and if you have listened to his speech, are they so important? In the first instance, his point is that this bill deserves to be recommitted for the consideration of the select committee. If you come to that deliberate opinion, of course, you may exercise your discretion in that manner, but to my mind, Sir, these are all matters of detail and when we were on the question of considering the bill itself, all these defects should have been pointed out. But it appears to me that they have no substance in them. It was first pointed out that in the mode of elections which is adopted by the select committee there are likely to be some practical difficulties. I see none for myself. The Act is clear, you have to read these sections along with the whole Act and when that Act is taken into consideration, there is the adequate machinery provided for and that machinery will work in the usual manner. I do not think, for a moment that we need bother ourselves now with justices' election or the election of certain members (be they from that particular class,

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or from the other class); those are all matters of detail which will be considered after the elections are held. Then a certain other defect was pointed out, and it is thought necessary to recommit the bill to the select committee for reconsideration. It does appear to me, Sir, as I have said, that the bill ought not to be recommitted, we ought not to lose a minute longer than is absolutely necessary in passing this bill in a suitable form if necessary, after we consider it clause by clause, but until then our anxiety should be to pass it as early as possible without losing a minute on certain matters which are not vital to the adoption of the present bill. The bill will have to pass into an Act, the whole Act will then be worked in a practical manner, there may be certain important points raised in the debate, certain honest differences of opinion, which had better be threshed out here.

Mr. S. K. BOLE (Bombay City, North): Sir, I am not a lawyer, but as a layman, I take my stand on commonsense. Here is the dying struggle of landlordism, by hook or by crook the landlords want to put off their day of judgment, and I hope this House will not allow that. My honourable friend, Dr. Batliwala, compared this Council with the municipal corporation.....

The Honourable the PRESIDENT: Order, order. We are now discussing the question of the amendment in favour of recommitting the bill. Therefore you cannot go back to a speech on the second reading.

Mr. S. K. BOLE: I trust that the House will not support the amendment but will emphatically reject it.

Mr. IBRAHIM S. HAJI (Bombay City): Sir, I rise to oppose this amendment moved by my honourable friend from Bombay city, Mr. Havelivala, that this bill should be recommitted to the select committee again. I enter a very strong protest, and I can very well see that this is an attempt on the part of that honourable member to delay the coming into existence of the new constitution as much as possible. I fail to see anything in the select committee's report which is so derogatory to the bill which has been sent to the select committee and it has been so reported that certain important items or certain important points are missing, so that this bill should go back to the select committee again.

The honourable member from Bombay has asked to alter two points: One ten rupee franchise to be altered into twenty rupee franchise and second the associations which Government have determined in the select committee report to send the member of the association as its representative. The first point the Council can decide now irrespective of any guidance from the select committee or from the corporation. The second point is a matter of commonsense. The associations are bound to send their representatives who are the members of the association and not the outsiders. The honourable member from Bombay has stated that the bill does not mention a definite date on which the new constitution will come into existence. If my honourable friend from Bombay will look at the statement of objects and reasons, he will find that the last line of the statement of objects and reasons is:

"that the new constitution may be introduced from 1st April 1923."

It is said there that the new constitution should be introduced from 1st April 1923, and it was therefore that clause 31, sub-clause (d), limits the life of the present constitution of the corporation in order to bring the constitution into existence from 1st April 1923. In this way I submit that the honourable member from Bombay has not made out any case for the bill to be recommitted to the select committee.

Dr. K. E. DADACHANJI (Bombay City, South): Sir, I rise to support the amendment moved by Mr. Havelivala. It is not because that we want to delay the matter, but we want to have it done thoroughly and thoughtfully. There are so many other points, still nothing will be lost, as on the whole the bill will be nicely adjusted. Mr. President, Mr. Havelivala's original point is an old point which requires great consideration. There is no day fixed for the bill to come into operation when the bill is passed into Act. It appears that if it passes here it has only to receive the sanction of His Excellency the Governor and it will soon come into force perhaps in November or so. Even then the question arises, if a vacancy occurs in the justices' constituency or in the university constituency, how can it be filled up, and by whom? It is a great point and not a small one, as said by Rao Bahadur Chitale. It is not a small matter of detail. It is a great point—a point concerning the vested rights of justices and the university enjoyed by these bodies for a number of years. This should be taken into consideration. We do not say that it is a matter of detail. As regards what Rao Bahadur Chitale said, I ask, have you taken into consideration the way in which it would adjust itself as a whole especially when there is in the existing Act a provision for the justices' constituency, and also when there should be university constituency and that if any vacancy occurs between November and April, how it can be filled in? It is a great point. Hence, Sir, you will see that it is not a matter of small detail as urged by Rao Bahadur Chitale. Another thing is this: Suppose the Act comes into force on the 1st of April. Then there are four co-opted councillors to be elected at ward elections under the draft bill. How can this be carried out by rules prescribed by the corporation? Now, the existing corporation has no power to frame rules for the conduct of the election of co-opted members. In April, if the new Act comes into force, the new corporation can frame the rules for the election of co-opted members which will take some time and will be of no use for the purposes of the Act. These are great points. These points should not be ignored. They should not be belittled. Sir, Rao Bahadur Chitale belittled and pooh-pooched these points and said that we wanted to delay the matter. Nothing of the sort. They will have to be dealt with thoughtfully and not thoughtlessly. Mr. President, I do not want random talking of that sort as I have already said. In short, Sir, Mr. Havelivala's point is an important and strong point which requires consideration at the hands of this Council. I was in the select committee and I asked the Honourable Member in charge that it should be taken back and redrafted. Mr. Wild, the Legal Remembrancer, said that the corporation was a continuous body under the existing Act. I again urged that I had my doubts about it and that it should be reconsidered and should be re-drafted. I thought that the re-drafted bill would come to us, that is, before the select committee and thus we separated. But we only got the report, Sir, instead of the re-draft. This is our position.

Mr. COWASJI JEHangIR: Sir, I would like to support this amendment to send this bill back to the select committee as I personally am not satisfied with the report of the select committee. They have changed the bill in one important direction. The original bill as it was presented to this House gave 20 nominations to the Government and the select committee have cut them down to 15. They have given five nominations to certain bodies mentioned in the bill. I think, Sir, considering the views of the corporation and also considering the manner in which this Council is constituted, which is also on the basis of a Rs. 10 franchise, they might have made provision for the representation of minorities. They had the opportunity, but they have missed it. I think

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there is yet sufficient time if this Council would only ask the select committee to consider whether they cannot bring forward more suitable proposals than those suggested in clause 3 of the bill. Mr. President, we must realize that, however unpleasant it may be, in these advanced times, to talk of the representation of the minorities—it is a fact, I admit it with great regret—that when legislation of this sort does not make provision for minorities, these minorities are forgotten at the time of elections, I regret to find that gentlemen representing minorities on this Council who were on the select committee forgot that principle when it was to be applied to the corporation.

If this Council requires, for the proper representation of all interests in this Presidency, that minorities should be represented here, may I ask those gentlemen who represent minorities why they do not stand up now for the same principle, and see to it that in the corporation, because there is to be a ten rupee franchise, minorities are represented? It should be more so in the case of the corporation than it is in the case of this Council, as the corporation is absolutely the master in its own house. The future of the Presidency depends upon the future of the great city, and I would beg this Council not to rush through legislation of this sort without giving the matter serious consideration. I am not here to plead for my own community. I do fully realise that by the ten rupee franchise my community will not be represented on the corporation, whatever the Honourable the Minister may say. I realise that the difference of the percentage of voting strength between the ten rupee and the twenty rupee franchise will considerably handicap my community; but I am ready for the good of all to consent to a ten rupee franchise. (Honourable Members: Hear, hear.) But, at the same time, I do ask the Council for fairplay, and I can only obtain fairplay if the Council will consent to send this bill back to the select committee. (Honourable Members: No, no.) We have heard many appeals in this Council in the past for the representation of minorities not only in this Council, but in the services, and for the same reasons as my honourable friends have put forward in this Council, I ask that minorities should be represented in the corporation, and I maintain, without going into further details, that the provisions of this bill do not satisfactorily give representation to those minorities. It has been said by the Honourable Minister that the Parsi community will be represented in the future as it has been in the past. My friend Mr. Petit asked him for figures. They were not forthcoming.

Rao Bahadur G. K. CHITALE: Mr. Petit assured us that it would be so.

Mr. JEHangIR B. PETIT: I did nothing of the sort.

Mr. COWASJI JEHangIR: I am not here to grumble about those things. I say that, as far as I am concerned, I am prepared to take the view of the majority in this Council as I did in the corporation, and accept the ten rupee franchise. But I ask those who come here to represent minorities to see that the same principle is applied to the corporation. (An Honourable Member: Hear, hear.) I see an honourable member says hear, hear, and he represents one of the minorities. If he comes here to represent one of the minority interests, surely he will raise his hand and his voice to see that those interests are represented in the corporation. My honourable friend the Minister in charge has mentioned my community in the most laudatory terms. I do not desire to follow in his footsteps in that direction, but I do honestly feel that the city will suffer if that community has not at least a few members on the corporation. For this one reason, I ask this Council to refer this matter back to the select committee. If you like, instructions may be given to the select committee



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to report within a fortnight. I should also desire that the names of one or two more honourable members should be added to the committee. I most desire that my honourable friend.....

The Honourable the PRESIDENT: That is out of order. The select committee was appointed during the last session. The motion before the Council is not whether any additions should be made to the select committee, and you cannot speak to that. The motion at present being discussed is the amendment that the bill be referred back to the select committee. As regards any motion to add any more names to the select committee, it will be time enough for me to say whether it is in order or not when the actual proposition is moved. You cannot confuse two inconsistent things.

Mr. COWASJI JEHangIR: I was only going to say that this report would have been more satisfactory if the select committee had on it some honourable members of this House who have considerable experience of municipal affairs. I can only mention my friend the Member for Revenue and my friend the Minister for Excise. Both of them have been presidents of the corporation, and their services would have been of the greatest value to the select committee.

The Honourable the PRESIDENT: It is no use talking about it.

Mr. COWASJI JEHangIR: It may be remedied.

The Honourable the PRESIDENT: But it is not relevant to the present proposition.

Mr. COWASJI JEHangIR: I bow to your ruling, Sir. With these remarks, I will appeal to the Council to send the bill back to the select committee, even if it be for a fortnight, and let them see whether better provision cannot be made to represent most important interests on the future boards of the corporation.

Mr. F. NELSON (Bombay Chamber of Commerce): Sir, I could wish that when as I now have the privilege of addressing this House for the first time, the issue on which I propose to make a few remarks was somewhat less controversial. But I wish to support my honourable friend Mr. Cowasji Jehangir with the greatest possible emphasis that this bill should be recommitted to the select committee, and I do so, if I may be perfectly frank, on purely selfish grounds. I should like, above all things, to see what he so aptly called the minorities properly represented, and I should like my own constituency to be represented by more than the number which the select committee has put forward, namely, one. I am not here to plead for my own community in any sense, because I have been given no official mandate, if I may use the term, to do so. But I do feel that this is an opportunity which my constituency should not miss, in order that we may again have the opportunity of taking a greater part in the municipal affairs of Bombay than we have hitherto done. With these few words, I beg to press that the bill should be recommitted to the select committee.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Sir, I am sorry I have to oppose the amendment proposed by my honourable friend Mr. Havelivala. Let me assure my honourable friends from Bombay that there is no such antipathy, so to say, between the interests of Bombay and the mofussil as is felt by some of my honourable friends. I am sure I am speaking what is in the hearts of most of the mofussil members when I say that

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we have got the interests of Bombay fully at heart, and we shall be very happy to see that Bombay always prospers more and more and leads the whole of the Indian Empire as Bombay is the first city in India.

I now come to the point which was put forth by my honourable friend Mr. Cowasji Jehangir. His sole argument goes to show as if the select committee did not consider the point of nomination by Government, but I think the proposal made by the select committee on this point is perfectly fair and just. Some of the dissenting minutes also show what they would have proposed. The select committee have fully considered all the points, and I do not think more needs to be done in this respect. And for what are we to send this bill back to the select committee? Because, Mr. Havelivala says that there is no provision in this bill to show when it is to come into force.

Section 33 is quite clear on the point and it clearly shows that the Act shall come into force after the 31st of March 1923. If there is no definite wording, that can be made by some amendment from any of the honourable members or the Honourable Minister in charge. But that is not a point for which we should send this bill back again to the select committee.

I do not think there is any other point raised for sending this bill to the select committee excepting the one point that the minorities will suffer. Sir, I am representing the interests which is the most in minority in this Council, and I have got the best sympathy for the minorities. I know even supposing that more seats are given for nomination by Government, I am perfectly sure that the minorities will not be in a position for which Mr. Cowasji Jehangir and Mr. Haji think of nomination. Government will look to the interests of minorities in making nominations certainly. I am sure that even if more seats are given I do not think any rich man or educated men will stand the chance of being nominated simply because that community is not represented on the Council. The best thing for these communities would be to try at the poll and seek election and looking to the community for which so much argument is urged I am quite sure that they will find ample representation on the board as they have both property wealth and education. With these remarks I oppose the amendment.

Mr. D. D. GHOLAP (Addressed the House in Marathi): Mr. President, from the various speeches that have been made up to now on this bill the idea that suggests itself to me is that we must take very great care of the heart. If you compare the limbs with the heart you will find that the heart is in the minority; and so instead of taking very great care of the limbs you must take very great care of the heart.

Now so many honourable members from Bombay have urged that if the franchise is extended to ten rupees the minorities will not get election.

The Honourable the PRESIDENT: The question at present before the House is that the bill be recommitted to the select committee, while you are addressing the House on the motion for second reading.

Mr. D. D. GHOLAP: I am speaking to the amendment to recommit the bill to the select committee. It is proposed by this amendment to recommit the bill to the select committee with a view to make some provision for the protection of the minorities, but if you look to the matter from the general point of view, you will find that up to now the minorities have ruled over the

[Mr. D. D. Gholap]

majority and the object of this amendment is to retain these minorities in power, and I therefore submit that in the interests of the community at large this amendment should be thrown out.

Rao Bahadur G. K. SATHE : Mr. President, as a member coming from the mofussil I did not feel the necessity of standing on my legs and intervening in the discussion of a subject to which best attention could be given by my friends from Bombay. However, when I see that for such a small bill as this you have got five dissenting minutes, not dissenting on points of detail but some on points of principle, would it not be worth our while to give another opportunity to the select committee to see if they can be of unanimous opinion on a point of principle ? Sir, one of the important questions that have been put forward is whether the intelligentsia, I mean the graduates, should have a right to send their representatives. This question has got a very great bearing even on the elections in mofussil municipalities. I bring in this point only in the interests of the mofussil, namely that if we once for all settle this by accepting this bill at this stage we will be setting an example to the other mofussil cities, and they will be handicapped when they would make an attempt for having separate elections on behalf of graduates or intelligentsia which privilege they have hitherto enjoyed for about 30 years. Another point, sir, on which.....

The Honourable the PRESIDENT : Not as a separate constituency.

Rao Bahadur G. K. SATHE : In Poona, for instance they are a separate constituency and in Surat also, my friend Mr. Gandhi tells me. I should certainly have understood the great anxiety either of the Minister in charge of this bill or of those who oppose Mr. Havelivala's amendment if any special reasons could have been put forward as to why this bill should pass at this sitting. I am informed, Sir,—I speak subject to correction—that the new corporation has come into existence from the 1st of April 1922, and unless any valid reasons are put forward as to why its life could not be extended for six months, more, there is absolutely no reason for not adopting the suggestion which has been made by Mr. Havelivala of re-committing this bill to the select committee where it will be possible for the members in select committee to take into account the several views which have been put forward in the minutes of dissent as well as in the public press.

There is one more point, sir, which I wish to bring to the notice of the honourable members and it is this.

It is they, i.e., the new corporators, Sir, who will be in a position to know whose services would be most suited to them and would be most useful to the corporation looking to the calibre of the members that have been returned in particular elections. It has been stated that the new members will co-opt. The point that Mr. Havelivala has made out is that if the new members would not come into existence before the 1st April 1923, how could they be entitled to make the selection of co-opted members before they come into office ? That is a point which really requires a close scrutiny at the hands of the members of this Council and my principal reason for supporting the proposal for a re-committal of the bill to the select committee is that in a measure like this a case has to be made out for the expedition which is being claimed for the passage of this bill. I think nothing would be lost by re-committing the bill to the select committee. With these words, sir, I have greatest pleasure in supporting the proposal for re-committing the bill.

The Honourable Mr. C. V. MEHTA : I am afraid, sir, the last speaker is very optimistic if he thinks that a recommittal of this bill or several recommitments will obtain unanimity from the select committee. It is unnecessary to go into the reasons why that would be so, but we may certainly take it that the mere fact of the want of unanimity is no valid ground for a recommittal of the bill. This is a measure, Sir, I admit, of a very far-reaching character, but I also think, Sir, that in the present circumstances when a bold step has to be taken, let it be taken no doubt after due consideration, but let it not be further delayed when the principles of the measure have been agreed upon by the public, by the Government and by the corporation for a period extending over three years. After all that circumspection, I do not see the necessity of a recommittal for the mere reason that there is not unanimity. The one ground that the mover of the amendment gave for recommitting this measure is merely the fact that if the bill came into operation on the 1st of April 1923, and should any casual vacancy take place between the intervening period after the expiry of the old Act and the coming into force of the new, there is no provision in the bill by which elections could take place among the justices or the other constituencies he mentioned. I admit that that is a defect, but I certainly think that it is a defect which can be set right very simply by moving an amendment to say that, in the event of such a contingency occurring, the old Act shall remain in operation. But, Sir, the other reason given by my honourable friend from Bombay for recommitting this bill arouses certainly my apprehension, and if for no other ground but for that, I should like to oppose the recommittal. Have we not had enough, Sir, of communal representation, of division amongst the communities that constitute this great country, and do we want now to perpetuate these differences and to take measures which will strengthen the cleavage? Far be it from me to think that any community or any interest should be left out of representation on a body which controls the destinies of a great city. Still farther be it from me to think that so enlightened a community and so powerful a body like my friends the Parsis which has given its best to the interests of the city for generations should in any way be left out from helping in the cause of the good administration of the city. But I am not convinced, Mr. President, that the passage of this bill will give rise to any such contingency. Certainly not am I convinced of the reason which the honourable member gave for his fear that that would happen because of the slight change that has been made in the bill after its reference to the select committee. I do not think it will have any such effect. What, after all, will happen?

Mr. COWASJI JEHangIR : I did not say that.

The Honourable Mr. C. V. MEHTA : What, after all, will happen, Mr. President, to the 20 seats that were given under the original bill, not, mind you, for nomination entirely, but partly by nomination and partly by election by such bodies as Government might select? It is perfectly true that the wording is such that Government may not select any single body for sending its elected members to the corporation. But, Sir, I should like to see a Government which is so strong as, after having deliberately put those words into an enactment, to flout the wishes of the powerful separate interests in a great city like Bombay. The only result, Mr. President, has been, even if that were done, that instead of 20 direct nominations, let me say undiluted nominations, there are 15 nominations left to Government, 3 are elected by bodies whom Government can by no chance neglect, and 2 more again are left for election by other bodies that Government may select. - Is it such a great change in the bill that we should fear that important communities, important minorities, will not be represented?

[Mr. C. V. Mehta]

Then again, Mr. President, a great deal was made of the difference between the constitution, of the powers of the corporation and of the Council on which we are sitting to-day, and it appears to me that, if any step forward is to be taken in self-government, it is and should be in a great city like the city of Bombay, and it is there, Mr. President, that the experiment of entire self-government.....

The Honourable the PRESIDENT: Order, order. The Honourable Minister is going beyond the limits of the amendment for recommitment. That would be a very good argument on the motion for second reading.

The Honourable Mr. C. V. MEHTA: May I be permitted to deal with the reasons given for the recommitment?

The Honourable the PRESIDENT: I merely suggested that you should keep within the bounds of the amendment now before the House.

The Honourable Mr. C. V. MEHTA: I am attempting to do that. There is a great difference, I think it would be generally recognised.....

The Honourable the PRESIDENT: How many minutes will you take?

The Honourable Mr. C. V. MEHTA: Not longer than ten minutes.

The Honourable the PRESIDENT: Then we had better adjourn for tea.

*After recess.*

The Honourable the PRESIDENT: Order, order.

The Honourable Mr. C. V. MEHTA: Sir, I was trying to point out that there is a very great deal of difference in the functions and powers that are assigned to the Council, and those that are assigned to the municipalities, however extensive, free and unfettered they may be, I think it is a poor reflection upon this Council to say that the powers that the Council possesses are so limited as to make them even smaller than what the municipality exercises. (An honourable member: Yes.) I think, Mr. President, this Council has got extensive powers and authority of a far-reaching character. (Hear, hear.) At least in the case of transferred departments, which concern the well-being and welfare of millions of the people the power of this Council is supreme. There is no comparison between the Council and the municipality. The honourable member in trying to make out a case for separate representation mentioned the fact that if there were a certain number of nominations they would achieve the object which they have in view.

Mr. M. A. HAVELIVALA: I did not say that.

The Honourable Mr. C. V. MEHTA: Mr. President, he tried to justify the principle of communal representation, by appealing to the honourable members of this Council, who asked for it and who enjoy it, that the same principle should be applied to the city of Bombay.

The Honourable the PRESIDENT: I am afraid we are drifting really from the bounds of the amendment. It is true that some reference to communal representation was made, but the question is one of recommitment, and not the merits of communal representation.

The Honourable Mr. C. V. MEHTA: The reason given is so important that unless it is dealt with at this moment.....

The Honourable the PRESIDENT: I wish to inform the House that, according to parliamentary practice, certain amount of latitude, independent

[The President]

of relevancy or irrelevancy, is given to the Leader of the House and leader of the opposition. We all know who the Leader of the House is : but I am not aware of any leader of the opposition. Until the House settles upon one, it is impossible for me to allow any latitude except to the Leader of the House. If the House will name one honourable member as leader of the opposition, then I can allow him a certain amount of latitude as to relevancy.

The Honourable Mr. C. V. MEHTA : That principle may affect one way or the other the recommitment of the measure. That is why I want to point out that it is a dangerous principle and the reasons that may justify it do not exist.

Sir, it has been stated that, because communal representation is enjoyed by certain communities in the elections to this Council, it ought to be applied also to the municipality. It appears to me that one point that has got to be remembered in the principle of communal representation, is to see whether the community that wants it is in such a weak condition that it cannot obtain proper representation that is its due. The whole object of supporting communal representation on behalf of the depressed classes, backward classes and Marathas is to see that they are raised to the same level as the other advanced classes through communal representation, and then to get rid of communal representation altogether. Having that in view, I fail to see how such a case exists for similar action in Bombay. Even if that did, the safeguards which are provided in this bill are the safeguards which have worked satisfactorily judging by the election results since 1888. One is cumulative voting.

Dr. S. S. BATLIWALA : On different franchise.

The Honourable Mr. C. V. MEHTA : It is cumulative voting on existing franchise. There are now 3,000 voters among whom certain communities are sparsely represented.

The Honourable the PRESIDENT : We are going into questions which, strictly speaking, are not pertinent to the amendment. I think I must be strict.

The Honourable Mr. C. V. MEHTA : I do not want to deal with that point. I was only answering a question. There are sufficient safeguards. The reasons which have been stated for the recommitment are not strong enough to convince this Council, but any defects pointed out by the honourable member may easily be removed. This bill is an important one and of a far-reaching character, and in a matter like this the Council must be bold and courageous, in the hope that the fears that have been expressed will turn out to be unfounded.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : Mr. President, I beg to support the amendment of my honourable friend Mr. Haveliwal for the recommitment of the bill to the select committee. I venture to think that the Council would be acting in the best interests of the municipality of Bombay if it were to accept this amendment for the further consideration of this bill in the light of the remarks that have been made here to-day on this measure. I do not think, Mr. President, that sufficient importance was attached to the point urged in this House to-day and particularly the point of the effect of this measure when promulgated into an Act of the legislature, upon the minorities of the city of Bombay. I do not think any figures were placed before the select committee or any figures have even been placed before us to enable us to come to a decision as to the numbers of the different interests which are being represented at present and which will be represented after the new Act come

[Mr. Jehangir B. Petit]

into existence ; I do not think sufficient attention has been paid to that ; I do not think it has been sufficiently considered and I do not think it has also been considered from the point of the result it will produce upon the constitution of the municipality, its future existence and its future methods of working.

Reference has been made to the composition of this Council and it has been pointed out in reply to that by the Honourable Minister for Forests and Excise that there is no comparison between the constitution of this Council.....

The Honourable the PRESIDENT : Order, order. No doubt the point was referred to, but I am afraid it is not relevant and no comparison between this Council and the Bombay municipal corporation should be made.

Mr. JEHANGIR B. PETIT : I bow to your decision, Sir, but I hope you will allow me to say this that the composition of this Council is so made that no one interest can run away with the responsibilities of the Council or can commit the Council to any particular course of action, whereas in the corporation, if the present constitution were to be brought into effect, it would place power in the hands of a particular section of the people in a manner which will make it impossible for the other sections to assert themselves and their interests and their vested rights in the city in a manner that the representatives of the other constituencies are able and will be able to do in this Council. Therefore, there ought to be no analogy, there can possibly be no analogy, between the constitution of this Council and that of the Bombay municipal corporation, whatever the powers of the other body may be. That being so, Mr. President, I hope the Council will not object to the recommittal of this measure to the select committee for reconsideration in the light of the discussion that has taken place, in the light of the grounds which I have ventured to urge and which I think are very important, that the corporation should be enabled to carry on the provisions of the Municipal Act in a manner consistent with the best interests of the city and its obligations to the public. Some of us have the fear that if the suffrage is reduced as is sought to be reduced in the bill before us, that cannot be done as effectively and as responsibly as it is being done at the present moment. Sufficient consideration was not paid to that aspect of the question, no figures were placed before us, and I therefore think, if for nothing else, at least on that ground, this bill ought to be recommitted in order that sufficient data may be placed before the select committee to enable it to arrive at a decision in the light of the discussion that has taken place before this Council to-day. I, therefore, hope that the Honourable Minister in charge will himself come forward to accept this amendment for recommittal on behalf of Government.

Mr. M. W. PRADHAN (Thana District) : Mr. President, I rise to support the amendment for recommittal of the bill. Everybody in this House will realise that the overhauling of the Bombay Municipal Act is one of the most important pieces of the legislation that can be undertaken by any provincial legislature. The city of Bombay, as some of us claim, has the honour of being the *urbs prima in Indis* ; some of us said that it was the guiding star in the Indian Empire, that it has been made what it is to-day by the old municipal corporation.....

The Honourable the PRESIDENT : Order, order. What has that to do with the question of the recommittal ?

Mr. M. W. PRADHAN : What I want to urge is that there is no special hurry.....

The Honourable the PRESIDENT : I want to know what relevancy that has to the motion before the House, and I hope the honourable member will confine himself strictly to the question before the House, namely, the re-committal of the bill to the select committee.

Mr. M. W. PRADHAN : From what has fallen from the previous speakers who have opposed the re-committal, it appears to me that no case has been made out for expediting the bill. The bill has gone to the select committee after the first principle has been accepted. I fail to see why such expedition should be urged and why there should be such a hurry in such an important measure, why it should not, after the first principle has been accepted, go back to the select committee to consider the defects which have been pointed out in this House this afternoon. I, therefore, hope that this Council will not commit itself to any undue haste and rush through such an important piece of legislation in this manner. I, therefore, strongly support the re-committal of the bill to the select committee.

Mr. J. ADDYMAN (Bombay City) : In rising to support the amendment before this House, Mr. President, I would like to quote a few words spoken by the Honourable Minister for Excise, who, if I understood him aright, opposed the amendment. The Honourable Minister said

“Far be it from me to think that so enlightened a community and so powerful a body which has given its best to the interests of the city for generations, should in any way be left out from helping in the cause of the good administration of the city.”

Yet, Sir, in the report presented to this House by the select committee there is no representation whatever provided for the European community of Bombay city. I therefore enter a very strong protest against what clearly appears to my mind to be an entire lack of consideration to the community which I have the honour to represent in this Council. The European community is a community which, though one of the minorities, is certainly not the least important, and I desire to ask in this House this afternoon, is not that community sufficiently intelligent to warrant a share in the administration of our city? No one says “no”. Is not that community sufficiently capable to supply men who will take their share in the administration of the city? From that community are there no men to be found who are ready and willing to render their services to further the interests of the city of Bombay? The answer to this question, I take it, is in the affirmative. Therefore, that being so, I think this House ought to heartily support the amendment in order that the important minorities of Bombay city may be given due representation.

Mr. D. J. FERREIRA : Mr President, I had not intended to speak on the motion before the House, namely, the motion for the re-committal of the bill to the select committee, but having heard some of the speakers on the subject, I feel I ought to join in the protest that has been raised and I ought to vote for this bill being recommitted for the reconsideration of the select committee. It is true that some of the defects which have been pointed out by the honourable mover of the amendment are defects which may be remedied when we read the bill clause by clause, but I do vote for this amendment because I feel that the interests of the minorities have not been considered. I feel and I feel strongly that the several communities and also the community to which I have the honour to belong, and to represent in this Council, have



[Mr. D. J. Ferreira]

been neglected and the interests of those communities are not sufficiently represented under the bill as it exists. I therefore very strongly appeal to the House that this bill may be referred to the select committee and the select committee may be asked to reconsider the matter with a request that the interests of these minorities, minorities who have produced men who have done well by the municipality and done well by the city may be adequately considered.

Mr. A. GREVILLE BULLOCKE (Bombay Trades Association): Mr. President, I strongly support the motion that the amendment be referred to the select committee for consideration as to why the European Association has been grossly neglected. Now, Sir, as you know, as the House knows, the Europeans have a very large financial standing in Bombay. They are intelligent people, I believe. As far as I can gather from the members of this House to whom I have spoken, I find that they have done excellent work on the municipal corporation. Sir, I really think, that they should not be neglected in this way, and chiefly and solely on that ground, I suggest that the report may be sent back to the select committee.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I have carefully listened to the whole debate which has taken place on the resubmission of the select committee's report for further consideration and it appears to me that certain aspects of the question have been overlooked. A strong case was made out by the three previous speakers for the representation of the European community. Now, Sir, as one who has taken some part in the working of the corporation extending over 25 years, I would emphatically say that the Indian members of the corporation have always been most anxious to welcome the co-operation of the non-official European community on the corporation. I go a step further and say that over a generation ago many of the leaders of the corporation were the non-official members of the European community. But to our regret, gradually the European element ceased to take an active interest in the work of the corporation and though they were adequately represented, they were very indifferent to their civic duties. I therefore welcome on this occasion two representatives of that community desiring to participate in the interesting work of the city, and I think that it would be a welcome change in the spirit which has recently been known, if the European commercial and trading communities would consider it as a part of their duty to co-operate and participate in the administration of the second city in the Empire. Sir, I do not think that this Council would hesitate to make such provision as may be necessary for securing to the European community reasonably adequate representation. But when this has been said, I failed to hear in their speeches what particular measure they desire in order to secure that representation. They want the bill to be resubmitted to the select committee. But what is the select committee to do? I have heard no suggestion of the manner in which the select committee should apply itself to this matter of securing to the important European and Parsi communities the representation that, having regard to their importance, I concede they eminently deserve. Merely referring it back on general grounds to the select committee would hardly lead to the result that is anticipated. No definite suggestion has been made.

Now, Sir, there is one aspect of the question to which I should like to invite the attention of the House. When I was a member of the corporation—and I resigned the membership when I was called to this office,—the corporation

[Sir Ibrahim Rahimtoola]

had appointed a committee to consider how the constitution of the corporation should be amended to make it more democratic, and if I am not mistaken, we were sitting in committee for over five years and even then we had not come to any conclusion as to the direction in which the constitution of the corporation should be further democratised. Well, Sir, immediately I took over charge of this office, and as I was then in charge of local self-government, I thought that the best way of pushing forward the reform which had been so long delayed, was to address a letter to the corporation on behalf of Government and put before them a definite scheme of further extension of local self-government in the city of Bombay. In that letter the corporation was asked whether they would agree to enlarge the number of councillors from 72 to 100, four fifths of whom, that is, 80, to be elected, 76 by the citizens and 4 to be co-opted, the remaining 20 to be nominated; or at the discretion of Government, partly nominated and partly elected by such associations or bodies as may be selected by them. The second change that we made was that voting should be by rent-payers, that is to say, not mainly by the house-owners but by the tenants. I bestowed a great deal of consideration to the question as to what should be the amount of rent which should entitle a citizen to vote, and after a careful consideration I decided upon a figure of Rs. 20. I came to this conclusion in view of my experience that the bulk of the work fell upon the important Parsi community and that it would be but fair that adequate representation should be secured to them.

Sir, I am now dealing with the matter of re-committal to the select committee. To my regret the corporation took such a long time in the consideration of this question that my earnest desire to get the bill through in time was not fulfilled. I was in charge of local self-government for three years and nothing could be done during that period. The Minister took over charge and responded to what he considered to be the popular opinion of putting the franchise on the ten rupee basis, that is, on the same basis as the Legislative Council, minus the safeguards of separate electorates for the Muslims and the Europeans. That was the scheme which the Minister, as he was perfectly entitled to do, put before the House. It has taken in all more than four years for this bill to come before the Legislative Council for its second reading. During all that time the city is being governed by councillors representing constituencies on the rate-paying basis consisting of about 12,000 voters and special bodies and associations. Now, Sir, the whole question is this: whether it is possible or not to introduce such amendments as may be considered necessary directly in the bill now, or whether resubmission to the select committee is required. The adoption of the latter course will involve further delay in the passing of a measure which in the interests of a further advance of local self-government has been required for many years. Now, Sir, I ask whether it is possible or it is not possible to introduce in the bill such amendments as may be required and as the majority of the Council may consider necessary or whether it is necessary that for that purpose the bill should be re-committed to the select committee. I have seen many amendments on the agenda paper and I am prepared to consider them. There is a great deal to be said in favour of the figure which I originally decided upon as the best basis for franchise, but it is in the hands of the reformed council to decide what is the best franchise for the city of Bombay. All this can, I think, be done during the present discussion.

[Sir Ibrahim Rahimtoola]

As regards expecting that resubmission of the bill to the select committee would secure any greater unanimity than has been possible, I agree with the Honourable the Minister for Excise that that is a forlorn hope. In a question like this, one cannot be surprised that differences of opinion do exist, but, after all, those differences of opinion must be settled by the Council itself, unless it is shown that certain important amendments of principle, which would necessitate recasting the bill or making substantial alterations of principle in the measure itself are necessary. To my mind, unless that is shown, there is no case for resubmission of the bill to the select committee.

Mr. COWASJI JEHANGIR : The figures were not placed before us in the select committee.

Rao Bahadur R. R. KALE : They were not asked for.

The Honourable Sir IBRAHIM RAHIMTOOLA : Reading the names of the members of the select committee, I find that members of the corporation who take a leading part in its work were on the select committee, and I do not think that the Minister in charge would have hesitated to give them every facility for arriving at a considered opinion, if he had been asked to do so. I should like to know whether any information was asked for from the Honourable Minister, and whether he declined to furnish it.

Rao Bahadur G. K. CHITALE : None.

The Honourable Sir IBRAHIM RAHIMTOOLA : If that is so, the grievance cannot stand.

Sir, I wish to make it clear that I do not desire to take any definite line in regard to this debate. What I want to ask honourable members to consider is this : is it or is it not a fact that the consideration of this measure of advancing the city of Bombay in the direction of local self-government has been under consideration for a sufficiently long time, and if it is, whether there are any points in the select committee's report which cannot be dealt with by the Council as a whole by means of amendments, and whether, if such points exist, they should refer the matter back to the select committee ? In considering that question, they should, I think, bear in mind, that it will involve further delay, and that unless there is a strong case for further delay, they should allow the bill to be considered by the Council, introducing such amendments as they may feel are called for in the measure. If, in view of the debate which has taken place, they believe that it is not possible to discuss the measure at this stage, and to introduce such amendments as would meet their wishes, let them resubmit it to the select committee. My object has been to put all the aspects of the question before the House, in order that they may reach a decision in the best interests of local self-government. (Honourable Members : Hear hear.)

Mr. PURSHOTAMDAS THAKURDAS : Sir, as a member who served on the select committee, the report of which has given rise to so much discussion in this House, I should, in the very first instance, like, with due deference to my friend Mr. Havelivala, to point out to him that the remarks he has made in his minute of dissent, paragraphs 2 and 3, appear to me to be rather out of the way. In paragraph 2 he says :

" Looking to the original draft bill, I do not find anything like what is suggested in clauses 3 and 6. I wonder how these clauses came to be

[Mr. Purshotamdas Thakurdas]

inserted in the Bill, as there was no reference to the select committee from the Council on these points."

I am sure Mr. Havelivala will bear me out when I say that the points referred to in clauses 3 and 6 were put by the Honourable Minister before the select committee, and that there was no division in the select committee on them; Mr. Havelivala was a party to it. Does it lie in Mr. Havelivala's mouth now, whilst making his minute of dissent, to object to it, and therefore to say that the bill should go back to the select committee? Later on, he concludes the third paragraph of his minute of dissent with these words: "I think this is a serious omission." May I point out to him again that it was as much an omission on his part as on the part of any other member of the select committee? Personally, I am not sure whether it is an omission at all. Perhaps, the Honourable Minister will make it clear when replying. I submit, Sir, with all deference to Mr. Havelivala, that none of the two points that he has tried to make out in his minute of dissent justifies the rather extraordinary proposition that he has submitted to the Council, namely that the bill be sent back to the select committee. I see from the first paragraph of his minute of dissent that he is for a twenty rupee franchise, and so was I. I was in very good company with him then. If he based his plea for re-committal to the select committee on that ground, I should support him wholeheartedly, because the Council will remember that I myself, on the first reading of the bill, expressed my grave apprehension, at lowering the franchise to Rs. 10, as I thought that it was too great an advance on the present state of no franchise to tenants and all franchise to landlords. I do wish Mr. Havelivala had submitted his amendment to the Council on that one broad, main principle, rather than picking holes in the report of the select committee as, I dare say again, he has tried to do. I can say this that we did not spend much time in the select committee in considering the question of franchise; the Honourable the Minister in charge ascertained the views of the members, and after a little discussion here and there, he took votes, and we favouring twenty rupee franchise were in the minority. Beyond that there was no difference of opinion in the select committee, and I do not think it lies with any member of the select committee to challenge any part of the select committee's report on the ground of there being an omission.

With these preliminary remarks, which I felt I ought to make as a member of the select committee the report of which is now being torn to pieces, I should go on to the main principle underlying the whole difference of opinion. I am one of those who perhaps expressed an opinion yesterday and the day before to my friend Mr. Cowasji Jehangir, that I felt that this change of franchise was rather too radical for Bombay, and that I felt that if the Council was so disposed, further consideration might be given to it. I said so also to a few members of this Council yesterday privately. But I am afraid, in view of the trend that the discussion has taken to-day, I will not be able to support what I myself suggested yesterday and the day before. To my great disappointment and to my great apprehension, I find that the bogey of communal representation is being brought in again and is tried to be woven into this question, and I for one, with all respect to my Parsi and other friends, would be the last person to support anything that is concerned with the administration of the Bombay municipality, in the year 1922, that will show that the various communities do not trust each other, and that too after municipal administration in the city

[Mr. Purehotamdas Thakurdas]

of Bombay—my honourable friend Sir Ibrahim Rahimtoola will confirm me—for well over half a century. (Honourable Members : Hear, hear.) I am one of those who admire the great Parsi community immensely. I am also one of those that strongly believe that under any difficulties and under any handicaps that community will make its way and will assert itself. But I am also one of those that feel that that community needs no separate representation and if any representative of that community to-day in this hall asked for separate representation for themselves on the ground of their being a minority community, all that I will say is—and I will say that with great regret—that it is only because they fear that they are going to lose the very substantial number which they hold to-day in the corporation and which they may have to lose owing to larger numbers having to be brought in on the ground of democratization. Sir, with reference to what has been put forward by my honourable friend Mr. Nelson of the Bombay Chamber and the other two British representatives in this House, I will only venture to ask although the Leader of the House has given an adequate reply to that,—I will venture only to ask—what is the interest that that community takes to-day in the corporation in spite of the facilities they have, and why their apprehensions of their going to lose materially if what is now before the House is carried ? Personally I should wish that the franchise question could be reviewed, but on any ground other than communal grounds. On communal grounds if the thing is to be reviewed—I understood from some of the speeches that the bill should be sent back to the select committee with a mandate that it shall be revised in the light of the discussion here—if that is going to be the mandate of the House to the select committee I should very strongly oppose it.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : Sir, I rise to a personal explanation. It was I who said that the bill should be re-committed to the select committee for further consideration in the light of the discussion that had taken place ; but I did not say and certainly never meant to convey, that it should be re-committed for the consideration of the principle of communal representation. Nothing was further from my mind than that.

Mr. KANJI DWARKADAS : Mr. President, having expressed fully my views on this matter during the first reading of the bill I did not intend to take any further part in the discussion at this present stage. But in view of the speeches that I heard, and heard with rapt attention, specially because I differ from the views expressed, I think, it is my duty to say very definitely what I, as an humble member of the Hindu community, think of the whole situation. I specially refer to the speeches made by my honourable friends Mr. Nelson, Mr. Addyman and Mr. Bullocke who have referred to what they consider the utter lack of attention on the part of the select committee to the considerations of the representation of the European community. As a member of the select committee I want to reply to them that it is because the majority of the select committee thought that we would not allow ourselves to be shunted off that very dangerous ground of communal representation that we have not suggested that there should be any special minority representation. I also want to refer to the fears expressed by my honourable friends of the Parsi community. During the first reading I had quite pointedly pointed out that Bombay, the whole of India, the whole of this country, owes a deep debt of gratitude to that noble and great community, to which community we owe

[M. Kanji Dwarkadas]

a great deal of the educational progress and industrial progress in this country. It is because of that that they deserve to have a very prominent and important place in the community at large, Sir, that they have such big representation in the present corporation, 23 out of 33 elected. Now when the franchise is to be widened there are more seats, we know, a hundred seats, but if the votes are to be given in the same way as they are given now, each voter has got as many votes as there are seats in the wards, and if you can either give these votes to one or to the different candidates,—Sir, if the same system is followed—I may assure my honourable friends here—from my personal experience—that there shall be enough representation of minorities.

Mr. COWASJI JEHangIR: Where are your facts?

Mr. KANJI DWARKADAS: I shall place my facts before the Council; I do not think it is necessary at this stage to do so, but as soon as the opportunity comes during the second reading of the bill I shall be very glad to inform my friends of this particular point. I have got facts and figures about it before me. At first I was wavering about the recommittal of this bill to the select committee instead of rushing through the bill just now. But now after hearing the arguments of my Parsi friends and after hearing the arguments of my European friends, I think, it will serve no useful purpose to recommit the bill to the select committee.

Mr. G. B. TRIVEDI: Sir, I move for a closure.

The Honourable the PRESIDENT: I do not think that I should accept the closure having regard to the circumstances under which the matter requires to be threshed out.

Khan Saheb A. A. MANSURI (Ahmedabad and Surat Cities): Sir, at present as it exists, in the Bombay corporation there is one seat for the Chamber of Commerce and in that way the interests of the European community are safeguarded. So that any misapprehension expressed by some of my honourable friends that minorities mentioned by them will have no vote under the amendment of Mr. Haji has no bearing; under the amendment there are seats reserved for the Chamber of Commerce. It is very strange that people who call themselves to be in a minority and also are afraid that they will lose their hold on the Bombay corporation which they are monopolizing on account of their wealth and generosity, and various other communities who are afraid of being left unrepresented on account of the present non-co-operation movement or something or other, have not been bold enough to come forward with amendments. Besides this is the only way of dealing with things, as the Honourable the Leader of the House has pointed out that he has been trying for a long time to do. The corporation have been postponing the revision from time to time; and to my mind it appears that sending this bill back to the select committee will simply delay matters. When the whole world is treading over bureaucratic Government, this Council by delay will be simply helping the aristocracy and not allowing democratic government to be established.

Sardar Khan Bahadur A. M. DALAL (Broach District): Sir, we have heard very interesting speeches on this very important measure which has been brought forward by the Honourable Minister, and especially the speeches of the Honourable the Leader of the House and the Honourable the Minister of

[Sardar Khan Bahadur A. M. Dalal]

Excuse who are against these amendments. I stand here to support the amendment from the very speeches which we have heard from these honourable members. When the Council have borne the delay for four years, would it be right to rush the bill? I am convinced more from the speech of my honourable friend Rao Bahadur Sathe, and I would appeal to the Council not to rush the bill through but to thresh it out again and to recommit it to the select committee in the light of the speeches that we have heard this afternoon. There is no harm in doing that. Why should not we refer it back to the select committee, not on the communal ground but, as suggested, to reconsider the lowering of the franchise which will be fatal to the dignity and status of the corporation of Bombay? I do not stand here as a Parsi. I stand here as a citizen of Bombay, as a councillor of this Legislative Council, and I am certainly convinced that this lowering of the franchise will be a very fatal measure that will be brought in the second city of the Empire. We are moving in difficult times and we want the dignity, the intelligence and the strength of the corporation to be inferior to none. We have large questions of sanitation, development questions and all these questions which upon the lowering of the franchise will not be apt to be considered very adequately by the corporation which has twice enunciated its opinion that twenty rupee franchise should be kept. On this ground I respectfully submit that the amendment should be supported and that the bill should be recommitted to the select committee.

Rao Bahadur R. R. KALE (Satara District): Mr. President, I had no desire to enter into this discussion but for my honourable friend opposite when I heard him say that this bill should be recommitted for this purpose, namely, for reconsidering the question of lowering of the franchise. That matter was fully debated in the select committee and we heard all that was and could be said about it in the select committee. We gave full consideration to the matter and we by a majority came to a certain conclusion. I think no object will be gained on that point by recommitment. Whatever is to be done now is to be done here in the open Council, not in the select committee. In the select committee this point was thoroughly gone into and considered, and a certain decision was arrived at with regard to it. So I do not think that the proposed recommitment should take place at all.

Rao Sahab HARILAL D. DESAI (Ahmedabad City): Mr. President, I beg to oppose the amendment proposed by my honourable friend Mr. Havelivala. After a bill has emerged from the select committee, it ought not to be ordinarily recommitted again except on very exceptional grounds. The grounds that are urged are such as could be dealt with here in this Council, and I was rather amused to find that several members of this House who have supported the amendment were on the select committee. Particularly I find that my honourable friend Mr. Petit in his minute of dissent simply refers by way of dissent to the twenty rupee franchise, and in other respects he says "I agree with the majority", and here he raises quite a different point. Then, even from among those who have opposed the bill none of them has given notice of any amendment upon the ground of the franchise. Under these circumstances, I think it would be futile to waste any time by recommitting the bill to the select committee.

Mr. M. A. HAVELIVALA (Bombay City): Sir, I do not wish to take up the time of the Council .....

Rao Bahadur G. K. CHITALE (Ahmednagar District) : This is an amendment. He has no right of reply.

The Honourable the PRESIDENT : In the case of an amendment to a bill there is the right of reply.

Mr. M. A. HAVELIVALA : I am quite sure, Sir, that the members of the Council who have heard the several speeches of the honourable members will feel that the speeches, if anything, show that this bill should be recommitted to the select committee for reconsideration. So far as the defects of the bill are concerned, Sir, it is admitted on all hands that this bill is a defective bill. Not one member has pointed out that there are no defects in the bill at all. The first and foremost defect in the bill is, as we all know, that every bill that passes through this Council should bear the date as to when it should come into operation, and in that fundamental respect this bill is lacking. Then, there are several other defects which are not met with by any of the members of the Council. Several members who have spoken in favour of the amendment for the reconsideration of this bill show that the bill ought not to be rushed through and an important measure like this ought to be carefully gone into and considered. Mr. Purshotamdas Thakurdas has pointed out that in my minute of dissent I have not raised this point. Sir, I am not going into the secrets of the cabinet, but I may tell you, Sir, that we were very hasty on that day when we considered this bill (laughter), and this point did not strike us then. And when it did strike us, we feel it our bounden duty to point it out to this Council and to ask at this stage that the bill should be recommitted. I am not the only member holding that view ; there are other dissenting members also who have joined me and agree with my view, and one of them is no less an experienced member of the Bombay corporation than my friend Dr. Dadachanji.

Then, there are several other points to which I do not wish to allude, but I do appeal to the House that in a measure like this, if we have wasted all these years as the Leader of the House said, rightly or wrongly,—I do not know whether the corporation or the Government is to be blamed for this delay—now when we are at this stage, are we going to rush this bill through with all its defects ? And if we do rush this bill through like this, I say, Sir, the elections which will take place in January or February next will be very hard, not for the electors but for those who have to hold them, namely, the municipal executive. Those are the defects which ought to be cured in this bill. If they can be cured by this Council at this stage, I have no objection, but my humble opinion is that it would be better to recommit the bill to the select committee and then bring up in the Council for further consideration. Surely, nobody wishes that on the Municipal Commissioner should be cast the responsibility of rushing the next elections through as the Bombay Government rushed through an imperfect election in the last election. I think from that point of view if this Council can cure those defects, I have no objection. If that cannot be done, I think it is the paramount duty of the Council to come forward with a perfect legislation, not an imperfect legislation, and show to the public that we have considered the legislation in all its aspects in the best interests of the public and then brought forward a legislation for effecting a reform in the municipal constitution. With these remarks I do appeal to the House that the bill ought to be recommitted to the select committee.



The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Mr. President, much of my work has been lightened by those who have opposed the amendment. This bill, as this Council has been told, has been already delayed for a number of years and the result of recommitment to the select committee will be that it will be delayed for some years more. I am afraid.....

Honourable MEMBERS : No, no ; yes, yes.

Now the points for the recommitment of the bill which are made by Mr. Havelivala in his minute of dissent are that clauses 3 and 6 were not considered in the select committee. But they were considered, and my honourable friend Mr. Purshotamdas Thakurdas has just told you that they were considered and that we were unanimous.

Mr. M. A. HAVELIVALA : I rise to a point of order, Sir. I did not say so.

The Honourable the PRESIDENT : That is not a point of order.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Besides, clauses 3 and 6 of the draft report do not introduce any change of principle or introduce any new principle. They are merely consequential and therefore the select committee had the right to make those amendments there. Then much was made of the fact that the report of the select committee as it stands, will not protect minorities. Sir, I am against the principle of communal representation in a city like Bombay which is a cosmopolitan city. What has been our experience of the past elections ? They do not take into consideration the caste or creed of the candidate, but they give their vote for the best man in the city of Bombay. The fear that the Parsi community will not be represented is groundless. Though the franchise has been reduced to Rs. 10 for election to the Legislative Council, you still find a large majority of the Parsi community returned (cheers).

Mr. JEHANGIR B. PETIT : Is it a large majority ?

The Honourable the PRESIDENT : Order, order.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Yes ; Sir. The few defects that have been shown can be removed by amendments. With these words I oppose the motion to recommit it to the select committee.

Mr. M. A. HAVELIVALA : Sir, what I wrote in my minute of dissent is not that clauses 3 and 6 were not considered in the select committee. I have stated :

“ I wonder how these clauses came to be inserted in the bill, as there was no reference to the select committee from the Council on these points. The select committee can only consider what is referred to them.”

Question that Bill No. VII of 1922 be recommitted to the select committee put and negatived.

Mr. G. B. TRIVEDI (Thana District) : Sir, speaking on the second reading of this bill, Dr. Batliwala made some comparison between the franchise of the Council and that of the corporation of Bombay. He thinks that while the

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Legislative Council can be enfranchised to a democratic point, 'he is not prepared to see the Bombay corporation democratised, and one argument advanced was that the Council has lesser powers over the purse and over their executive, whereas the corporation has got greater powers. It is just the reason why the corporation should be more democratic, because it is in the interest of the whole city, because the corporation has power of the purse, and because the corporation has authority over their executive. It is just the reason why every citizen should have a voice in the election of its Council. The greater the power, the greater the necessity of the citizens to have stronger hold upon their representatives.

Secondly, Sir, Dr. Batliwala and Mr. Cowasji Jehangir said that it was the corporation's opinion that should rule in this matter.

Mr. COWASJI JEHangIR : I did not say so, Sir.

Mr. G. B. TRIVEDI : You said that the corporation is the master of the situation.

Mr. COWASJI JEHangIR : I said that the corporation was the master of the situation in its own house.

Mr. G. B. TRIVEDI : It is not the corporation that is the master of the situation, but it is the people of Bombay that are the masters of the situation. The opinion of the corporation based on the old franchise is not worth anything at all. It is the people of Bombay who are to be enfranchised that should have a dominating voice in this matter. The opinion of the old corporation is of no value at all, because it is a recognised principle that the people who have got the power are never willing to part with it, and that people who have no power have to wrest it from their unwilling hands. The old corporation's opinion in this matter does not carry any weight and cannot be pitted against the opinion of the citizens of Bombay, which has been expressed in so many memorials to Government, in so many meetings of the citizens of Bombay of several unions and public bodies. They have all supported the enfranchisement on the ten rupee basis.

As regards the question of the minorities, I do not wish to take much of the time of the Council. Only I would say the minorities who deserve any consideration at the hands of the Council are the backward minorities. On that principle the Council will support the claims of the minorities; but the minorities who are leading and can make their influence felt in other ways at least do not deserve separate representations. If this principle of communal representation is once granted, where shall we stop? Bombay is first of all a cosmopolitan city. There are so many people from Madras, from Bengal, and Punjab, and if all these people say that they are a community by themselves, where shall we stop? So that, communal representation will never do in a city like Bombay, which is cosmopolitan. If you grant it to one community, there will be several hundreds of communities making the same demand. Parsis opposed communal representation for the Legislative Council: if that is so, I see no reason why they should be afraid of not getting a fair representation in the Bombay corporation. And if they are in minority, then Government will see to it that through their power of nominating sixteen members, members of that community will be fairly represented. I am one of those who do want

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our Parsi friends on the corporation and I will be the last man to support any measure which will oust such an intelligent community. With these words I support the second reading of the bill.

Mr. COWASJI JEHangIR: Mr. President, I think my honourable friend Mr. Trivedi misunderstood me or has confused what I said with what my honourable friend Dr. Batliwala said. I never said that the opinion of the corporation should carry any greater weight than what it deserved. If the present corporation is antiquated and does not represent the people (as has been maintained by my honourable friend Mr. Trivedi), that is his opinion. I by no means contended that the opinion of the corporation that there should be a twenty rupee franchise should guide this Council in any way. I think my honourable friend Mr. Trivedi maintained that he was desirous of seeing Parsis on the future corporation. He now turns round and says that if they do not find themselves elected, there is the Government always there to nominate them. But this bill has given Government only fifteen seats and with these fifteen seats Government have to see that the depressed classes are represented, the labouring classes are represented and other minorities. I would like my honourable friend Mr. Trivedi to explain, if he was the member in charge, how he was going to divide these fifteen seats to satisfy all these interests. He must admit that a few Government officers must be nominated such as the Collector of Bombay, the Commissioner of Police, the Executive Engineer, the Chairman of the Improvement Trust, and perhaps the Director of Development. The honourable member will find that Government will not be able to nominate representatives of minorities as they ought to be. That was why I desired that this bill should be sent back to the select committee to think out ways and means whereby those minorities which may not be represented on the corporation, should be brought in. It is all very well to contend that the Parsis are an influential community, that the Parsis have found their way into this Council and that they will find their way into the corporation. I thank my honourable friends for the very high terms in which they have spoken of my community; but I feel that they have given them any amount of butter, they refuse to give them bread; what I plead for is bread, I would rather do without the butter. If we are strong enough (let us hope so and I honestly trust and pray that I may be wrong), I only hope that my community which has done its best in the past to serve the city of its birth will continue to be able to serve it, but, if not, I ask whether this Council is prepared to reconsider and amend this bill in a year's time. Will my honourable friends give an undertaking that in a year's time, if there are not sufficient number of Parsis on the corporation, they will, one and all of them, amend this bill and put an end to the life of the corporation which will come into existence on the 1st April 1923? Will they give that undertaking? No, they will not. But at any rate, Mr. President, I only ask for justice and I ask for justice for the city of Bombay. I was told by my honourable friend, the Leader of the House, that if amendments are possible, it is possible to move them in this Council. I wish my honourable friend was not on the Government benches, I wish he was in the opposition, he perhaps may have made a different speech to the one he made (laughter). But if anybody is capable of suggesting amendments to this bill straight off within the next two days which will bring in the minorities into the future corporation, it is my honourable friend, the Member for Revenue, but he did not explain how that could be done; he only supported the twenty

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rupee franchise; he explained he was in favour of that, but he knows as well as I do how impossible it is to get this Council to accept the twenty rupee franchise and rightly so. When I asked him what suggestions he had to make to amend this bill so as to get the minorities represented, he had no suggestions to make. And it is because of that fact that I said that if it is possible to make any satisfactory amendments, it must be done by the select committee. It is not an easy matter; the necessary facts and figures are not before us—I was not on the select committee and so I am not responsible—but I am going to point out in what direction this bill can be amended. I think, Mr. President, while I was speaking on the amendment of my honourable friend from Bombay, I would not have been quite in order in actually suggesting remedies in the bill, and therefore I did not mention them. I have been however accused of not having done so, but I can now mention on what lines amendments can be moved to this bill so as to give a better chance to the minorities. But to be able to do that satisfactorily, I admit that certain statistics and figures are necessary, they are not forthcoming now. Therefore, I will just say to the House what my suggestions are. I know that it is very difficult to make suggestions. I am perfectly aware of the fact that the honourable members here may be able to pick holes with the suggestions I may make and that I may not be able to reply to them, this being the Council and not the select committee, and therefore I am handicapped. It is much easier to make suggestions than to get them carried out, and yet handicapped as I am, I am going to try and make a few suggestions; whether they will be acceptable to the Council or not is another matter.

In clause 3 of the bill the twenty nominations reserved to Government have been reduced to fifteen and representatives have been given to the Bombay Chamber of Commerce, the Indian Merchants' Chamber and Bureau, the Mill-owners' Association and two other bodies that the Government may choose. In the fifteen nominations I presume there will be at least five to six Government officers, leaving ten for the minorities which will include Europeans, the Anglo-Indians, Parsis, the depressed classes and the labouring classes. I contend, Sir, that the best method now open to this Council is to leave these fifteen nominations as they are, leave the five representatives of the associations as they are, but increase the number of co-opted members, and lay it down in the bill that the corporation shall co-opt members of such communities as are found after the elections to be not what they should be. Now the important matter is to be able to say what is the number that they should be. You have got 76 members to be elected by the wards. The four important communities in Bombay are the Hindus, Mahomedans, Parsis and the Europeans. If out of these 76 elected councillors, constituencies will return 19 Hindus, 19 Christians, 19 Mahomedans and 19 Parsis, I have nothing to say.

The Honourable Sir CHIMANLAL SETALVAD: You cannot claim 19 for Parsis.

Honourable MEMBERS: How many for Parsis?

The Honourable the PRESIDENT: Order, order. Every honourable member will have an opportunity to address the House.

Mr. COWASJI JEHANGIR: Sir, the argument that this matter should be referred to the select committee is more than confirmed. I am prepared to leave the matter to the arbitration of the Honourable Sir Chimanlal Setalvad

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(Honourable Members : Why not Sir Ibrahim Rahimtoola) and I say the corporation should be compelled to co-opt members of these communities if the constituencies have not returned them. I am prepared to leave the question to the arbitration of Government if they take up my suggestion. I am prepared to leave it to the Honourable Members of Government to say what is a fair division. I leave it to their impartial judgment. The deficiency should be made up by co-opting members of such communities. Some amendment of that sort would be reasonable and it would give confidence to the minorities. But nothing of that sort was proposed by the select committee. Mr. President, I would have suggested amendments on these lines. I am not out for communal representation (Hear, hear). I know there are practical difficulties. Some honourable members have contended that in Bombay only the best men will be returned regardless of communities. But I do not want to indulge in such platitudes, which are fit for a platform but not for this Council. This place is fit for practical men of business, who are out to draft the best constitution for the corporation of Bombay. I hope and pray that that day is not far off, when as Mr. Purshotamdas Thakurdas pointed out, the constituencies will only elect the best men. Till that ideal is realized you must consider the practical question. My honourable friends in this House have on more than one occasion pointed out practical difficulties. Now face them. They have got the remedies in their own hands, even more so than Government. It is for them to settle the constitution. I ask them whether those practical difficulties are in existence now. As I have said already, I do not want to indulge in any platitudes, but I do ask the honourable members to face the realities before them when they are to pass legislation of this character. If I am convinced that the best men will be returned at the elections, I would not have opened my mouth. If I am convinced that Hindus will vote for Mahomedans, Mahomedans will vote for Parsis and Europeans for all—Hindus, Mahomedans and Parsis, I would not have raised my voice against the bill. But because I reluctantly confess that I feel some hesitation in believing that the best men will find seats, I feel that there should be safeguards. I have told the Leader of the House that it is very difficult to pass amendments, if the Government are not prepared to support them. If Government are prepared to assist, it is quite easy to see that justice is done to every community. I feel confident that the House will accept my suggestion and I hope that the Government in the name of the future prosperity and happiness of the city of Bombay will do the same.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, It is generally recognized that imitation is the best form of flattery. I can quite understand Mr. Cowasji Jehangir expecting that I would imitate his example by making a different speech from the opposition bench than the one from Government benches as he appears to have done, the moment he finds his seat transferred to opposition benches. If he permits me to point out, I may tell him that I was speaking on the motion for the recommital to the select committee, and I would have made the same speech irrespective of being an official or a non-official, in view of the great interest which I have taken in the municipal corporation of the city of Bombay. I thought it was recognised that the four years during which I have been in office I have tried to deal with the questions coming before this Council in the best interests of the Presidency. To my regret the corporation has taken very long time to make up its mind in a matter of such moment, and after four years' delay some members of the Legislative

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Council want to further delay legislation by proposing that the bill be recommitted to the select committee.

Mr. COWASJI JEHangIR : How many times did the Government change their mind ?

Sir IBRAHIM RAHIMTOOLA : Probably when Mr. Cowasji Jehangir was a Member of Government. (Loud Laughter.)

Now the question before the Council is whether it is or it is not possible to suggest suitable amendments during the present discussion. Mr. Cowasji says that it is not possible to do so and wants the assistance of Government to draft amendments.

Surely, Sir, I thought that the drafting of amendments was not such a difficult matter which individual members, either by themselves, or in co-operation with other non-official members, could not manage. If it would be any satisfaction to Mr. Cowasji, I may say that if he wants any individual Member of Government to help him in drafting his amendments, I am sure that that Member would be but too ready to help him. (Honourable Members : Hear, hear.) But that would be a demand which, I think, in cooler moments, Mr. Cowasji will fight shy of.

Mr. COWASJI JEHangIR : Even now, I am quite ready to accept the help.

The Honourable Sir IBRAHIM RAHIMTOOLA : There is one new thing which I find in the speech of the honourable member, and that is that he says that because he knew the Council would not support a particular amendment, therefore he would not care to move it.

Mr. COWASJI JEHangIR : I said I was against the twenty rupee franchise.

The Honourable Sir IBRAHIM RAHIMTOOLA : I did not refer to that. I have taken down what the honourable member said and it is that it is no use moving an amendment because the honourable member knew that the Council would not accept it.

Mr. COWASJI JEHangIR : I was not for the twenty rupee franchise.

The Honourable Sir IBRAHIM RAHIMTOOLA : The honourable member talked generally about the amendment. It may be that he meant the twenty rupee franchise. Knowing Mr. Cowasji's work in the corporation and the strenuousness with which he fights a point on which he feels strongly, I did not think that he of all men would be discouraged by the mere feeling that the majority of the House was against him, and that that would restrain him from bringing forward his amendment. I think it is hardly fair on this assembly to assume that before a subject is considered and debated it will reject it, and that therefore it should not be brought forward. The position which I take up is this, that this Council, constituted as it is, is fully competent to deal with subjects of this character, and that if amendments were moved and a case made out, the Council would give them the best consideration. At all events, a member who essays to do so will have done his duty, leaving the decision to the Council, as the Council is entitled to decide. It appears to me that one need not shirk bringing forward amendments even on the ground that they will not be accepted. Members of public bodies remember that when they feel strongly they have got the courage to move amendments even when they get a single vote. That is the way in which we have got to discharge

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our duty. (Honourable Members : Hear, hear.) It appears to me that this is not a bill on which it would be difficult to draft amendments and to place them before the House for such action as the House may be inclined to take. I was surprised, knowing the feeling that existed in regard to the twenty rupee franchise, that no amendment had been tabled on that question, so that, now, even assuming that a majority or minority was of that view, that majority or minority cannot be ascertained. The whole question is this. The city's administration has got to be carried on. The Bombay corporation—any untoward criticism of which I have all these years most strongly and strenuously resented—has been charged as being a landlord corporation, to my mind most unjustifiably. But that charge has been made, and it is based on the fact that 50 per cent. of the total number of members are elected by the house-owners, while the remaining 50 per cent. of the members are found from other sources. As I pointed out in my previous speech, it appeared to me that the time had come when that constitution ought to be altered and must be democratised. As I said, the corporation took five years to consider it in committee; the committee of which Mr. Cowasji Jehangir is so enamoured took five years over the matter, without coming to any decision. I took the matter in hand as soon as I was put in charge of local self-government, and I put forward a concrete scheme.

Mr. COWASJI JEHANGIR : Were not you a member of the committee ?

The Honourable Sir IBRAHIM RAHIMTOOLA : I was, and that is why I am giving my own experience. It is not second-hand knowledge. When I got tired of getting any unanimity in the corporation committee, as Member of Government, I took the opportunity of putting forward a definite scheme, forcing them to come to a decision one way or the other. They, however, took so much time that, though I was in charge of the portfolio for three years, I did not get the opportunity of putting forward this bill, in which I had taken so much interest, and in regard to a body on which I had served for a quarter of a century. Now, the Honourable Minister is in charge of it and he has done his best. Perhaps, he has gone further than I would have done myself. But the bill is before the House, and it is for the House to decide what is the best thing to be done in regard to this measure. I am perfectly confident that any amendments that are put forward in the best interests of the city's administration will be favourably considered by this House, and such amendments would be carried. I am inclined to think that the Minister in Charge would be but too glad to accept any amendments which he is satisfied are in the best interests of the city's administration. That is the constitutional way in which work ought to be done, and I think that members ought not to feel shy of putting forward any amendments which are in their opinion in the best interests of the city.

Mr. COWASJI JEHANGIR : I think my honourable friend misunderstood me. What I said was that the twenty rupee franchise was my honourable friend's pet, and he knew that it could not be carried in this Council. I voted against it throughout, and if I had thought that the twenty rupee franchise was the right thing, I would have given notice of an amendment.

The Honourable Sir IBRAHIM RAHIMTOOLA : A wrong statement is attributed to me, and I am entitled to flatly contradict it. The honourable member's statement that I said that it was not possible to carry a twenty rupee franchise in this House is not correct. I hold the view that, at the time when

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this suggestion was put by me before the corporation, I could have convinced the House that, in the interests of local self-government, and in the interests of the city of Bombay, a twenty rupee franchise was better than a ten rupee franchise. At all events, I would not have shirked my duty and run away from it. I would have moved for a twenty rupee franchise, expecting that the majority would take the same view and would vote with me; but if the Council did not pass it, I would have taken the defeat, believing fully that I was in the right.

Rao Saheb D. P. DESAI (Kaira District) : Mr. President, I think everybody on this side of the House will agree with me when I say.....

Mr. JEHangIR B. PETIT : Which side ?

Rao Saheb D. P. DESAI : This side. I think everybody on this side will agree with me when I say that we welcome Mr. Cowasji Jehangir back to our fold, but what we do not welcome is the spirit that has followed him from the other side of the House. The spirit, for the time being, appears to have left the other side, and come over to this side with him.

Mr. Cowasji said in his speech that he wants a little bit of bread. Yes, for he has had plenty of butter. Here is the bread. I should like to remind him that Bombay is owned practically by 12,000 people, out of which about 1,000 are Parsis. Now the properties in which the voters, that is, the rent-payers reside belong in that proportion to the Parsis and the Parsis can very well influence these voters to vote for them, and I do not see any tenant who is reasonable enough can refuse his vote to his landlord, or to any man whom his landlord recommends (hear, hear), provided, of course, the landlord is reasonable (laughter).

Again Sir, I want to refer to one more matter brought forth by Dr. Batliwala and that was when he spoke about this Council that in fact it had no powers. I say that within the four corners of this hall the Council is all-powerful, and master of the situation. A Council that can make and unmake such a big corporation as that of Bombay, a Council that can wipe out a hoary and ancient corporation like that of Bombay must have higher powers than what are supposed by Dr. Batliwala or Mr. Cowasji.

Mr. COWASJI JEHangIR : I did not say that.

Rao Saheb D. P. DESAI : I accept the explanation. As an instance I may cite, Sir, one. Supposing in pursuance of this Council's view a Minister were not to grant this ten rupee franchise, this Council would send him away. This Council would dismiss him at the first opportunity. Supposing an Executive Member does not accept, or persists in refusing to accept, this Council's recommendation, this Council has got the power to send him home also, i.e., to put him out of work of course, provided that his pay is.....

The Honourable the PRESIDENT : May I remind the honourable member that this comparison of the Council with the corporation seems to me to be rather irrelevant and it is no use encouraging that sort of comparison? Let us confine ourselves to the second reading of this bill.

Rao Saheb D. P. DESAI : I only wanted to show that the Council.....

The Honourable the PRESIDENT : I do not think we should hear any more of this Council being compared to any lesser council.



Mr. B. V. JADHAV : Mr. President, I rise to move the adoption of the motion that the bill be read a second time. We have been treated in this House by the argument of the honourable members who stand in the interests of Bombay. But allow me to state that all members of this House and all citizens of this Presidency are equally zealous with the citizens of Bombay in the welfare and advancement of that great city (hear, hear). I represent the Marathas and the labouring population of Bombay and outside, and allow me to say that although they make butter and they make corn which is supplied to others and which is generally denied to them, still I myself and my constituents bear no ill will to others placed in a more fortunate position. We have been treated as quite insignificant beings so far. As far as I know, there were very few councillors, if there were any at all, belonging to my community in the corporation of Bombay. Our population is more than four lakhs. If the brains of the Parsis and the Europeans and others have made Bombay what she is, our hands have taken a leading part also in her making. We have made Bombay with the sweat of our brow and we have laboured for its advancement. Still up to this time we were kept out and our wants and our privileges and our rights were simply lost sight of. We do not say that we were badly governed ; but it is one thing to be well-governed and it is another to be self-governed. We wanted a vote and we wanted to get into the corporation. Now in this Council, thanks to the Honourable Sir Ibrahim, the Leader of the House, who has been labouring to democratise the constitution of the corporation, we have got an opportunity of lowering the franchise, and to-day we are showered with arguments and speeches, the like of which will be found in the history of Rome in the days of the fight between the Patricians and the Plebians. We are, as it were transposed to that ancient time when the Patricians were trying their best to preserve their vested privileges, while the Plebians were first of all imploring to have only a share in the administration. Let me assure my honourable friends here that had they taken the advice of the Honourable the Leader of the House three years ago, they would have got that twenty rupee franchise or even a higher one. But now the reformed councils have come, and even the arguments of the Leader of the House will not induce the House to raise it to Rs. 20.

Mr. COWASJI JEHangIR : I was always in favour of Rs. 10.

Mr. B. V. JADHAV : I am very much obliged to you. But let me assure my honourable friends that they need not fear about being inadequately represented. My honourable friend claims about 19 seats on the corporation ; that is a very good thing if other communities are to be taken as one entity. But what about the Hindu communities which are not one, but are many and distinct? And there is no reason why some of these should not be treated as a separate community. Hindu is a peculiar name. There are many communities and even religions included under that term. There are the Jains among them and similarly there are certain other communities or castes which do not inter-dine or inter-marry. Why should they not be considered as different entities and the number of corporators divided among them ? I think this sort of claim to have one-fourth of the representation on the corporation is not very judicious. It has been put forward in the heat of argument, and I need not pay any attention to that. I do say that we have been claiming all along communal representation. Even at the passing of the Reform Act we had to put forth our claim, because although we had a majority of voters we were in a minority as regards education and organisation, and we did claim communal representation. That was not conceded to us in an adequate way,

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but something was done for us. The condition of the Parsi community is not so bad or so helpless as ours was and is, and in spite of their small numbers I am confident that they will have a larger share of seats than they now expect to have. With these few remarks Sir, I shall support this motion for the second reading of the bill.

Mr. PURSHOTAMDAS THAKURDAS : Sir, my support to the second reading of the bill can only be a halting one for the reasons that I expressed when I spoke on the amendment of Mr. Havelivala. My apprehensions to which I gave expression on the first reading and which I repeated some time back are based on the extreme change from one end to the other.

I fully agree with my honourable friend Mr. Jadhav that the constitution of the various electorates of the Bombay corporation as it exists to-day is out of date and required to be changed not only three or four years back, as was pointed out by the Honourable Leader of the House, but as he himself said, even ten years back. But even that fact would not justify such a radical rush to the other extreme, and that is my apprehension and hence my halting support to this bill. Barring that, I have nothing to which I can take exception.

Sir, if I may,—I wish it were not necessary—I should like to reply to one or two points that I saw with some regret my honourable friend Mr. Cowasji Jehangir insisted upon still carrying on and carrying forward from the last motion into this motion. He remarked that those who spoke in high terms of the Parsi community were out to deal out butter. Well, I happen to be one of those, I am afraid, who started selling butter to my Parsi friends. Let me tell my honourable friend, Sir, that I am not accustomed to sell butter free. Now, what my honourable friend to the left thought was butter, I only gave because I am convinced that the community has paid for it very highly by public service of a very high character. Again, it has been not only a present, but a just due. I hope that the present generation, represented by my honourable friend Mr. Cowasji Jehangir, will continue in the footsteps of the forefathers of the Parsis of to-day who have earned that reputation, and I hope my honourable friend when he speaks next of butter will try to qualify butter with something else. I am not so pessimistic about the Parsis of this generation, and I would only say this that, if only the Parsi community will follow in the footsteps of the revered Dadabhai Naoroji and Pheroza Shah Mehta, then that butter will always flow, not only from this Council but from the whole Presidency, to that community. If unfortunately any new change happens to take place in that community, all I say is that Heaven help that community and help this Presidency.

I will only allude now to what Mr. Cowasji Jehangir said with regard to the ten rupee electorate without the precaution of minority representation. I would ask him whether all have not been able to have even-handed justice in Bombay till now. That is another point which I cannot pass by without a reply. May I ask him, as a member of the corporation, of which Mr. Cowasji Jehangir has been an ornament, has he found any community though numerically small in number have not received even-handed justice so far?

Mr. COWASJI JEHANGIR : I did not say the corporation, but the constituencies.

Mr. PURSHOTAMDAS THAKURDAS : Did he find that the constituencies did anything else than give even-handed justice to the Parsis who have

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been on the corporation so long ? Did he find that the representatives of those constituencies did anything but deal out even-handed justice ? If he continues to argue in that strain, I am afraid Bombay of 1923 and thereafter may be quite different from Bombay of the pre-reform days. Let the reforms not take us back but forward.

With these few remarks, Sir, I have great pleasure in giving what I am afraid has to be a halting support to the bill before the Council.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, as an outsider I wish to intervene in this debate in the hope that cooler consideration will be given to the important issue that is before us for consideration. So far, as far as I am concerned at least, I was disappointed at the various personalities and the remarks which have been indulged in. But perhaps they were inevitable. As outsiders we can take a calmer and broader view of things. It is just possible that not being entangled in these personal interests, vested interests perhaps, we can look at the game in a much calmer and more judicious position. I hope, Sir, that my remarks will be taken and will be made from that point of view. Now what is the issue ? If it is contended that the old constitution of 12,000 voters for a population of nine lakhs or ten lakhs was a proper representation and if no effort was made hitherto to amplify it by those vested interests who now claim and who always had a larger share, then the responsibility is theirs. It must be admitted that 12,000 voters and their representatives coming in in that way was not a proper representation. It is argued that a twenty rupee franchise will give about 60,000 voters. But still, what proportion does it bear to the whole population ? Now to my mind, Sir, if you want those vested interests to continue, then I must tell you flatly that you do not read the spirit of democracy in a proper way. The spirit of democracy is to put as much power as possible in the hands of the people whose interests and welfare you are called upon to guard. In all civilised countries the ideal is one man vote. It is not reached and it will not be reached for a considerable time. The compromise, therefore, that is put forward by the Honourable Minister is only to go step by step, cautiously, so that whatever step is taken is taken in the right and proper spirit of advance. Looking at the measure from that point of view let us see if there is no hope under the present constitution for important minorities to come in by direct representation. My point of view is there is still hope, ample hope, and I am sure it will be fulfilled even at the first election. I do not wish to indulge in platitudes, but, after all, certain things are based on practical experience, and things which are based on practical experience prove always true. Now, Sir, I want to point out that money is power. That is a practical lesson, it is not a platitude, and if I were to indulge in a little bit of logic, the Parsis—my friends here—have that power. Now, may I know if that power is not going to help and prove successful even in such elections ? In all other things it has proved successful. Then again, look at section 24 of the Municipal Act itself. What is done is this, that although this bill gives 76 seats to be elected as elected to several wards, the work of distribution and safeguarding the interests is put in the hands of the corporation according to section 24. Now this Council has nothing to do with it, because it is just and proper that that sort of right should be exercised by the men who know the localities and the several interests which are intended to be safeguarded. Now may I ask, is it impossible to find or to put in a constituency both for my European and Parsi friends in such a manner that they will have an enough quota of votes ?

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I am just giving you an illustration. I do not know the local conditions in their proper bearings; but I wish that my point is properly appreciated. If for instance there is any locality, wherein my friends both Europeans and Parsis preponderate, if that particular constituency is made wider, and given the right of sending certain representatives, not only will they have sufficient safeguard provided for the election, but they will also get the proper proportion. I may tell you what I myself did on another occasion when the question of the representation of smaller minorities came in, when the constitution even of a smaller municipal corporation was considered. I was against communal representation. The question of Mahomedans for direct representation came in, and it was pointed out to us that on the strength of the voting list, as it stood, they had no chance of being represented. I found out a method. I divided the wards and put my Mahomedans friends in such voting strength as to enable them to get themselves adequately represented. The result has been justified by the last four elections, in which Mahomedans have been elected with sufficient safeguards in proper proportion. If that is so, my plan can well be adopted. I think it is true there are certain localities which are more often inhabited both by Europeans and Parsis. The power of widening the wards is given to the old corporation, and that might be used to the fullest possible limit, and then they might get adequate representation in the present constitution as it stands. That is a practical suggestion which I wish to make, and I am not sure if that will not help us out of the difficulty, and also it is just possible that this quarrel may be made up in a very right and proper manner.

In the claim that was put before us, four big communities are put on the same level. It appears to me that the real motive is not to get proper representation but to perpetuate vested interests, which a particular community has wielded for a long time irrespective of the services rendered by them to the city, because there is no guarantee forthcoming, when all these interests are taking care of themselves that the larger or the general interests will be looked at from the broader aspect.

In these days when the second city in the Empire is going to fight with vested spirit, what shall we say about mofussil? Are you not going to give a lesson to these people, lead them and guide them in the proper manner, because your interests are touched, irrespective of the consequences, when we come to consider their constitution in the near future? My fear is that the example proposed to be set by my Bombay friends will be followed by the mofussil with dangerous consequences. I am not sure what help we are to get from them when those small measures are before us for our consideration. I hope, therefore, that we shall be unanimous on this question of second reading.

When we come to consider the bill clause by clause, if my Bombay friends would put before us certain specific and reasonable proportion which they want, and if my friends, Europeans, put forward a reasonable number of seats they require, to which they are entitled on account of their number and importance, I at least would support it. It is perfectly true that I do not want to start any local self-government measure with that particular handicap of a spirit generated in this manner. I wish that the first measure of democratised constitution of the first city of the Presidency will be an example, and I therefore express the hope that the first election will show that the minorities are as a matter of fact represented and represented liberally. I do not, therefore, wish at this stage of our discussion to say anything more. I would appeal that in the discussion that might follow, a way might be found out, which will be acceptable

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to all. So far as my mofussil friends are concerned, they may rely on us to give them all help in the right and proper spirit. If you want to separate the bread from the butter, then there is no hope. If you want to look at your vested interests, we will join issue at once; on the other hand, if you put before us any constructive scheme consistently with the constitution put before us, we will support it.

Mr. KANJI DWARKADAS : Mr. President, my honourable friend Mr. Cowasji wants an undertaking from this House that if, after the bill is enacted, the minorities are not well represented, the House should amend this bill; and this House it appears to him is not prepared to give that undertaking. I would reply him in a different way: that is, that the new elections will be so satisfactory indeed to that particular community to which he belongs that he himself will come forward and say that he does not want any amendment.

Speaking on the question of the recommitment to the select committee, I said I had a few facts and figures to show that the smaller communities need not suffer, because of this new legislation. I shall give them now. At present we have 6 seats in the A ward. There the present voting strength is 700 Parsis, 400 Hindus, 100 Mahomedans and 100 Europeans. Each voter is entitled to give six votes either to one or to two men or to all the six men together. The result has been throughout in these elections that there have been generally four Parsi candidates and two Hindu candidates. Four Parsis are generally returned, they have been so returned at least for the last so many years. Dr. Sukhia has for many years come at the head of the polls. Another gentleman who represented the Parsi community from the Fort ward for years and years together, for 25 to 30 years, is Sir Dinshaw Wacha. I know it for a fact that he got a full support from the Hindu community. The best reward for service is not extra crumbs thrown at a particular community, the best reward for service is increased opportunity to serve. The Parsi community, if I may once again repeat in spite of the taunt that my honourable friend gave me of offering butter in place of bread, has rendered yeoman service to the whole city, and it is from their own point of view short-sighted to ask for special representation; for, if they take into consideration their numerical strength, if they base their demands now on the fact that they are a very small community, surely if that demand is granted, they cannot have more than five or ten representatives at the most in the new corporation if special separate representation is given to that community. But when there is a general electorate throughout, as is now suggested by the bill, I am quite sure and experience alone (it is not very long) will show to us that the Parsis will be returned, not as my honourable friend has suggested to the extent of 19 members, but more than 19 members. The Parsi community, by the services they have rendered, certainly deserve a big representation and another reason why they should be returned in stronger numbers is that of all the communities in Bombay the Parsi community has advanced more in progress, in literacy they are more organised (being a smaller community) and in that way they meet each other very frequently, their canvassing abilities are very great and they are returned in a very great number. With these few words, I support the second reading.

Mr. JEJIANGIR B. PETIT (Bombay Millowners' Association) : Sir, I cannot help saying that I feel that the Council has made a great mistake in not referring back this bill to the select committee for further consideration.

The Honourable the PRESIDENT : Order, order. I do not think that it is at all regular to speak disrespectfully of any decision at which the Council has arrived, and I must deprecate any judgment upon a decision reached by the House. It is wanting in one's sense of duty to the House; its decision must be respected by us and then outsiders will respect it.

Mr. JEHangIR B. PETIT : I had no intention of casting.....

The Honourable the PRESIDENT : I dare say you had no intention, but I judged by your words.

Mr. JEHangIR B. PETIT : You are perfectly right in that, Sir, but I beg to assure you that I had no intention of casting any reflection at all on the House. Under this bill the House is going to make a very radical change in the methods by which elections have taken place thus far. Up to now elections have taken place on the basis of the ratepayers' and the taxpayers' and justices' electorates. These form the corporation, the first two classes very largely on the basis of the consideration that those who pay money into the coffers of the municipality should be entitled to have a determining voice in its administration, and the last class to which I referred was, at the time the first Municipal Bill was made into an Act, instituted for the purpose of having a class of voters which, in the absence of a regularly constituted body of independent voters, would take its place. However old and undemocratic that basis has been called and characterised in this Council and elsewhere, at least so far as the representation of the different interests was concerned, it answered the purpose for which it was brought into existence very well. Now, Sir, a change is sought to be made, the corporation is to be made democratic, and the first step that was sought to be taken was to reduce the qualification from its present level to an exceedingly low level, and also to change the form of the franchise. At the present moment it is the taxpayers and the ratepayers that have largely elected the corporation. Now it is sought to make tenants responsible for the election of the corporation. When that proposal was made to the corporation, they bore in mind the original intention of the Act that those who contribute to the coffers of the municipality should have a determining voice in its administration, and recommend a franchise of 50 rupees, which could not be agreed to in the corporation committee. References were made to Government and the Government made counter-references—twenty rupees was proposed by the Government and in spite of the fact that the corporation by a very large majority and its committee thought that it was a mistake to reduce the franchise to as low a figure as twenty rupees, they accepted the proposal of Government in order to find out a method by which a workable scheme might be evolved. But, Sir, when that was sent to Government, to the great surprise of the corporation, Government veered round and suggested a franchise of ten rupees, which ultimately out of deference to the wishes of Government the corporation agreed to.

I am merely alluding to this to show that it is not the corporation that is primarily responsible for the great delay that occurred, but the Government has also to shoulder the responsibility for the delay which, I grant, took place for no special fault either of the Government or of the corporation—each tried to understand the other to the best of its ability and it was in that attempt that so much time had necessarily to be spent. The present franchise that is placed before the Council as embodied in this bill is one of rupees ten, and the main fact that this proposal has lost sight of is the importance of the educational qualifications of the people who will be qualified under it to vote henceforth. It is very strongly felt in the corporation, it is very strongly felt in this Council by many and it is very strongly felt by a very much larger body

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of public men—of citizens outside this House—that it is a great and a serious mistake to reduce the qualification to as low a figure as rupees ten in pursuit of an ideal which may not under existing circumstances be quite exactly applicable to India at the present time. It is all very well to say that these conditions have prevailed in England and in other European countries, that they have succeeded there and that therefore they will equally succeed here, but I venture to think that conditions are very different in this country, and that unless the general standard of education and information has increased very largely, it is a very great mistake to vest the power almost entirely in the hands of people who will come into control of electorates when this recommendation as embodied in this bill is passed into law. It will either happen that the electorates will play into the hands of capitalists who will control them in ten thousand different ways either as landlords or as employers, or they will be led and engineered by unscrupulous people for purposes of their own. In either case the affairs of the corporation and its administration of the city will suffer. It is to prevent this that member after member in this House has got up, and it is this which member after member endeavoured to point out to this House with no object either of perpetuating vested interests or of asking for communal interests or special representation, as has been alleged by some members not in possession of the facts. So far as the Parsi community is concerned, I admit that in the past the Parsi community has had representation in the corporation far larger than its absolute numerical numbers warranted. But it is to be admitted and it is also to be remembered (and I say that in all humility) that the Parsi community has wielded and is continuing to wield a very considerable influence in the city, a fact to which reference has very kindly been made by some of our honourable friends. But, Sir, if it is expected that they will continue, with the reduction of the present franchise qualification, to be elected, if not in the same proportion, at least in proportion to their importance and their work and their education, I wish to know how that is going to be possible. You merely are going to vest the power of election in the hands of ten rupee tenants. So far as the numerical numbers are concerned, the Parsis are bound to be outvoted, because, as is well known, their numbers are very much smaller than the numbers who will hereafter be on the electoral roll in view of the qualifications which you are going to attach to the electorates. You have knocked out the property qualification altogether. Therefore, whatever properties the Parsis may happen to possess in the town will not count, even if their estates may continue, even if their properties are likely to be benefited by the legislation or rules which may be passed from time to time in the corporation. You need not take that into calculation because the important property qualification has been knocked altogether on the head, and so they are unable to send up any one who can make himself felt through the electorate, except owing to the fact that he may be a tenant. His influence would have to be so great that he would be bound to be elected, but what can one representative, however influential he may be, accomplish in a body elected under the rules you are prescribing? As regards educational qualifications, you have also knocked out graduates and the J. P's. The sum total of the present proposals is that you are taking away the power from a responsible section of the people and vesting it in the hands of a section which I will not call irresponsible, but which will not be qualified enough for a long number of years to come to exercise that discretion in the use of its right of vote which is necessary in the interest and the purposes of the discharge of civic duties in a city like Bombay. It is

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for that that we are pleading, it is for that that we have got up to-day to make an appeal to members of this Council and I beg, Sir, in all humility to sound a note of warning to this Council that they will rue the day when they pass a bill of this character and vest a power of this kind in the hands of an electorate which to my mind is absolutely uneducated and unfit under existing conditions to wield the power which you propose to vest in their hands. If the electorates were sufficiently qualified and if they were educated, if the electorate were imbued with the sense of responsibility to the people of the city and to the vested interests in that city, I would not be against your proposal—by all means give it to them; if you like, introduce adult suffrage to-morrow, if those conditions prevail. But until those conditions have been introduced, until the general scale of education has been increased, until a sense of responsibility exists in those people whom you are about to give these powers, pause and consider what you are about to give them; otherwise I am afraid a time will come when the Government will have to come forward and make a declaration to this body that they made a mistake and they want to remedy it and that they must do this, that, and the other, and take such measures as will prevent the corporation elected by such uneducated and illiterate constituencies from running amok. My honourable friend Mr. Jadhav told you that the differences between the Patricians and Plebians were solved in the old Roman days, but he forgot to tell you that when those differences were adjusted, great care was taken in the old Roman constitution to provide that the Patricians should elect representatives from among the Plebians and that the Plebians should elect their nominees from amongst the Patricians to sit and represent them in the Roman Senate. That was brought about in order that the different interests might go welded together, and whilst each community and each section of the people might be properly represented they might elect such people as would be able to work together in the interests of the common aim. It was a surprise to me, Sir, that my honourable friend Mr. Jadhav should have opposed the proposal on the ground that the time for special electorates had gone and that we in this Council—in this democratic Council—in this democratic age should not ask for it. It took my breath away when I heard that Mr. Jadhav specially proceeded to England to secure special representation for Marathas. I am confident that, had it not been for the special endeavours of my honourable friend, the Maratha community would not have secured the number of seats which they now enjoy and for which he deserves the special thanks of his community. All that we want is, that the importance of educational and other qualifications of the responsible minorities concerned should be borne in mind and, if possible, consistently with the larger interests of the city, with the larger interests of the majorities, they should be given weight to, considered and suitably recognized, if possible, without detriment to their interests. That is all we want. What is contended is that their education should be considered, that their importance should be considered. I am quite willing that that standard should be applied. If the Parsis are given a number of seats in proportion to the educated element in their community and not to their total proportion or in proportion which the educated members of the community bear to the population of the city, I for one am quite willing to accept your decision. But until some such decision is arrived at, until some solution is found out of this difficulty, I venture to think that the bill before us is likely to work a great hardship upon an important minority to which I have the honour to belong.



Mr. IBRAHIM S. HAJI : Sir, as there is a garden party on Monday in connection with Mahomedan Educational Conference, I suggest that the House should sit on Monday from 12 noon to 5 p. m.

The Honourable the PRESIDENT (after taking the sense of the House) :  
The Council is adjourned till 12 noon on Monday.

*Monday, the 24th July 1922.*

The Council re-assembled at the Council Hall, Poona, on Monday, the 24th July 1922, at 12 noon, the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

*Present :*

ADDYMAN, Mr. J.

ADHAV, Mr. P. N.

BATLIWALA, Dr. S. S.

BENNETT, Colonel V. B.

BHATE, Mr. G. C.

BHURGRI, Mr. J. M.

BHUTTO, Khan Bahadur S. N.

BOLE, Mr. S. K.

BULLOCKE, Mr. A. GREVILLE.

CHITALE, Rao Bahadur G. K.

COOPER, Khan Bahadur D. B.

CRERAR, Mr. J.

DADACHANJI, Dr. K. E.

DALAL, Sardar Khan Bahadur ADARJI M.

DALAL, Mr. D. B.

DESAI, Rao Saheb HARILAL D.

DESAI, Rao Saheb D. P.

DESHMUKH, Mr. ANANDRAO SHRIPATRAO.

DRAKHAN, WADERO MAHOMED PANAH.

DUBHASHE, Mr. SHANKAR BALKRISHNA.

DWARKADAS, Mr. KANJI.

FERNANDES, Major C.

FERREIRA, Mr. D. J.

GANDHI, Mr. C. M.

GHOLAP, Mr. D. D.

GHULAM HUSSAIN, The Honourable Khan Bahadur SHAIKH.

GODAD, Khan Saheb ABDULLA AVJAL.

GRIFFITH, Mr. F. C.

GULAMHUSEN, Mr. SULTANALI SALEMANJI.

HAJI, Mr. IBRAHIM S.

HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA.

HAVELIVALA, Mr. M. H.

HAYWARD, The Honourable Mr. M. H. W.

HOOD, Mr. A. J. F.

HULKOTI, Mr. CHANNAPPA CHANVIRAPPA.

JADHAV, Mr. B. V.  
JEHANGIR, Mr. COWASJI.  
JUVEKAR, Mr. D. G.  
KALBHOR, Mr. G. M.  
KALE, Rao Bahadur R. R.  
KAMBLI, Mr. S. T.  
KANGA, Mr. J. B.  
KASSIM, Mr. G. H.  
KER, Mr. J. C.  
LAGHARI, Khan Bahadur KHAIR BAKSH.  
LAHORI, Khan Bahdur HAJI AMIRALI.  
LORY, Mr. F. B. P.  
MANSURI, Khan Saheb A. M.  
MEAD, Mr. P. J.  
MEHTA, The Honourable Mr. C. V.  
MOHOMED SALAHUDDIN K., Mr.  
MOTIRAM, Rao Saheb RUPCHAND.  
MOUNTFORD, Mr. L. J.  
MUTALIK, Sardar V. N.  
NILKANTH, Rao Bahadur R. M.  
NELSON, Mr. F.  
NIMBALKAR, Mr. K. B.  
PAHALANJANI, Mr. B. G.  
PAINTER, Mr. H. L.  
PARANJPYE, The Honourable Mr. R. P.  
PARULEKAR, Rao Saheb L. V.  
PATEL, Mr. B. P.  
PATEL, Mr. J. B.  
PAWAR, Shrimant J. A.  
PETIT, Mr. J. B.  
PRADHAN, Mr. M. W.  
PROES, Mr. E. M.  
RAHIMTOOLA, The Honourable Sir IBRAHIM.  
SAHERWALA, Khan Saheb I. A.  
SALGAR, Mr. R. G.  
SATHE, Rao Bahadur G. K.  
SETALVAD, The Honourable Sir CHIMANLAL.  
SHIRRAS, Mr. G. FINDLAY.  
SINDORE, Mr. H. N.  
SURVE, Mr. A. N.  
THAKOR of AMOD, Sardar NAHARSINGHJI.

THAKURDAS, Mr. PURSHOTAMDAS.

THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

The Honourable the PRESIDENT : Order, order . Further consideration of the second reading of Bill No. VII of 1922.

Mr. IBRAHIM S. HAJI (Bombay City) : Mr. President, I rise to support the second reading of this important bill. In supporting the second reading, I beg to draw the attention of this Council to the fact that the report of the select committee, to which the bill was referred after the first reading, has not materially altered the bill. The only change that has taken place (and that has taken place for the better) is that the number of the nominations by Government has decreased from 20 to 15, and now I find it has been increased by 1 to 16. But it is very regrettable that the select committee did not accept the suggestion which was laid before it, namely that of giving votes to the graduates.

The Honourable the PRESIDENT : I think you are, Mr. Haji, one day after the fair. It is a very good first reading speech, but it is not allowable to raise any question about franchise to graduates at the ward elections, unless you can bring it in as a separate constituency. You cannot bring it in as a constituency lumped up with ward elections. Subject to that, you are perfectly in order.

Mr. IBRAHIM S. HAJI : I am very thankful to you, Sir, for your guidance, but I referred to the graduates, because I find on the table this morning an amendment proposed by the Honourable the Minister in charge.

The Honourable the PRESIDENT : Do not anticipate any amendments. We are on the second reading ; just now, we have nothing to do with amendments, or what is going to happen in the future.

Mr. IBRAHIM S. HAJI : The report of the select committee is before the House, and I expect the second reading will not have a difficult passage. Some of my honourable friends, who are at present the members of the corporation, have presented a gloomy aspect that the future corporation will show by giving a franchise of Rs. 10 to the city of Bombay. I myself come from Bombay, and I think I must assure the other members who come from the mofussil—I feel it my duty to give them that assurance—that the city of Bombay expects the same kind of democracy and franchise to be given to it for the corporation as has been accorded to it for the Legislative Council. My friend Mr. Cowasji Jehangir told this House last Saturday that we ought to do justice to the city of Bombay, and he gave us a picture of the constitution that he would like the corporation to have, namely, 19 councillors from the Hindus, 19 from the Mahomedans, 19 from the Parsis and 19 from the Europeans and other communities. I never knew, Sir, that political science sanctions such a method of constituting representative institutions as that a representative body should have the members according to the strength of the population. I think Mr. Cowasji Jehangir.....

The Honourable the PRESIDENT : Will you kindly raise your voice a little, Mr. Haji ? I would not have asked you to do so, but there is a little whispering going on on my right side, and I do not want to interfere with the pleasure which honourable members derive by holding conversation. If you will oblige me by raising your voice, I shall be grateful.

Mr. IBRAHIM S. HAJI : I should be obliged if the other side took notice of what you have said. I think Mr. Cowasji Jehangir ought to be contented to see that any representative body is composed of the persons who really represent the masses outside the body. The ten-rupee franchise that this bill is going to give to the citizens of Bombay is that franchise which will take inside the corporation hall, to perform the duties on behalf of the city, those persons who are really competent and who are really able and justified to be on the benches of the corporation hall.

The point has been raised by the honourable member Mr. Petit that the corporation has got vast powers, and therefore the ten-rupee tenant of Bombay will not be capable of discharging his duty to the best of his ability. I am very much surprised that my friend from Bombay has estimated the abilities of the tenants of Bombay at a discount. The body in this Presidency which is more responsible and which handles greater sums of money on behalf of the public is this Council. The corporation's responsibilities are also limited. I think when the ten-rupee tenants go as the representatives in the corporation they will discharge their duties more efficiently and to the greater satisfaction of the citizens of Bombay than the corporation have done so far. I need not go into details as to how the future corporation will satisfy the masses in that city, but I must submit that the imaginary constitution given to this House by my honourable friend Mr. Cowasji Jehangir is not the constitution that will do justice, but the present bill—the bill introduced by the Honourable Minister for Local Self-government—will do something more than the justice that the citizens of Bombay demand from this House.

Then, there is a fear with respect to the Parsi community and that fear has been placed before us on behalf of that community verily by my honourable friend Mr. Petit and also Mr. Cowasji Jehangir. Up till now there has never been a time when the corporation has not got more than a sufficient number of Parsis on the corporation. But if one analyses the results on the basis of this ten-rupee franchise, Sir, you will see that the particular ward where there is a greater number of population of Parsis, and under the system of cumulative vote, I am sure that the fear entertained and cherished further by my honourable friends from Bombay will have no grounds to exist. It is to the interests of the Parsis and the other minorities that they should keep pace with the rising tide of democracy in the city as well as outside the city. And if the Parsis, like other communities, do not care to identify themselves with and merge themselves in the interests of other communities, but try to remain aristocratic bodies separate by themselves, I can only foresee, Sir, one thing that there will be difficulties and obstacles in the progress of our self-government in this country. I assure the Council and appeal to my friends from Bombay, particularly the Parsis, to merge themselves in and identify themselves with the onward march of this city towards democracy which this bill is offering to us and, if they did so, I submit, Sir, there would be no cause for them to feel surprised at the results that would be obtained under the elections which would take place under this bill. With these words, Sir, I ask this Council to heartily and sincerely support the second reading of this bill.

Mr. S. K. BOLE (Bombay City, North) : Sir, I rise to support the second reading of this bill. I think the bill is quite overdue. Up till now most of the seats on the Bombay municipal corporation were monopolised by the Parsi community. At present out of 72 seats about 21 members belong to the Parsi community, while the Hindu community, which has got a population of about

[Mr. S. K. Bole]

7,80,000, has only 22 members (hear, hear). And the Marathas and allied castes who form a major portion of the population of Bombay amounting to 5,00,000 have only three representatives on the corporation. These figures will show, Sir, how poorly the masses and the labouring classes are represented on the corporation. Notwithstanding this, my honourable friend Mr. Cowasji never thought of giving them adequate representation, and is it now fair for him to come before this House and ask for an undertaking to give adequate representation to his community? I may tell my Parsi friends that they need not be afraid of the franchise being lowered. In spite of the lowering of the franchise, I think, they will be able to hold their own. As big landlords, they will be able to secure votes from their tenants and also as big employers of labour, they will command a number of votes from their workmen.

It has been said that the masses are illiterate and that they will not be able to make proper use of their votes. But who is to be blamed for that? I think the corporators themselves are to be blamed for that. They have not introduced free and compulsory education in the city. Then again, ignorance is a factor which will go in favour of the employers of labour, as illiterate workmen are supposed to act up to the wishes of their masters while the literate workmen will not do that very easily. Besides most of the Parsis are all monied men, and I need not remind them that money makes the mare go (hear, hear). But I am surprised to see this enlightened, influential and wealthy Parsi community, who once ridiculed the idea of communal representation, coming before this House and pleading for the same privilege, the privilege of communal representation. I am afraid after some years it will be the turn of my friends of the Brahmin community, to come before this House and plead for the privilege which they once strongly opposed. But I am of opinion, Sir, that even by lowering the franchise to ten rupees the voting strength of the masses will not be much improved. There is a demand and that demand is growing that the franchise should be lowered to five rupees? Only the other day....

The Honourable the PRESIDENT: Order, order. That is beyond the scope of the bill.

Mr. S. K. BOLE: I bow to your ruling, Sir. I think under these circumstances if any special representation is wanted, it is wanted for the backward and labouring classes as well as the depressed classes. As regards the special representation in the case of Europeans and Anglo-Indians, I may say that I am not against giving them any special representation, but I was astonished to see them joining in the chorus of opposition. They will pardon me if I say that they have not taken the advantage of the privileges that were given to them. At the last election by the J.P.'s there was not a single candidate from those communities, and half the number of J.P.'s comes from those communities. They could have very easily elected nearly half a dozen of their members in the J.P. election. That shows how indifferent they were. Then again, Sir, some figures were asked by my friends. I think if they had the desire, they could have very easily got those figures from the municipal office, which is at their disposal.

It has been said it is not proper to term the present corporation as the corporation watching only the interests of landlords. But the very constitution of this corporation, as well as the administration of this corporation, will prove that. At present 36 members are elected by house-owners, 16 by J.P.'s

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and 2 by the Chamber of Commerce. 16 are nominated by Government and 2 by the university. These very figures will show that. And, as regards administration, if you compare the roads on the Malabar Hill and in the Fort—polished roads, I may say—with the filthy condition of roads in the slum areas in the northern part of the city, you will know what sort of administration it is.

I must take this opportunity of offering my congratulations to Government for taking this step and particularly to my honourable friend, Khan Bahadur Ghulam Hussain Hidayatallah, the Minister of Local Self-government, who is in charge of this bill, for taking this bold step in the cause of democracy and self-government. This action of Government coupled with the name of my honourable friend, Khan Bahadur Ghulam Hussain Hidayatallah will be memorialized in the history of the city of Bombay as well as in the history of this House. With these words I conclude.

Mr. S. T. KAMBLI (Dharwar District) : Mr. President, I rise to support the second reading of this bill. It has been urged, Sir, by the opponents of this bill that the masses are unfit and hence this change in the constitution should not be made. Sir, everybody knows that the whole of India, including every school of political thought, including every party in this country, is crying for complete self-government in India, and that too on the ground of complete fitness of the people to govern themselves. And again, it has been repeatedly urged that the Bombay province ought to be given full autonomy, and that too on the ground of fitness, and can it now be urged that the city of Bombay, which is the first city in the Presidency, is unable to govern itself on account of the alleged ignorance of the masses? I beg to submit, Sir, that if any city can be marked out for complete self-government in the whole of India—not only in the Bombay Presidency, but in the whole of India—it will be firstly and foremostly Bombay, and I am quite sorry, Sir, to see that some of the inhabitants of that very Bombay are opposing this very bill which is meant to be a distinct step in the advancement of local self-government in the Bombay Presidency. Instead of ruining the day, as my honourable friend Mr. Petit said, when this bill passes into law, I shall be one of those who will feel proud of having been a party to the passage of this bill. Sir, it has been said again by the opponents of this bill that the present corporation has served well and worked admirably well in the past, and therefore on that very ground no change should be made in its constitution. I beg to submit, Sir, that this view is quite opposed to the law of nature itself. Nature demands progress and improvement. Without progress and improvement any institution or plant, however well planned and nurtured in the past, is bound to and will have a tendency to deteriorate, and this is equally true in the case of the constitution of the Bombay municipality, however admirably well it may have served in the past. Every constitution must adapt itself, must be changed, so as to meet the changing needs, the changing requirements and the aspirations of the people for whose benefit it is meant. Now, let us see what is the present position of the constitution of the Bombay municipality. Out of a population of nearly ten to thirteen lakhs of people, the franchise is enjoyed only by twelve to thirteen thousand people under the present constitution. Is it not unfair, is it not unjust, that a very microscopic minority should rule a vast majority of the people? In these days of democracy, these very figures will suggest that the present constitution is an antiquated thing, an out-of-date thing, and demands immediate change.

[Mr. S. T. Kambli]

Sir, to take the other aspect of this question, let us see what the bill proposes to do. It goes far, but does not go far enough. It is only a modest step taken by the Honourable Minister in charge of the portfolio of municipalities. It only proposes to enfranchise a lakh of persons out of a vast population of thirteen lakhs of people for whose benefit the municipal administration is carried on. Now, what will be the result, if this proposed franchise is taken away and withheld from this population of nearly a lakh of persons out of thirteen lakhs? I would say, Sir, that it would be nothing but sheer robbing of these persons of the natural rights which they have to participate in the affairs of their own city. So, Sir, instead of perpetuating the gross injustice that has been going on in the history of the municipal administration of Bombay city for the last so many years, I think this Council would be well advised to support the second reading of this bill.

Dr. K. E. DADACHANJI (Bombay City, South): Sir, I rise to oppose the second reading of this bill. Mr. President, I do so not because the small minority of Parsis will suffer, but because it is a very bold step in the progress and, as it is said, the advancement of civilisation. From a landlord corporation you go all at once to a democratic form giving a tenant, who pays a rental of only ten rupees, this franchise. There is no intermediate stage, Sir. Of course, I do not grudge to give the franchise on the rental basis of ten rupees rent, but my objection, as I urged at the first reading, is this that without primary education, it is useless to give this franchise to these lower rental people. Let there be a spread of primary education everywhere and you can give universal suffrage, and we Parsis will be the first to come and support this sort of measure. We do not grumble, Sir. Much has been said in our name; they say that we, the Parsis and Parsis alone, are those, who object. We have done our humble best for the city in the interests of performing our civic duties and earned the encomiums and honours poured on us by the honourable member, Mr. Purshotamdas Thakurdas, and others. I say to my colleagues here that we do not care to be returned if you are not willing to return us, thus restricting the rights of important minorities. We will stand, however, and take our chance though against heavy odds as we stood in the past. We know that we shall be driven out, but let the world know after our defeats, that notwithstanding our colleagues praises, Parsis have got brains, and intellect and what not, and they will be surely elected and here is the result—there they are driven out by this measure. Mr. President, that being the case, I do not say that there should be no reform—let there be primary education everywhere, brought to the door of the humblest, and then, as my honourable friend Mr. Petit said, give adult suffrage to all. I am prepared for that. I said in this very hall and also in the corporation that I was for giving universal suffrage. But without education it is useless. I remember, Sir, at this distance a great writer on the French Revolution says that without the spread of education to the lower masses democracy is shameful. If you read Chesterton's papers on democracy, you will find that the word "democracy," is a Greek word. It is of Greek origin, and there too in Greece they carried it too far and the result was that it had become disgusting. I quite admit that there should be an advance and progress, but it must be on a certain basis not all at once from landlordism to democracy. It is a bold step and for this, I am afraid, we are drifting into confusion. Mr. President, it has been said by the Leader of the House that the corporation is to blame for the delay. Mr. President.....



The Honourable the PRESIDENT : Order, order. You refer to a speech made by the Leader of the House on a debate, which is concluded, and which was on the amendment for recommitment to the select committee. You cannot refer to speeches made in a debate which has been concluded, and on which the House has already pronounced its decision.

Dr. K. E. DADACHANJI : Mr. President, for these reasons I say it is useless to go on with this bold step.

My friend Rao Bahadur Chitale brought forward some syllogisms or logic pointing out that money is power ; and that Parsis have got money. This is an insinuation meaning that Parsis would go on bribing voters. My friend Mr. Bole also alluded to this, and he said that money would make the mare go. Parsis may have money and so there are other communities who have money but Parsis will not fritter away their money in this way and for nefarious purposes for they have got brains. (Laughter.)

My honourable friend Mr. Purshotamdas was I know a great supporter of twenty-rupee franchise. I do not understand why, when he spoke last, he gave a halting support to the second reading of the bill, which advocated ten-rupee franchise. Support or no support, I do not know of any intermediary stage between the two. When he talked of halting support, I think he will either remain neutral or vote against it. But for this halting support, one will have to live long and learn its meaning. I say, Sir, with these observations, I oppose the second reading of the bill.

Mr. C. C. HULKOTI (Dharwar District) : Mr. President, I rise to support the second reading of the bill. I have tried my best to follow closely the interesting debate on one of the most important questions of the day, namely, how the minorities should be protected in the local self-governing bodies. I must confess to a keen sense of surprise and disappointment that representatives of a very influential community like the Parsis of Bombay should oppose such a democratic bill as the one before us. The main contention on behalf of the Parsi community seems to be this : that the interests of the Parsis as well as Europeans are not properly safeguarded by the provisions of the amending bill. Speaking for myself, I must confess my inability to know exactly what my honourable Parsi friends mean when they say that their interests are not properly safeguarded. Do they mean that they should have communal representation provided for in the bill or that some seats should be reserved for their community in the multiple constituency ? So far as I have been able to follow their speeches, I understand no definite suggestion has been made one way or the other. But, Sir, I may draw the attention of this House to one important circumstance, namely, the personnel of the select committee. This House well knows that three Parsis were represented on the select committee. There they have had a nice opportunity of convincing the select committee as to how their interests are not safeguarded. Unfortunately, they lost the opportunity, and now for the first time they come before this House, and say that their interests are not properly safeguarded. How they are not safeguarded, they are unable to say in definite terms. There are three minutes of dissent in the report of the select committee.

First, I shall refer to the minute of dissent by Mr. Jehangir B. Petit. The honourable member who was quite eloquent in opposing the second reading of the bill yesterday in his minute of dissent, says : " I cannot see my way to accept the ten-rupee basis recommended in the report. " So also if we

[Mr. C. C. Hulkoti]

look into the minute of dissent by Dr. K. E. Dadachanji, he says that he is not prepared to accept the ten-rupee basis. Another Parsi friend of mine, Mr. Dumasia, opposed straightaway the principle of nomination altogether. So it will be quite clear from the minutes of dissent that have been annexed to the select committee's report, that they never raised any point other than the ten-rupee basis.

Therefore now, the plain issue before us is whether the present provisions, as amended by the select committee, have provided for adequate representation of the Parsi community. The answer must be looked for in our present conditions. Take the population of Bombay as the basis. I understand from the figures I have got with me that the Parsis form only four per cent. of the total population, which I am told is thirteen lakhs. On this basis they are entitled to only four seats on the corporation. Now the issue resolves itself into a simple question, whether it is likely or not likely that the Parsi community of Bombay would be able to return four men of their community to the corporation. But looking to the past history of the Bombay municipal elections, and also to the extraordinary powers of the united and organised action of the Parsi community, and looking to the enormous influence that this community wields in the city of Bombay, and also looking to the eminent services rendered by this community to the city as well as to the State, I feel a good deal of doubt if there is any one in this House who feels really diffident that the different constituencies of Bombay would refuse to send at least four representatives, to which, I have already said, they are entitled. But we must remember that in this transitional stage every community, whether advanced or backward, tries to assert its rights, and it is no wonder therefore that the Parsi community has begun to assert itself. My Parsi friends should remember quite well that they have hitherto enjoyed almost the lion's share of the powers of this corporation, and also they must remember that the Maratha community, which is nearly five or six lakhs, as just said by my honourable friend Mr. Bole, has had absolutely no representative on the corporation for a very long time, and so also, the depressed classes have no representative. Taking all these facts into consideration, I submit that my Parsi friends should rest content with sending as many representatives as is possible looking to its numerical strength in the city.

Now, Mr. President, I wish to say a few words on some of the remarks made by some of my Parsi friends with respect to the "rushing through" of this important bill. But, Sir, on Saturday, the Honourable the Leader of the House, Sir Ibrahim Rahimtoola, in a very effective speech showed how this beneficent measure was postponed from time to time on account of the actions of the corporation itself and how the Government were unable to take up this important legislation sooner . . . . .

The Honourable the PRESIDENT: Order, order. You are now again referring to arguments which were used in a concluded debate. That is not allowed by the Standing Orders.

Mr. C. C. HULKOTI: I bow to your ruling, Sir. Yesterday the honourable member from Ahmednagar, Rao Bahadur Chitale, told the House how vested interests at all times have come in the way of the general progress of the community as a whole. I want now to make it quite clear to this House that I am not wholly opposed to the principle of communal representation,

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but I feel that this principle has got certain limitations, and that its application is limited generally by certain conditions. And, in a country with different castes and creeds and religions and consequent want of identity of interests, some of the important minorities (as experience has shown) have found themselves so weak that their legitimate interests and aspirations and rights have been grossly neglected by some of the advanced communities. Such important, though smaller, communities do require some protection, but I submit that the Parsi community does not answer this description.

The main apprehension of my Parsi friends seems to rest on two important grounds. The first ground that was made by my honourable friend Mr. Jehangir Petit was that the present franchise of ten rupees would give votes to a very large number of people, and, secondly, that the ignorant masses of the town of Bombay would be given the right of voting and therefore it is not likely that the Parsis would be adequately represented on the corporation. As to the first ground, I beg to submit that though what he expects may possibly be the case, he forgets one fact, namely that in such a big town like Bombay where the population numbers about thirteen lakhs, only one lakh of people would be enfranchised even on this ten-rupee basis and about twelve lakhs would be left out in the cold. This we have to remember, and therefore it cannot be said for a moment that the franchise proposed in the bill is very low. Secondly, it is suggested with great force that ignorant people cannot exercise their votes properly, but I beg to submit that if it is not possible to have an intelligent electorate in a Presidency town like Bombay, how is it possible in the mofussil municipalities where the franchise is lowered down to even eight annas? If a man in the street is entitled to a vote in the mofussil municipalities, is it likely that it could be said with some force of reason that it is not possible to have a sufficiently intelligent electorate to exercise votes in a city like Bombay? Therefore the apprehensions felt by my Parsi friends I think are rather unfounded and they have no reasonable cause now, looking to the democratic provisions of this bill, to grumble, and I would therefore ask my Parsi friends to accept this legislation with boldness and courage, and to try their very best to send as many representatives as possible to the corporation to safeguard their interests. With these words, Sir, I wish to support the second reading of the bill.

Sardar Khan Bahadur A. M. DALAL (Broach District): Sir, I did not intend to take part in the debate this morning, but inasmuch as the Parsis have bulked very largely in Saturday's discussions and also in this morning's debate, I must speak that it is not right for a Parsi to say anything for the Parsi and the European communities. I leave aside that question, because the Parsis and the Europeans will stand on their own legs. I give my halting support to the bill, and in doing so I am in good company with my honourable friend Mr. Purshotamdas Thakurdas, because the lowering of the franchise is bound to deteriorate the calibre, the strength and the intelligence of the present corporation. I firmly believe and honestly believe (although I know that my opinion is not worth much in this Council) that when we consider very urgent and important and large questions which the municipal corporation takes up in the near future, when sanitation is so very backward and when we have to fight the appalling mortality of infants, when electrification is likely to come in the near future, when the development scheme is in the forefront and many large and important questions are to be considered in which the best men

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of sober judgment are required for exercising their verdict, I think that this democratising of the electorate is rather premature. I do not want you to think that I am standing only for the Parsis just at present; of course, I do want the other communities to come in, but I say for the good name and prestige and for the strength of the corporation of Bombay, that it should not suffer by this premature step. If I am convinced that by the new electorate from the other bodies apart from the Parsis and the Europeans, their places will be taken by men as good as the late Telang, Badruddin Tyabjee, the late Sir Pherozeshah Mehta and other Hindu and Mahomedan gentlemen, I should be quite content, because we are to consider the status and the good name and the reputation of the corporation of Bombay. Therefore, I am in good company with my honourable friend Mr. Purshotamdas Thakurdas and the Honourable Leader of this House, that if it could be possible to keep the franchise at twenty rupees (as twice proposed by the corporation of Bombay), I think that would be a very right step. Although I know that there is a forlorn hope of the twenty-rupee franchise being accepted by the Council, I hope that the good sense of the House will prevail and that the twenty-rupee franchise will be maintained. With these remarks, I beg to give my halting support to the second reading of the bill.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Sir, I wish to make a few remarks in connection with this debate. ....

The Honourable the PRESIDENT: I think the time is now come when I ought to give a warning to the House. I have allowed some latitude so far, but I hope honourable members will not repeat arguments which have already been used by several honourable members. There is now just a tendency to get into tedious repetitions of the same arguments.

Sardar V. N. MUTALIK: I shall remember your wishes, Mr. President, and try to be as brief as possible. The great change that this bill is introducing is to change the corporation from a landlord corporation into a tenant corporation, as the honourable member from Bombay, Dr. Dadachanji, has said. Certainly that is in accordance with the signs of the times. I have got my fullest sympathies with those persons who are interested in the landlord interest, and I know exactly what the feelings of that class are and what the difficulties and what the fears are, and they are really justified in entertaining those fears. I do not know exactly whether the issue of the discussion is the landlord interest, or the communal representation. If it is communal representation along with the landlord interest, I think even in that I am interested, but I must warn all my friends in this respect that although I am interested and I shall always support those claims in that respect, still it is certainly against the current of the times and the principles that have already been adopted in this Council and in the new reforms. On this question much has been said by the most eminent authorities in the Montford Report as it is called. All the arguments are given there and I do not wish to trouble the House by repeating the same arguments but I will only refer to the report. It is said there that communal representation is not used in these times. Let us move along the current.

Mr. COWASJI JEHangIR: How did you come to this Council?

The Honourable the PRESIDENT: We cannot now discuss the question of communal representation in that way. On the motion for the second reading, you ought to confine yourself within the four corners of the bill.

Sardar V. N. MUTALIK : Coming to the arguments put forward by my honourable friend Dr. Dadachanji that primary education is absolutely necessary for wielding all franchises, I beg to differ from him in this respect. I do not think that it is absolutely necessary in a democratic age for a man who has a strong common sense. If the electorates have sufficient common sense to know their responsibility and how to exercise the right of vote, I think that is quite sufficient, and I do not care whether they are educated or uneducated. Many voters exercise their rights of franchise by using their discretion in spite of the fact that they are not educated at all and they attach thumb impressions on the voting paper.

As regards the representation of Parsis, I might say that we have got here a number of Parsis returned by rural districts. Perhaps there are only a dozen Parsis in the whole of my district, and yet my honourable friend Khan Bahadur Cooper has been returned by a community in opposition to a member of the same community. With these words I support the second reading of the bill.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Sir, I would like to reply to some points that have been raised against the second reading of this bill. I will first of all deal with the objections raised by my honourable friend Dr. Dadachanji. He calls it a bold step, but there is a large majority of members in this Council who do not call it a bold step, but they say that it is not of a far-reaching character. Thus it is clear that there is a great difference of opinion in this House and the House does not call it a bold step at all. Then Dr. Dadachanji made another point that the propagation of primary education is absolutely necessary for the electorates. May I put it to him, whose duty is it to educate the people ? It is the duty of the Bombay corporation. They have not carried it out. A good deal of abuse has been poured on those people who enjoy ten-rupee franchise, but it does not lie in the mouths of those who have been returned by those very voters and who have come here as their representatives to run them down (hear, hear). Now again, from the trend of the debate I understand that the interest of the minorities could only be safeguarded by communal representation, that is, that one community in a most cosmopolitan city like Bombay is not safe in the hands of others, in other words, one community cannot be satisfactorily represented by members of another community. If we push this argument to its logical conclusion, what about the lakhs of dumb inarticulate masses in the city of Bombay whose interests actually clash with the interests of the classes ? How should we leave their interests in the hands of a handful of people ? By this bill these inarticulate masses will be represented and they will be able to safeguard their interests.

Another argument was that of Dr. Batliwala, that the Bombay corporation possesses larger powers than this Council. Even if we concede that proposition, that is all the more reason that the corporation ought to be more representative. A very large section ought to be represented in a corporation which enjoys wide powers. This bill intends to give people the right to vote. Again it was said that it is a radical change from a rate-payer to ten-rupee rent-payer. Some thought that twenty rupees was the best solution. What is the number of voters in the twenty-rupee franchise ? As Dr. Batliwala says, there are 50,000 or 60,000 voters. This number has to elect 76 members. By canvassing a few hundreds, you can secure a seat. Divide 50,000 or 60,000 by 76 and with the cumulative right of voting, we will have 400 to 500 voters for a seat. My

[Khan Bahadur Sheikh Ghulam Hussain Hidayatalah].

honourable friend Mr. Petit's point is this. He says these people who have a right of ten-rupee franchise will either play into the hands of landlords or into the hands of irresponsible people. If they will play into the hands of landlords, it is much to the interests of the latter who will be returned in larger numbers. What is the difference between the people who pay ten rupees and who pay twenty rupees? They will equally play into the hands of landlords. One is as bad as the other.

Bill read a second time.

Question put and agreed to.

Mr. COWASJI JEHangIR : I desire to move an amendment.

The Honourable the PRESIDENT : You cannot do it now. I am going to read the bill now clause by clause. You may afterwards move the amendment which you now propose.

Before I read the bill clause by clause, I wish to make a request to the Council. Most of the amendments, I ought to say, especially those which relate to clause 3, have been sent in in such an irregular form that it would have been within my power to rule them out of order at once. But on this occasion I do not wish to be very rigid. Honourable members will hereafter take care to frame their amendments in proper form. I have had a great deal of difficulty in reducing order out of the chaotic form in which amendments have been sent to me.

Another request I have to make is with reference to all clauses, and especially clause 3. I hope honourable members will see that there is no slip made. If I make any slip, I hope they will correct me, as I have to be very careful and put the clauses in proper form and language, so that there may be no trifling with the bill when it comes into shape. There should be no incongruities or inconsistencies, because some of the amendments which have been sent in mix up different subjects and follow one another in such a way that it is sometimes very difficult to fix their proper place in the bill. But I have tried to do my best, and I hope honourable members will co-operate with and help me.

*Bill read clause by clause.*

Clause 1 (*short title*) ordered to stand part of the bill.

Clause 2—(*Amendment of section 3 of Bom. III of 1888*).—"In section 3 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act, clauses (g), (h), and (j) shall be repealed.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, the amendment that stands in my name is as follows :

"In clause 2, remove letter '(h)'. "

I do not move the amendment, because there is a similar amendment as regards clause 3. In '(h)' there is the definition of the word 'Fellow'. 'Fellow' means a Fellow of the University of Bombay. As that word is inserted elsewhere in clause 3 as "Fellow of the University of Bombay", I do not intend to move the present amendment.

The Honourable the PRESIDENT : Where is it defined in clause 3? Let us not be led into a trap. Are you going to give up the question about Fellows' franchise as a constituency by itself?

Mr. B. G. PAHALAJANI : In '(h)' the principle of Fellows is not mentioned. It is only the definition.

The Honourable the PRESIDENT: But the definition means a very important thing, and it covers the principle. If you give this up, the other thing, viz., forming Fellows into a constituency which you support will fall through. Are you opposed to that principle about Fellows?

Mr. B. G. PAHALAJANI: I am not.

The Honourable the PRESIDENT: Let it be remembered then that definition is a very important part of the framework of a bill. I was wondering why the Honourable Minister himself had not given notice of the amendment of which you have given notice.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: It is being typed, Sir.

The Honourable the PRESIDENT: This amendment is very essential, unless you are going to give up the whole thing about Fellows of the University. You had better move it, Mr. Pahalajani, if as you say, you want the Fellows formed into a separate constituency.

Mr. B. G. PAHALAJANI: Sir, clause 2 of the bill reads as follows:

"In section 3 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act clauses (g), (h) and (j) shall be repealed."

Clause (g) defines a Justice of the Peace, and clause (h) defines a Fellow, meaning "a Fellow of the University of Bombay." It was intended by this bill to remove the special election of a municipal member by the Fellows of the University of Bombay, and it was in that case considered necessary to remove from the Act, the very definition of the words 'Justice of the Peace' and 'Fellow'. As honourable members will see, and the Chair will see, in this case, there are many amendments on the point, out of which one is by the Honourable the Minister in charge of the bill himself, that one seat may be assigned to the Fellows. I think the retention of the definition of the word 'Fellow' in clause (h) of section 3 of the Act will be therefore absolutely necessary. Whether this House comes to the conclusion hereafter that a seat should be given to the Fellows, it does not materially, or in the slightest degree affect the retention of clause (h) in section 3 of the original Act. It only defines the word 'Fellow,' meaning a Fellow of the University of Bombay. Its retention will not affect any determination by the Council of the question hereafter. It is merely a formal definition of the word 'Fellow' and I submit that this definition of the word 'Fellow,' in clause (h) may not be repealed, but may be retained in the Act for further reference.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Sir, I am prepared to accept the amendment proposed by Mr. Pahalajani.

The Honourable the PRESIDENT: Will you please explain to the Council the purpose?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: The object, Sir, is that I have another amendment in my name by which I propose that a seat be given to the Fellows of the University of Bombay. Therefore, the retention of the letter '(h)' in clause 2 of the bill will be necessary. Therefore, I accept the amendment of my honourable friend that the letter '(h)' be retained there.

Amendment put and agreed to.

The Honourable the PRESIDENT: The House will realise the importance of this decision. Mr. Surve's amendment to clause 3 and Mr. Haji's amendment to clause 3 fall to the ground.

Rao Bahadur G. K. SATHE: Sir, I want to bring to your notice the fact that we have not been supplied with copies of the Bombay City Municipal Act.

The Honourable the PRESIDENT: Cannot honourable members buy copies for themselves?

Rao Bahadur G. K. SATHE: It is customary to supply us with copies of the Acts for our use during the debates.

The Honourable the PRESIDENT: That is not a point of order. I am not responsible for it. If you are not provided with any copies of the Act, you ought to write to the Secretary and then I can forward your request to Government unless you want me to do it out of my own funds. I am told the Act is out of print.

Rao Bahadur G. K. SATHE: So you cannot buy it even.

The Honourable the PRESIDENT: Is the Honourable Minister for Local Self-government going to move his amendment?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: No, Sir.

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

The Honourable the PRESIDENT: I have already said that the amendments of Mr. Haji and Mr. Surve fall to the ground in consequence of the decision at which the House has arrived on the subject of Fellows. The definition of "Fellows" has been inserted with a set purpose, namely, to bring in "Fellows" as one of the constituencies. That being so, neither the amendment of Mr. Haji nor that of Mr. Surve, is consistent with that decision. Both the amendments are incomplete inasmuch as they do not provide for Fellows, and the rule is that every amendment ought to be reasonably complete enough to be put forward from the Chair for debate.

*Clause 3.—(Amendment of section 5 of Bom. III of 1888).*

For sub-section (1) of section 5 of the said Act, the following sub-section shall be substituted:—

- "(1) The corporation shall consist of one hundred councillors, as follows, namely:—  
 seventy-six councillors elected at ward elections;  
 four co-opted councillors elected by councillors elected at ward elections;  
 fifteen councillors appointed by Government;  
 five councillors elected as follows:—  
     one by the Bombay Chamber of Commerce,  
     one by the Indian Merchants' Chamber and Bureau,  
     one by the Bombay Millowners' Association,  
     two by such associations or bodies as Government may determine."

Mr. COWASJI JEHangIR: Mr. President, I beg to move that

"The word 'hundred' in clause 3 (1) be deleted and the words 'one-hundred and six' be substituted therefor."

The Honourable the PRESIDENT: The proper form is

"Leave out the word 'hundred' in clause 3 (1), and insert instead the words 'one hundred and six'."

Mr. COWASJI JEHangIR: Sir, I will very briefly explain what this is for. I have given other amendments which provide for ten members being co-opted instead of four. If that is to be accepted by the Council, the number of the corporators must be increased from 100 to 106. Will it be in order Sir, if I explain all the amendments together in one speech as they are all connected?



The Honourable the PRESIDENT : You are perfectly in order to explain and to say all that is relevant to make it clear. You can go on in your own way.

Mr. COWASJI JEHangIR : Sir, the amendment that I place before you will have this effect upon the bill.

Mr. B. G. PAHALAJANI : We are not aware of any amendments of Mr. Cowasji Jehangir.

The Honourable the PRESIDENT : The amendment is that the number of 100 councillors be increased to 106.

Dr. S. S. BATLIWALA : He has got some more.

The Honourable the PRESIDENT : Do not anticipate him. One thing at a time. Mr. Cowasji Jehangir has raised a very important point. In the case of a number of amendments to a clause where amendments so hang together, the usual parliamentary practice is for the Chair, with the consent of the House, to allow a general discussion upon that amendment which gives the widest scope for discussion. Now this amendment gives the widest scope for general discussion, and I will allow it subject to this condition that in subsequent amendments speeches will have to be very brief. If the House consents to that economy, I will allow; otherwise I shall have to confine the speeches to the strict limits of the amendment proposed.

Mr. COWASJI JEHangIR : Sir, my amendment will have the following effect upon the bill. The bill at present contemplates having 100 members for the corporation. I desire that this number should be increased to 106. The bill at present contemplates that those elected by the wards alone shall co-opt four members. I desire the Council to consider the question of increasing that number 'four' to 'ten', who should be elected by the 96 councillors of the corporation which will be formed as follows :— 76 elected by the wards, 15 nominated by Government, 5 as provided in line 20 of clause 3 of the bill by the election of councillors by certain associations making up 96. I desire that all these 96 members after they have been elected and nominated shall meet and co-opt ten members. That, in short, is the result of my amendment.

Now, Sir, the reason why I have moved this amendment is that I am of opinion that when the corporation has been formed, incompletely formed, that is to say, when 96 members have been elected and nominated, they will be in a good position to be able to judge for themselves which other members, which others, who deserve to be in the corporation but have been left out, should be included and this amendment will give them an opportunity of adding ten more to their number. It is quite possible that a citizen of Bombay who has rendered good services in the corporation in the past, who has been a most useful member, may either be thrown out or may not desire to stand for election. It will give his colleagues an opportunity of co-opting him and making him a member of the corporation. That was the principle which led the framer of the bill, I believe, my honourable friend opposite, to include this principle of co-option in the bill. I only desire to carry it a little further and I trust the Council will agree with me that by this method the members of the corporation will be enabled to include amongst themselves at least ten good men and true. I will have a chance of replying and therefore do not desire to take up the time of the Council just now. I have given my reasons shortly. I will make any points clear, if it is necessary to do so, in my reply.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Mr President, I believe the amendment requires more careful and closer consideration than appears necessary on the surface. When we discussed this motion last time, it was pointed out that the important minority interests were not sufficiently safeguarded and fears were expressed in this House that, the election being more largely left to the masses, the danger was that they would not return a certain number who would make very desirable members of the corporation. I fail to see how this amendment, by an addition of six, is going to remedy that, unless you have kept up your sleeve something in the form of bringing in communal representation. If that is intended, I think it is perfectly fair that it should be mentioned now. I wish to point out, Sir, with the fear that the 76 elected members would very largely come from the proletariat, that is, ordinary citizens, as opposed to the landlords, when they have a clear majority in a house of 95, I fail to see, unless their choice is restricted by some clever means, how that choice is going to bring in the larger minority interests. Unless, therefore, the whole game is put before us in a clear and straightforward manner, I think this House will be very well advised in not voting for this additional strength. If it is intended that by the addition of those six members,—those six members will have to be from a particular community—the question of communal representation is open to us for discussion, and there might be quite a difference of opinion, honest difference of opinion, on that particular phase of the question. If, on the other hand, these 95 people, who are good and true after election, would certainly exercise their right in the manner expected, I have my own fears, because elections do not usually go by the method that we want. Usually they do not elect the best men and I do not think they will be guided by any choice which we at present have in mind. From that point of view, the amendment will defeat its own end. In fact, the addition of this strength will be an additional strength put in the hands of persons who, from your own point of view,—the ratepayers' point of view,—are an undesirable entity. Under those circumstances, I take it that the object of the amendment is this, that afterwards, when we come to consider their choice, it is restricted in the way that those six members shall come either from the Parsi community or the European community. If that is so, I think it is perfectly fair, and perfectly square too, that that intention should be disclosed at this stage of the discussion, because in that case we will be able to give our intelligent vote. Otherwise, what will happen is this. We will pass this amendment of 106. Then we will have to make up our minds as to how the 106 are to be made up. We do not want to be caught in that particular net. We want preferably to utilise such machinery by which important minorities will be represented, but we refuse to be drawn in into any net by which that thing is going to be achieved by communal representation in one form or another. If communal representation is intended, let that be said now and let us discuss it, and afterwards we will form our own judgment. With these words I wish that the point had been a little further explained, and then I would be able to exercise my choice whether to vote for or against the amendment.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Mr. President, I beg to support the amendment moved by my honourable friend Mr. Cowasji. He has explained the purpose which the amendment has in view. But it may be made a bit clearer by mentioning the fact that it is intended under his amendment that the co-opted members should be elected not merely by the members elected from the different wards, as at present provided, but by the corporation as it would be formed upto that moment under the bill, consisting of 76 representatives of the wards *plus* four members to be elected by the four bodies named in the bill, and sixteen members, to

[Mr. Jehangir B. Petii]

be nominated by the Government. The idea is that the corporation, as constituted up to that stage, would be so composed as to be better able to take into account the merits of important minorities than would be the corporation composed of 76 members only, drawn absolutely out of the constituencies composed wholly of rent-payers. It is further provided, as my honourable friend Mr. Cowasji will, I am sure, make clear in the course of his reply, that such election is to be made by transferable vote in order to make assurance doubly sure. It is thought that by this process it would be possible to provide for the representation not only of important minorities but also the election of old and experienced citizens and ex-corporators more easily than would be the case with the machinery now laid down in the bill before us. I myself am in entire agreement with the principle and object of Mr. Cowasji's amendment; and I am sure, the Council, if they consider it a little more closely, will come to take the same view. For all these reasons, Mr. President, I beg to support the amendment, moved by my honourable friend Mr. Cowasji, and hope the House will accept it.

Mr. PURSHOTAMDAS THAKURDAS : Mr. President, before I speak on the amendment, may I ask if you would consider it in order for me to move that this part of clause 3 might be taken in hand either at the end when we have gone through the other sections which form the various component parts of the clause, namely, how many are to be nominated and how many elected, so that we could decide whether the total should be 100 or 106? If you, Sir, make us decide the total now, we shall be committed to 106, and when we go through the details, the Council may throw out the amendment regarding nomination or co-option. Would it not be in order, Sir, to take this particular amendment at the end?

The Honourable the PRESIDENT : Then, you may move a motion to that effect.

Mr. PURSHOTAMDAS THAKURDAS : Mr. President, with your permission, therefore, I beg to move that the consideration of this amendment be postponed till after the rest of the clauses have been disposed of. There will be no difficulty at all. The decision of the House on the other amendments will settle the question whether the number should be 100 or 106.

Mr. M. A. HAVELIVALA (Bombay City) : Mr. President, I am afraid we are beginning at the wrong end. I quite agree that the amendment of Mr. Cowasji Jehangir requires.....

The Honourable the PRESIDENT : What is your difficulty?

Mr. M. A. HAVELIVALA : First of all, let us have a definite number as to the constitution. Otherwise how are you going to say that 70 or 60 should be elected by wards, and then fill in the gaps with co-opted members?

The Honourable the PRESIDENT : I do not know whether it is the right or the wrong end; it will be for the House to decide which will be more convenient to the House. I can settle only points of order. If the general wish is that the suggestion of Mr. Purshotamdas is convenient, the House may decide so, but the ultimate authority lies with me.

The Honourable Sir CHIMANLAL SETALVAD : Mr. President, if you take up the question of the total number in the abstract, it is very difficult to decide. If you instead consider first how many you want from the wards, how many by co-option, and how many by nomination, then the total will work out itself.

The Honourable the PRESIDENT : That is common sense. Mr. Cowasji Jehangir.

**Mr. COWASJI JEHangIR :** Mr. President, I beg to move

That the following words in clause 3 be omitted :—“ Four co-opted councillors elected by councillors elected at ward elections ; ”

Another amendment which will provide for 10 co-opted members will come at the end of the clause. In order to enable me to do that, these lines must be omitted. You see, Sir, that clause 3 provides that there should be “ four co-opted councillors elected by councillors elected at ward elections ”. I desire to add at the end of the clause—which I propose to move with your permission, Sir, later on—the following words “ ten co-opted councillors elected by transferable vote by 96 councillors elected and nominated as above ”. You will find that when this comes at the bottom of clause 3, above it will be the following :

“ 76 elected by wards, 16 nominated, and as regards the other councillors, one by the Chamber of Commerce, one by the Indian Merchants Chamber and Bureau, one by the Millowners' Association.”

Another amendment will be moved for one representative by the Fellows of the University of Bombay. That will make 96. These 96 will be required to elect ten councillors. I believe, Sir, I have made myself quite clear.

The Honourable Khan Bahadur **SHAIKH GHULAM HUSSAIN HIDAYATALLAH :** I am prepared to accept it, Sir.

**Mr. G. B. TRIVEDI :** This also should be taken along.....

The Honourable the **PRESIDENT :** Order, order. Mr. Trivedi, I have already said that there is common sense in the suggestion of the Honourable Member of Government, Sir Chimanlal Setalvad. Everything will have to be considered.....

**Mr. G. B. TRIVEDI :** It is not my wish to address the House.

**Rao Bahadur R. R. KALE :** The effect of this will necessarily be to accept the amendment, namely, the changing of the number from 100 to 106.

The Honourable the **PRESIDENT :** Mr. Cowasji Jehangir's scheme is on the basis of 106, and he is leading the House to it.

**Rao Bahadur R. R. KALE :** Exactly so. Therefore, I say that if we are led into it, we shall practically be obliged to accept 106. (Cries of ‘ yes, yes ’ and ‘ no, no ’.) There is no use saying ‘ yes, yes ’ and ‘ no, no ’. If the amendment is accepted, really speaking the number will come to 106. Therefore the Council will see the effect of it before accepting this smaller amendment. Now, Sir, I am opposed to this increase in the number of co-opted members. There is a certain limitation to be placed upon the co-opted members ; the original number of co-opted members was four. Now that is being suddenly increased from four to ten, with an increase of six only in the total number of councillors. When there were 100 councillors, we had four co-opted. Now when we have 106, we are going to have ten co-opted members, so that that is a change which is a very radical change and in my opinion cuts at the very root of the principle of the wide franchise. You have an instance in the original councils—the franchise was limited to the municipalities and local boards, which bodies were said to be elected by the ratepayers and the members of this Council were elected by the municipalities and local boards. In a way the present attempt amounts to that. First of all you constitute a municipality consisting of 100 members and that municipality is to elect ten more members so that the extension of the franchise really speaking loses half its importance, and I submit therefore that the Council will be well advised

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in not accepting this amendment. This really cuts away from the benefit which is to accrue from the franchise being directly exercised by the people at large. When you have a wide electorate and the franchise belongs to that wide electorate, these people will be in a position to directly elect members to the municipality. Here you are going to have a very large increase in the members, and again you will see that that increase is to be made by co-option and that co-option is to be not only by the elected members but also by the nominated members. You are going to have later on the 76 elected members or whatever the number is, and the nominated fifteen or sixteen. These elected and nominated members are to hold an election as it were; co-option means nothing more than an election by a body constituted like this, and I submit therefore that it is really a very great departure from the principle of direct representation which is the object of the bill. You want democratisation, that is to say, the electorates must have the right directly to send a man to represent them, but by adopting this procedure, I think we shall be losing the benefit of the proposed democratisation of the constitution. I therefore think that this amendment should not be accepted, and of course naturally the other amendments, when they will come, will also have to follow suit. But this cuts at the very root. If we take it in this order, it amounts exactly to the same thing, namely, you have to consider the broad question of the change from 100 to 106 and from 4 to 10 co-opted members. So these are the two principal points to be considered, whether you would like to have such a large number as ten to be elected by an elected body. If you increase the number of the elected members (meaning that the electorates directly, instead of sending 100, send 106), that might be a different thing, but here you are going to increase the number of elected councillors not by a direct exercise of the right of franchise but by, really speaking in an indirect way, giving the power to a smaller body, and I would therefore submit to the Council that the amendment should not be accepted.

Mr. B. V. JADHAV : Sir, I rise to support the amendment moved by my honourable friend Mr. Cowasji Jehangir. The question before the House is whether the number of co-opted members should be raised to ten from four. If the principle of co-option is once admitted, I do not think it one's worth while to cavil at the number ten or four. If you want to have a direct election by the voters, then the best course will be to strike at the number four, but if co-option is to be allowed, then I do not see any reason why one should stand at the number four. If in the opinion of this Council it is best to have it increased to satisfy certain sections of the community, I think it is worth our while to have a peaceful atmosphere by accepting this amendment. At the same time I have to urge another thing; in the amended bill, as originally drafted, it was stated that the co-option should be by the 76 elected members. Now it is sought to widen that right of co-option to include also the nominated members. I do not see any objection to that also; because when these members are nominated, they become members of the corporation having the same rights and duties, and it will be I think right to give to the nominated members of the corporation the right to vote for co-opted members. So I think there is very little importance in cavilling at this and I support the amendment.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, it appears that the question of election and election *plus* nomination and co-option requires a somewhat more serious consideration. In all countries this election of aldermen or co-opted members is exercised and rightly exercised by people who are

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directly elected, that is to say, the people have got a voice and can take to task the particular members who exercise that particular right which is vested in them, and it is a question of confidence. Now, Sir, here that right is sought to be centred or given to one-fourth almost of the whole corporation and that also by means of a transferable vote, so that a part of the unwary councillors may be taken in in such a way that the choice at least for the next few years....

Mr. M. W. PRADHAN (Thana District) : Mr. President, I rise to a point of order. The honourable member is making a second speech.

The Honourable the PRESIDENT : No, Mr. Pradhan, I am afraid you were sleeping (Laughter).

Rao Bahadur G. K. CHITALE : I hope, Sir, the House appreciates my point. The point is this that the principle of co-option is conceded and whether it is four or ten does not matter. But the principle on which that is based is rather very important, whether this House is prepared to transfer that right to elected *plus* nominated members or whether, as in other countries, this House would like the elected members to exercise that choice which is a very responsible matter, so that the elected members may be taken to task for exercising any bad choice ; that is a principle, Sir, which must be considered very carefully. And then again, the honourable proposer of the amendment has warned you that that choice is to be exercised in a very clever way by means of a transferable vote. I remember many of the councillors here, when they had that choice to be exercised in the first elected Council, forgot in fact and did not understand (if you will pardon me) how they had to exercise that choice. So, what is thought is this, these twenty clever men who will be nominated and partly come in as representatives of the various associations who would understand the proper bearings of the transferable vote, would certainly exercise or combine in such a manner that the vote of the 76 councillors would go to nought. The point therefore is of nomination and ought not to be trifled with in this way. This method of co-option should be in the hands of the electorates only and none else. Let there be a clear cut issue here. Co-option should be exercised in one way only, namely, by elected members. You are to be warned against the change you are making.

Mr. G. B. TRIVEDI (Thana District) : There is dilution with the principle of the bill. We have 76 direct representatives, four from different associations. That makes 80 and 4 co-opted by the elected members. We have been given no reason here to-day as to why this increase of co-opted members is necessary. I do not see that these co-options should be raised from four to ten, six more representatives, some minorities, or somebody.

The Honourable the PRESIDENT : The question is whether the number of co-opted councillors should be increased. Please confine yourself to that.

Mr. G. B. TRIVEDI : In the free franchise as given to the city of Bombay 76 are elected and there is a suggestion that six should be co-opted. Then you have ten co-opted, and fifteen nominated, so you will have 25 indirect representatives of the Bombay city, nominated in another way and 76 elected at ward elections. So you have here now two houses, a House of Commons and a House of Lords—one representing the proletariat and the other representing people who do not want to face election. To equalize the great interests of minorities, you have fifteen nominated members. Why do you want these 21 seats in the city of Bombay to be separated ? Why do you want to go by an indirect representation and minimise the proportion of elected to non-elected ?

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You have 81 seats against 19. Now you will have 81 against 25 that means that the proportion of representative to non-representative increases. Therefore, I oppose on the ground that the principle of the bill is sought to be diluted.

Mr. S. K. BOLE (Bombay City, North): I rise to support the amendment of Mr. Cowasji Jehangir. I think the right of co-option has already been introduced in the municipal corporation. The principle of co-option has already been in existence in the municipal schools committee and I do not see why we should oppose the amendment of my honourable friend Mr. Cowasji Jehangir. We all should support it. With these words I resume my seat.

Dr. S. S. BATLIWALA (Bombay City, North): It is a matter of satisfaction that the Council is inclined to recognise that no injustice should be done to any one class in Bombay. They have accepted the principle of co-option by suggesting the co-option of four gentlemen. Now it is sought by the amendment to increase that number from four to ten. I can very well understand the reasons which may have prompted the proposer of the amendment to have the power, because if some important persons are not elected and if they are more than four he will have the chance of bringing these people in. Honourable members have expressly said that they are not against important minorities. If they are true to their conviction and if they could trust the corporation composed of elected as well as nominated members, I do not see why there should be any fear to increase the number of co-opted members from four to ten. It does tend to bring about harmonious relations between different communities, and it does tend to do justice to different classes of people, who are fit and suitable persons to be representatives on the corporation. I hope, sir, the Council will come to this simple solution, which, though it may not absolutely satisfy those that feel that they will be in the extreme minority and they will not be represented on the corporation, yet it will make provision for those who are deserving and those that are suitable and those that are fit. I therefore support the amendment.

Mr. IBRAHIM S. HAJI (Bombay City): I rise to oppose the amendment with a very strong protest. The amendment proposed by my honourable friend Mr. Cowasji Jehangir is this that instead of four to be co-opted by the councillors elected at ward elections, ten should be co-opted by the corporation and the rest of the corporation by transferable votes. The arguments that are brought forward are these. The corporation constituted of members elected at ward elections and nominated members will try to bring by co-option some important persons and particularly those persons who are expected to render good service to the corporation so that they will have an opportunity of going to the corporation through these means. I submit that these persons, whoever they may be—capitalists or proletarians—who cannot enter by direct election, who cannot go through elections as direct representatives, are not fit persons to guide the destinies of such a large city like that of Bombay. I see in this amendment one more important thing, that this is an attempt to increase the strength of the nominated element in the fear that they will not have a voice in the corporation, which, I think, is unnecessary; and that it tends to introduce one fundamental change in undemocratising the constitution of the corporation. The principle of co-option is not a direct representation from the masses. It is an indirect way of bringing in persons who fail to enter the corporation by the front door. Entrance by front door, I do admit, is a very difficult task. But there is no other honourable entrance in the corporation but by the front door. I do see that by the adoption of the bill in the second reading

[Mr. Ibrahim S. Haji]

the back door of nomination is closed and closed very tight, but I regret that a loophole, in the form of a window, is tried to be forced open somewhere by increasing the number of co-opted members. My friends who represent the labour classes, my friends who represent the depressed classes and Marathas and the persons who belong to the other minorities, namely, the Mahomedans and others have nothing to be frightened of, if this bill is carried with a provision that only four members should be co-opted by the elected members themselves. There is nothing to be frightened of. I do not know why the number should be increased from four to ten. It is not such a heavenly number as to guide and guard the interests of those minor communities and those depressed classes. I would therefore ask this House to oppose this amendment to the utmost. The front door is quite difficult; the back door is absolutely shut, and it is an attempt to open a window, in order to bring the interested capitalists in the forefront. What the original bill contained, that the co-option should be by the elected members only, is flouted by the fact that this co-option is to be done by the nominated members also and it shows that the mover of this amendment has felt that we the members in the Council are not doing justice to his own community, but it has been explained to the satisfaction of this House that this bill has done proper justice to all communities. With these words, I would ask the House to throw out the amendment.

Rao Bahadur R. M. NILKANTH (Ahmedabad District) : Mr. President, I rise to support this amendment. The principle of co-option has been adopted in the bill, and we have heard a great deal about the interests of minorities not being properly safeguarded. Therefore, in order to give a proper voice to minorities, there ought to be some machinery for a larger representation of minorities. Now, between nomination and co-option, it has to be admitted that co-option by councillors is much better than nomination by Government. Further, it should be noticed that, under the proposal, co-option has to be made not simply by the elected councillors but also by the nominated councillors joining them. This would provide a safeguard in cases where one party carried on the election by a sweep and were unwilling to admit any members of other parties by co-option. The admixture of nominated members in the bodies co-opting.....

The Honourable the PRESIDENT : There is some misunderstanding on the question of co-option. I have allowed the principle of co-option to be raised, as I did not like to interfere, because I wanted to see how the principle was going to be applied in the debate. At the first reading, the principle of co-option was confirmed by the Council because the words "four co-opted councillors" were in the bill, and the word co-option entered into the bill as it passed the first reading as an organic detail which cut into the very vitals of the bill. Therefore, the principle of co-option is no longer in question, and cannot be debated. The only question is whether the number of co-opted councillors is to be increased or not, and I hope the discussion will now be confined to that very narrow point. I have allowed a certain amount of latitude, because I wanted to see how the question of co-option was going to be debated. But I see that we are now entering into the principle of co-option which is irrelevant at the present stage of the bill.

Mr. C. M. GANDHI : If that is cut out, and the other is not brought in, then the question of co-option will disappear.



The Honourable the PRESIDENT: I am only regulating the points of procedure. The rest of it is in the hands of the Council; they must face the consequences. It was at the first reading when it ought to have been questioned.

Rao Bahadur R. M. NILKANTH: I was referring to the joining of the nominated councillors with the elected in the matter of co-option. I said that it was an advantage, because it would prevent one party sweeping an election from not allowing members of the other parties coming in by co-option. Therefore, I think the proposal is a great advantage, and I support the amendment.

Mr. IBRAHIM S. HAJI (Bombay City): Mr. President, I rise to a point of order. I think the present amendment is out of order, because the first reading of the bill involved the principle of only four co-opted councillors....

The Honourable the PRESIDENT: The question of number is a matter of detail. The question of the general principle was affirmed at the first reading, but as to the number, it was left to and dealt with by the select committee and it is competent for this House to increase it if it likes.

Mr. IBRAHIM S. HAJI: My point of order is not with regard to the principle of co-option, but that the members are to be co-opted by the elected councillors. That was the principle involved in the first reading.

The Honourable the PRESIDENT: I have merely said that the discussion was drifting into a debate on the principle of co-option, and I have given my ruling. The point of order may be different, but there is no question that the amendment is not in order. It merely concerns the machinery for co-option, and that is not a question of principle. Therefore, your point of order is no point of order at all.

Rao Bahadur G. K. SATHE: Mr. President, as the point on which I wanted to speak was just hinted at by my friend Mr. Gandhi, I do not think I should speak.

The Honourable the PRESIDENT: What is the point?

Rao Bahadur G. K. SATHE: I assure you, Sir, that I am not entering into the discussion of the principle of co-option. I only want to bring to the notice of my friend Mr. Cowasji Jehangir the difficulties into which he will launch this House by putting forward piecemeal amendments.

Mr. COWASJI JEHangIR: How?

Rao Bahadur G. K. SATHE: It is in the honourable member's hands to avoid that situation. I will just show how.

The Honourable the PRESIDENT: That is for me, and not for Mr. Cowasji Jehangir. That has to be settled by me under Standing Orders.

Rao Bahadur G. K. SATHE: I was only replying to Mr. Cowasji's interruption. The principle to which I want to invite the attention of the House is whether, irrespective of the number of the co-opted members, you would leave the number to be determined by the elected members or by the elected and nominated members. That is my point.

The Honourable the PRESIDENT: That is a point.

Rao Bahadur G. K. SATHE : It is for the House to determine. We know how the trend of public opinion is towards nomination. I owe my existence in this Council for so many years to nomination. However, there were very many occasions on which I had to listen, to my great discomfiture, to abuses which were being showered on the nominated members. In fact nominations now stink in the nostrils of the public. However, as matters stand at present, Government cannot do away with nominations entirely just yet. But the point in this connection is whether you would give nominated members a further right to elect four or ten, whatever the number may be by co-option. In the first instance when we have once recognized the principle of direct representation, the sooner we give a go-by to this indirect method of representation, the better. However, Sir, for a time some good might come out of this principle of co-option because good men on account of various reasons may not like to contest at elections; perhaps the good sense of the elected 76 or whatever the number might be, 76 *plus* 4, 80 might lead to a selection of three or four fittest persons whom the corporation would like to take in by co-option. So this amendment is put forward. It is for your consideration, Mr. President, that I am putting forward this point, *viz.*, if this amendment is carried and this clause is deleted, and then Mr. Cowasji Jehangir moves his amendment, namely, ten to be co-opted by the 96 made up of the elected and the nominated, and if on this principle alone, namely, of not giving that right of co-option to nominated members, his amendment falls through, then where shall we be? Therefore, Sir, I would ask my honourable friend Mr. Cowasji Jehangir to consider this position and see his way of splitting these matters. Three points are involved: First the principle, secondly whether it is to be given to the elected or nominated members and the third.....

The Honourable the PRESIDENT : You can propose an amendment to Mr. Cowasji Jehangir's amendment.

Rao Bahadur G. K. SATHE : With this assurance, Sir.....

The Honourable the PRESIDENT : It is not an assurance. I will be very glad and in fact it will be my duty to accept an amendment if it is in order. When Mr. Cowasji Jehangir moves an amendment as to how the ten co-opted councillors are to be selected, then you can move an amendment to that amendment.

The Honourable Sir CHIMANLAL SETALVAD : For your consideration, Sir, may I suggest whether it may not be desirable to take the other amendment first and, when the Council has voted on that, then this can automatically

The Honourable the PRESIDENT : I think we shall get into confusion thereby. The line I have laid down is a straight one. When the other amendment comes, then Rao Bahadur Sathe can propose an amendment to that amendment. That will safeguard your suggestion.

Rao Bahadur G. K. SATHE : I accept your suggestion, Sir. I will do so at the proper time.

Mr. COWASJI JEHangIR : Sir, if this amendment of mine is left over to the end, no harm can be done. Honourable members in that case will have the choice of accepting my amendment or they will have the choice of increasing the number of co-opted members to be elected by the elected members from the

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wards. If you put this to the vote just now, and if it is carried—which I hope it will be—then honourable members will not have the option of voting for the bill as it stands if my amendment is not approved by them. I think that is a point worth considering, Sir, namely to take it at the end just before the amendment about increasing the number of corporators to 106.

The Honourable the PRESIDENT: Very well, if it suits you, that may be done. The consideration of this amendment will be deferred to the end.

Then we go to line 5.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDA-YATALLAH: Sir, I move that

“In clause 3, line 5, for ‘fifteen’ substitute ‘sixteen’”.

The original bill reserved the power of nomination to Government to the extent of twenty members. The bill was sent to the select committee. The select committee out of twenty gave five to be elected by associations or bodies. Out of those five, the select committee determined or specified three associations. Those are the Bombay Chamber of Commerce, the Indian Merchants' Chamber and Bureau, and the Bombay Millowners' Association, and two were left to be determined by Government. By my amendment (which will follow hereafter) I propose that one place out of the two to be determined by Government should be given to the Fellows of the University. And one we are going to keep for nomination. That is, instead of fifteen, there will be sixteen nominations, and four will be given to the various important associations. This Council asserts that there are very large minorities in the city of Bombay belonging to various castes and creeds. Therefore, originally though Government had kept twenty they want to reduce it to sixteen. Under the old Act Government had to appoint or nominate sixteen members out of 72 and the same number Government is allowed by my amendment to reserve for itself, out of one hundred. Even in regard to nomination, the bill is a step forward, because it reduces the number of Government nominations. I hope this Council will accept this amendment.

Mr. G. B. TRIVEDI (Thana District): Sir, I have given notice of an amendment. If you take votes on this amendment, that should not bar my amendment.

The Honourable the PRESIDENT: When your amendment comes, it will be time enough to consider.

Question put that the word “fifteen” do stand part of the clause and negatived.

Amendment put and agreed to. *6. 2. 16 members which was the no in older times*

Mr. G. B. TRIVEDI: Sir, I propose that

“In line 5 instead of ‘sixteen’ councillors appointed by Government’ put the words ‘sixteen councillors to be appointed by the outgoing standing committee, who shall pay due regard to the claims of depressed classes, labour classes and women’.”

My amendment, Sir, has two purposes. First of all, it gives justice to the feeling that is widespread in Bombay that with this enlargement of the franchise of the city of Bombay, if you want to make the city of Bombay a first class local self-governing city, then the day has come when the Government nominations should cease. I do not question this right of Government to nominate because there have been abuses, but my stand is on the fact that when

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you are out for giving the enlarged local self-government to the city of Bombay, you should do it in a whole-hearted spirit and you ought not to reserve any power to yourselves but give it to the people. Then, there will be the objection that there should be nominations by somebody in order to guard the interests of minorities. Then, you have the co-option of some persons who are useful for the government of the city. To that, my solution is that instead of "Government" put in "the outgoing standing committee" because it is a rule in many associations that in order to preserve the continuity of the association, in order to give some balance against the sweeping changes that might come, some associations have got that rule that every year they are re-appointing one-third of their number, so that the continuity may remain. On that principle I say that the standing committee is the body which is more responsible and in a better position to know what is the requirement of the next corporation than the Government which is not in the corporation itself and which does not know the wants of the corporation. It is the standing committee that will know the result of the election, they will know who are left out and they will be in a better position to know who ought to be nominated. Therefore, I put the words "the outgoing standing committee" in the place of "Government". I do not take away the question of nomination; I only say, put in the standing committee instead of the Government.

The second point is that in the nominations we give Government a blank cheque. We have heard so much about the minorities and the protection of minorities, also in the attempt that has been made to increase the number of co-opted members from 4 to 10 there is no guarantee, in the interests of the depressed classes and backward classes and in the interests of women, that there will be any seat reserved to them, either in the nomination or in the co-option. Therefore, I want this Council to recognise that principle, that a mandate shall go to the standing committee, whoever it may be, and if you do not approve of the standing committee, then Government. But my second object is to draw the attention of this Council that you must give a mandate to whoever has the power of nomination that they should look to the interests of the depressed classes, backward classes and the women. With these two objects in my mind I move my amendment that instead of 16 councillors to be appointed by Government there should be 16 councillors to be appointed by the outgoing standing committee.

The Honourable the PRESIDENT: I think your amendment should read:

"Leave out the word 'Government' and insert instead the words 'the outgoing standing committee'."

Mr. G. B. TRIVEDI: Very, well, Sir.

The Honourable the PRESIDENT: But your amendment goes on to say "who shall pay due regard to the claims of depressed classes, labour classes and women". I do not like to rule your amendment out of order,—I will leave it to the Council to decide—but strictly speaking, your words "who shall pay due regard to the claims of depressed classes" and all that do not form a mandate at all. The standing committee might say they have paid due regard and they find it impossible to appoint any one from the classes in question. So what purpose does your amendment serve when it is indefinite and not a mandate?

Dr. S. S. BATLIWALA (Bombay City, North) : I rise, Sir, to oppose this amendment. To say the least about this amendment, I shall say that it is most impracticable. My friend Mr. Trivedi asks that the standing committee should elect these 16 councillors who are expected to be nominated by Government. Sir, I am afraid he is not aware that the standing committee is a body elected by the corporation to administer the finances of the city. It is a body which is absolutely under the power of the corporation. It is a body which could be overthrown, reinstated, removed or added by the corporation. The corporation is the sole arbiter, and I really cannot understand, Sir, why my honourable friend Mr. Trivedi should wish a few members—16, not 12—to have the opportunity to elect another 16. They, if they chose, could elect themselves. Why should they elect other people? You will see, Sir, it is absolutely impractical, though I would not like to call it an absurd proposition. I hope Mr. Trivedi will see that it is not the standing committee but it is the corporation which is the final arbiter. As the Honourable the Leader of the House pointed out, instead of electing others they could elect themselves. It will save the time of the House, if this amendment is not discussed and it is withdrawn.

Mr. G. B. TRIVEDI : I beg to withdraw my amendment, Sir.

Question put and leave granted.

Rao Bahadur R. R. KALE (Satara District) : Sir, I wish to postpone moving my amendment.

The Honourable the PRESIDENT : Till when?

Rao Bahadur R. R. KALE : I request that my amendment be allowed to stand over till the new amendments which have been proposed are disposed of.

The Honourable the PRESIDENT : If we all stand over, then we shall see no end to it. Now is the time or else don't move it.

Rao Bahadur R. R. KALE : Then, Sir, I shall move my amendment. My amendment is :

"After the word "Government" add "from among depressed classes and minorities who may not otherwise have been represented".

The object of the amendment is to secure to these minorities and other classes, who may not have a chance, representation. You have heard the grievance of these people in the general debate on the second reading of the bill, and I am trying to make some provision by which they will be represented. I know that the power of nomination is intended by Government as a safeguard in the present circumstances to represent all interests. Without dilating any more on this question I beg to move my amendment.

Dr. S. S. BATLIWALA (Bombay City, North) : Sir, it is very commendable that my honourable friend Rao Bahadur Kale should have thought of the depressed classes and minorities and to send to the corporation representatives of their classes. But, at the same time, I do not fully agree with what he has said. I would only agree to his amendment provided he allows me to add the words at the end of his amendment "so far as possible," because I know it for certain that Government will have to appoint important persons, who ought to be necessarily there with a view to guide and work harmoniously the different interests of the city.

The Honourable the PRESIDENT : Do you propose any amendment?

Dr. S. S. BATLIWALA : Yes, Sir. I want to add the words 'so far as possible.'

The Honourable the PRESIDENT : It seems to me that the words "so far as possible" mean nothing definite and it will be competent for me to rule it out of order as vague.

Dr. S. S. BATLIWALA : Then I will go against the amendment moved by Rao Bahadur Kale that the depressed classes and the minorities alone should have the privilege of being nominated. I have said that this cannot be done because there might be many other important persons who would be of extreme value and assistance to the corporation.

I shall mention one or two instances. The Chairman of the Improvement Trust, the Commissioner of Police, the Executive Engineer, the Agent of the G. I. P. Railway, and so on, when the interest of those bodies which the above gentlemen represent clashes with that of the corporation it becomes absolutely necessary that the chairmen of these bodies should be present in order to come to a definite and amicable arrangement. I do not therefore like to pin down Government to nominate the minorities and the depressed classes only. I hope, under these circumstances, Rao Bahadur Kale will withdraw his amendment.

Rao Bahadur R. R. KALE : I beg leave to withdraw the amendment.

Mr. G. B. TRIVEDI (Thana District) : I oppose the withdrawal, Sir. It is not for the sake of speaking that I oppose the amendment. The amendment proposed by Rao Bahadur Kale is the right sort of amendment. Dr. Batliwala wants that important persons ought to be appointed on the corporation. It is not the every-day administration that requires consultation with these men. If you want to consult any of these men, has not the Commissioner power to consult them on a particular point, has not the standing committee power to call them for consultation ?

Dr. S. S. BATLIWALA : They may come or may not come.

Mr. G. B. TRIVEDI : Still I do not wish them to be wholly excluded. What I mean is that the interests of the depressed classes and the minorities and women who have been excluded so far from the corporation are far more important than big officials. ....

The Honourable the PRESIDENT : Women are not mentioned in Rao Bahadur Kale's amendment.

Mr. G. B. TRIVEDI : They come under 'Other minorities' ?

The Honourable the PRESIDENT : Your argument so far as "women" are concerned is irrelevant, because women are not among minorities.

Mr. G. B. TRIVEDI : I think that my honourable friend Rao Bahadur Kale should not withdraw his amendment but should press it so that the Government would have a clear mandate from the Council.

Rao Bahadur G. K. SATHE : Mr. President, I never expected this opposition from my honourable friend Mr. Trivedi when the mover of the amendment was good enough in the interests of economy of time to withdraw his amendment, and as the motion for withdrawing has been opposed, I think I should place a few points before this House.....

The Honourable the PRESIDENT: The best way of treating Mr. Trivedi's objection then would seem to be to make no more speeches but put the question, if you think the objection does not deserve any powder and shot.

Amendment put and negatived.

The Honourable the PRESIDENT: The House is now adjourned till ten minutes past three for tea.

*After recess.*

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDA-YATALLAH: Sir, this is merely a consequential amendment, namely.

"In clause 3, line 6, leave out the word 'five' and insert instead the word 'four'."

As this Council has already accepted the principle that Government should nominate sixteen members, there remain only four members to be elected by the bodies specified.

Mr. FRANK NELSON (Bombay Chamber of Commerce): Mr. President, any measure, which may be passed by this House, which is destined to in any way decrease what I can only describe as the waning participation of the non-official European community in the municipal affairs of the city of Bombay, I cannot support. And if I may say so, Sir, with all possible deference, such a measure would hardly be in accordance with the spirit of the great Act to which this Council owes its existence. If I have rightly understood the very courteous criticism levelled at myself and my two non-official European colleagues here as regards the participation which we took in Saturday's debate, it would seem to be levelled at the fact that of recent years the non-official European community have not availed themselves of the opportunities at their disposal to seek election to the corporation. Now, Sir, accepting the implied reproach, am I to understand that we are to be, as it were, denied repentance for this? Are we, as it were, to be deemed to have lost recourse to adequate representation if we now plead our repentance for this? Are we to be permanently punished? Are we, in other words, to suffer for the sins of commission by the older generation and should we have their sins visited upon the present and future generations?

One of the ablest and the most respected city councillors some months ago asked me at a public dinner why it was that we, Europeans, did not take a greater part in the affairs of the city, and I advanced with the greatest diffidence the following reason. I said that there was an atmosphere of loneliness about the corporation so far as Europeans were concerned, and I attributed it to that fact, that if I may with all possible respect to the same councillor say the lack of reticence on the part of some of them in pushing home their points rather made a few of the Europeans, who wished to participate in the affairs of the city, diffident in standing for election. Now, I am not pleading and I am not supplicating in any sense for my community, but I am talking, as a practical man to practical men, and I submit, Sir, that it is mutually or would be mutually advantageous both for the affairs of the city and for co-ordinating what I may call the intercourse between Europeans and our Indian colleagues that we should anyhow, so far as my constituency is concerned, be represented by two members if we may. I am sorry I cannot support the amendment of the Honourable the Minister in charge.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : It has already been accepted by the Council that they will have 76 elected members. This is merely a second amendment.

Amendment put and agreed to.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : I now move :

"Delete the words 'two by such associations or bodies as Government may determine'."

Now this Council has accepted the principle that Government should have 16 nominations, and one more by Fellows of the University as under the old Act, may be allowed. I hope the Council will accept this amendment.

Amendment put and agreed to.

The Honourable the PRESIDENT : Both the Minister and Mr. Pahalajani have the following amendment :

"At the end of the clauses add 'one by fellows'."

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : I move the amendment.

Mr. B. G. PAHALAJANI : Sir, I rise to support the amendment. This is my amendment as well as that of the Honourable Minister in charge of the bill. I think it is enough to state that in the United Kingdom they have accepted this principle, only recently in 1918-1919 while increasing the number of members of Parliament, from 670 to 704, they have simultaneously increased the seats reserved for the universities from 9 to 15, that is, they have given six additional seats to the seats of learning in the United Kingdom. Our reform scheme has recognised the same principle by reserving one seat out of 111 members to the University of Bombay : as the Bombay municipal corporation, which either is to consist of 100 or 106, has nearly the same constitution so far as numbers are concerned as this Council, it behoves Bombay with all its education to have one representative on the municipal council ; I firmly believe there will be no difference of opinion on this point. My only grief has been that the Government while drafting the bill had not taken notice of this matter and that this privilege should have been given to the University so late. I am glad that the Honourable Minister has taken this in time and proposed the amendment himself.

Mr. C. M. GANDHI (Surat City) : I am sorry to surprise my honourable friend by sounding a discordant note. I would rather propose an amendment to this amendment :

"Substitute 'Registered Graduates residing in Bombay' for 'Fellows residing in Bombay'."

The Honourable the PRESIDENT : Order, order. This amendment is beyond the scope of the original amendment. Graduates constitute one class and "Fellows" constitute another. An amendment to an amendment must be within the scope of the original amendment. You may propose graduates as an additional constituency by itself but you cannot suggest it as an amendment to a motion like this relating to Fellows.

Rao Saheb HARILAL D. DESAI (Ahmedabad City) : Would you, Sir, allow an amendment of the "Fellows and Registered Graduates" ?

The Honourable the PRESIDENT : That is just what I said could not be done. When you add words "Registered Graduates" to "Fellows", you add what is not within the scope of the original question. It is not in order. They are two different classes.

Amendment put and agreed to.



Mr. COWASJI JEHangIR : I beg to move :

"At the end of clause 3 add the following : 'and ten co-opted councillors elected by transferable vote by the 96 councillors elected and appointed under the preceding clauses of this section.'"

With your permission, I will try to explain that this amendment will allow me to allude to the general discussion which has taken place between my honourable friends.

The Honourable the PRESIDENT : If the two things are connected together, you will be perfectly in order in referring to them and dealing with them together.

Mr. COWASJI JEHangIR : In the first instance, I would like to thank Government for having accepted this amendment. I would like to point out that there is no question of attempting to get minorities on to the corporation by this amendment. I think my friend Rao Bahadur Chitale, when he first made a few remarks, showed some suspicion on this point; for he said that if there was any question of getting minorities on to the corporation by this amendment, the Council should clearly know that it is so. I would like to inform the Council clearly that there is no attempt to get minorities represented on the corporation by this amendment. The main object of the amendment is to enable a few really good men to find seats on the corporation, regardless of their political views. It is easier to get good men to stand for a local body if they can get in easily. That is a well known fact. Sometimes, you get a really excellent man, perfectly suitable for the purpose you have in view, but no amount of persuasion will tempt him to fight an election. But if you offer him a seat on the corporation by way of co-option, he will accept it. That applies to men of all parties, regardless of whether they represent landlords, tenants, labour, depressed classes, or any others. Therefore, sir, I would beg of honourable members to forget that question of minorities in connection with this amendment, although I still hold the view that some amendment might have been passed by this Council enabling minorities to be represented.

Now, Sir, I will just allude to a very important change in the bill, to which some of my honourable friends have taken objection. They admit that the principle of co-option has been accepted by the Council at the first reading of the bill, but they say that the change made by me is of a substantial character when I ask the Council to allow not only those returned at the ward elections but also those elected by certain public bodies and those nominated by Government to participate in the election of the co-opted members. I admit that there is a certain change, but I would point out to my honourable friends that the change I make is perfectly justified, and I desire most respectfully to point out to them that the provision in the bill as it stands just now works unfairly. If you are to co-opt members to a whole body, may I ask why only a portion of that body should have the right of co-opting, and not the whole of it? Why should only those elected by the tenants have the right of co-opting, and the representative of the Indian Merchants' Chamber and Bureau be refused that power? Do my honourable friends Rao Bahadur Chitale and Mr. Trivedi believe that the representative of the Indian Merchants' Chamber and Bureau is unfit to exercise the right of giving a vote while co-opting members, or do they think that the representatives of the Bombay Chamber of Commerce or the Millowners' Association will be unfit to do so? That is what you main-

[Mr. Cowasji Jehangir]

tain in the original bill, when you exclude these men from participating in the election of co-opted members. I feel confident that when you look at it from that point of view, there will not be one single honourable member who will be prepared to contend that the representatives of these institutions are unfit, or will be prejudiced in any way when they take part in that election.

I now come to the nominated members. I think somebody said—I think it was Rao Bahadur Sathe—that these nominations stink in the nostrils of the public. Rao Bahadur Sathe has admitted that he himself is a nominated member, and we will all admit that it is a most excellent nomination. (Honourable Members : Hear, hear). This Council would be the poorer for the absence of my honourable friend Rao Bahadur Sathe, who is also the chairman of our Retrenchment Committee. The one instance of nomination which he could give was his own, which we are all unanimously prepared to admit is not only a good one, but I would go further and say that of the non-official members he is perhaps the best. Well, Sir, if that is the result of nomination in this one particular case, when he talked about nominations stinking in the nostrils of the public, we must admit that there is not much force in his argument. But it is possible that sometimes men who do not deserve to be nominated are nominated, just as men who do not deserve to be elected are elected. Mistakes do occur, but that is no reason why you should so whole-heartedly condemn the principle of nomination, especially in the city of Bombay. Out of the 16 nominations five will probably be Government officers. I think there has been a certain amount of discussion here as to the necessity of having Government officers on the corporation.

I do not wish to go on taking up the time of honourable members in trying to justify that Government officers should be on the corporation. Those who have served on the corporation do not require any argument from me. But let me tell you that it is necessary to have high officers, whether Indians or Englishmen, we are not talking of Indians or Englishmen, but we are talking of Government officers. An Executive Engineer may be an Englishman or an Indian, but he is very useful. It sometimes happens when you have a Government officer with a certain amount of experience and who has certain knowledge, he alone can furnish the corporation with the necessary information such as the Chairman of the Improvement Trust or the Collector of Bombay or the Commissioner of Police. Well, Sir, because they happen to be Government officers, do you desire to maintain that they are not fit to be able to say which citizens of Bombay should be co-opted, or that they will be prejudiced or that they are not capable of thinking for themselves or deciding which of the candidates are the most deserving to be on the corporation? I do not think that argument is a sound one.

Let us go then to the others who are to be nominated. The select committee report says :—

“ We realise however that the power of nomination is meant to enable classes and communities which are unsuccessful at the poll to be represented, and we have therefore left 15 members to be nominated by Government. As the classes from which these nominations are to be made depends largely on the result of the elections, we have not thought it advisable to specify them in any way ”.

Therefore, the rest of the members will be representatives of minorities. They will be representatives of the depressed classes. They will be

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representatives of the labouring classes. Can my honourable friends say that these representatives of the depressed classes, these representatives of the labouring classes, are unfit to be able to say or to give a decision as to who should be the co-opted members. There are representatives of the depressed classes nominated to this Council. Are they unfit to elect members of the committees to this Council? There are representatives here of minorities. Are they unfit to say who should be the members of the committees of this Council? Why are these arguments brought forward? I say that you have done deliberate injustice to those nominated and elected members by excluding them from the right of co-opting members. I strongly maintain that this Council will be doing justice and a proper thing by including them now.

The next point is the transferable vote. I am not an authority on that. I merely know that while voting I want to have a certain amount of latitude given to me. Not only to be allowed to choose the best ten from amongst the candidates but also to be allowed to place them in order of merit, I consider a privilege. But my honourable friend Mr. Paranjpye is an authority on the transferable vote and he assured me that it is the only method of being able to elect the best man.

Rao Bahadur G. K. SATHE : Provided you understand.

Mr. COWASJI JEHANGIR : Understand what?

Rao Bahadur G. K. SATHE : Understand how to vote.

Mr. COWASJI JEHANGIR : To understand how to do the telling is difficult but to vote is a very simple matter. Now as my honourable friend has just explained if any twenty men choose to return any five, they can do so. That is why I have accepted the suggestion of including the transferable vote in this amendment. I trust my honourable friends will not go against the amendment simply on account of the transferable vote. It is done, with the best of intentions regardless of parties and political views, and to get the best men. No one political party returned to the corporation will be able to elect only their best men. There is nothing to frighten you by the transferable vote. I have taken quite long enough. If there are any more objections, I will deal with them by way of reply. I do hope that this Council will accept this amendment which is merely a fair and just one to enable those who are already returned to the corporation to be able to choose the best amongst those not elected.

Mr. D. J. FERREIRA : Sir, I rise to support the amendment which has just been moved. In the municipal government of the city, there are several interests and these several interests have to be represented, and, by the bill as it stands now before us, we are committed to the principle that there are primarily two great interests which have to be guarded, the interests of the people and the interests of the State. There are also four other bodies whose interests are to be represented. The question now before the House is whether the four or the ten co-opted members are to be elected by the whole body of councillors or by a part only of the body of councillors. There seems to be a very strong feeling that these co-opted members should be elected not solely by the representatives of the people but by the whole body of councillors, and I think that that feeling is the correct one. To the question before the House, Sir, I think there can be only one answer and the answer is that the co-opted members should be elected by the whole body of councillors. And why do I say so? To whom are these members being

[Mr. D. J. Ferreira]

co-opted? The members are being co-opted to the corporation, the whole corporation, and I go further than the honourable mover. I say it is not only a question of fitness or unfitness for electing, it is not merely a question whether the Government are fit to elect, or whether these four bodies are fit to elect. I say it is a question of right. Once you say certain interests have to be represented, that certain representatives must come from certain interests, and you wish there should be co-opted members, the co-option being to the whole corporation, it follows necessarily that in the matter of the election of the co-opted members the whole body should have a voice. What right, I ask, has any body to say that it will have members co-opted with a body against the will of that body or at least against the will of a particular part of that body? It is, therefore, that I say that once you want co-opted members and admit the principle of co-option, it is the whole body that must have a voice in the election of the co-opted members. With these remarks, I very strongly support the amendment just moved by my honourable friend.

Rao Saheb D. P. DESAI (Kaira District): Mr. President, I rather regret to say that I cannot agree as regards the transferable vote that the mover seems to have advocated. I am one of those who believe that the proportional representation is a fair form of voting, especially as there is no vote lost by it. But in an election under the municipal franchise this complicated method of transferable vote, especially when the majority of the members do not understand the blessings of it, and under a municipal body constituted under a wider franchise it would work more mischief than actual good. In fact, even in this Council there are some members, including myself, who though we have taken lessons from the Minister of Education in the matter of this transferable vote I do not think that we have grasped at least the mathematical portion of it completely. So I would rather like to move an amendment to delete the words "by transferable vote." May I move my amendment, Sir, now?

The Honourable the PRESIDENT: Yes, certainly.

Rao Saheb D. P. DESAI: I move—

"That the words 'by transferable vote' be deleted."

The Honourable Mr. R. P. PARANJPYE: Mr. President, I hope I am not dilating upon any mathematical intricacies when I say that this method of transferable vote is the fairest method of electing people and stopping of abuses of a caucus or anything else. I would point out, Sir, that it is the method of transferable vote or the cumulative vote—approximately it is something similar—that is more and more adopted everywhere. If the method of transferable vote were not adopted, practically what would happen is that, if out of 96 people 49 people make a caucus, they would be able to elect all the 10 people, and the remaining 47 people will have no representation in the method of co-option. That really is the fundamental principle of this transferable vote or any similar vote. When we are talking of co-opting members, our object is to select the 10 best men irrespective of any party considerations or anything like that. It is agreed that the method of co-option would allow the best men to be brought on the corporation. There are a number of people who may not like to go through the trouble of election, and it is for this purpose that the method of co-option is proposed. I might mention that the method of co-option is practised in a large number of other bodies, and I believe that in bodies where the method of co-option is adopted, the places of aldermen are considered some of the most honourable places on those bodies. I might tell my honourable

[Mr. R. P. Paranjpye]

friend that the method of co-option is not a back-door method at all. It is a method of election by the most respectable and the experienced people whom the electors have elected to the corporation. If a man is elected by the votes of these people, I take it that it is the most honourable method of coming into the corporation and it is for this purpose, Sir, that the co-option is proposed. The transferable vote, as I have already mentioned, is the method of getting rid of caucuses. I believe this Council remembers examples of these caucuses that have taken place before in the history even of the Bombay municipal corporation, and it is in order to get rid of these that this method has been proposed. I have been told that this is a very intricate method. I would only point out that we have recently passed legislation in this chamber against betting and against bucket shops. Now, what do these bucket shops do? They offer bets upon the races; and what do people, even the most ignorant, do in them? There is such a thing as place betting. A man has got to choose a horse and say whether it will be first, second or third. If a man, who is often an illiterate man, can take part in such betting and can place his horses well, could he not place the men that are proposed to him for election? Could he not say that such and such a man is the best in his opinion, that such and such a man would be the second best in his opinion, and such another the third best in his opinion? I believe, Sir, that this is a most elementary question that you can put to anybody. It is not to be put, further, to all the lakhs of electors that are to be given the franchise. It is to be put to the 96 people who are the select of those electors. I really feel the intelligence of Bombay is sufficiently great for them to find out of a number of possible candidates who is the best, who is the second best, and so on. I really do not think that this is such a very difficult job. Even the final counting of votes is not such a difficult job. In countries where this method is tried, even ordinary postmen have been taught to work out the telling of votes. Of course, if people do not wish to understand this question, it is a different matter, but really speaking, I believe the thing is as simple as anything. Let me point out that this method has been in operation in many places. Many ordinary elections to Parliament even are conducted in this manner. In Ireland, under the new Act recently passed, proportional representation is actually in force. I do not think the capacities of these 96 men who are to be elected and to be appointed by Government are so low that they cannot even understand the ordinary placing of a few men in order of merit.

The thing is certainly to get rid of caucuses. We want to get 10 best men and this is the only way by which 10 best men can be obtained, instead of giving rise to a number of caucuses. I do think that the House will consider it in a spirit of impartiality. It is not necessary that you should approve of it, because it comes from a Senior Wrangler, for it does not require any mathematical genius to understand it. This is understood in all countries, even of a lower intellectual efficiency than Bombay. I do not think that it will be considered a difficult matter. It will enable the body to secure 10 best men, 10 experienced men in its council. I hope, therefore, my honourable friends will not object to this transferable vote.

Mr. PURSHOTAMDAS THAKURDAS: Mr. President, the amendment to the amendment of my friend Mr. Cowasji Jehangir, proposed by my honourable friend Rao Saheb Dadubhai Desai has rather brought home to me the apprehension I had at the start that the more changes are attempted in the select committee report, the more I am afraid do we not perceive where they

[Mr. Purshotamdas Thakurdas]

lead us to: The effect of the amendment of my honourable friend Mr. Cowasji is that 76 members are to be elected by the various wards, that 20 more are to represent the various associations, and be nominees of Government, and that these 96 members should co-opt 10 members. My friend Rao Saheb Dadubhai Desai strikes off the one protection which my friend Mr. Cowasji Jehangir takes to avoid any combinations or caucuses, and says that these 10 people should be elected in the ordinary method. This means that corporators of a certain school or of certain classes—for instance the landlord class, the capitalist class, the labourers—that come in in the election or come in with a large majority should be able to add ten more to their majority. I am afraid this strikes at the very root of any precaution which, either this Council would like or Mr. Cowasji Jehangir had in mind, while moving this amendment. I very strongly feel that this principle of co-option which has been accepted by this Council and by the select committee—the number is to be increased from 4 to 10—can only be done with the protection of cumulative voting or transferable vote; I must however honestly say I have taken for granted from my friend Mr. Cowasji Jehangir and the Honourable Mr. Paranjpye that the transferable vote would provide sufficient safeguard against any sort of caucuses.

On the subject of co-option, I would like to point out that, as far as I remember, it was resorted to in order to get into the corporation experts on certain lines, who, in the ordinary course of election or nomination, do not come into corporation. Certain persons who were experts in education were considered necessary by the corporation for the purpose of their schools committee, and the right, I understand, was given to them to co-opt such four experts. It is proposed in the present bill to continue that special privilege of co-opting experts. I should have thought that four is quite sufficient for that purpose. If that principle is to be extended to get in certain number of people who might have done sterling service in the past to the corporation, and if it is not to be restricted to getting in men with expert technical knowledge or men who are experts in education.....

The Honourable the PRESIDENT: Whom are you replying to?

MR. PURSHOTAMDAS THAKURDAS: I am speaking on the question of transferable vote.

The Honourable the PRESIDENT: I am sorry I interrupted you.

MR. PURSHOTAMDAS THAKURDAS: If that principle is accepted, to get in people who have done good service in the past, I think it is very necessary that we must have the protection of transferable vote, which, I understand, will prevent any sort of combination of any people who have to exercise it. I am afraid I cannot support Rao Saheb Dadubhai Desai's amendment.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Mr. President, the matter is not so simple as it is represented either by the Senior Wrangler, the Honourable the Minister for Education, or by the mover of the original amendment, my honourable friend Mr. Cowasji Jehangir. If we are persuaded to think that this bugbear of caucuses will be killed altogether, I may perhaps accept it. What reasonable expectation is there that, whoever is responsible for organising the caucus with the intelligence and the brain behind him, even with the help of others, would not achieve the result under this system by this particular measure? I may point out that this Council had the bitter experience of such caucuses in itself, and it is true as I shall presently show.

[Rao Bahadur G. K. Chitale]

Of this number 96, take for instance that the majority is 49. If 49 people take into their head to bring in 10, A, B, C, D, E, they have to give a figure in a particular manner as 1, 2, 3, 4, and so on.

An Honourable MEMBER : They would elect all the ten.

Rao Bahadur G. K. CHITALE : Let me develop my argument, please. You will see the same defects, as would be found in the cumulative system of voting, would vitiate this process of proportional representation. Last year, some members thought of selecting certain members to the Public Accounts Committee. They fixed upon certain members of their own, and they voted in a particular order with the result which we all know that this Council in the election of the Finance Committee was persuaded to adopt the ordinary voting. We have got very short memories. Is it not true that in the election of the Finance Committee members, the basis of proportional voting was given a go-by, because the Council members thought that there was danger of such caucuses ?

Under those circumstances, the members of this Council will have to consider very carefully if this process eliminates the question of forming a caucus. It has been said that out of the ten members the bare majority of six may be so returned, but there would be still room for four coming in on their usual merits. I am not also sure of that. One thing you must bear in mind and it is this, that if the majority of these 96 (the larger the majority the better) and then in that case, I know that when these several interests come together, they would vote in a particular manner, in a more solid manner than what we think, they would be able to get round this method and achieve the same result which they have in view. It is my duty to point out to members that this would lead us to a certain amount of chaos and might perhaps be the means of electing such members as we do not want, in fact as the Council does not want. Then again, on the general discussion we were told that the primary education was not at all advanced, that people had not justified and qualified themselves to exercise this particular right. A large number of people are to come from this class and they are supposed to exercise this right in that responsible manner. I refuse to believe it, I refuse to believe that there would not be a caucus and therefore I think it is much better to have open voting. As I shall not have an opportunity of speaking again, I am willing to concede and take back my views with respect to the other part of elected and appointed members if the minority represented by Mr. Cowasji Jehangir is satisfied and that it gives them larger room for representation, well, I don't mind, that may satisfy them, but as regards this representation by single transferable vote, it appears to me that the risks are not at all minimised and it is much better if the same system of proposed cumulative voting is allowed in the general election.

Rao Saheb HARILAL D. DESAI (Ahmedabad City) : Sir, I support the amendment moved by my honourable friend Rao Saheb Dadubhai Desai, and I would add to what my honourable friend Rao Bahadur Chitale has said that if the transferable vote has the virtues which have been placed before us by the Honourable the Minister for Education, then why not adopt that system for election throughout for all the elections under the Municipal Act ? Why not adopt it for the standing committee also ? Why should there be a difference ? We have accepted government by the rule of majority, and I should look upon co-option on the transferable vote system simply as a dodge and as a caucus in embryo on the rule of government by majority.

Mr. KANJI DWARKADAS : Mr. President, the Honourable the Deputy President has practically anticipated me when he says that if we have a system of transferable votes for the city of Bombay, why not have it for the whole country. I want to tell him that sooner or later we are bound to have proportional representation through transferable votes in this country throughout.....

The Honourable the PRESIDENT : Order, order. If that was the argument of Rao Saheb Harilal Desai, I should have been attentive to it and ruled him out of order. It is enough for us to confine ourselves to the Presidency of Bombay at present. The question of the rest of the country is not before us, and therefore, if that was the argument, it was out of order and in answering it you too are out of order.

Mr. KANJI DWARKADAS : My honourable friend Rao Saheb Dadubhai Desai is certainly mischievous to this extent that the majority in the corporation....

The Honourable the PRESIDENT : That word "mischievous" is unparliamentary and ought not to be used.

Mr. KANJI DWARKADAS : I meant the argument used by Rao Saheb Desai was mischievous. The amendment, as I said, will not serve any good purpose because it will give the majority in the corporation a much bigger majority which it is the intention of the House to prevent. As between my honourable friend Mr. Cowasji Jehangir's amendment and my honourable friend Rao Saheb Dadubhai Desai's amendment, I certainly oppose Rao Saheb Dadubhai Desai's amendment as I think it will lead to no good purpose.

Mr. B. G. PAHALAJANI (Western Sind) : Mr. President, I had no intention of speaking on this subject until differences arose here between my honourable friend Rao, Saheb Dadubhai Desai and the Honourable the Minister for Education so far as the value of this transferable vote is concerned. A short time ago I was myself of the opinion that the transferable vote was too complicated to be adopted by the municipality, but when we came to consider the question and when the whole House here in its last two days' discussion has been insisting upon minorities being represented, then the only way in which minorities can come in or can have a share in the co-option or the election by co-option, is by the transferable vote. We should not allow ourselves to be carried away or to be swayed by the difficulty of telling or the difficulty of performing the duties of tellers in the case of the transferable vote. The principle itself is very simple, and I can assure my honourable friend Rao Saheb Dadubhai Desai that if he puts his heart into the matter, he will be convinced of this that any amount of majority of any particular sect or particular portion of the Council will not be able, by that process, to return more than a limited number of members to the other part, by the process of majority. I will take a concrete instance. In the municipality, out of 76, suppose there are 35 Hindus and 15 Mahomedans. Out of the remaining 25, let us take 10 are Parsees to be returned and 15 for the other castes. Now, all the 50 Hindus and Mahomedans put together, if the vote by majority were allowed to them, can oust every other community including the Parsees and Europeans that is in the minority. By simply voting by majority 35 Hindus, by wresting only three from the Mahomedans and other sub-sections, can return as many Hindus as they like, but by the transferable vote what takes place is this, that the majority above a limited number that is required to



[Mr. B. G. Pahalajani]

return a member, does not count for that member's election. If there are 76 or 96, all the votes that a person who is to be successfully returned is to be allowed to retain, are 9 *plus* 1, that is 96/10, that is 9 *plus* 1. If he gets more than 10 No. 1's, then he is not allowed to retain the excess No. 1's for himself; all that he is entitled to take is 10, and 10 only—the other No. 1's are again to be transferred to the man who has got No. 2 votes and so on; those at the tail end of the election, who have got one first vote only, and cannot by any possibility come in—have to abandon all those solitary first votes, and those first votes are to be transferred to whoever has a chance to come in. Take a concrete instance—if there are people in a minority, then they can return one by simply giving the first votes. Suppose there are 10 Parsees. They can with certainty return one Parsee by giving the first 10 votes to that one Parsee, they cannot return more, because they must give the first votes to somebody—one man cannot give the first vote to all—he can give it only to one person; and therefore that if any of the minority secures 5 or 6 or 7 or 8, he can get in if other unnecessary votes are transferred to him and not otherwise to prevent one particular section of persons capturing all the seats. Therefore, the effect of the transferable vote should limit to a particular class its members according to the number of its representatives. If there are 35 Hindus, then they will get 3 *plus* 1 and no more, because one man cannot give 35 votes. They cannot give first votes to more than four members. The number elected is according to the proportion of members in an association having power to return members. It is impossible for 50 to carry out more than five. I therefore appeal to my honourable friend, Rao Saheb Desai, not to be afraid of any such difficulty. So far as the principle of voting is concerned, it is the simplest possible. It is for the tellers to see as to who can come in. It is the best way of protecting minorities in Council, which can only be done by this process of proportionate voting and by no other.

Mr. C. M. GANDHI (Surat City): Before this amendment is put to the vote, I would like the Council to consider whether it is necessary to retain the figure "96" in the amendment. The election is to be completed by the 1st of April, and if by any chance members are not appointed by that time there will not be 96 members for co-option.

The Honourable the PRESIDENT: Order, order. That is travelling beyond the limits. If there is any difficulty on that account the Honourable Member in charge may move an amendment in proper time and remove the difficulty. We are now on the question of a transferable vote.

The Honourable Sir CHIMANLAL SETALVAD: I beg to move the closure with regard to Rao Saheb Desai's amendment.

The Honourable the PRESIDENT: I accept the closure. Rao Saheb, you have no right of reply, because you are the mover of an amendment to an amendment.

Amendment put and negatived.

The Honourable the PRESIDENT: Now the debate will be on the original amendment.

Mr. C. M. GANDHI: Speaking on that amendment, I want the Council to say whether it is necessary to retain the figure 96 in the amendment as proposed. However, I think the purpose of this amendment will be served if

[Mr. C. M. Gandhi]

the figure 96 is omitted and the amendment read without it. If by any chance members are not appointed by the time the election is completed, that is, by 1st April, we shall not have the full meeting of 96 members without co-option.

The Honourable the PRESIDENT : Or if one of them dies the previous day ?

Mr. C. M. GANDHI : If you omit the figure 96, there will be no difficulty at all. I therefore move :

“ That the word ‘ ninety-six ’ be omitted.”

Mr. COWASJI JEHangIR : I accept the amendment, Sir.

Question put and agreed to.

Mr. IBRAHIM S. HAJI ( Bombay City ) : I want to speak on the amendment of Mr. Cowasji.

The Honourable the PRESIDENT : Have you once spoken on it ?

Mr. IBRAHIM S. HAJI : No, Sir. I wish to move an amendment. My amendment is

“ The words ‘ and appointed ’ be omitted, and the words ‘ elected by councillors elected at ward elections ’ be inserted.”

In moving this amendment to the amendment of my honourable friend Mr. Cowasji Jehangir, I will ask the House to refer to the speech made by Mr. Cowasji Jehangir at the time of moving the resolution for reading the bill for the first time. The idea of having these co-opted members was to admit those who have taken interest in the civic life of the city, and I think Mr. Cowasji Jehangir would be fair to the elected members who have been elected at ward elections and grant that they would see the importance of this principle of co-option. If the Council accepts my amendment and the number is increased from four to ten, the power of co-opting would be given to the elected members of the corporation. The amendment of my honourable friend Mr. Cowasji Jehangir, if it were to be accepted by this House, would remind this House of the passage of this bill to be compared with the Government of India Act, with all the appearances of democracy, but also with the obstacles of bureaucracy. Once this bill has been placed in this House with the one promise of the principle that this bill is going to give a democratic constitution to the Bombay corporation, I cannot see why these amendments should be introduced, which are going to be the shackles and the rocks in the fair passage of this democratic bill which has been introduced by the Honourable the Minister in charge. I really see no wisdom in giving the power to co-opt ten councillors to the members who are going to be nominated by the Government, when once it is admitted that the principle of nomination should be discouraged at every step, and that this Government undertakes to give self-government to this country. Therefore, I say that if the House sees any necessity of co-option, in order to bring in the experts and those who can give assistance in the deliberations of the corporation, let this power be given to the elected members, who are responsible to the city, and form the majority of the corporation. With these words, I ask the House to accept my amendment.

The Honourable the PRESIDENT : To the original amendment proposed by Mr. Cowasji, an amendment has been proposed by Mr. Haji.

[The President]

It will be a favour if honourable members, when moving amendments, write them down and hand them over to the Secretary. They leave the whole thing of the wording to me, and the difficulty is that I myself have to do it verbally. We must be precise. I shall receive no amendments until they are put in writing and handed to the table here, and they must be put in proper form. In the present case, the amendment of Mr. Haji is :

"Leave out the words 'and appointed' and substitute the words 'at the ward elections'."

Mr. M. W. PRADHAN (Thana District) : Mr. President, I do not want to make a long speech. What I would submit to this Council is that this Council having already agreed to having the number so far at 96, and my honourable friend Mr. Ferreira having already so lucidly explained the principle of co-option, that the members to be co-opted ought to be co-opted with the whole body and not with a particular portion of it, I fail to see how my learned friend Mr. Haji can again urge before this Council that only a portion of the corporation—a portion of what this Council has already sanctioned, namely, 96—shall have the right of co-option. I think it would be quite unfair to those twenty councillors who would come in either by nomination or by election through the various associations, not to give them the right of saying with whom they will co-opt in the corporation. Had it not been unparliamentary, I should say that it is an absurd suggestion. I hope the Council will see that after having sanctioned the number to be 96, it is in the fairness of things to give all those 96 members the right of co-opting any persons they choose. With these remarks, I strongly object to the amendment to the amendment.

The Honourable Mr. R. P. PARANJPYE : Sir, I move that the question be put.

The Honourable the PRESIDENT : I accept the closure, and will put the question.

Question put that the words 'and appointed' do stand part of the original amendment,

and agreed to.

Question put that the words 'and ten co-opted councillors elected by transferable vote by the councillors elected and appointed under the preceding clauses of this section' do stand part of the clause,

and agreed to.

Mr. COWASJI JEHangIR : Sir, there is a consequential amendment which I have to propose, namely :

"After the words 'one hundred' add the words 'and six'."

Question put and agreed to.

Mr. COWASJI JEHangIR : Sir, I move

"Omit the words 'four co-opted councillors elected by councillors elected at ward elections'."

The Honourable the PRESIDENT : This is a consequential amendment, Question put and agreed to.

Clause 3, as amended, ordered to stand part of the bill.

Clause 4.—(Amendment of section 11 of Bom. III of 1888).

## [The President]

In section 11 of the said Act for sub-sections (2) and (3) the following sub-section shall be substituted :—

" (2) A person shall not be entitled to be enrolled in the municipal election roll as a voter of any ward unless such person has, on the 30th day of September in the year preceding that for which the roll is being prepared, attained the age of 21 years and has, on the first day of April next preceding the date of publication of the electoral roll, occupied as owner or tenant in such ward a building, or part of a building separately occupied, as a dwelling or for the purpose of any trade, business or profession, of which the monthly rental was not less than rupees ten :

Provided that the value of any machinery, furniture or equipment contained in or situate upon any building shall not be included in estimating the rental value of such building :

Provided further that a person who occupies any dwelling house, other than a house in any military or police lines, by virtue of any office, service or employment, shall, if the dwelling-house is not inhabited by the person in whose service he is, be deemed to occupy the dwelling-house as a tenant. "

The Honourable the PRESIDENT : Clause 4. I want to point out that the amendments of Mr. Pahalajani and Mr. Haji as regards the franchise to graduates have to be ruled out of order on the ground that they are beyond the scope of the clause.

Mr. B. G. PAHALAJANI : Will you, Sir, permit us to show that they are not out of order ? The object of the amendment is not to decrease or to affect the number enunciated by the Honourable Minister in charge in his statement of objects and reasons as regards democratising.

The Honourable the PRESIDENT : The ground on which I have ruled it out of order is different.

I have already pointed out on Saturday that clause 4 is a clause which confines the franchise exclusively to one class, namely, occupiers of property, i.e., the tenants. Your amendment proposes to include a different class which is distinct from that class, a class by itself, and therefore it is beyond the scope of the clause. You should have brought in graduates as a separate constituency at this stage. If you wished to bring in graduates under clause 4 you ought to have raised that point at the first reading. The Honourable the Minister in charge in his statement of objects and reasons stated that the object of that clause is to embody in this clause the principle of a uniform franchise and to do away with multiform franchises. That principle was affirmed at the first reading and now you cannot extend it and go beyond the limited scope of the clause. Therefore you cannot bring in graduates under clause 4. You could have brought them in under clause 3 to form a constituency by itself, but no such amendment was proposed there. It cannot be said that during the debate on the first reading the House was not aware of the fact that the bill sought to exclude graduates from clause 4. The honourable member Mr. Haji in his speech there distinctly stated that graduates ought to be brought in as a separate constituency, and yet no one has since ventured to bring in the graduates in that way. I was particularly careful to point out at the first reading that the principles of the bill are to be found in the statement of objects and reasons. I rule the amendments of Mr. Pahalajani and Mr. Haji as to graduates out of order so far as clause 4 is concerned.

Mr. A. N. SURVE (Bombay City, North) : Sir, the amendment which I am going to move relates to the qualification of the registered voters. The draft of the bill.....

The Honourable the PRESIDENT : I think we had better take it tomorrow. The Council is now adjourned till tomorrow 2 o'clock.

*Tuesday, the 25th July 1922.*

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The Council re-assembled at the Council Hall, Poona, on Tuesday, the 25th July 1922, at 2 p.m., the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

*Present:*

ADHAV, Mr. P. N.  
BATLIWALA, Dr. S. S.  
BENNETT, Colonel V. B.  
BHATE, Mr. G. C.  
BHUTTO, Khan Bahadur S. N.  
BOLE, Mr. S. K.  
BULLOCKE, Mr. A. GREVILLE.  
CHITALE, Rao Bahadur G. K.  
CLAYTON, Mr. F.  
COOPER, Khan Bahadur D. B.  
CRERAR, Mr. J.  
DADACHANJI, Dr. K. E.  
DALAL, Sardar Khan Bahadur ADARJI M.  
DALAL, Mr. D. B.  
DESAI, Rao Saheb HARILAL D.  
DESAI, Rao Saheb DADUBHAI P.  
DESHMUKH, Mr. ANANDRAO SHRIPATRAO.  
DRAKHAN, WADERO MAHOMED PANAH.  
DUBHASHE, Mr. SHANKAR BALKRISHNA.  
DWARKADAS, Mr. KANJI.  
FERNANDES, Major C.  
FERREIRA, Mr. D. J.  
GANDHI, Mr. C. M.  
GARUD, Rao Bahadur S. D.  
GHOLAP, Mr. D. D.  
GHULAM HUSSAIN, The Honourable Khan Bahadur SHAIKH.  
GODAD, Khan Saheb ABDULLA AVJAL.  
GODBOLE, Dewan Bahadur K. R.  
GRIFFITH, Mr. F. C.  
GULAMHUSEN, Mr. SULTANALI SALEMANJI.  
HAJI, Mr. IBRAHIM S.  
HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA.  
HAVELIVALA, Mr. M. A.  
HAYWARD, The Honourable Mr. M. H. W.  
HOOD, Mr. A. J. F.

HULKOTI, Mr. CHANNAPPA CHANVIRAPPA.  
JADHAV, Mr. B. V.  
JEHANGIR, Mr. COWASJI.  
KALBHOR, Mr. G. M.  
KALE, Rao Bahadur R. R.  
KAMBLI, Mr. S. T.  
KER, Mr. J. C.  
LAGHARI, Khan Bahadur KHAIR BAKSH.  
LAHORI, Khan Bahadur HAJI AMIRALI.  
LAWRENCE, The Honourable Mr. H. S.  
LORY, Mr. F. B. P.  
MANSURI, Khan Saheb A. M.  
MEAD, Mr. P. J.  
MEHTA, The Honourable Mr. C. V.  
MODI, Sardar Davar Temuras K.  
MONIE, Mr. P. W.  
MOTIRAM, Rao Saheb RUPCHAND.  
MOUNTFORD, Mr. L. J.  
MUTALIK, Sardar V. N.  
NILKANTH, Rao Bahadur R. M.  
NELSON, Mr. F.  
NIMBALKAR, Mr. K. B.  
PAHALAJANI, Mr. B. G.  
PAINTER, Mr. H. L.  
PARANJPYE, The Honourable Mr. R. P.  
PARULEKAR, Rao Saheb L. V.  
PATEL, Mr. B. P.  
PATEL, Mr. J. B.  
PAWAR, Shrimant J. A.  
PETIT, Mr. JEHANGIR B.  
PROES, Mr. E. M.  
RAHIMTOOLA, The Honourable Sir IBRAHIM.  
SAHERWALA, Khan Saheb I. A.  
SALGAR, Mr. R. G.  
SATHE, Rao Bahadur G. K.  
SAYED NABI BAKSH SHAH.  
SAYED, SHAHJADE SAHEB HAIDAR SAHEB.  
SETALVAD, The Honourable Sir CHIMANLAL H.  
SHIRRAS, Mr. G. FINDLAY.  
SINDORE, Mr. H. N.  
SUFI, Mr. KALANDARBAKSH.

SURVE, Mr. A. N.

Thakor of Amod, Sardar NAHARSINGHJI.

THAKURDAS, Mr. PURSHOTAMDAS.

THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

The Honourable the PRESIDENT: Order, order. Members desiring to take their seats will kindly come up to the table and take their oath.

The following member then made the prescribed oath of allegiance to His Majesty the King-Emperor and took his seat in the Council :—

Mr. P. W. Monie, C.S.I., I.C.S.

Mr. C. M. GANDHI (Surat City): Before, Sir, the usual orders are taken up, may I repeat the question to the Honourable the Finance Member as to whether he is now prepared to place the circular on the table regarding Godrej safes? I have already given notice of the question.

The Honourable Mr. H. S. LAWRENCE: Mr. President, I greatly appreciate the compliment the honourable member, Mr. Gandhi, pays to the Finance Department for rapidity in work, but I would point out that we have not yet had time to get the papers from Bombay. As soon as they come up here, the matter will be fully considered.

Mr. C. M. GANDHI: Will they be here before the session closes?

The Honourable Mr. H. S. LAWRENCE: Yes, certainly.

*Consideration of clause 4 resumed.*

Mr. A. N. SURVE (Bombay City, North): Sir, the amendment standing in my name refers to the qualification of a voter in respect of his age. It reads thus:

“In clause 4, sub-clause (2), substitute ‘18’ for ‘21’.”

The bill lays down the limit at 21 years and I propose to substitute 18 for 21. I think the figure 21 has crept into our bill from English Acts. In England the age limit is 21, but in India the age of majority is fixed at 18 by the Indian Majority Act. Again, England and western countries are countries where the climate is cold and maturity is reached there later, but in India, as the climate is warmer, maturity is reached earlier, and therefore it is that the Indian Majority Act has fixed the age at 18. Then, another fact is that in a city people begin to earn their livelihood earlier. Under the Presidency Small Cause Courts Act, even a minor is allowed to sue in respect of his wages in his own name. That is, as far as Bombay city is concerned, the law does not lay down a limit for the purpose of filing suits in respect of wages to 18. What I want to bring to the notice of this House is that in a city people begin to earn their livelihood though they are below 18. If a man can earn his livelihood, can pay the qualifying rent and he is in the eye of law a major, why should we under this bill defer his qualification for three years more? In England the moment a man attains majority he is not expected to wait for any further period, but according to this bill, a man, though he is a major in the eye of law on completing his 18 years, he is not so for the purposes of this bill. He is made to put in three more years, and when he becomes 21, then only he becomes qualified to vote at

[Mr. A. N. Surve]

municipal elections. What I submit to this House is that it is unfair that a man should be made to wait for three years, especially as the expectancy of life in India is very short. Every one knows that people die at a very early age in India. According to this bill, we deprive a man of his civic right of voting at elections for three years at one end and nature sweeps him out of existence and prevents him from exercising that right at the other end. Is it fair that a man should be deprived of the period of voting at municipal elections till he reaches the age of 21 years? For these reasons I submit that the age-limit should be fixed at 18 and not at 21. I request this House to look at this point as a matter of principle only, and not as a matter of anything else. I am quite aware that this House will be told that the list of voters is nearing completion and if we substitute at this late hour the year 18 for the year 21, then there will be great inconvenience felt at the time of elections. That is a difficulty, I admit, but it is a difficulty not of principle but only a difficulty of details. I request this House to settle the principle that is involved in this question, and if that decision is in my favour, then this is the only time when it can be incorporated into the bill. With these remarks, I commend this amendment to the Council for its acceptance.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Mr. President, the age-limit prescribed in the various Acts, such as the Municipal Act, the District Local Board Act, even for Council elections, is 21. In this bill also the age-limit of 21 has been provided to make it consistent with the other Acts. For these reasons I oppose the amendment,

Dr. S. S. BATLIWALA (Bombay City, North): Mr. President, it does not carry any conviction to my mind when I am told by the Honourable Minister that, because in certain other Acts the age-limit is prescribed as 21, we should in order to be in conformity with them put the age-limit at 21. I do not think that that should be our guide. Our guide should be as to how we stand in India, apart from England, where, as has been observed, the age-limit is fixed at 21. Our present conditions in India would enable us to think that a man who has reached the age of 18 can be credited to have wisdom and judgment. I believe that in India a young man who has reached the age of 18 is fully competent to judge fairly and squarely. I do not know, when in law 18 years has been accepted to be the age-limit for majority, why we should go against the dictum of law and prescribe 21 as the age-limit.

The Honourable Sir CHIMANLAL SETALVAD: Under the present Municipal Act, it is 21.

The Honourable the PRESIDENT: The answer to your point is that the age of majority is 18. The Honourable the Leader of the House and the Honourable Sir Chimanlal Setalvad inform you that in the Majority Act the age of majority is 21; and age of 18 is prescribed for certain definite purposes like divorce and marriage. So far as Hindus are concerned, they are at large in case of marriage.

Dr. S. S. BATLIWALA: If that is so, I would make no comparison with law, but I would have for my guide the fact that in India young men who have reached the age of 18 are fully competent to judge right from wrong. But it is said that you get your wisdom tooth at the age 21. I may say that



[Dr. S. S. Batliwala]

one may get his wisdom tooth at the age of 21, or at the age of 45. It does not necessarily mean that a man gets wisdom when he gets the wisdom tooth. If we reduce the age-limit from 21 to 18, there will be no difficulty and Indians at that age will be fully competent to judge of a question well.

Rao Bahadur G. K. SATHE : Mr. President, I feel great regret in opposing the amendment moved by my friend Mr. Surve. I wish to make one point clear on which, I think, there is some misconception, if I may use that word, and if my honourable friend Sir Chimanlal Setalvad would excuse me for using it. Under the Majority Act, unless an administrator or a guardian is appointed, a man becomes a major after the completion of 18 years. It is only in cases where the guardian or the administrator is appointed that this period is extended to 21. This does not mean that I am supporting the amendment. In the case of adoption and marriages, one can enter into these transactions even before 18. I speak subject to correction, because I am not an authority on this point as you, Sir, are.

Coming to the question which is now being discussed, I do not really understand why this step is being taken up. In the first instance, are we going to bring many voters who will be denied the right of voting if the age-limit is 21? One may be able to make his living when he is 15, 17 or 18 but it does not necessarily mean that he himself will be the head of the family, or will be in a position to pay Rs. 10 rent, which is the prescribed rate for eligibility to vote at elections for the corporation of Bombay. If I may compare the time when I was 18, I may say, without meaning any disparagement to those who have been very clever at that age, that I never considered myself quite fit to exercise the right of voting at that age. Perhaps wisdom has grown immensely during the last 40 years, and that may be trotted out as a reason why the age-limit would be 18. It is not the wisdom that should guide in these matters, but there are various other considerations, which ought to be weighed by a voter before he goes to the polling booth, and gives his vote intelligently. It was stated by some of my Bombay friends, I am only making a reference to the discussion of yesterday, that many electors are illiterate and ignorant and not in a position to exercise their right with independence and with the wisdom which may be expected of them. If that is the experience of my honourable friends from Bombay, then why add to this number by reducing the age from 21 to 18?

Then the second reason on which I oppose the amendment is, up to now if we look at the provisions of the Acts in the mofussil, even of the Bombay Corporation Act, and the Council Election Rules, they fix the age at 21. There has been this precedent. The only argument that was advanced in favour of the amendment was that here on the one hand nature is against young men as the period of longevity is decreasing, there on the other hand you, the older people are against young men. So why not give them an opportunity of exercising this right three years earlier than what they would ordinarily do under the Act? But to my mind it appears, Sir, that if we once introduce this principle in the premier city like Bombay city, then we may be tempted to make the same attempt when the District Municipal Act and the District Local Board Act will be under revision, and I for one really believe that whatever can be said about the wisdom, the common sense and anything else to which my friend has referred, the time has not yet arrived when we should decrease

[Rao Bahadur G. K. Sathe]

this age-limit from 21 to 18, and all the arguments that were advanced by the previous speakers, Dr. Batliwala and Mr. Surve, do not yet induce me to vote in favour of that amendment. With these few words I beg to oppose the amendment.

Mr. S. T. KAMBLI (Dharwar District): Sir, I rise to support the amendment moved by my honourable friend Mr. Surve. In this case, Sir, I regret to have to disagree with the views of my honourable friend Rao Bahadur Sathe. Rao Bahadur Sathe has placed his view before this Council, that a very strong case must be made by the mover of the amendment, but I beg to submit that the burden of proof must be thrown on the other side. The sole question in this case is when a person becomes *sui juris*. We are to be guided in this case by the Indian Majority Act. The Indian Majority Act is quite clear on this point. It fixes the age of 18 years at which a person in India is regarded as full *sui juris*; he is competent to make valid contracts at that age, he is able to transfer property of any value at that age, and I fail to see, Sir, why, if he is competent to make a valid contract, if a person at the age of 18 years is able to transfer property of any value, the right of voting should be denied to such a person.

Again, Sir, in the Indian Trust Act a person who has completed the age of 18 years can be a legal trustee of any property in the Presidency of Bombay. If a person who has completed the age of 18 years can be a trustee of any big property, public or private, I fail to see why he should remain incompetent to vote at municipal elections or to become a municipal councillor in the city of Bombay. My honourable friend Rao Bahadur Sathe entertained a very serious fear that if this principle is once accepted, it will be necessary to alter the District Local Board Act and the District Municipal Act. I fail to see what danger there would be in extending this principle to those two Acts. I for one would welcome the extension of this principle to those two Acts—I see no danger, I see no fear in this principle being extended to those two Acts. On the other hand it will be a good training ground for our young men at a very early age. On this ground, I support the amendment of my honourable friend Mr. Surve.

Mr. B. V. JADHAV: Mr. President, I rise to oppose the amendment moved by my honourable friend Mr. Surve. I have very little to add to the arguments advanced by my honourable friend Rao Bahadur Sathe. I would simply say that 21 years is the age of majority for those who are under the court of wards or whose estates are managed by the courts, and also I think in the case of Europeans. And as it will be quite invidious and inconvenient to make distinctions between those persons who come to majority at different ages—some at 18 and some at 21—the present provision of 21 years is the only natural, simple and convenient one. I hope this House will retain it.

Mr. S. K. BOLE (Bombay City, North): Sir, I rise to oppose the amendment on this ground, namely that we are going to have a common electoral roll for the municipal elections as well as the Council elections, and by that we shall be saving thousands of rupees. From that point of view, I think it is better if the honourable mover of the amendment will see his way to withdraw it.

Mr. C. C. HULKOTI (Dharwar District): Sir, I rise to support the amendment before the House. I think when a man is legally competent to enter into a valid contract under the law, it is equally reasonable that that man should be allowed the right of voting.....

The Honourable the PRESIDENT: Order, order. I hope arguments which have already been used will not be repeated.

Mr. C. C. HULKOTI: The argument advanced by my honourable friend Mr. Bole does not appear to me to be sound. Simply because some expense will be saved by deleting persons of the age of 18, it would not be proper or reasonable to deprive such people of their legal rights and in a short time we are expecting that the District Municipal Act as well as the District Local Boards Act are likely to be revised, and they will come before this House, and this Council will have very soon an opportunity of changing their age limit also for voting.....

The Honourable the PRESIDENT: We need not deal with those Acts now.

Mr. C. C. HULKOTI: With these words, I support the amendment before the House.

Mr. KANJI DWARKADAS: I move for a closure, Sir.

The Honourable the PRESIDENT: I accept the closure. Mr. Surve.

Mr. A. N. SURVE (Bombay City, North): Mr. President, there is very little for me to add. I was seeking light and information on this point, but I am sorry that I have not obtained any beyond the fact that our electoral rules also contain rules to the effect that 21 years shall be the age-limit. But I think I have already stated that that is due to the fact that we have been imitating English Acts and not taking Indian conditions into account. Therefore I think that no valid argument has been advanced to retain 21 as the qualifying age.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Sir, I need not repeat the various arguments advanced against the amendment, but will only place one fact before the House. The point is, how many men by reducing the age-limit from 21 to 18, will be benefitted? Most of those of 18 years generally reside with their guardians and they are not by themselves independently paying rent of ten rupees, so as to be competent to vote at the elections. Therefore I submit that even if we reduce the age-limit, it will not considerably benefit any one. On the other hand as we are going to have the same electoral roll for the Council and the city of Bombay, if we reduce the age-limit to 18 years, a considerable amount of expenditure will be incurred by having two rolls separately. With these words, I oppose the amendment.

Question put that the figure 21 in clause 4, sub-clause (2), do stand part of the clause and agreed to.

Clause 4 ordered to stand part of the bill.

*Clause 5. (Repeal of sections 12 and 13 of Bom. III of 1888).*

Sections 12 and 13 of the said Act shall be repealed.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Sir, I think, before clause 5 of the bill is ordered to stand part of the bill, certain amendments are necessary in it.

The Honourable the PRESIDENT: Do you rise to ask any question on any point of order?

Rao Saheb HARILAL D. DESAI : On account of the amendment to clause 3 by the insertion of the constituency of fellows, I believe that from clause 5 the words 'and 13' will have to be omitted.

The Honourable the PRESIDENT : In consequence of the provision made for election by the fellows, you say that section 13 cannot be repealed, but must stand part of the bill. Is that it ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDA YATALLAH : Sir, under this bill, we are not having an electoral roll in the corporation for the fellows, but the University has its own electoral roll, and we are authorising the University to make use of it for the election of a member by the fellows. Therefore, this consequential amendment is not necessary.

The Honourable the PRESIDENT : I understand the Honourable the Minister in charge to say that, just as in the case of other elections, the University is to make its own rules for election, and under those rules the candidates for fellows' election will be elected.

Clause ordered to stand part of the bill.

*Clause 6. (Amendment of section 14 of Bom. III of 1888.)*

In sub-section (1) of section 14 of the said Act, the following words shall be repealed :—

"or unless he is at the time of the election a justice or a fellow and is enrolled as a justice or as a fellow in the municipal election roll"

Mr. B. G. PAHALAJANI (Western Sind) : Mr. President, the amendment that stands in my name is as follows :

In clause 6, remove the words "or a fellow" and "or as a fellow."

I do not intend to move my amendment, as the original section 13 relating also to the qualifications of voters as fellows refers to the municipal roll. As the municipal roll is going to be eliminated altogether from the election of fellows section 13 must go and therefore, I do not intend to move my amendment, but retain the word "fellows" in section 13.

Section 14 runs thus :

"A person shall not be qualified to be elected at a ward election to be a councillor, unless he is enrolled in the municipal election roll as a voter of some ward, or unless he is, at the time of the election, a justice or a fellow and is enrolled as a justice or as a fellow in the municipal election roll."

What is now proposed in the bill is that all the words commencing with "or unless" in section 14 (1) should be eliminated.

The Honourable the PRESIDENT : Does not the answer given by the Honourable Minister a little while ago satisfy your point ?

Mr. B. G. PAHALAJANI : In view of that, I am not moving my amendment.

Clause ordered to stand part of the bill.

*Clause 7. (New Section 15 of Bom. III of 1888.)*

For section 15 of the said Act the following section shall be substituted :—

15. *Qualification or election by association or body.*—A person shall not be qualified to be elected at an election by any association or body determined by Government in this behalf under the provisions of sub-section (1) of section 5, unless he is at the time of the election a member of that association or body or a person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm, company or corporation registered as a member of such association or body."

Mr. A. N. SURVE (Bombay City, North) : Mr. President, I am not going to move my amendment to clause 7.

The Honourable the PRESIDENT: Even if you wanted to move it, I would not have allowed it. You can vote against clause 7. Your amendment is a direct negative, and I was going to tell you that it is not an amendment.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Sir, there is a small consequential amendment which I have to move.

The Honourable the PRESIDENT: May I request the Minister in charge to draw it up very precisely with the aid of the law officers of the Government, and see that it is put in my hands in proper order? I think the Honourable Minister had better avail himself of the advice of some legal head of Government.

Mr. M. A. HAVELIVALA: Sir, this was the clause that I pointed out when I raised objections to this bill.

The Honourable the PRESIDENT: If you speak now, you may lose your right of speaking again.

Mr. M. A. HAVELIVALA: I wish to point out .....

The Honourable the PRESIDENT: The honourable member does not realise the value of my advice. If he speaks now, he may exhaust his right of speech. Let us first know what the Honourable Minister is going to propose.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Sir, I move that

"In clause 7, for 'section 15', substitute the following: 'A person shall not be....'."

It will be better if you give me some time to draft the amendment.

Mr. JEHangIR B. PETIT: Sir, do not you think this matter should better be postponed till to-morrow or till this afternoon?

Mr. COWASJI JEHangIR: Surely, Sir, the whole thing is to be repealed. It is no use trying to amend it.

The Honourable the PRESIDENT: Unless there is some motion, I cannot interfere.

Mr. COWASJI JEHangIR: If the Leader of the House will accept the proposal to adjourn this matter till to-morrow, till the Honourable Minister has time to go through the whole matter and then bring forward a definite amendment, I think it would solve the difficulty.

The Honourable Sir IBRAHIM RAHIMTOOLA: That will be for the President to decide. The President can ascertain the sense of the House and regulate the procedure in which the business should be proceeded with.

The Honourable the PRESIDENT: Unless there is a motion that the debate be adjourned, I have no power to interfere. There should be a motion that the consideration of the remaining portion of the bill be adjourned till to-morrow to enable the Government to decide what consequential amendment is necessary.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: I am prepared to move the amendment, Sir. I move:

"For clause 7 substitute the following:—

"Section 15 of the said Act shall be repealed."

The Honourable the PRESIDENT: The amendment is proposed and you want me to dispense with the Standing Order requiring notice?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Yes, Sir.

The Honourable the PRESIDENT: Very well, I dispense with notice under the Standing Order.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: I will read section 15 of the Act for the information of the Council. It runs thus:

"A person shall not be qualified to be elected to be a councillor at a justices' election or a fellows' election, or an election by the Bombay Chamber of Commerce, unless he is at the time of the election a justice, or a fellow, or a member of the said Chamber, as the case may be, and unless, in the case of a justice or a fellow, he is enrolled as such in the municipal election roll."

Mr. B. G. PAHALAJANI (Western Sind): Sir, may I be permitted to move an amendment to this amendment of repealing?

The Honourable the PRESIDENT: I will allow you to move an amendment to the amendment. You may speak and then move an amendment to the amendment; or you can move now and then speak.

Mr. B. G. PAHALAJANI: Sir, I fear the Honourable Minister, by the amendment which he proposes, has taken this short cut by asking the Council to cancel section 7, because it involves a long substitution. Section 15 in the original Act, which by the amendment of the Honourable Minister, is sought to be done away with, is a very salutary section which ought to exist there. Section 15 of the original Act, I say, is salutary because it prescribes a certain amount of restriction as regards the qualification. It runs thus:

"A person shall not be qualified to be elected to be a councillor at a justices' election or a fellows' election, or an election by the Bombay Chamber of Commerce, unless he is at the time of the election a justice, or a fellow, or a member of the said Chamber, as the case may be, and unless, in the case of a justice or a fellow, he is enrolled as such in the municipal election roll."

"Unless he is at the time of the election a justice" are the words which are important. Now, the old section 15 related only to municipal election rolls in which all the voters came in. The present section that has been allowed by the Council yesterday provides for three distinct rolls. One is the municipal electoral roll; then of each of the chambers; then the electoral roll of the university. It therefore divides the whole election into three electoral rolls. One, general ward election roll; then that of the members who are of each of the chambers; and then that of the members of the university, that is to say, fellows of the university. Therefore, section 15 amended according to the present intentions of this bill and as it originally appeared in the select committee's report, section 7, must be there in order to ensure that if any member of any of the chambers or any fellow of the University of Bombay, votes, he ought to be at the time of the election a member of that association or a member or fellow of the university. That is to say, at the time the election takes place or at the time each of the chambers is called upon to elect, he must have the qualification of being an existing member of that institution. That is the intention of section 15, and that intention was sought to be preserved in the amending Act to prevent confusion, and I think it would be rather harmful to remove altogether clause 7—our amended section 15—because it removes the only safeguard, the qualification, of being an existing member of that body. I will, therefore, propose, Sir, in consonance with the intentions of the Minister himself as given in that section this way:

"Substitute for clause 7 the following:

"A person shall not be qualified to be elected at an election by the association or the University of Bombay mentioned in section 3, sub-section (1), unless he is at the time of the election a member of that association, or a fellow of the University of Bombay, or a person entitled....."

The Honourable the PRESIDENT : Is it necessary for you to make such a long thing when you can effect your intention of amending clause 7 by saying, "In section 15 of the said Act, leave out the words 'at a justices' election or a fellows' election' " and so on ?

Mr. B. G. PAHALAJANI : No, Sir. My amendment will be in the whole clause 7 of the amending Act. It will be thus :—

In lines 3 and 4 omit the words "any association or body determined by Government in this behalf under the provisions of sub-section (1) of section 5" and substitute "by the association or the University of Bombay mentioned in clause 3, sub-clause (1)."

Omit the word 'body' in lines 5 and 7 and substitute the words 'University of Bombay.'

By those verbal alternations the section will read as under.....

The Honourable the PRESIDENT : I see now that the House has now been asked to do the work which ought to have been done by the committee. It has been brought to my notice by some honourable members, who seem to have devoted their attention to the provisions of the bill, that there are sections that will have to be amended in consequence of the changes made by the House in clauses 1 to 6. In consequence of that, other clauses also have to be amended. This work, which ought to have been done by the select committee, has now been thrust on the House. It is setting a very bad precedent, and I cannot allow the time of the Council to be wasted like this.

I propose to make a suggestion to the House, if Government will accept it. It will be in the hands of the Government, because it is Government business. We may adjourn to-day; the House need not sit to-day. The Government in the meantime will look into the matter closely and find out what consequential amendments are necessary with the help of non-official members who have devoted their attention to the subject, and we may take up the bill to-morrow when we meet. In consequence of that the Government may add one day more to the period already allotted for this session. That is the only way to protect the rights of this Council.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I should like to say a word with regard to the suggestion you have made. Yesterday's amendments which were passed necessitated certain alternations in the bill. I quite agree that the consequential amendments should have been ready, so that the Council could proceed with the bill. I have no objection to the suggestion you have made, to put off the consideration of this bill till to-morrow. What I would urge you to consider is this : members have come from distant parts of the Presidency and they do not generally like the idea of prolonging the session. If you have no objection, an amendment can be moved that the consideration of this measure be postponed till to-morrow. In the meantime we can go on with other work. Every day we meet at 2 o'clock, and I am sure the Honourable Minister will have got ready all the consequential amendments necessary before we meet to-morrow.

The Honourable the PRESIDENT : It is in my power to adjourn the meeting to any future date without discussion or vote. I merely wanted to ascertain the sense of the House, because I must take the House with me. I made that suggestion in order that the Honourable Minister may have the advice of the non-official members who have studied the subject. Otherwise if we proceed with other business the honourable members will be tied down to Council work.

Mr. C. M. GANDHI : There are a number of consequential amendments and we shall take some time.

The Honourable the PRESIDENT : I adjourn further consideration of the second reading till 2 p.m. to-morrow.

**A BILL TO PROVIDE FOR THE REGULATION AND CONTROL OF  
TRANSACTIONS IN COTTON IN THE PRESIDENCY OF  
BOMBAY (BILL No. XIII OF 1922),**

The Honourable Sir IBRAHIM RAHIMTOOLA : I have to request you, Mr. President, to suspend the Standing Orders, in order to enable me to place before the Council a very important bill dealing with the control of the cotton trade in the city of Bombay. If you comply, I will try to explain the provisions of the bill and ask the honourable members to sanction the first reading.

The Honourable the PRESIDENT : I suspend the Standing Order.

The Honourable Sir IBRAHIM RAHIMTOOLA : The reason for asking the suspension of the Standing Order is that the bill was published so recently as last Saturday, and the statutory notice has not been given. The bill deals with legalising the establishment of the East India Cotton Association. Honourable members are aware that in pursuance of a widespread demand from the cotton trade, Government introduced in 1919 a legislative measure dealing with cotton contracts. It was undertaken as a war measure and was of a temporary nature. The bill remained in operation for nearly three years, and then it was represented that the trade would manage its own affairs, and in consequence the Cotton Contracts Control Act was repealed in the current year. It has now been found by the trade that it is essentially necessary that the association which is proposed to be started, or rather, which has been already started, by name the East India Cotton Association, Limited, should receive legislative authority. A great deal of correspondence has been carried on between the Government and the representatives of the trade and at one time it was found that one important section of the trade did not agree to the measure. The Government have now been satisfied that all the principal interests in the trade are agreed, and that they all unanimously desire that a legislative measure of this character should be passed by this Council to enable the association to control the cotton trade.

Government have willingly responded to the unanimous demand of the trade and have brought forward this measure for the consideration of this Council. Honourable members will observe that the bill consists of only six clauses and the principal clause which is clause 3, provides rule-making powers. They are quite comprehensive and the association will be able to make all the rules that may be necessary in the interests of the trade. Government have taken the precaution of providing that those rules which the association may frame shall be subject to the previous sanction of Government, and when those rules are received, Government will take adequate care to see that the interests of all parties concerned in the trade are adequately safeguarded by those rules. In view of the fact that the trade unanimously demands this legal authority to control the trade, I do not think the Council will stand in the way of giving them the necessary legal authority to control it in the best interests of the trade. All the necessary safeguards, as I have already pointed out, have been taken, and the rules will remain subject to the sanction of Government, not only when they are originally made but also when they are varied or altered. For these reasons I think that the Council will be pleased to accord their sanction to the first reading of the bill.



**Mr. PURSHOTAMDAS THAKURDAS :** Mr. President, I rise to support the motion that this bill be read the first time. As one who has been connected with the cotton trade for some years now, and who had something to do with the Cotton Contracts Act of 1919, I have no hesitation in assuring the Council that this bill is only a natural complement of what the Government undertook in 1919. The discipline and order that prevailed in the cotton trade ever since government legislation was passed in 1919 has been so useful and has now been so much appreciated by the trade that the trade feel that, in order to carry on the cotton trade of Bombay in a manner which would be to the best interests of all concerned, namely, the grower, the consumer (the mills) and the commercial community included, nothing better could happen than that this legislature should give the body controlling the cotton trade certain powers. There is, Sir, nothing novel in the various clauses that are included in the bill before the House, for, in all probability, almost every clause in it is taken from the Cotton Contracts Act of 1919. In fact, Sir, I was hoping that the Honourable Member in charge might be able to submit all the three readings of this bill at this sessions, for the simplest of all reasons, that the bill is non-contentious and any powers that the trade could be vested with at the earliest opportunity would be most desirable ; but I understand that the bill was published only last week and that the Honourable Member in charge, very rightly, I think, feels that it would be too much to rush through all the three readings, when such short notice of less than a fortnight has been available to the public even for the first reading. With that contention of the Honourable Member in charge, I fully agree, and I therefore do not wish to request him to have the second and the third readings of the bill done at this sessions ; but I assure the Council that as far as we in Bombay are concerned, we have not yet heard a single dissentient voice to any of the clauses included in this bill, and what little difference of opinion existed between the East India Cotton Association and the Bombay Millowners' Association has been settled satisfactorily for both sides before Government were approached with the request for this legislation. I do not think, Sir, I would like to take more time of the Council at this stage, and I hope that this Council will pass the first reading of this bill.

**Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) :** Sir, I rise to support the first reading of the bill before this House. As stated in the statement of objects and reasons of the bill, there was at one stage of this measure, a very substantial difference of opinion between the new association that has come into existence and the Bombay Millowners' Association which I have the honour to represent, but, Sir, I have pleasure in saying that that difference has now been settled and that there is unanimity between the two bodies. There is one small difference yet existing between the two bodies about hedge contracts, but the Millowners' Association are quite satisfied that under the rules of the new association, it would always be possible to settle that difference in an amicable manner by personal negotiations between the two bodies. I have therefore been authorised by my association to give the support of the Bombay Millowners' Association to this, and I rise to say that there is now no difference of opinion between the two bodies, and that therefore, in so far as that body is concerned, it is of the opinion that it has nothing to fear. I accordingly finally say that the measure before the House may pass the first reading as being in the best interests of the trade of the city of Bombay in order that the further stages may be reached in succession.

Rao Saheb D. P. DESAI (Kaira District): Sir, as there seems to be an agreement between the merchants and the manufacturers I am rather suspicious on the whole. I think that it would not be to the best interests of the grower that the trade in cotton should be controlled, or that the trade in cotton should be entrusted to an association which is given the power of fixing the prices. That clause was good so far as there were war conditions, but when these conditions have ceased to exist I do not see any necessity why a special association or a class of men should be given that power. Besides interfering with the normal order and conditions of trade, you hand over the whole cotton trade of this country, bound hand and foot, to this association. That, I think, should not be done. The cotton trade should be kept thoroughly open to all parties. There should be free competition and as a result of free competition, if there are low prices or high prices, I do not mind, but there ought to be free competition unfettered by the rules or bye-laws either of this Council or any association for that matter. That is the point I want to urge, and I think that this Council should take into consideration this aspect of this bill.

The Honourable Sir IBRAHIM RAHIMTOOLA: Sir, the reasons which the honourable member from Kaira, Rao Saheb Dādubhai Desai, has brought forward did to a very great extent influence me in resisting the request of the trade that we should go through the three readings at this session. I pointed out that the bill was published only on Saturday last, and it would hardly be fair to the general interests of the whole Presidency, to which the bill can be applied, to carry it through, without giving the outside public ample time to consider and to represent any objections that they may have to the measure. I therefore thought that the best course Government should adopt was to ask the Council to pass the first reading, to refer the bill to a select committee, and to ask the select committee to report within a month, so that there may be ample opportunity for the general public to examine the provisions of the bill, and to make any representations which they think are necessary in view of all the interests concerned, not the least of which is the cotton growers' interest. You will observe, Sir, that under sub-clause (b) of clause 2, it is distinctly provided in the definition of the word *Bombay*, that *Bombay* means the city of *Bombay*, provided that the Governor in Council may, by notification, direct that *Bombay* shall include any part of the Presidency of *Bombay*, whereupon from the date of such notification, this Act shall be construed accordingly. It will be apparent therefore that though the bill applies to *Bombay* city at present, it gives Government the power of extending its provisions by notification to all parts of the Presidency. I quite recognise the great necessity of the agricultural interests examining the measure to see how it would affect them. For that reason, I appreciate the readiness with which my honourable friend Mr. Purshotamdas Thakurdas agreed with my suggestion, that the bill should go before the select committee, and be thoroughly looked into, before this Council is asked to pass the second and the third readings. I therefore ask the Council, on the present occasion, to pass the first reading of the bill, in order to enable the bill to be referred to a select committee.

Bill read a first time. Question put and agreed to.

The Honourable Sir IBRAHIM RAHIMTOOLA: Sir, I beg to move that the bill be referred to a select committee consisting of

Mr. Jehangir B. Petit,  
Mr. Mangaldas Girdhardas,  
Mr. Kanji Dwarkadas,  
Mr. F. Nelson,

Mr. Purshotamdas Thakurdas,  
Mr. Cowasji Jehangir,  
Rao Saheb Dadubhai P. Desai,  
Mr G. A. Thomas, and  
the Mover,

the select committee to report within a month.

Rao Saheb D. P. DESAI : I would suggest that Sardar Mutalik's name may be substituted for mine.

The Honourable Sir IBRAHIM RAHIMTOOLA : I will gladly accept Sardar Mutalik's name, and would substitute it for the name of Mr. Cowasji Jehangir.

Mr. S. T. KAMBLI : One honourable member's name from the Southern Division may be included. I suggest the name of Mr. C. C. Hulkoti.

Mr. IBRAHIM S. HAJI : May I suggest that the name of Mr. Ghulam Hussein Kassim be added ? He comes from Sind.

Mr. K. B. NIMBALKAR : I would suggest the name of Mr. Jadhav, to represent the agricultural interests of the Central Division.

The Honourable Sir IBRAHIM RAHIMTOOLA : I accept the names suggested.

Question put that the bill be referred to a select committee consisting of  
Bill referred to select committee. Mr. Jehangir B. Petit, Mr. Mangaldas Girdhardas, Mr. Kanji Dwarkadas, Mr. F. Nelson, Mr. Purshotamdas Thakurdas, Sardar V. N. Mutalik, Rao Saheb D. P. Desai, Mr. G. H. Kassim, Mr. C. C. Hulkoti, Mr. B. V. Jadhav, Mr. G. A. Thomas, and the Mover, with instructions to report within a month

and agreed to.

### SUPPLEMENTARY ESTIMATES.

" Supplementary grant of Rs. 24,75,000 to cover the carry forward reported by the High Commissioner for India on account of the purchase of plant for Development Department."

The Honourable Sir CHIMANLAL SETALVAD : Mr. President, I beg to move for a supplementary grant, as mentioned in the statement before the House. Honourable members must have seen the note appended, which says that this is no new expenditure at all, but merely a carry forward from the last two years. Certain expenditure on the plant bought in England had to be disbursed by the High Commissioner and it was expected to be disbursed within the years 1920-21 and 1921-22, but the whole of it not having been disbursed in those years, the part that remained has to be disbursed in the current year 1922-23. Therefore it is really carrying forward, and as I have pointed out no new expenditure. Honourable members will see through the total of the High Commissioner's disbursements during the years 1920-21 and 1921-22. It is £993,373 and the cost of the total plant is as stated below, and the difference is carried forward.

Since this notice for supplementary grant was given we have received a communication from the High Commissioner informing us that he has been able to save a certain amount in the freight for sending the dredger to Bombay, that is, he has spent less than was estimated for on that head. Therefore, Sir, instead of asking for a supplementary grant as printed in the notice of Rs. 24,75,000, I would reduce that demand to Rs. 22,50,000, the difference being accounted for, as I have said, by the saving that we have been able to make in the transit charges.

Mr. JEHANGIR B. PETIT : What is the amount wanted now.

The Honourable Sir CHIMANLAL SETALVAD : Originally Rs. 24,75,000 was asked for and I am reducing it to Rs. 22,50,000.

Rao Bahadur R. R. KALE : Mr. President, I wish to ask an explanation of a certain discrepancy which appears from a reference to the figure as given in the statement. The first item "Expenditure on plant for Back Bay Reclamation Scheme during 1920-21" is given as £247,771. Now there was a question asked last year and that question was :

"Will Government be pleased to state what is the total amount of money likely to be spent on the plant required in connection with the Reclamation Scheme and what amount has already been spent for this particular purpose?"

and the answer to that question stated :

"A statement of plant is appended. The expenditure actually incurred upto the end of March 1921, so far as it has been reported by the High Commissioner, was just over £320,000."

That answer is at page 849 of Vol. III. And this is expenditure on the plant for Back Bay Reclamation during 1920-21, that is upto the end of March 1921. The figure given here is £247,771, whereas in the answer the figure is much higher, £320,000.

The Honourable Sir CHIMANLAL SETALVAD : Here we are dealing with the plant on the Back Bay Reclamation. The other includes, I think, expenditure also incurred through the High Commissioner. It has no connection with the Back Bay Reclamation here. We are now dealing with the Back Bay Reclamation Plant.

Rao Bahadur R. R. KALE : There is the word reclamation scheme in page 849. The question asked was about the amount that has been spent in connection with the reclamation scheme, and the amount given as the expenditure actually incurred upto the end of March 1921 is just over £320,000, and so, if it was like that, how is it that you find the figure put at £247,000 ?

Rao Bahadur G. K. CHITALE (Ahmednagar District) : I also wish, Sir, that a full answer should be given. Last time we were assured.....

The Honourable the PRESIDENT : Are you asking a question or speaking ?

Rao Bahadur G. K. CHITALE : I am asking a question, but I do not wish to exhaust the right of speech.

The Honourable the PRESIDENT : By the assent of the House, I will allow you to ask a question, because it is not question time now. Only ask the question as briefly as you can, please.

Rao Bahadur G. K. CHITALE : Sir, I want to know as to whether the High Commissioner is buying in the cheapest market or in the dearest market, according to the promise that was given last year.

The Honourable Sir CHIMANLAL SETALVAD : We are now dealing with the orders that were placed before 1920. We are making payments now which should have been made in 1921.

The Honourable the PRESIDENT : Your answer is that this question is not pertinent to the question before the House. Then the proper thing for the honourable member, Rao Bahadur Chitale, is to make his remarks. If you go on asking questions we shall be converting the debate into question time.

Mr. P. W. MONIE : Mr. President, it is partly due to the fact that certain items that we thought were to be included in the 1920-21 accounts were finally included in the 1921-22 accounts and partly due to the fact that, when the figures were given originally, we did not know the rate of exchange at which the High Commissioner's amounts were to be converted into rupees. There is no difference in the total expenditure.

Rao Bahadur G. K. CHITALE : I am not sure, Sir, that this Council has the power of controlling this expenditure, but I take it that, as the sanction of the Council is thought necessary, we have the necessary power of withholding that amount. Now, I was really struck by the fact that there was a very large room for savings which could be made in this manner and especially by what has been brought to our notice by Rao Bahadur Kale—that a very large difference was accounted for as being due to exchange. I think when dealing in lakhs, mere general surmise of the difference being due to exchange is not a proper justification and it appears to me, Sir, that we have been rather, in dealing with this Development Department, dealing with it very generously and that we have never scrutinised the whole expenditure in the manner it deserves. Unless, therefore, either the General Member or the Secretary, who is here, is able to satisfy us as to the difference between the statement made in answer to that question and the amount that is now asked for, I think this House will be well advised in rejecting the whole grant. It is only by that method that we can bring the Members of Government to the proper sense of proportion which this Council would like them to have. Otherwise, it may be that we are not exercising our responsibility in the manner as it ought to be exercised. In the first place, this Development Department is a department of Government and as such I cannot see why this expenditure should not be accountable,—this difference all at once. It is also possible that we might be, in incurring this expenditure, perhaps putting very large figures first in order to induce the Council to vote them and then to show that “Here we have economised and brought down the expenditure by a very large amount”. Under those circumstances, unless the explanation is forthcoming as to the difference,—the answer is perfectly clear that that figure was with reference to reclamation scheme,—and as there is a very big difference, I should think, Sir, that the Council will be well advised in rejecting the grant.

Mr. G. C. BHATE (Kolaba District) : Mr. President, I should like to show some figures for consideration in this connection. At page 278 of the White Book, final issue, we find an amount of Rs. 20,52,215 has been debited for Tools and Plant for Back Bay Scheme. And then again, we find on the same page under C for Bombay and Salsette Division an amount of Rs. 7,76,000. Then again, a little bit below, you find Rs. 17,88,400 for Materials Division and Suburban Survey, and there is at the end of the page a foot-note that the total of Rs. 3,39,49,905 includes Rs. 33,16,315 on account of expenditure in England. So from this, it appears that out of this total of Rs. 3,39,49,905 Rs. 33,16,315 are on account of expenditure in England. We have to grant now the present amount of Rs. 22,50,000. And this amount would be an additional amount if this is not included in the amount on account of Expenditure in England. But the figures on the above do not make the matter clear. I hope the Honourable member would explain.

The Honourable Sir CHIMANLAL SETALVAD : Mr. President, the explanation is very simple. Mr. Bhatе refers to the figures which are for the new plant with regard to the East Colaba section of the Back Bay Reclamation Scheme. It has two sides, the west one and the east one, and members will

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remember that the eastern scheme was sanctioned by the Council later, and the expenditure Mr. Bhate refers to is the one for the eastern Colaba section. It has nothing to do with the expenditure which we are now dealing with. The expenditure we are now dealing with is with regard to the earlier scheme, namely, the western Colaba section. Disbursement was intended to be made in 1921-1922, and the whole of that not having been made in that year, it has to be made this year. So, the figures that Mr. Bhate refers to have nothing to do with the item we are dealing with now.

Mr. B. G. PAHALAJANI (Western Sind): Mr. President, there is a discrepancy. I think we must go back to the proceedings of the first session and the answers by the Government, Development Department, in reference to this matter. The present supplementary budget refers to carrying forward certain amount on account of the expenditure and the orders placed in England for two years 1920-21 and 1921-22. Now, if, Sir, the very first item in the note that is placed before us on page 2 is looked at, you will find under High Commissioner's Disbursements "Expenditure on plant for Back Bay Reclamation Scheme during 1920-21, £247,771". That was for the first year. Then, Sir, the expenditure on plant ordered by the Development Department for the Development Scheme in the next year is £968,800. These are the figures, therefore, at present placed before us by the department to show the orders placed in 1920-21 and the amount actually disbursed through the High Commissioner. But, Sir, at the first Council session my honourable friend Mr. Dumasia put a specific question on this subject, and I will read the question and answer for the information of the Council. It is at page 849, Volume III, of the debates: The question was:

"Will Government be pleased to state what is the total amount of money likely to be spent on the plant required in connection with the Reclamation Scheme and what amount has already been spent for this particular purpose?"

The answer was as follows:

"Statement of plant (Appendix B) is appended. The expenditure actually incurred up to the end of March 1921 so far as it has been reported by the High Commissioner was just over £320,000."

So that, Sir, on the 3rd of August 1921 the answer given by Government as regards the actual disbursement made upto 31st March 1921 shows that it was £320,000. In the note that is placed before us now the figure of actual disbursement is given as £247,771. The orders placed, £968,800, is correct as mentioned in that answer, but so far as the actual expenditure by this Government through the High Commissioner is concerned, the figure given on the 3rd of August 1921 is £320,000, against £247,771 given in the note placed before the honourable members to-day. And, therefore, Sir, the difference between £320,000 and £247,771 requires to be explained before the total of the amounts on account of the exchange can be carried forward; that amount, Sir, is a large one, because if we deduct out of the £320,000 the sum of £247,771 it is a difference of nearly £73,000, which has either to be debited or credited, and we shall see, Sir, that the amount that would have to be carried forward would not be £165,000 as it is asked for to-day, but it would be reduced by £73,000. I think the discrepancy requires to be fully explained. The two figures are both upto the end of March 1921. Whether this is a mere mistake, or a mistake of the Accountant General, or a mistake of the Government itself, or of calculation, as to the sum being carried forward, is a matter which requires to be explained.

The Honourable the PRESIDENT : Now I call upon the Honourable Member in charge for a reply.

Mr. P. W. MONIE : (Stands up).

The Honourable the PRESIDENT : You have no right of reply, but certain speeches can be allowed if the House gives assent.

(The House gave its assent.)

Mr. P. W. MONIE : Mr. President, I thank you for the permission you have given me to speak. The answer given to Mr. Dumasia which has been referred to is precisely what is referred to in this note. In that we said that in August 1921 the expenditure so far as was then known was £3,20,000. In the first place we had not got the complete accounts from the High Commissioner. It was the end of July and we had got only the summary, the total figure. In the Development Department, as in the Public Works Department, there are two accounts for the month of March, a preliminary account which contains all expenditure as ascertained up to March 31st, and then a final account which contains also various additional items, entered in the accounts later and written back to the previous year. When we gave the original answer, we had nothing but the High Commissioner's total expenditure as reported by him and did not know whether this £73,000 odd were to be put finally in the accounts for 1921-22 or 1922-23. It does not make any difference in the total expenditure. Also as I said before, we did not exactly know what the rate of exchange was to be and that made a small difference. There is no possibility of this £73,000 turning out to be a saving, as suggested. It is real expenditure. The High Commissioner originally asked for £200,000 to cover expenditure carried forward. This was put before the Advisory Committee, and it agreed to it. The High Commissioner saved certain amounts owing to the fall of prices of plant, and an over-estimate of sending out the dredgers. The amount of 22½ lakhs is actually required. If the Council does not sanction it, we shall have to cut down the expenditure on various projects for which the Council has voted money during the current year.

Sardar V. N. MUTALIK : If I understand correctly, the expenditure was incurred up to the end of March and not up to August ?

Mr. P. W. MONIE : We stated that in August we did not have the actual accounts.

Dewan Bahadur K. R. GODBOLE (Poona District) : The actual amount required is £115,124, while Government wants the Council to sanction an amount of £165,000. The difference between the two figures is £49,876 which converted into rupees come to about 7½ lakhs. I want an assurance from the Honourable Member in charge to the effect that this large draw over does not involve an excess on the sanctioned estimates of tools and plant required for the Development Scheme and Reclamation Scheme.

The Honourable the PRESIDENT : The House will now adjourn for tea till 4-30 p.m.

*After recess.*

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : Sir, the explanation required by this House on the point at issue is a simple one, and as yet I at least am not satisfied with what is given by the Honourable Member in charge. There are two statements here. In the answer which was given in August last it is clearly stated that the expenditure actually incurred up to the end of March 1921 so far as it has been reported by the High Commissioner

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was just over £320,000. £320,000 is the actual expenditure incurred. There is no probability about it. The statement is quite clear and it is not possible that there could have been a decrease in the expenditure that has been actually incurred. If the expenditure was only a prospective one, it was quite easy for Government to say that they calculated that the expenditure would be so much and that now they find that it is actually so much, but what we find here stated, is that the expenditure has been actually incurred, and here again Government gives a different figure which is less by about £72,000. This ought to be explained as otherwise we may be allowing something which may involve us in trouble later on.

The Honourable Sir CHIMANLAL SETALVAD : Mr. President, the discrepancy referred to by my honourable friends Rao Bahadur Kale and Sardar Mutalik is very easy to explain. It is perfectly true that in the answer quoted by them it was stated that £320,000 was the expenditure incurred. That statement was made on advices that had been received till then from the High Commissioner who expected to make those payments during that year, but in fact the payments that have actually been made come to £247,000 odd. It makes really no difference at all because if the £320,000 had been paid out as stated in that answer, the only result would have been that the next figure of payment in 1921-22, £745,000 odd, would have been *pro tanto* reduced. The total figure of disbursements of the two years would not have been affected at all. So there is no substance in the objection. It only comes to this, that the £320,000 that was fully expected would be paid out in 1920-21 has not actually been so paid, but that £247,000 odd has been paid, and therefore the balance that had to be paid was paid in 1921-22, and the total for the two years remains the same. Then further, the total plant ordered is as shown in the subsequent items, and instead of the whole of that being paid for as expected in 1920-21 and 1921-22, only £993,000 has been paid out. So the rest remains to be paid in the current year 1922-23. That is why this amount that is now asked for by the supplementary grant has to be carried over for this year. As I have stated in my opening remarks, there is no new expenditure at all, it is merely a question of dividing the total in these three years 1920-21, 1921-22 and 1922-23. The amount not expended in the previous years is carried forward to the present year.

Then, Sir, with regard to the point that my honourable friend Dewan Bahadur Godbole tried to make based on the last paragraph of the note with regard to the difference between the total cost of plant and the total of the High Commissioner's actual disbursements being £115,124, while the actual difference reported was £165,000, if the Dewan Bahadur had read a little further down the note, he would have found the explanation is given there. It states :—

The difference between this figure and the actual carry forward as reported by the High Commissioner for India, *viz.*, £165,000 is to be accounted for by small variations in prices and by freight charges, etc., payable in England, including charges payable in England on account of the voyage to India of the two dredgers. These charges are not included in the figures against items (1), (2) and (3) (b) under Plant Ordered, aggregate cost £988,697. The allowance ordinarily made in estimates for freight and other charges on plant ordered from England is 8 per cent. The expenditure in respect of which the additional grant is asked



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for is not therefore new expenditure, but expenditure intended to be incurred in the years 1920-21 and 1921-22 and unavoidably carried forward to 1922-23.

You will see, Sir, that the charges on freight, insurance and so on were not included in the figures given against items (1) and (2) mentioned above.....

Dewan Bahadur K. R. GODBOLE : What I wanted to point out was that the amount involved was not a small one but it came to Rs. 748,000. What I wanted to enquire about was whether this large increase involved an increase in the original estimate.

The Honourable Sir CHIMANLAL SETALVAD : No, the original estimates are not affected. The variations took place because there were variations in prices which were regulated by the cost of materials and other things. For instance under the contract with regard to the dredgers certain prices are regulated by the cost of materials, etc., and recently the High Commissioner wrote saying he had been able to save something on the dredger because prices of certain materials had gone down. He also saved on the freight—those charges were dependent on the situation existing.

Then a part is accounted for, as the honourable member Mr. Monie stated, by the difference in exchange.

Question put and agreed to.

"Supplementary grant of Rs. 476 for entertainment of a temporary clerk in the Secretariat Record Office."

The Honourable Mr. H. S. LAWRENCE : Sir, I rise to ask for a reappropriation of the sum of Rs. 476 from the Miscellaneous Reserve of Rs. 20 lakhs to the head of General Administration, for the reasons noted in item 1 of statement No. II. The grant required is so very minute that I will not trouble the Council with any discussion. I take it that the reasons given in the note have been read.

Mr. G. C. BHATE (Kolaba District) : Sir, I want to have an explanation from the Honourable the Finance Member. In the note that is appended to this item, it is stated that with a view to effecting economy in the estimates for the year 1922-23, the temporary establishment referred to was disbanded from the 26th March 1922. I should like to know whether this reduction is included in the total reduction of Rs. 60 lakhs contemplated by the House. If it is, then if I remember aright, it was at that time stated that no attempt would be made to bring forward again, by way of supplementary grants, the items covered by that reduction. I should like to know whether that promise is being kept.

The Honourable Mr. H. S. LAWRENCE : Mr. President, I do not think that this item of Rs. 476 will have any very serious effect on the reduction of Rs. 60 lakhs. I really do not think the time of the House need be taken up further by this item, but on the question of principle which the honourable member appears to raise, I would say that we certainly said that we did not intend to reproduce in the supplementary estimates any items that we had cut out. This is not a case of such reproduction. We find that the work has been stopped at a certain stage where something must be done to save valuable records from serious deterioration. It is not replacing the old establishment ;

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the work of the old establishment was finished, and this is only for tying up books, binding papers, etc., which have been left in disorder. This does not seem to me to be in any way a violation of the agreement that we made.

Question put and agreed to.

"Supplementary grant of Rs. 9,000 for entertainment of additional establishment in the Local Audit Department of the Accountant General's office."

The Honourable Mr. H. S. LAWRENCE: Sir, I rise to propose item No. 2, entertainment of 4 senior auditors, 11 junior auditors, and 4 peons, in the Local Audit Department of the Accountant General's office, at a total cost of Rs. 9,000, and I ask that this sum of Rs. 9,000 may be reappropriated from the Miscellaneous Reserve of Rs. 20 lakhs to the head of 22, General Administration. The reasons are given in full detail in the note. Briefly, they are that the work in this department has increased very greatly, by so much as 68 per cent. and over Rs. 5 crores more have to be audited. All these extra auditors are required in order to do that work.

Dewan Bahadur K. R. GODBOLE: Mr. President, from the remarks given in the note, it appears that these appointments are necessary. But what I propose is that, instead of having four senior auditors and eleven junior auditors, the Council should sanction 15 auditors on the pay that has been put down for junior auditors. Instead of four senior and eleven junior auditors, I propose that sanction should be accorded to the entertainment of 15 auditors on Rs. 50—4—90—3—150, and the amount of Rs. 9,000 should be reduced accordingly.

The Honourable the PRESIDENT: If you want a reduction, will you please move by how much the amount should be reduced?

Dewan Bahadur K. R. GODBOLE: That will have to be worked out.

The Honourable the PRESIDENT: By how much? We must have the exact figure. I cannot admit an amendment until it is reasonably complete.

Dewan Bahadur K. R. GODBOLE: That will have to be worked out. Perhaps, the Honourable Mr. Lawrence will help me.

The Honourable the PRESIDENT: You cannot expect help from one whom you are going to oppose.

Dewan Bahadur K. R. GODBOLE: I should say that the amount should be reduced from Rs. 9,000 to Rs. 7,000, or that the grant be reduced by Rs. 2,000. I therefore move:

"That the grant of Rs. 9,000 be reduced by Rs. 2,000."

Mr. P. J. MEAD: Mr. President, I think my friend Dewan Bahadur Godbole attended the meeting of the Finance Committee and heard the full explanation, but never made the smallest attempt to bring forward any suggestion of the kind which he springs upon us at the eleventh hour. Had he done so—I had at the time full papers with me—I could have given him the considered report of the Accountant General in accordance with which we propose to make the provision suggested. I have not got those papers with me now. It is entirely the wrong time to go into details.

The Honourable the PRESIDENT : I have ruled several times that what occurs in a committee shall not be debated here. I do not object to this particular point now.

Mr. P. J. MEAD : I bow to your ruling, Sir. I have no desire to criticise Dewan Bahadur Godbole's intervention, nor do I except as a plea for my inability to answer in full the very natural enquiry which might have been properly addressed to me or to the Honourable Member at the time we were considering this question in detail. Honourable members will appreciate the fact that this is only a small addition to an already existing establishment. I cannot say off-hand how many senior auditors there are in the whole establishment and how many junior auditors. Honourable members will realize that for certain classes of work and general purposes of supervision, it is impossible to actually put the whole of the audit work on merely junior auditors. The mere question of the difference of pay will show that there must be a distinct difference in the ability and responsibility of these officers. I do not think *prima facie* there is anything unreasonable in the suggestion that four senior auditors are required in proportion to 11 junior auditors. All I can say at this moment is that the matter was fully gone into by the Accountant General. The proposals were criticised in the Finance Department and some reductions, if I remember right, were made and agreed to by the Accountant General, and lastly that, as the note shows, there may be some recovery. But for the present we have to ask for the full amount though we do expect some recoveries, and in addition to that a very large amount of total audit charges will very possibly be recovered from the local bodies concerned. I would therefore suggest that the Council will be well advised to allow the amount to stand as is provided ; if possible, we shall try if we can to effect some saving. But I do think that after the advice of the Head Audit Officer and after the criticism of the Finance Department this amount had better be allowed to stand as it is.

Rao Saheb HARILAL D. DESAI (Ahmedabad City) : Sir, in March last, a grant under this head, of Rs. 22,332, was demanded at page 208 of the Blue Book. It was for the entertainment of additional establishment in the Local Audit Department (1) for translation into vernacular of audit notes made on account of small municipalities and taluka local boards, and (2) for conducting new audits to cope with the normal increase of work since 1913. This is the same item of Rs. 22,332 we granted at that time. The reasons given there in the remarks column are the same that are given here, and I fail to understand what is the necessity of this extra grant of 9,000 over the 22,332 that was granted last March, and I call upon the Honourable the Finance Member to explain this.

The Honourable Mr. H. S. LAWRENCE : Mr. President, I regret to think that the Deputy President has discovered a mare's nest. If the Deputy President will only study these remarks with care he will observe that they refer to quite different subjects. In the Blue Book the entertainment of additional establishment was asked for for the translation of audit notes of the accounts of 218 taluka local boards and some small municipalities, the proceedings of which bodies are not conducted in English and the proceedings of which had to be translated into English.

Another point, Sir. Although it is a totally different establishment yet this item was in point of fact retrenched in the Rs. 60 lakhs. So that this grant we now ask for is for a different purpose and is also not in addition to the grants

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that were asked in March last, but is in substitution of the grant which was retrenched.

Rao Saheb HARILAL D. DESAI : So instead of 22,000 you ask for 9,000.

The Honourable Mr. H. S. LAWRENCE : We ask 9,000 and for a different purpose.

The Honourable the PRESIDENT : I thought that Rao Saheb Harilal Desai was going to speak to the amendment but he has spoken to the original motion. I thought he was saying something more, but his remarks were certainly not pertinent to the question of reduction.

Rao Saheb HARILAL D. DESAI : They were not.

The Honourable the PRESIDENT. Then I am sorry I allowed that.

Sardar Khan Bahadur A. M. DALAL (Broach District) : Sir, I am not in favour of the reduction as proposed by Dewan Bahadur Godbole. Wherever any expenditure has to be incurred for the scrutiny of accounts and when the Accountant General is concerned, I believe this Council will always grant that sanction. I myself believe in strict scrutiny of accounts, and I recommend the Council to throw out the amendment of Dewan Bahadur Godbole.

Dewan Bahadur K. R. GODBOLE : With reference to the remarks that were made.....

The Honourable the PRESIDENT : You have no right of reply.

Dewan Bahadur K. R. GODBOLE : I thought I have a right of reply.

The Honourable the PRESIDENT : You have not under the Standing Orders.

Question put that the amount of Rs. 9,000, under head 47, Miscellaneous to be reappropriated from reserve of Rs. 20 lakhs be reduced to Rs. 7,000, and negatived.

The Honourable the PRESIDENT : Now the original question of the grant of Rs. 9,000 is open to further debate.

The Honourable Mr. H. S. LAWRENCE : Sir, I do not quite know to what point I should address my reply. I have already answered the Deputy President's intervention and the Dewan Bahadur's point has also been disposed of. I would merely point out to this House that this work is an extraordinarily important work. The auditors are required to deal with rupees in crores. New work is put upon their shoulders, and if we do not give the Accountant General the establishment which he requires, we may be perfectly certain that we will rue the day when there is extravagance or leakage of rupees in some important item of account.

Question put and agreed to.

"Supplementary grant of Rs. 5,500 for office allowance to the Solicitor to Government."

The Honourable Sir CHIMANLAL SETALVAD : I beg to move, Sir, for a grant of Rs. 5,500 for office allowance to the Solicitor to Government in the circumstances stated in the note. The Council will remember, Sir, that this subject was before them last year and the grant then moved by my honourable colleague, Mr. Hayward, was after certain discussion withdrawn for further materials being placed before the Council. The position, Sir, with regard to the Solicitor to Government is this. He combines two offices, Solicitor to Government and Public Prosecutor for the city of Bombay, and he is paid a consolidated salary of Rs. 2,500. Now this salary of Rs. 2,500 was fixed in the year

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1870 and the arrangement was that he was to provide his own establishment necessary for the work. It will be readily granted that conditions now are quite different from the conditions obtaining in 1870 when this arrangement was made. The work has considerably grown since then and the establishment charges, too, have enormously grown. In those days, Sir, in 1870 and subsequent years, the Solicitor to Government was able to do private practice in addition to the work that he did for Government. But the situation now is that the work that he has to do on behalf of Government has so greatly increased in recent years that he is unable to do any private practice at all. His whole time is devoted to Government work and he has to maintain a large establishment—I will come to the details of that establishment in a minute—for the purpose of Government work alone. A little idea could be gathered of the work that has to be done by the fact, that while in old days the criminal cases that he had to attend to were not very many, in the year 1920, for instance, he had to attend to 25 cases in the police courts, 64 cases in the Sessions Court, Bombay, and he had also to attend to 63 matters on the Appellate Side of the High Court. You can well gather from this how his time must be fully occupied. I am merely dealing for the moment with the criminal work alone.

Rao Sahab HARILAL D. DESAI (Ahmedabad City): Can you give the 1921 figures?

The Honourable Sir CHIMANLAL SETALVAD: Those figures are still higher. The year 1921 has been an exceptional year, because you had two very long dacoity cases which occupied the High Court several months, and the Solicitor to Government had to attend there day after day for several months, and if you take 1921, the figures would very much exceed the figures that I gave for 1920. That is why I did not take the year 1921 being a very exceptional year. The experience of 1921 is likely to be repeated in 1922. Then, it must be remembered that with regard to the criminal work that he does, he is paid no extra fees at all as the Government Pleader in the High Court on the Appellate Side is paid. Besides his salary the Government Pleader gets fees; so do the public prosecutors in the mofussil. But the Public Prosecutor in Bombay is not paid a pie extra with regard to the criminal cases that he has to attend to, and that is a very large volume of work looking to the figures that I have just stated to the Council. And the whole of the civil work he has also to attend. He has to obtain counsel's opinions for Government and for that purpose he has to prepare all cases to be submitted to counsel for Government. He has to attend to all land acquisition cases on behalf of Government, local bodies, and he has to attend to much other work on behalf of Government, and the fact really is that for several years past his whole time is occupied with Government work only, and he is unable to do any extra work at all. The result is that he is a full time officer and you pay him Rs. 2,500 for doing all this. As I have stated, the criminal work has grown during the several years past and also other work has grown, and he is not able alone to cope with the Government work unless he works extra time. It very often happens that he is very late in his office, day after day, working on these matters. I am only stating this, Sir, for the purpose of showing how arduous those duties have become of this officer and it is a mistake to suppose that he earns anything beyond what he earns by this work on behalf of Government. His time is fully occupied on Government work alone. Then, as I stated, in 1870 when this salary was fixed, the arrangement was that he was to find his own establishment and pay for it. We have to see now how that establishment, owing to the work that has

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grown, has also grown. In early years the establishment did not cost more than Rs. 100 or Rs. 200 a month, but it steadily increased and in the year 1900 the establishment cost him, on the figures supplied, Rs. 409. That was in the year 1900. Now in the year 1920-21 (and 1922) it is costing him Rs. 1,009. So the Council will see, Sir, that while in 1900 his expenditure on establishment was Rs. 409, it has now grown to over Rs. 1,000 in 1921. Then, further, you have to take into account the rent for the accommodation that is necessary for the purpose of this Government work, for housing this establishment for the Government work. In the old days, when the rents were not very high, no attention was paid to this item about rent, but now if you calculate the total space that is required for placing these clerks who do Government work, the proportion comes to about Rs. 300, compared with the total accommodation that Little and Company have to pay for their whole office.

Adding the item for rent and the cost of the establishment, that comes to over Rs. 1,300 a month. Now I ought to mention to the House that the Solicitor to Government does get certain additional fees. He gets no fees at all for criminal work. With regard to civil suits, if he appears on behalf of Government, for instance in land acquisition cases, where costs are awarded to Government and are recovered from the losing side, he gets those costs. We have got the figures of such costs. The average for the last 12 years comes to about Rs. 900 a month; but that figure is very inflated, because of the exceptionally heavy litigation that took place in the High Court on land acquisition in some years. If you take the last four years, which were normal, from 1918 to 1921, the figure works out to about Rs. 800 per month. Even if you take that into account, the addition of Rs. 800, it does not cover the Rs. 1,300 and odd, the cost of his establishment and the rent of the office building, and he is on the wrong side by over Rs. 500. We do not, by the supplementary grant, propose to pay him the whole cost of the establishment, but to pay him a sum of Rs. 500 only. He requested the Government to reimburse the whole cost of the establishment and the rent he has to pay for Government work alone. Government propose not to reimburse the whole but to contribute towards the establishment and rent a sum of Rs. 500.

In this connection, it must be remembered how it is done in other cases. Take for instance the Government Pleader. We spend separately on his establishment and we pay in addition to his salary a good deal.....

Dewan Bahadur K. R. GODBOLE: What is his salary?

The Honourable Sir CHIMANLAL SETALVAD: His salary is Rs. 500 but with the fees he gets a total of nearly Rs. 2,000. The Solicitor to Government is a Solicitor to Government and also Public Prosecutor—two offices are combined in him. The Government Pleader is Government Pleader alone. We pay him in addition to his salary fees and we pay Rs. 7,140 for his establishment. We pay the Advocate General a salary, and besides a sum of Rs. 4,800 a year for his establishment. Then, further, it must be remembered by the Council that both with regard to the Government Pleader and the Advocate General we supply them with offices free of rent, while the Solicitor to Government has to pay the rent for his own office. A more important factor to remember is this. The Government Pleader and the Advocate General have ample time left to do private work. It is very well known that the Government Pleader and the Advocate General do a large amount of private work, over and above Government work. The Solicitor is occupied whole time with Govern-

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ment work. It will be seen by this comparison that we are not treating the Solicitor to Government properly, and it is only fair that Government should treat him in the right way. We pay him Rs. 25,000 for work which occupies him whole time, he gets by way the additional fees, Rs. 800, and he has to pay the cost of his establishment over Rs. 1,000 and besides Rs. 300 as rent. What is proposed to do is to contribute towards the cost of establishment a sum of Rs. 500 per mensem. Even then it won't be placing him in a position like that of the Advocate General or that of the Government Pleader. I hope that the House will sanction the amount.

Mr. B. G. PAHALAJANI (Western Sind) : Mr. President, I rise to oppose the grant and base my opposition on the figures that we find in the last year's budget. I fear I have to refer to the discussion that proceeded in this Council over the same item in March last year. The Honourable Mr. Hayward was then in charge, and the question was fully threshed out as to the total emoluments the Government Solicitor and Public Prosecutor obtained at that time. It will be interesting for the House to know that so far as law officers are concerned the Government Solicitor and Public Prosecutor—who is the same person—gets more pay than the Advocate General of Bombay. The Advocate General of Bombay draws Rs. 24,000 and the Government Solicitor and Public Prosecutor gets a pay of Rs. 30,000 a year. The Government Pleader gets a pay of Rs. 500 a month only and his office expenses come to over Rs. 6,000 annually.

The Advocate General, who gets a smaller pay than that of the Government Solicitor, may have a small establishment, but Sir, as last time, so at the present time, another statement is made which I challenge now, and I had to challenge last year, when the Honourable Mr. Hayward moved this item, and that is, that if the Government Solicitor is the Public Prosecutor in the High Court or Public Prosecutor, there is in the budget provided an item of Rs. 20,000. You have got, Sir, on page 107 of the final budget (the White Book) under Legal Remembrancer and the High Court Pleader :—

	Rs.
Government Pleader .. ..	500
Public Prosecutor's fees in criminal cases .. ..	20,000

This is not the public prosecutor in the mofussil. A similar mistake was committed by the Government last year. When I put this figure of Rs. 15,000 before the Government as payable to the Public Prosecutor of Bombay, it was alleged that it related to the mofussil public prosecutors, and when I pointed out to the Honourable Member then in charge that this Rs. 15,000 did not relate to the mofussil public prosecutors, he was pleased to admit that it related to the Public Prosecutor of Bombay. Therefore, Sir, beyond the Rs. 30,000 that he draws as his pay (higher than any legal officer of the Crown), he has drawn a sum of Rs. 20,000 against Rs. 15,000 in the previous year....

The Honourable Sir CHIMANLAL SETALVAD : May I explain, Sir ? I may tell the honourable member and the Council that not a single pie out of this Rs. 20,000 in the budget this year beyond the Rs. 15,000 goes into the pockets of the Solicitor to Government.

Mr. B. G. PAHALAJANI : May I know if he is the Public Prosecutor also ; if so, whether that item goes to him ?

The Honourable Sir CHIMANLAL SETALVAD : The honourable member will certainly take my statement and the statement of Government that not a pie out of this Rs. 20,000 goes into the pockets of the Solicitor to Government. He disburses this amount to special counsel and pleaders that he has to engage for the sessions cases ; for instance, we have the Gang Case in which we had to pay a thousand rupees to counsel engaged. Not a pie out of the Rs. 20,000, the Council will take it from me, goes to the Solicitor General as his remuneration.

The Honourable the PRESIDENT : The supplementary demand is of two kinds. Where the House has provided a certain sum in the original budget for a service, then Government can come and say that the amount so provided has since then become insufficient on account of some unforeseen circumstances or new circumstances which have come into being, and ask for an additional sum. Or a supplementary demand may be a new service not contemplated in the main estimates. A supplementary demand should come under one of these heads under our rules. Is this an old service for which the amount provided in the budget has become insufficient? (The Honourable Sir Chimanlal Setalvad nodded assent). It is an old service—the Solicitor to Government and his office have been on the budget for years, and therefore it is an old service, and at the last budget a certain amount was provided for his office. The burden of proof lies upon the Government to show that that amount has since then become insufficient. The question is : has that new establishment become necessary since the budget provision for the current year was made by the House? If the Solicitor to Government remained quiet till April last saying “it is no use bothering Government, I will go on with the establishment as I have gone on up till now”, and if since April 1922 he has asked for this additional office allowance, it is a supplementary demand. Therefore, Mr. Pahalajani will please confine himself to that narrow point—the necessity of the additional establishment and the grant of Rs. 5,500 proposed for it. I cannot allow the question of policy to be gone into. That was determined at the last budget.

Mr. B. G. PAHALAJANI : May I rise to a point of order? If the Honourable Member in charge does not say that it is for the additional establishment, it does not fall in the supplementary budget.

The Honourable the PRESIDENT : Whether it is or not I will allow you to discuss just as I have allowed the Honourable Member of Government but please do not discuss the question of policy. That is all.

Mr. B. G. PAHALAJANI : I have not the slightest intention of discussing the policy but I am discussing the advisability, the feasibility of. ....

The Honourable the PRESIDENT : Of this amount?

Mr. B. G. PAHALAJANI : Of this particular amount, the inadvisability of adding to the emoluments he already gets—nothing more. I do not want to discuss the policy of Government so far as this is concerned.

Therefore, the present Honourable Member in charge made a statement which I would have been very glad to accept were it not for another figure of Rs. 11,000 mentioned as charges for special counsel mentioned exactly on the same page (107) under Rs. 20,000. So, however willing and glad I would have been to accept that the Rs. 20,000 for the Public Prosecutor's fees in criminal cases do not go to the Government Solicitor, I only fear



[Mr. B. G. Pahalajani]

that the budget—the White Book—as it is placed, corroborates me rather than the Honourable Member in charge. Therefore if we add the figures of Rs. 30,000 and the Rs. 20,000, these emoluments amount to Rs. 50,000—more than that of any other law officer—and therefore it will be hardly fair that more should be added now. And as the Honourable the President has given a ruling as regards the purpose or the scope of a supplementary budget, I may also mention that even under that ruling it will not fall under the supplementary budget. The budget shown in the papers placed before this Council reads :—

Office allowance to the Government Solicitor Rs. 5,500. The expenses of the Solicitor's office were comparatively small in 1870 when his salary was fixed, and his office was used for his private practice. The Solicitor to Government is now practically a whole time officer of Government and his establishment is engaged exclusively on Government work. In 1900 his expenditure on this establishment was Rs. 409 per mensem, but the cost is now over Rs. 1,000 per mensem. It is therefore intended to grant the Solicitor to Government an office allowance of Rs. 500 per mensem with effect from the 1st April 1922.

As you, Sir, were pleased to remark that if the office establishment has been added to since the last budget was discussed, i.e., from 1st April 1922, it can go in the supplementary budget, not otherwise. But it is admitted that his expenditure in 1900 has risen from Rs. 409 to Rs. 1,000 long before 1921. I may further strengthen this statement by the fact that a grant for Rs. 6,000 was asked for on the 8th of March 1921, exactly on the same grounds on which this grant of Rs. 500 per month is being asked to-day. In March 1921, a sum of Rs. 500 was demanded, as it is demanded to-day, upon an establishment which existed in March 1921 and not since added to, so that, it will be seen that the expenditure that was being incurred in March 1921 has not been increased after the 1st April 1922, the date of the last budget, and therefore, I respectfully submit that it does not fall within the definition of a supplementary budget either. As we have got a definite statement about the figures, and as the Solicitor to Government does land acquisition work, in which he gets special fees, and as those fees are not included in the Rs. 50,000 that are in the budget, I think he need not approach the Council for granting him Rs. 5,000 more, which he can certainly spend out of the enhanced amount that he now gets over the amount that he got in 1870. We can easily imagine that in 1870, the total earnings of the Government Solicitor could not exceed Rs. 50,000, and if now he draws Rs. 30,000 and Rs. 20,000 more as his fees out of the public revenues, I think that amount of half a lakh is sufficient, and he can spend out of that Rs. 500 more per month in order to carry on his office.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, I know that this item was discussed last year, but since then I have looked into it more carefully. Over and above the Rs. 30,000 provided, the Government Solicitor does not get anything out of this grant, and I think the interpretation put upon it by the Honourable the General Member is correct. The point is that the remuneration of the Government Solicitor has been increased, while the office allowance is being continued on the same scale that was in force in 1870. The question for our consideration is whether, in these days when office people are being paid on a larger scale in every possible office, this Council wants to be satisfied that the Government Solicitor should be out of pocket to that extent. If the issue were narrowed down to that, I think this House would be enabled

[Rao Bahadur G. K. Chitale]

to come to an intelligent conclusion. You may disagree; you may say that the Government Solicitor, even though he gets these Rs. 2,500 per month, makes another Rs. 50,000 by way of other practice or other engagements. That is another view altogether, but as far as the office allowance is concerned which is given to him for Government work, it has not been increased since the year 1870, more than 50 years, and I would ask whether the Council should remain satisfied that the office allowance should remain on the same scale, or whether a higher scale should be given. From that point of view, it depends on the Council whether to give a higher scale or not. My view is that the Council has been voting higher salaries in almost every possible office, from peons upwards to Superintendents and others. In that case, the little amount that is asked for, to my mind, appears to be quite reasonable. The Honourable the General Member has got his responsibility, and that responsibility he has wielded. On the last occasion when the grant was discussed, he had withdrawn it, with permission to bring it forward again. In that case, we must say that, in the meanwhile, he must have been satisfied by actual figures that the Government Solicitor is out of pocket by a certain amount; and even then, he does not give him the whole amount, but an amount which he considers reasonable. That is the view which I wish to put forward before this House. The issue is narrowed down to this, namely that there is no further establishment, but a larger scale of pay has to be allowed, as the existing scale was fixed years ago. As the issue is narrowed down, to my mind the Council is quite in a position to make up its mind one way or the other.

Rao Sahab HARILAL D. DESAI (Ahmedabad City): Sir, I rise to a point of order, whether this item should be included in the supplementary estimates. The emoluments of the Solicitor to Government is an old service, and those emoluments are sought to be increased by a supplementary grant. Of course, such a proposal can come in at the time of the budget. I therefore submit that it is a point of order whether it is not an old service. The Honourable the General Member has on him the burden of proof. He has not shown that since April 1922 anything has happened to take it as a new service.

The Honourable the PRESIDENT: I thought I had already made it quite clear how the point of order stood. Our Rules say that an estimate shall be prepared and presented to the Council for supplementary or additional grants when the amount voted in the budget of a grant is found to be insufficient for the purposes of the current year. Now, so far as the Chair is concerned, on a point of order, I have only to see whether from either the statement on this supplementary grant or from the speech of the Honourable Member in charge of the grant, there is anything to show that the amount provided for in the budget has been found to be insufficient for the purposes of the current year, by Government. I have already stated that there is one element which places this case on the border line, so far as I am concerned, and it is this, that the Government Solicitor has been content to go on with the old sum for years together, that the burden of work has increased, and additional establishment has been rendered necessary. It may be that in April 1922 he has said that the amount is insufficient, and Government find that it is time now that they ought to make up the deficiency. For my purposes on a point of order, that is quite sufficient. But whether the burden of proof which rests upon the Government under this Rule, has been discharged or not, is a question entirely for the honourable members. Therefore, it will be for the House to decide that upon the

[The President]

merits of the question. So far as the point of order is concerned, the supplementary grant is in order as being on the border line, and I give Government the benefit of the doubt.

Mr. D. J. FERREIRA : Sir, with a view to enable the House to be fully seized of the question, I wish to make a few observations, and I feel that having been articulated to the Government Solicitor three and thirty years ago, and having acquired in that position some knowledge of the working of the office of the Solicitor to Government, I ought to communicate that knowledge to the members of this House. When the question was last before this Council, several members were under the impression that, and spoke as if, the sum of Rs. 2,500 being paid to the officer occupying the dual position of the Solicitor to Government and Public Prosecutor, was a mere retainer, and that there were other fees coming into his pockets, fees for work which he did in the criminal courts before the magistrates, fees which he received for work which he did when instructing counsel in the Sessions Court, and fees which he charged for civil work that he did. It has now been told us by the Honourable Member in charge that the Public Prosecutor receives no fees whatever for the work which he does as Public Prosecutor, whether in the police courts or in the Sessions Courts. Several honourable members are under the impression that the position of the Solicitor to Government and Public Prosecutor enables that officer to.....

The Honourable the PRESIDENT : I am afraid you are now going into the whole question of the principle and policy of the office of the Government Solicitor.

Mr. D. J. FERREIRA : I am not.

The Honourable the PRESIDENT : I must point out that if I allowed the whole question about the duties of the Solicitor to Government to be raised, I do not know where we shall begin and where we shall end. I have already pointed out that the question is confined to the narrow point of the additional office allowance to the Solicitor to Government, Rs. 5,500, and the necessity for it since April 1922. If honourable members will confine themselves to that point, and call upon Government to justify the necessity since April 1922, I think we shall be despatching business in an efficient manner.

Mr. D. J. FERREIRA : With a view to enable the House to consider what additional office establishment is necessary I wanted to point out for the information of honourable members that, as a matter of fact, the Solicitor to Government was not earning even Rs. 2,500. If you were to make the necessary reductions which ought to be made for the office and other expenses the amount of his remuneration would work at less than Rs. 2,500, and it is therefore that I was trying to point out that the impression that honourable members had that the Solicitor to Government was asking something like Rs. 50 to 60 thousand—according to the honourable member from Sukkur (Mr. Pahalajani) he was making a lakh of rupees a year and that therefore it was pitiable that the Solicitor to Government should trouble the House with a request for Rs. 500 a month for the office establishment—is an impression which is not correct, and therefore with a view to enable honourable members to consider this question sympathetically I would like to give the House some figures—I will not detain the House long—to show that, as a matter of fact, the Solicitor to Government is at present earning possibly less

[Mr. D. J. Ferreira]

than Rs. 2,500 on the whole. The Solicitor to Government is also Public Prosecutor. As Solicitor to Government he gets Rs. 2,000. As Public Prosecutor he gets Rs. 500 a month as I have said already, and I do not propose to go over the same ground, as Public Prosecutor he gets no fees whatever and all the fees which the honourable member from Sukkur refers to—Rs. 11,000 and Rs. 20,000—are the fees paid by the Public Prosecutor to the ordinary counsel engaged by the Public Prosecutor in the Sessions Court, because he being a Solicitor does not appear in the Sessions Court and has to engage counsel in murder and other cases he is conducting for the Government. The ordinary counsel's fees are Rs. 20,000. There are some special matters where special counsel has had to be retained, and for that the other sum of Rs. 11,000 had to be paid. Coming now to the figures the position is this. The salary is Rs. 2,500 and we are asked to give an additional amount of Rs. 500 for his establishment, which would bring his remuneration to Rs. 3,000. Now, as Solicitor to Government, in addition to this remuneration that he gets, or would get if we sanction the grant, he also gets certain fees and these fees I may tell honourable members of the House are very small fees. There are fees which he gets from the other side for leases which he has to prepare on behalf of Government for leasehold lands. There are fees which he gets for grant-in-aid deeds in connection with certain institutions. There are fees also which he recovers in civil cases from the other side. All these fees, we are told, do not amount to more than Rs. 800 a month so that you have got Rs. 2,500 his salary, these Rs. 500 the grant to be voted, and another Rs. 800 for fees which he makes; the total is Rs. 3,800.

Now, Sir, as regards deductions to be made we have been told, and I know personally that, prior to the period that I was articulated, the office establishment cost Rs. 200 to Rs. 300. At the time I signed articles in 1889 it had already begun to cost Rs. 400. It is now costing Rs. 1,000. So that from this figure of Rs. 3,800 representing the gross profit which the Solicitor to Government gets—he gets no other remuneration—has to be deducted Rs. 1,000 for his office establishment which brings the figure down to Rs. 2,800. Further he has ordinarily to provide some rooms where his office has to be, and where his work has to be done. In addition to this, Sir, I know from personal knowledge that the Solicitor to Government is employing the cash department of Messrs. Little and Co. for all his cash work. Ordinarily he would have to spend Rs. 500 on these items, and thus Rs. 2,800 would be reduced to Rs. 2,300 as his net profit. I ask this Council whether it is fair, in view of the fact that his establishment has been increased, that he has not come to us in the past for a supplementary grant, that this House should not sympathetically consider this grant and not vote it. There is no doubt a little difficulty on the question as to whether this grant comes within the definition of supplementary grant, but as you, Sir, have said that it would come within the border lines of that definition, I would appeal to the House to permit me to acquaint it with these facts and to view this matter sympathetically. I do think that the Government ought to have asked for a higher grant but they have contented themselves with Rs. 500 a month, and I do ask this Council to consider this grant sympathetically.

Mr. IBRAHIM S. HAJI (Bombay City): Mr. President, I rise to support this motion for the supplementary grant to the Solicitor to Government in Bombay. I think I would reiterate some of the points raised by my friend Mr. Ferreira. This question of the grant of Rs. 5,500 was not threshed out in the

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first session of this council as is suggested by the honourable member from Sukkur. I beg to submit to this House as well as for the recollection of my honourable friend from Sukkur (Mr. Pahalajani) that the Honourable the Home Member who had the honour of moving this grant in the first session of this Council, when he asked your permission to withdraw the item that was in consideration then, said :—

“I shall be quite prepared to withdraw this sum now and come before them for a supplementary grant later on if they prefer that course. I must however warn them that if I do come I shall take the opportunity of asking for a grant not merely of Rs. 6,000 but the full Rs. 9,000 which was the intention to enter in the budget, and I feel quite sure that these Rs. 9,000 will, if I am able to satisfy them by the figures I will place before them, be readily granted.”

It was withdrawn with a particular intention that the Honourable the Home Member will bring this item of giving further allowance to Solicitor to Government if the Honourable the Home Member satisfied the House by producing certain figures. Now these figures have been produced before us and prove that certain items which were then pointed out by my honourable friend from Sukkur to show that the Solicitor to Government was drawing more than the mere sum of Rs. 2,500 a month are misleading and incorrect. In support of his arguments he pointed out these two items. He then pointed out similar items but now he points out these two items—of Rs. 20,000 as the fees of the Public Prosecutor in criminal cases and Rs. 11,000 for special counsel. I think the House will have no doubt on the point if I direct its attention to pages 106 and 107 of the final issue of the Civil Budget Estimates, Provincial. They will find there the solicitor's salary appears under the heading of Presidency Law Officers. Now, if the Government Solicitor can get all these moneys, as has been alleged by my honourable friend from Sukkur, these two items would have appeared under the heading of the Presidency Law Officers and particularly under the heading of Government Solicitor. But where do these two figures appear? On page 107 under the heading of Legal Remembrancer and High Court Pleader. It will be at once noticed by this House that those two items are disposed of by the Legal Remembrancer. As my honourable friend is coming from the mofussil, it is quite likely that he is confusing the two issues, especially the criminal and the civil practice, as compared with that in the mofussil. The duties of the Solicitor to the Government of Bombay are quite different. The Solicitor to Government, as has been pointed out by Mr. Ferreira, who is himself a solicitor and has also enlightened us with his experience of 35 years in that office, is not appearing in any cases either civil or criminal in the High Court before the High Court bench. Being a solicitor, he is debarred under the Letters Patent of the High Court from appearing there. So he has to instruct a counsel. There are criminal cases which have to be conducted before the sessions, which meets five times in a year and there are criminal cases in the courts of the Presidency Magistrates which are spread all over the city and they are numbering five at present. The sessions work, Sir, has increased enormously. The last session is still going on at present. It has got 35 cases. It has been mentioned by the General Member that the average number of the sessions cases is 64 per year, but I think this average will no more be the average for future years to come; however regrettable this may be, the fact is there. Now, it is quite clear that this item of Rs. 20,000—Public Prosecutor's fees in criminal cases—does not go into the pocket of the Solicitor to Government at all and it forms part of the item of the fees for counsel who are

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instructed by the Solicitor who appear before the Sessions Court. Now, as regards the charges for special counsel, I cannot understand how my honourable friend from Sukkur confuses these charges as if they were a part of his allowance. The word "counsel" itself suggests the separation of the two personalities, the counsel and the Solicitor. My friend from Sukkur is a lawyer. I think being confused himself in regard to these items, he has attempted to confuse the whole House. The charges may be easily explained, Sir. For example, as the General Member has said, there have been dacoity cases on a large scale and special counsel had to be instructed. In the last dacoity case about 40 persons were concerned. Dacoities had been committed in the different parts of Bombay, Gujarat, Kathiawar, and in Bombay there was a case which lasted about two months before the Presidency Magistrates and for three months before the High Court Sessions. It was thought essential for the Government to give this case in the hands of expert counsel. Therefore, from time to time, such circumstances do arise for the Legal Remembrancer to request the Solicitor to instruct special counsel. Therefore, Sir, I hope I have satisfied this Council that these two items do not form part of any allowance of the Solicitor. Now, Sir, the first time this item was introduced into this Council was in the first session of this Council in 1921. Then the Honourable the Home Member told us that he had reduced the demand from Rs. 1,000 to Rs. 750, and now we find it is further reduced to Rs. 500. It is quite evident that the Solicitor to Government had felt the pinch. It has been recognised by the High Court that those were the days of high prices and thus provided for 33 per cent. more in the fees of the Solicitors, and thus the Solicitor to Government was fully justified in demanding from the Government a larger allowance to give to his establishment. He is the only officer of the Government who has not been paid the establishment allowance which is given to all the officers. You will find, Sir, that all the law officers, from the Coroner to the Clerk of the Crown, are paid separately as salaries besides the allowance for their office establishment. Perhaps my friend from Sukkur suggests that the law officers should be given a salary which should include the office expenses, for their establishment. It is very ridiculous for my honourable friend to have introduced such an element in this discussion. Now, Sir, the demand which has been placed by the General Member before us is a demand reduced from Rs. 1,000 to Rs. 500, and the total amount asked for is Rs. 5,500.

Mr. M. W. PRADHAN (Thana District) : I move that the question be put.

The Honourable the PRESIDENT : I accept the closure and will call upon the Government Member to reply.

The Honourable Sir CHIMANLAL SETALVAD : There is very little, Sir, for me to reply to. The position is very clear in the manner you defined. The Solicitor to Government has been incurring for some time this expenditure on establishment. He says, and rightly, "I cannot carry on like this; if you want me to carry on, you must provide an office allowance for the establishment".....

The Honourable the PRESIDENT : I merely said that it might be put on that ground and that therefore I allowed it to be put forward as a supplementary grant on that ground.

The Honourable Sir CHIMANLAL SETALVAD : I am merely stating, Sir, what the fact is.

The Honourable the PRESIDENT : But I do not know anything as regards the fact. I have only to take into account whether the question is in order, as a supplementary demand.

The Honourable Sir CHIMANLAL SETALVAD : All that I have been saying, Sir, is that what you stated as a ground for allowing the grant is really also the fact. I am pointing out that the Solicitor to Government has been incurring this expenditure on the establishment and he says, and rightly says, "I have carried on like this for a long time ; now I cannot carry on." It is new service so far as Government is concerned. They have now to pay for in order to carry on the work in the Solicitor's office, and that is why Government have come to this Council for this supplementary grant. I have already stated the whole case on the merits and I do not wish to add anything more.

Question put and agreed to. .

"Supplementary grant of Rs. 10,650 for the salaries already sanctioned for non-I.M.S. Assistant Directors of Public Health."

The Honourable Mr. R. P. PARANJPYE : Sir, I wish to ask for a supplementary grant amounting to Rs. 10,650 to pay the non-I.M.S. Assistant Directors of Public Health the arrears of revised pay for the period 30th July 1920 to the 1st March 1921. I might say that in the Public Health Department, there are certain I.M.S. and certain non-I.M.S. officers. The orders of the Secretary of State about the revision of the salaries of I.M.S. officers were received on the 30th July and consequently they have been paid since then. The pay of non-I.M.S. officers was to be revised by the local Government. The two sets of officers are on the same level for the moment. This Government passed orders sanctioning the revised scale from the 1st of March 1921. The two sets of officers are doing the same work in fact. Over and above those officers others in the Bacteriological Department appointed by the Government of India have also been paid from the 30th July 1920, and therefore these officers represented to us that it was very hard for them not to receive the pay which their colleagues doing the same work have received from that date. The demand was examined by the General Department, and the Finance Department, and it was considered reasonable. I may mention this is a new demand not contemplated when the budget was made, because representation about this was made to Government about the 22nd of April 1922. This is a new demand that has arisen, and I ask this Council to sanction the amount.

The Honourable the PRESIDENT : Under what head of the Rules do you make this demand ? Is it that there was provision made in the last budget, but the amount was found insufficient, or is it a new service the need for which has arisen during the current year but which could not be contemplated on the main estimates ?

The Honourable Mr. R. P. PARANJPYE : The amount was not found sufficient.

The Honourable the PRESIDENT : You were going beyond that by using words in clause 2.

The Honourable Mr. R. P. PARANJPYE : This amount was not contemplated at that time.

The Honourable the PRESIDENT : That word 'contemplate' makes it a new service.

The Honourable Mr. R. P. PARANJPYE : There was provision and the money was found insufficient.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, I do not think that the claim is at all extravagant, but the only question is one of expediency, and the Honourable Minister knows it very well that he is instructing the local bodies to stop the expenditure on hospitals managed by local bodies, in view of the fact, as he puts it that, he has got no funds. It appears to me that he has got funds for giving retrospective effect with respect to the salaries which from the utility point of view should stand last. Then he points to a very big grant from which this amount could be cut. If it is to be logical, I think this House would better insist upon him to get the necessary amount for keeping up the necessary dispensaries.

The Honourable the PRESIDENT : You are going into a question which is irrelevant to the narrow question whether the amount is demanded because the amount provided in the budget has been found insufficient or not. If I am to allow every honourable member to say "I shall sanction this amount provided you give me that", the Government departments are so united that the whole year will not be enough for this Council.

Rao Bahadur G. K. CHITALE : My view.....

The Honourable the PRESIDENT : I appreciate your view. It may be very sound, but it should be relevant to the question before the House.

Rao Bahadur G. K. CHITALE : The demand should be rejected. I was giving the reasons for the demand being rejected, because after all, you are trying to give retrospective effect to certain people whose salary might wait for another year.

The Honourable the PRESIDENT : I do not wish to interfere but the reasons you give must be pertinent to the point.

Rao Bahadur G. K. CHITALE : I was making it clear to the House whether the demand can be put under the category the Honourable Minister put it. The memorial was lying with the Government since the first grant was made. The only issue under the circumstances I have mentioned is that the retrospective effect should not be given, and the House will be well advised to reject this grant.

Mr. C. M. GANDHI (Surat City) : Sir, I am of the same opinion as my friend Rao Bahadur G. K. Chitale. In order that the Government may justify this grant for giving retrospective effect to this particular class of service, Government have to be logical and give similar retrospective effect to the judicial service.

The Honourable the PRESIDENT : Order, order. I hope the honourable members will oblige me by accepting my ruling, which I have given after due deliberation. In a supplementary demand you must confine yourself to the question of sufficiency or insufficiency as to this particular demand since the last budget.

Mr. C. M. GANDHI : I am of opinion that there is no justice on the part of the Government for making such a demand now.

Mr. PURSHOTAMDAS THAKURDAS : I am afraid, Mr. President, I cannot support this demand. My main reason for this is that money is to be taken out of the 20 lakhs of rupees which was kept as reserve. I am sure, when



[Mr. Purshotamdas Thakurdas]

the Government asked us to sanction that amount of Rs. 20 lakhs, none in the Council had the idea that the amount of Rs. 20 lakhs would be utilised for the purpose of giving retrospective effect to any promises that might have been given. I think that, with the very great necessity that exists at present for economy, if not for retrenchment, any demand of this nature would receive very little sympathy from this Council.

But what strikes me as a little more surprising is that whilst the pay of non-I.M.S. Assistant Directors of Public Health was revised by the Government with effect from the 1st of March 1921, the Honourable Minister now wants this amount in order to give retrospective effect as from 30th July 1920. If he came forward with the suggestion that the retrospective effect might be given from 1st March 1921, one could understand it. In the light of the note that is before the Council, I am almost inclined to say that this is a bit of extravagance *par excellence*.

Mr. B. G. PAHALAJANI (Western Sind) : Mr. President, I rise to oppose this grant on account of the very wording that is used by the Honourable Minister in the demand for the grant. The pay of the non-I.M.S. Assistant Directors was revised by this Government with effect from 1st March 1921. So this Government when it was considering the question was fully cognisant of the orders received in connection with another department, the Bacteriological Department, the papers on which had been submitted to the Secretary of State by the Government of India. It is only after the Government of India sent to this Government the Secretary of State's orders as regards another department which gave effect to the increase from the 30th July 1920 that this Government thought it fit or thought it proper to propose to change *its own orders* which had been passed after due and full consideration. This Government had before itself all the matters, the whole subject, was in fact seized of the whole subject and all the matters and the applications of the members of the non-commissioned I.M.S. officers and chose to arrive at a decision that the increment should be given from March 1921. Now after those orders were passed after due consideration, to come forward at this moment before this Council again to ask for Rs. 10,000 more, simply because the Government of India in another department has chosen to pass different orders, is hardly fair either to this Council or to the Government itself that passed its orders after full consideration. I will not trespass upon the functions of the supplementary budget, but I only make this general statement that these increases in pay, at a time when institutions on account of the retrenchments which the Government has taken upon itself to distribute, when institutions are suffering, are starving or are made to starve on account of lack of funds, are hardly justified—it is hardly fair that these increments in pay should be given when it is the institutions that deserve Government's sympathy and not a particular set of a few officers in a particular department. I believe I will not be disclosing a secret that the Honourable Minister who has proposed this grant finds himself in difficulty as to how to distribute the reduction of 8½ lakhs that he has undertaken. That being so, to say that these increments should be given with retrospective effect from 30th July 1920, to the exclusion of the institutions that deserve assistance and that are at present starving, is hardly fair for this Council to sanction.....

The Honourable the PRESIDENT : That argument would be perfectly pertinent if you say that "so long as the Honourable Minister does not satisfy

[The President]

the House that the amount provided for has not been found sufficient" this demand should be refused.

Mr. J. C. KER : Mr. President, I think the honourable member who has last spoken need be under no anxiety about the reduction of 8½ lakhs or whatever the sum may be, as the Honourable Minister has arranged already to provide for the full amount of his share of the 60 lakhs' reduction and these reductions have been made independently. These reductions will not be affected by this small sum of Rs. 10,000. In this department, the Sanitary Department, there are both I.M.S. officers and non-I.M.S. officers, and there are also similar officers who do not belong to the I.M.S. in the Bacteriological Department in this and in other provinces. When the Imperial Service officers of this department received one-third addition to their pay, those who were not imperial officers claimed the same amount and they also claimed it from the same date. It is obviously unfair that when the Imperial Service officers got it from a particular date, the provincial department officers that is to say, the Indian officers who get pay from Rs. 500 to Rs. 1,000 should not also get the increase of pay from that date. In fact there is good reason for saying that those who receive rather smaller salaries have all the more reason to get an increase of pay. If an I.M.S. officer on Rs. 1,500 gets his salary raised to Rs. 2,000, there is all the more reason that an officer doing the same work on Rs. 600 should have his pay raised to Rs. 800. On the contrary the argument in the case of the lower paid officer is rather stronger. Now, if officers of the Imperial Department have had their pay increased from a particular date given in the papers, namely, 30th July 1920, and the non-Imperial officers of the Bacteriological Department in other provinces in India have had their pay raised by the same amount from the same date, and if this amount is refused by this Council, it will only mean that the non-I.M.S. of the the Sanitary Department in this Presidency only will be left out. When the other officers of the same department will have received their increase of pay from that date, these men, for no special reason, will have been excluded. One of those officers is Dr. Munsiff who is well-known to many members of this House. Quite recently.....

Mr. C. M. GANDHI (Surat City) : I rise to a point of order, Sir, whether the honourable member is in order in discussing the policy.....

The Honourable the PRESIDENT : As I have already stated, he is merely answering some of the points which were made and which I thought were pertinent—he does not go into the question of every department as you wanted to, he is confining himself to these particular officers and therefore he is perfectly relevant.

Mr. J. C. KER : Mr. President, one of these officers who is well known to most of the honourable members is Dr. Munsiff. Not very long ago the Sinhasht fair took place at Nasik. Dr. Munsiff had to make arrangements for the water supply and other sanitary arrangements in the neighbourhood of the Sinhasht fair. This went on for several months last year. The result of the efforts of the Sanitary Department was that instead of the usual large number of cholera cases, there were only two outbreaks at the Sinhasht fair at which there were over a lakh of pilgrims, and there were only seven deaths and something like 20 or 30 cases of attacks in these two outbreaks. Both the outbreaks started from imported cases. The Sanitary Department and the other departments combined, and were thus able to localise these outbreaks and the

[Mr. J. C. Ker]

result was that there was a very small number of attacks and only a few deaths. It is pretty clear that the department which does good work of this kind should be rewarded in some way. The Collector and all the other officers, the Commissioner also, wrote in highly approving of what Dr. Munsiff accomplished, and the question is now very much the same as the question raised by the honourable member, Mr. Cowasji Jehangir, only a few days ago—whether it is sufficient to give these men butter and to give them no bread. Dr. Munsiff has been given lots of butter on account of the excellent work he did at the Sinhasta festival and now the Council is asked to give him some bread as well. I consider that, in fairness to these officers, the Council cannot possibly refuse to give the retrospective effect which has been asked for.

Dr. S. S. BATLIWALA (Bombay City, North): Mr. President, I rise to support the proposition of the Honourable Minister. It has been very clearly explained by the previous speaker why the salaries already sanctioned for the Assistant Directors of Public Health should be given a retrospective effect. I really cannot understand why that distinction should be made between two services which are nearly alike—one is the Bacteriological Department which very fortunately is under the Government of India, and the other is the Public Health Department which is under this provincial Government. If it is only on the score that those that are on the high hills have got the privilege of getting justice done to them, then I have nothing to say. But I humbly think that it will be only bare justice to these Assistant Directors, non-I.M.S. officers, who, as has been said just now, have done excellent work, that they should not be deprived of their legitimate share in the promotion which has been sanctioned for the Bacteriological Department ever since the 30th July 1920. I therefore support the proposition.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Mr. President, I rise to oppose the grant requested by the Honourable the Minister in charge. I do not think he has made out a case for the acceptance of his proposal by the Council. Merely because the Government of India happen to have passed an order with regard to the same class of officers in the Imperial Service seven months earlier than the order of the Government of Bombay for those officers, is no reason in itself, to my mind, why we should give retrospective effect to our resolution with regard to our officers. When the Council considered and discussed that resolution, it had before it all the facts of the case, and it was with all these facts in its possession that the resolution was accepted. Now, however, we are asked to give retrospective effect to it by seven months, in order that the increases to be given to our officers may be brought in a line with the officers of the Government of India, so that both may draw their increments from the same date. In a year of financial stringency like the present, when we are out to make economy and effect retrenchment in every possible direction, I do not think it is either right or fair to this Council to put such a proposal before it, and that too, for no other reason than the one which has been advanced by the Honourable the Minister in charge. I find from the list given in the Civil Estimates that there are at present two Deputy Sanitary Commissioners who draw Rs. 933 each, one who draws Rs. 1,333-5-4, and two who draw Rs. 1,875 each. I venture to think that the salaries drawn by these officers are very high, and no special consideration therefore appears to be necessary in their case. Rightly or wrongly, the Council came to a particular decision in the matter on a particular date, and to my mind there is no special

[Mr. Jehangir B. Petit]

reason why that resolution should now be set aside and retrospective effect given to the increase as requested by the Honourable the Minister for Education.

There is another objection to the proposal, Sir, I mean, the one advanced by my Honourable friend Mr. Purshotamdas Thakurdas, and that is that the reserve of Rs. 20 lakhs is sought to be utilised for such a purpose. I do not think the Council ought to allow it, because we were distinctly told at the time of the Budget in March last that it was not intended that this reserve should be utilised for purposes such as the one now under discussion. I am afraid the Honourable the Education Minister has not made out a case for the proposal before us ; and I hope the Council will not pass it.

Rao Bahadur G. K. SATHE : Mr. President, I oppose this motion for a supplementary grant, and my grounds are these. The only ground on which it is being brought forward is that the Government may be consistent, and that Government should adopt a uniform practice of giving effect to these promotions retrospectively from a particular date. One of these reasons is that the bacteriological officers have been given promotions from a particular date by the Government of India, and that induces the Bombay Government to look with favour at the memorial put forward by the non-I.M.S. officers. If we are to adopt this supplementary grant on this ground alone, then I may state for the information of honourable members that there are many services even under the Government of Bombay which have not been uniformly treated so far as retrospective promotion is concerned, and therefore on the ground on which this grant is now asked for by the Honourable the Minister in charge of this department, it ought not to be sanctioned ?

My friend Mr. Ker brought in the question of the very valuable services of a particular officer. To my mind, that ought not to weigh with us in determining the question which affects all the members of a particular service. The only point before us is whether the amount sanctioned in the budget is sufficient or not, and if on the ground which I have stated to the Council there does not appear to be any necessity for giving promotion from a particular date, namely, 30th July 1920, I think the Council will be well advised in rejecting this supplementary grant.

The Honourable Mr. H. S. LAWRENCE : Mr. President, I wish to intervene in this debate with just one or two remarks. In the first place, certain honourable members have stated that they do not think that it is right that this re-appropriation should be proposed from the reserve of Rs. 20 lakhs. Now, I do not think they have given reasons for their belief why it should not be taken from that reserve ; otherwise, I should have an easier task in answering the reasons. But I may remind this House that that reserve was specially sanctioned for any emergent payments that might become necessary. There was nothing ever stated that payments that became necessary, owing to demands relating to a previous period of time, should not be made from this reserve. It does not mean that this reserve should be kept for any events that might happen in future. It is kept specially for the Government to meet demands that might become necessary in the course of the year, demands for which provision was not made in the budget.

Now, it has been suggested that this Government is being driven into this payment, not because they think that this money should be rightly paid to these men, but because the Government of India have issued a certain order,

[Mr. H. S. Lawrence]

and there is very naturally a feeling of rebellion against this Government being put in an unfavourable position through the action of another Government. But that is not, in my opinion, the correct way to look at it. We have a large number of officers employed on medical duties in various branches of the Medical Department. A certain section of these officers receives an increment of pay from this date, namely, July 1920; a second section receives an increment from the same date, and, owing to some reason beyond the control of this Government, the third section of these officers is not considered until a few months ago—their case was not put up. It is only a few months ago that a memorial was received from these officers, pointing out that, although the conditions of their service were exactly similar to those of their brother officers in the Medical Department, they had received treatment which put them at a serious disadvantage. Now, Sir, it is not possible to apply different treatment to men of the same service, in similar conditions of work, without arousing very bitter feelings of discontent, feelings which do not make for the satisfactory working of the administration. It is not a very large thing for this Government to pay out a sum of Rs. 10,000, but it is a very important matter to these few officers, if they find themselves deprived of this sum of Rs. 10,000, because a great Government feels that it is in need of money. That, I submit, is not a form of economical administration which will appeal to the right feeling of this House.

Mr. PURSHOTAMDAS THAKURDAS : Will the Honourable the Finance Member please tell us if Government have paid the money ?

The Honourable Mr. H. S. LAWRENCE : No, Sir.

Mr. COWASJI JEHangir : Sir, I think I am in a position to sympathise with the Honourable Minister in this case. There are two departments of non-I.M.S. officers, one the Bacteriological Department and the other the Assistant Directors of Public Health. The salaries of the non-I.M.S. officers of the Bacteriological Department are in the hands of the Secretary of State and those of the Assistant Directors of Public Health are in the hands of this Council and the Honourable Minister. Now it has been proposed to raise their salary from a certain date. We have been asked by the Government of India, I believe it is advice more than an order, to see that these two departments are treated equally. The Honourable Minister is only anxious to see that a department under him—a transferred subject—is treated as favourably as a department which does not happen to be under him directly as far as the salaries are concerned, but which does exactly the same work. If these officers come to him and point out that they are dependent upon him for their salaries and it is for him to put their case before Council, that they do the same work, and deserve the same salary as the other department which is not under him, it is difficult for the Minister to say "I will not put your case before the Council and will not get you the same treatment simply because you are under me and the Council". I understand, Sir, his position. It is difficult for him to give really a good answer to such officers. That is the difficult position of the Minister and it is therefore the duty of this Council to support the Honourable Minister when he happens to be placed under these circumstances. That is the position I would ask the Council to realize. It is not the question of giving a higher salary. You have already sanctioned that higher salary. It is a question of giving that salary from a certain date, the difference coming to

[Mr. Cowasji Jehangir]

Rs. 10,000, and I think that on the grounds I have mentioned the Council should support the Honourable Minister to enable him to give level handed justice to a department which happens to be under him and this Council.

The Honourable Mr. R. P. PARANJPYE: Sir, I do hope that the Council will appreciate the considerations that have been put forward and especially in a lucid manner by my honourable friend Mr. Cowasji Jehangir. The position of some of the officers is entirely in the hands of the Legislative Council, the position of other officers doing similar work has been taken away from the hands of the Legislative Council and is in the hands of the Secretary of State and the Government of India. Now, I want to put it to the Council whether they would like that officers whose salaries are in the hands of the Council should entertain the feeling of insecurity of tenure and of fair treatment. It is only a question of fair treatment. I may mention that there are some officers who actually feel that if their salaries are votable they are not secure. I would like the Council to consider the question from this point of view whether such a feeling of insecurity of treatment should go abroad among officers under our full control. That is the point. It is a matter of Rs. 10,000 which is not very great. But when a discussion like this is read by officers of Government, I would like to know whether they would not feel that they are not being fairly treated. There are cases where officers want to be under the control of the Secretary of State because they feel that their position would be more secure. I therefore took up the case because I thought it was a fair case to be put before this Council, and I leave it to the good sense of the honourable members to say yes or no to this demand.

Question put. House divided: Ayes 40, Noes 27. Motion carried.

*Division No. 2.*

**Ayes**

ADDYMAN, Mr. J.  
BATLIWALA, Dr. S. S.  
BENNETT, Colonel V. B.  
BULLOCKE, Mr. A. GEEVILLE.  
CLAYTON, Mr. F.  
COOPER, Khan Bahadur D. B.  
CHERRAR, Mr. J.  
DADACHANJI, Dr. K. E.  
DALAL, Sardar Khan Bahadur ADARJI M.  
DALAL, Mr. D. B.  
FERNANDES, Major C.  
FERREIRA, Mr. D. J.  
GARUD, Rao Bahadur S. D.  
GHOLAP, Mr. D. D.  
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH.  
GRIFFITH, Mr. F. C.  
HAVELIVALA, Mr. M. A.  
HAYWARD, the Honourable Mr. M. H. W.  
HOOD, Mr. A. J. F.  
JEHANGIR, Mr. COWASJI.

KER, Mr. J. C.  
LAWRENCE, the Honourable Mr. H. S.  
LOREY, Mr. F. B. P.  
MEAD, Mr. P. J.  
MEHTA, the Honourable Mr. C. V.  
MONIE, Mr. P. W.  
MOUNTFORD, Mr. L. J.  
MUTALIK, Sardar V. N.  
NILKANTH, Rao Bahadur R. M.  
NELSON, Mr. F.  
PAINTER, Mr. H. L.  
PARANJPYE, the Honourable Mr. R. P.  
PRADHAN, Mr. M. W.  
PROES, Mr. E. M.  
RAHIMTOOLA, the Honourable Sir IBRAHIM.  
SETALVAD, the Honourable Sir CHIMAN-LAL H.  
SHIRRAS, Mr. G. FINDLAY.  
SURVE, Mr. A. N.  
THAKOR of AMOD, Sardar NAHARSINGHJI.  
THOMAS, Mr. G. A.

*Tellers for the Ayes: Dr. S. S. BATLIWALA and Mr. J. C. KER.*

## Noes.

ADHAV, Mr. P. N.  
 BOLE, Mr. S. K.  
 CHITALE, Rao Bahadur G. K.  
 DESAI, Rao Saheb HARILAL D.  
 DESAI, Rao Saheb DADUBHAI P.  
 DESHMUKH, Mr. ANANDRAO SHRIPATRAO.  
 DUBHASHE, Mr. SHANKAR BALKRISHNA.  
 DWARKADAS, Mr. KANJI.  
 GANDHI, Mr. C. M.  
 GODBOLE, Dewan Bahadur K. R.  
 GULAMHUSEN, Mr. SULTANALI SALEMANJI.  
 HAJI KHAMISO GUL MAHOMED, Mr.  
 HALKATTI, Rao Saheb PHAKIRAPPA GURU-  
 BASAPPA.

JADHAV, Mr. B. V.  
 KAMBELI, Mr. S. T.  
 MANSURI, Khan Saheb A. M.  
 MODI, Sardar Davar T. K.  
 NIMBALKAR, Mr. K. B.  
 PAHALAJANI, Mr. B. G.  
 PATIL, Mr. B. P.  
 PAWAR, Shrimant J. A.  
 PETIT, Mr. JEHANGIR B.  
 SAHERWALA, Khan Saheb I. A.  
 SALGAR, Mr. R. G.  
 SATHE, Rao Bahadur G. K.  
 THAKURDAS, Mr. PURSHOTAMDAS.  
 VICHARE, Rao Bahadur D. A.

*Tellers for the Noes :* Mr. C. M. GANDHI and Mr. JEHANGIR B. PETIT.

The Honourable the PRESIDENT : I ought to have informed honourable members that after the Chair has declared the result as collected from the voices and a division is called for, an honourable member who gave his vote according to the voice on one side should at the division vote on the same side and not go into the lobby opposed to it. If it is brought to my notice that any honourable member gave his vote at the division contrary to his voice, I shall have to call upon him for an explanation, and if the explanation is not satisfactory, I shall have to decide that his vote ought to be given in accordance with his voice. If any honourable member finds any other honourable member not giving his vote in the lobby according to his voice, it will be his duty to bring that to my notice at once, before I declare the tellers' result of the division.

"Purchase of a duplicate set of furniture for the Legislative Council, Rs. 24,000 to be transferred from 47, Miscellaneous, to 22, General Administration."

The Honourable Mr. H. S. LAWRENCE : Mr. President, I rise to propose item No. 5.

The House is aware that this furniture has been moved backward and forward between this House and Bombay at considerable detriment to its life and condition. Last year, we at first put in an item for the construction of a new set of furniture in Bombay. Being short of money we cut that out, and carried this furniture over to Bombay. Now, we have brought it back to Poona. It will be a more satisfactory arrangement to have two sets of furniture. Now, we propose to give orders for another set of furniture for Bombay.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Sir, I should like to know from the Honourable Member as to what has become of the old furniture which was meant for the old Council.

Mr. E. M. PROES : Sir, I can satisfy the honourable member and I can do it in a very simple manner. I think this is one of the most reasonable and sensible demands that has ever been made in this House.

As regards the question as to what has become of the old Council furniture, I shall explain it now. We had in the old Council 48 members. In Bombay we had 24 desks with two chairs each to accommodate these 48 members. As regards the chairs, they are now being used in the library and the committee room. As for the desks, you see the reporters using them, and the remaining are being used for various purposes. In Poona we had 24 desks and seats, but in the new Council we have to provide seating accommodation for 120 members,

[Mr. E. M. Proes]

while in the old Council we had to provide only 48 seats. If any honourable member wishes, he can see a sample of these old desks placed outside the hall. They are very elaborate, very heavy, and costly and occupy a lot of room. This whole question boils down to this, that we have 48 seats of the old pattern, and to make up the balance to 120 of that same pattern would cost more than it would to provide 120 new seats of the present pattern. We propose to sell those old seats and the money received will be credited to Government. I have tried before to sell them, but did not get a high enough offer in my opinion, but I trust we will receive a good offer some day.

Now, as regards the removal of the present furniture. It was made in Bombay, then brought up to Poona, was taken back to Bombay and has again been brought up to Poona. The reason why I called this demand so sensible is that it costs about Rs. 1,500 every time the furniture is moved, and that means Rs. 3,000 per annum. Now if you consider that, I think you will see that it is better to provide Rs. 24,000 for a new set, which also will last infinitely longer than the present set will, at the rate it has been knocked about in moving. If you consider these two questions, one of the deterioration of the furniture in moving and, secondly, the high cost of moving it, I think that there can be no two opinions about this question and that it is much better to get a second set of furniture.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Sir, I have great pleasure in supporting this proposal, but I desire to know if it is intended to get this furniture made departmentally or to place a special order for it with some firm. I also wish to know if the estimate includes the provision of electric fans in this hall. The want of electric fans is being very badly felt, particularly when the weather is warm as is very often the case; and I do hope that the Government will favourably consider the desirability of providing electric fans in this hall. There are often long spells of very warm and stuffy weather in Poona even in the rainy season; and at such times, the absence of fans causes very great inconvenience and discomfort to many people. I am sorry to say that I am one of them. I therefore hope the Government will be pleased to supply that need also, and accordingly move that the item of electric fans be added to the list of furniture for the Legislative Council.

Dewan Bahadur K. R. GODBOLE (Poona District): Mr. President, I want to address the Council on the item which has been laid before the Council, and which I think the Council should vote against and not give the required money. I will give my grounds for what I say. Of the two Council halls that are at our disposal, the one in Bombay and the one in Poona, if the members of this Council were asked which was the better and more suitable hall, the answer Sir, from every one would be, the hall at Poona (Honourable Members: No, No. Yes, Yes.) and as regards the climate, every one will agree that Poona is infinitely better than Bombay. I therefore am strongly of the opinion that Poona should be the permanent place of the Council. ....

The Honourable the PRESIDENT: Order, order. That question is not before the House.

Dewan Bahadur K. R. GODBOLE: The question indirectly comes before us. ....

The Honourable the PRESIDENT: Please remember, Dewan Bahadur, that what you cannot bring in directly you cannot bring in indirectly.



Dewan Bahadur K. R. GODBOLE : The point I want to make is.....

The Honourable the PRESIDENT : I understand the point. Will you accept my ruling ?

Dewan Bahadur K. R. GODBOLE : I do not know whether the Council will agree to this suggestion of mine and if they.....

The Honourable the PRESIDENT : First of all, I cannot allow you to place that suggestion before the Council now.

Dewan Bahadur K. R. GODBOLE : Then I have got nothing more to say.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, this is an expenditure which concerns us, ourselves, and is likely to create an impression abroad that as far as we are concerned, we can vote any money that we like. Now the point of view which I wish to put forward is this, that there is an over-estimate. Usually we find, if we take the attendance of the honourable members that it never exceeds 80 ; to be very liberal it never exceeds 90, and I have seen those old desks, the old seating accommodation. They could very well do and would look a very good ornament indeed if they were to take back seats, and if they were placed there even to-morrow, I think the whole aesthetic effect of the arrangements of the seating accommodation would be appreciated by the councillors themselves. If you keep those seats there at the back, which are not very often occupied, we can have 48 such seats, and the new accommodation that will be necessary on a rough basis will be 60 seats. So, let Government make use of the old furniture and not sell it, because it would not bring in any substantial amount. I know Government have plenty of surplus stores, and usually when they are sold, I do not think they bring in any substantial amount. Another thing that appeals to me is this. For an honourable member to sit on a seat which costs about Rs. 300 is to me a luxury.

Honourable MEMBERS : Sit on the ground.

Rao Bahadur G. K. CHITALE : I do not mind it. But I think that argument is not advanced very seriously, because we have to maintain the dignity of the House also. But I am sure that the House would like that this demand should stand over, and all the old seats should take the place of the back benches. In any case, a trial will show what the effect will be on the aesthetic sense of honourable members, and we would be in a better position to vote for this grant. So, in the first instance, only 60 seats might be voted for, and not 120 and I think the amount may be cut down to half.

The Honourable the PRESIDENT : You do not move any reduction ?

Rao Bahadur G. K. CHITALE : I do not mind voting for the full amount, with this reservation that as little as possible should be spent. There is also the suggestion I have made, that the old benches should be utilised. If the House thinks that it is a very bad arrangement, then we might spend the whole amount. But if the old furniture is utilised, at the time of the meeting of the House we will know exactly what the aesthetic effect will be. Personally I do not expect that it will have a bad effect ; in fact I felt myself very much enamoured of the old furniture, which is much better than this.

Mr. S. K. BOLE (Bombay City, North) : Sir, I want to bring to your notice and to the notice of the House that the urinal and lavatory arrangements are very inconvenient. We get wet there.

The Honourable the PRESIDENT : We are not concerned with that now. That will require a separate motion on your part.

... Mr. E. M. PROES : Sir, I only want to say in reply to Mr. Petit that in providing furniture of this kind, we call for public tenders, and the lowest tender is usually accepted.

Rao Bahadur G. K. SATHE : Mr. President, I intend to speak a very few words on this point. I was really amused at the manner in which my friend Rao Bahadur Chitale indulged in making his remarks on this subject, and I wish that a better tone is given to the discussion of the subjects in this House. (Honourable Members : Hear, hear.) He showed great love for economy when he said that old furniture could be utilized for back seats, and that for the moment arrangements for about 50 seats should be made. But he forgets one fact. If all the members come in at once, which is not very unlikely, what is he going to do ? Further, he deserves my congratulations when he said that Rs. 300 worth a seat ought not to be given to an honourable member. However, he must not forget that there is some dignity attached to this Council. (Honourable Members : Hear, hear.) We are not going to calculate these things in rupees, annas and pies, and if this principle were brought home to him, I think he would very well have resisted the temptation of standing on his legs and opposing this most reasonable supplementary grant which has been moved by the Honourable the Finance Member. As time is of greater moment to us, I think we should rather not waste our time over such paltry matters.

The Honourable Mr. H. S. LAWRENCE : Sir, in the first instance, I should correct one little exaggeration of my honourable friend opposite, Rao Bahadur Chitale. He has told us that each seat costs Rs. 300. I think the Honourable Mr. Paranjpye will confirm me when I say that Rs. 24,000 for 120 seats is not Rs. 300 a seat. The honourable member has exaggerated only by 50 per cent.

The Secretary of the Public Works Department will be pleased to make an experiment next September Session with having some of the old furniture put in the back benches, and I hope the House will recognise the self-sacrifice of Rao Bahadur Chitale when he goes to sit on one of these back benches. I see that the House is in favour of this grant and I need not speak any more.

Question put and agreed to.

"Supplementary grant of Rs. 12,91,000 to cover loss by exchange."

The Honourable Mr. H. S. LAWRENCE : The last item, Sir, is No. 6 exchange. A grant of Rs. 12,91,000 is asked for as a purely formal matter to be transferred from a large number of heads under a new head. This action has been advised by the Auditor General who is entitled to give us instructions in the keeping of our accounts. There is no further expenditure of funds. It is purely a formal matter of account. The entries are being shown under a single head instead of different heads.

Rao Sahab D. P. DESAI (Kaira District) : Sir, may I know whether no provision can be made out of the 20 lakhs for this amount. So far as I remember of course the whole reserve has not been taken away and some provision could be made out of the 20 lakhs for this loss in exchange. I do not wish that the departments should be starved to the extent of the loss.

Mr. PURSHOTAMDAS THARKUDAS : Sir, this is only a question of transfer book entry and there need be no apprehension that the amount of Rs. 20 lakhs would be drawn upon for a single pie and I hope this Council will grant this grant.

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Rao Saheb D. P. DESAI (Kaira District): There are some points, Mr. President, which.....

The Honourable the PRESIDENT: You are making a second speech. I cannot allow that.

Honourable MEMBERS: Vote, vote.

The Honourable the PRESIDENT: I now call upon the Honourable the Finance Member to reply.

The Honourable Mr. H. S. LAWRENCE: Sir, I can only confirm what Mr. Purshotamdas Thakurdas has said. This is a purely formal matter and there is no expenditure of any sort whatsoever.

Question put and agreed to.

The Honourable the PRESIDENT: That finishes the supplementary grants. The Council is adjourned till 2 p.m. tomorrow.

*Wednesday, the 26th July 1922.*

The Council re-assembled at the Council Hall, Poona, on Wednesday, the 26th July 1922, at 2 p.m., the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

*Present :*

ADDYMAN, Mr. J.  
 ADHAV, Mr. P. N.  
 BATLIWALA, Dr. S. S.  
 BEDREKAR, Khan Bahadur ISMAIL SAHIB M.  
 BENNETT, Colonel V. B.  
 BHATE, Mr. G. C.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Mr. S. K.  
 BULLOCKE, Mr. A. GREVILLE.  
 CHITALE, Rao Bahadur G. K.  
 CLAYTON, Mr. F.  
 COOPER, Khan Bahadur D. B.  
 CREER, Mr. J.  
 DADACHANJI, Dr. K. E.  
 DALAL, Sardar Khan Bahadur ADARJI M.  
 DALAL, Mr. D. B.  
 DESAI, Rao Saheb HARILAL D.  
 DESAI, Rao Saheb DADUBHAI P.  
 DESHMUKH, Mr. ANANDRAO SHRIPATRAO.  
 DRAKHAN, WADERO MAHOMED PANAH.  
 DUBHASHE, Mr. SHANKAR BALKRISHNA.  
 DWARKADAS, Mr. KANJI.  
 FERNANDES, Major C.  
 FERREIRA, Mr. D. J.  
 GANDHI, Mr. C. M.  
 GHOLAP, Mr. D. D.  
 GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH.  
 GODAD, Khan Saheb ABDULLA AVJAL.  
 GRIFFITH, Mr. F. C.  
 GULAMHUSEN, Mr. SULTANALI SALEMANJI.  
 HAJI, Mr. IBRAHIM S.  
 HAJI KHAMISO GUL MAHOMED, Mr.  
 HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA.  
 HAVELIVALA, Mr. M. A.  
 HAYWARD, The Hon'ble Mr. M. H. W.

HULKOTI, Mr. CHANNAPPA CHANVIRAPPA.  
JADHAV, Mr. B. V.  
JUVEKAR, Mr. D. G.  
KALBHOR, Mr. G. M.  
KALE, Rao Bahadur R. R.  
KAMBLI, Mr. S. T.  
KER, Mr. J. C.  
LAGHARI, Khan Bahadur KHAIR BAKSH.  
LAHORI, Khan Bahadur HAJI AMIRALI.  
LAWRENCE, The Hon'ble Mr. H. S.  
LORY, Mr. F. B. P.  
MANSURI, Khan Saheb A. M.  
MEAD, Mr. P. J.  
MEHTA, The Hon'ble Mr. C. V.  
MODI, Sardar Davar T. K.  
MOHOMED SALAHUDDIN K., Mr.  
MONIE, Mr. P. W.  
MOUNTFORD, Mr. L. J.  
MUTALIK, Sardar V. N.  
NILKANTH, Rao Bahadur R. M.  
NELSON, Mr. F.  
NIMBALKAR, Mr. K. B.  
PAHALAJANI, Mr. B. G.  
PAINTER, Mr. H. L.  
PARANJPYE, The Hon'ble Mr. R. P.  
PARULEKAR, Rao Saheb L. V.  
PATEL, Mr. B. P.  
PATEL, Mr. J. B.  
PAWAR, Shrimant J. A.  
PETIT, Mr. JEHANGIR B.  
PRADHAN, Mr. M. W.  
PROES, Mr. E. M.  
RAHIMTOOLA, The Hon'ble Sir IBRAHIM.  
SAHERWALA, Khan Saheb I. A.  
SALGAR, Mr. R. G.  
SATHE, Rao Bahadur G. K.  
SAYED NABI BAKSH SHAH.  
SAYED, SHAHJADE SAHEB HAIDAR SAHEB.  
SETALVAD, The Hon'ble Sir CHIMANLAL H.  
SHIRBAS, Mr. G. FINDLAY.  
SUFI, Mr. KALANDARBAKSH.  
SURVE, Mr. A. N.

THAKOR of AMOD, Sardar NAHARSINGHI I.

THAKURDAS, Mr. PURSHOTAMDAS.

THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

The Honourable the PRESIDENT: Order, order. Questions.

#### MUSHAHIRA OF PATILS IN SATARA DISTRICT.

Mr. P. N. ADHAV (Satara District): Will Government be pleased to lay on the table the following information for the Satara district :—

- (a) Number of patils;
- (b) Amount of remuneration paid every year;
- (c) Number of patils getting mushahira (remuneration) per annum—
  - (i) Less than Rs. 10,
  - (ii) Above Rs. 10 but less than Rs. 20,
  - (iii) Do. 20 do. 30,
  - (iv) Do. 30 do. 40,
  - (v) Do. 40 do. 50,
  - (vi) Do. 50 do. 100,
  - (vii) Do. 100 do. 150,
  - (viii) Do. 150 do. 200,
  - (ix) Do. 200 do. 300,
  - (x) Do. 300?

The Honourable Sir IBRAHIM RAHIMTOOLA: A statement\* containing the requisite information is placed on the Council table.

#### FREE STUDENTS IN GOVERNMENT HIGH SCHOOL, AND NEW ENGLISH SCHOOL, SATARA.

Mr. P. N. ADHAV (Satara District): (1) Will Government be pleased to state the number of students admitted free in the Government High School and the aided New English School in the current year from—

- (a) Brahmins,
- (b) Marathas,
- (c) Other castes?

(2) Will Government be pleased to state the number of scholars in the above schools from—

- (a) Brahmins,
- (b) Marathas,
- (c) Other castes?

The Honourable Mr. R. P. PARANJPYE: The information has been called for.

#### ANNUAL EXAMINATION OF PUPILS IN PRIMARY SCHOOLS IN SATARA DISTRICT.

Mr. P. N. ADHAV (Satara District): (a) Will Government be pleased to state the number of primary schools in which no annual examination was held for pupils studying in the IV vernacular standard?

(b) Is it a fact that no annual examination is held to the end of May 1922 in Kikli village, Wai taluka, Satara district ?

The Honourable Mr. R. P. PARANJPYE : (a) and (b) The system of annual examination by departmental officers has been discontinued since 1917, but promotion examinations are held by the school staff.

#### TEMPORARY ASSISTANT SURGEONS.

Mr. P. N. ADHAV (Satara District) : (a) Will Government be pleased to state the number of temporary assistant surgeons in this Presidency (in service) ?

(b) Are Government aware that there are some who have put in nearly 8 years' service and are awaiting confirmation ?

(c) Will the whole period of temporary service be counted towards pension and promotion especially in the case of temporary assistant surgeons who volunteered for military general service ?

(d) Will the temporary assistant surgeons who volunteered for *general service* be given preference over those who volunteered for Indian service at the time of being made permanent ?

The Honourable Mr. R. P. PARANJPYE : Information is being obtained.

#### SCHOLARSHIPS FOR CHILDREN OF MILITARY PENSIONERS.

Mr. P. N. ADHAV (Satara District) : Will Government be pleased to state the total number of scholarships available to the children of Military pensioners awarded in the Poona, Satara, Ratnagiri and Ahmednagar districts during the year 1921-22 ?

The Honourable Mr. R. P. PARANJPYE : The information is being obtained.

#### JANGI INAMS.

Mr. P. N. ADHAV (Satara District) : (a) Will Government be pleased to state the total number of the recipients of Jangi inams granted in the Satara and Ahmednagar districts from July 1921 to the end of June 1922 ; and the total area of land thus assigned ?

(b) Will Government be pleased to state the maximum and minimum area assigned as Jangi inam in any individual case ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information has been called for.

#### DHARAMTAR-MAHABLESHWAR ROAD.

Mr. G. C. BHATE (Kolaba District) : Will Government be pleased to state whether it is a fact that there are no culverts and irrigation drains on the Dharamtar-Mahableshwar Road between 15 and 25 miles ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Information has been called for from the local officers and will be supplied as soon as received.

#### COST OF MAPS AND PLANS UNDER THE BOMBAY LAND REVENUE CODE.

Mr. G. C. BHATE (Kolaba District) : (a) Will Government be pleased to state the amount of costs of preparation of maps and plans under section

135-G of the Land Revenue Code, (1) recovered up to now, and (2) to be recovered, in the Kolaba district ?

(b) Is it a fact that such costs are recovered from the khatedars in some cases at least without even giving notice of demand ?

(c) Is it a fact that the plans and maps prepared in Mahad taluka villages are in experimental stage being based on "Plane Table Survey" ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information will be called for.

#### SANITARY INSPECTORS IN DOCK DEPARTMENT.

Mr. S. K. BOLE (Bombay City, North) : Will Government be pleased to state—

(a) whether there are any posts of sanitary inspectors in the Dock Department of the Bombay Port Trust ;

(b) what are the qualifications required for holding the posts ;

(c) and what are the qualifications of the present incumbents of the posts ?

The Honourable Sir CHIMANLAL SETALVAD, : Information is being obtained.

#### REVENUE HEADS IN SIND.

Khan Bahadur S. N. BHUTTO (Larkana District) : Will the Government be pleased to lay on the table a statement showing the figures of revenue and expenditure under the various heads for the province of Sind for the last ten years ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Statements\* showing the figures of provincial revenue and expenditure in Sind for ten years ending 1919-20 are placed on the table.

#### REVISION OF PAY OF PROVINCIAL MEDICAL SERVICE.

Dr. S. S. BATLIWALA (Bombay City, North) : Will Government be pleased to state—

(a) Whether they are aware of the great discontent existing amongst the members of the Provincial Medical Service with respect to the revision of pay of the members of that service as notified in the Government Resolution No. 578, dated 18th January 1922 ?

(b) Whether they have received any communication on the subject from members of that service ?

(c) Have Government received copies of resolutions passed by the Bombay Provincial Medical Service Association with respect to the grievances of that service and what steps have or are being taken to redress them ?

(d) Is it a fact that none of the house surgeoncies in the large hospitals of Bombay, Poona, Ahmedabad and Karachi are available for members of the Provincial Medical Service ? If so, will Government be pleased to give reasons why they are debarred from holding them ? Has any representation on the subject been made to Government, and if so, what steps are being taken to throw open these important appointments to the medical graduates of the Bombay University ?

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\* Vide Appendix AA.



The Honourable Mr. R. P. PARANJPYE : (a) No.

(b) No.

(c) Copies of the resolutions were received and considered by Government and orders have been passed on some of the matters dealt with ; others are still under consideration.

(d) The house surgeoncies of the six hospitals shown below are reserved for military assistant surgeons in accordance with a scheme sanctioned in 1897 by the Government of India. No representation on the subject has been made to Government :—

- |     |                    |                                   |
|-----|--------------------|-----------------------------------|
| (1) | The House Surgeon, | J. J. Hospital.                   |
| (2) | " "                | Bai Motlibai and Petit Hospitals. |
| (3) | " "                | Gokuldas Tejpal Hospital.         |
| (4) | " "                | Civil Hospital, Poona.            |
| (5) | " "                | Civil Hospital, Karachi.          |
| (6) | " "                | European General Hospital, Aden.  |

#### SCARCITY OF DRINKING WATER IN BROACH DISTRICT.

Sardar Khan Bahadur ADARJEE M. DALAL (Broach District): Are Government aware that in the Bara tract of the Broach district on the coast villages of Wagra, Jambusar and Amod, chronic scarcity of drinking water and acute scarcity in the years of deficient rainfall prevail, necessitating cart service for water for distant villages and that the water grant given to the district local board is inadequate and out of proportion to the requirements and peculiar condition of those parts ?

The Honourable Mr. R. P. PARANJPYE : The information is being called for.

#### BOMBAY EDUCATIONAL SERVICE.

Dr. K. E. DADACHANJI (Bombay City, South) : Will the Government be pleased to state :—

(a) if the Bombay Educational Service scheme was sanctioned by the Secretary of State in November 1919 ;

(b) if the officers concerned had an understanding from the Director of Public Instruction that the effect will be given to the Indian Educational Service scheme from 1st December 1919 ;

(c) whether the re-organisation of the deputy collectors took effect from the 1st December 1919, Public Works Department Provincial Service from 1st February 1920, and that of the mamlatdars though promised from 1st March 1921, took effect from 1st March 1920 ;

(d) if such be the case, why is the Provincial Service of the Educational Department treated differently and given effect to from 1st April 1921, though the Government of India announced in 1917 their intention to consider the recommendations of the Public Services Commission in connection with the Educational Department prior to their recommendations in connection with other departments ?

The Honourable Mr. R. P. PARANJPYE : (a), (b), (c) and (d) Enquiries are being made.

## SELECTION GRADES IN BOMBAY EDUCATIONAL SERVICE.

Dr. K. E. DADACHANJI (Bombay City, South): Will Government be pleased to state :—

(a) When the Bombay Educational Service scheme was sanctioned ?

(b) When the recommendations about the selection grades were received ?

(c) How many selection grade posts were available, and how many were actually given ?

(d) What principles were adopted at the time of filling up these posts ?

(e) Whether a large number of these posts have been kept vacant in spite of suitable officers of adequate capacity and experience being available ?

(f) Whether this has caused a good deal of disappointment and discontent in the service ?

(g) And if so, what steps Government propose to take to allay this discontent ?

The Honourable Mr. R. P. PARANJPYE : (a) June, 1921.

(b) February, 1922.

(c) Twenty-one, of which five posts were filled up.

(d) Selection by merit with due regard to seniority.

(e) The remaining posts were kept vacant on account of financial stringency.

(f) It may have caused disappointments, but as all those concerned have received considerable increases of pay Government do not consider that there is any reasonable discontent.

(g) Government do not propose to take any steps for the present.

## SELECTION GRADES IN BOMBAY EDUCATIONAL SERVICE.

Dr. K. E. DADACHANJI (Bombay City, South): Will Government be pleased to state :—

(a) The total amount of additional expenditure involved in the selection grade posts in the Bombay Educational Service actually filled up ?

(b) How much saving has been made from the allotment of Rs. 20,00,000 provided for the Bombay Educational Service scheme ?

(c) Why the saving cannot be utilised to fulfil the promises held out by Government and allay discontent ?

The Honourable Mr. R. P. PARANJPYE : (a) Rs. 10,200. This will rise annually by Rs. 1,800 for a period of five years.

(b) and (c) The amount provided in the budget for 1921-22 on account of the scheme was two lakhs and not twenty lakhs as stated in the question. As this was a lump provision a sum of about Rs. 1,50,000 has been provided in the current year's budget under the respective minor heads "31—Education" and the balance has been entered as a lump provision in the same budget. It is from the latter provision that the cost of the selection grade posts which have been sanctioned is to be met. Attention is invited in this connection to the reply given to clause (e) of question no. 2 asked by the member at the present session of the Council.

## BOMBAY EDUCATIONAL SERVICE : COLLEGIATE BRANCH.

Dr. K. E. DADACHANJI (Bombay City, South): Will the Government be pleased to state :—

(a) When the recommendations for the inclusion of posts especially in the collegiate line in the Bombay Educational Service have been received ?

(b) Whether any orders have been passed on these recommendations, as provided by Government in their resolution about the re-organisation of the Provincial Educational Service ?

(c) If not, when do Government propose to sanction these additional posts ?

(d) If these additional posts and the additional selection grades are not sanctioned how do Government propose to utilise Rs. 50,000 especially provided for the purpose in the budget at the last meeting of the Legislative Council ?

The Honourable Mr. R. P. PARANJPYE: (a) The further recommendations were received in December 1921.

(b), (c) and (d) Orders sanctioning the inclusion of certain additional posts inclusive of the posts in the collegiate branch of the Bombay Educational Service have already issued but no additional selection grade posts have been sanctioned. It is not possible to say at present what savings will be effected in the allotment of Rs. 50,000 referred to and how it will be utilized.

## REVISION OF THE PAY OF SUPERIOR ESTABLISHMENTS.

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

(a) What amount was set aside in the budget of 1921-22 for the revision of the pay of superior establishments of the Educational Department ?

(b) How much of that amount was spent for the said revision and who are the persons benefited by it ?

The Honourable Mr. R. P. PARANJPYE: (a) This part has already been answered.

(b) The amount spent was Rs. 2,10,000 (in round figures), and the classes benefited were the following :—

(1) Assistant masters and mistresses (in the Subordinate Educational Service) in Government secondary schools and vernacular training colleges, assistants to professors and demonstrators etc., in Government colleges and assistant deputy educational inspectors;

(2) Certain teachers in the Sir J. J. School of Art, Bombay;

(3) Clerks in the mofussil and in the city of Bombay;

(4) Drawing masters and teachers;

(5) Sewing mistresses;

(6) Curator, Government Book Depot, Karachi

## SUITS UNDER SECTION 86, LAND REVENUE CODE.

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

(a) How many rent suits were filed during the last year under section 86, Land Revenue Code ?

(b) How many of them were disposed of during the same period ?

(c) How many of these decrees are still pending which were made in 1915 or before and in each of the years since 1915 ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The requisite information is furnished in the accompanying statement.†

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : What steps have been taken by Government to dispose of the large number of pending suits ?

The Honourable Sir IBRAHIM RAHIMTOOLA : I require notice of that question.

#### MALARIA IN LONAVLA AND KHANDALA.

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to place on table a list showing total number of cases of and deaths from malaria in Lonavla and Khandala during the five years preceding March 1922 ?

The Honourable Mr. R. P. PARANJPYE : The information is being called for.

#### MUSHAHIRA TO PATILS, TALATIS AND KULKARNIS.

Mr. A. S. DESHMUKH (East Khandesh District) : Will Government be pleased to furnish the following information :—

(a) the total amount of the emoluments (mushahira) given to patils in the Southern, Central and Northern Divisions, respectively ;

(b) the total amount of the emoluments given to talatis including kulkarnis in the Southern, Central and Northern Divisions, respectively ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information is being collected.

#### BOMBAY RIOT CASES.

Mr. KANJI DWARKADAS : (a) Has the attention of the Government been drawn to the remarks of Mr. Frank Olivera, Special Magistrate in the Bombay riot cases, as reported in the *Bombay Chronicle* of February 1st ?

(b) What action has the Commissioner of Police taken with regard to the police witnesses criticised by the magistrate ?

(c) Will the Government be pleased to state the authority which sanctioned the prosecution ?

The Honourable Mr. M. H. W. HAYWARD : The Commissioner of Police has reported that the case was undoubtedly unsatisfactory as presented at the trial. The prosecution witnesses resiled from the statements made by them in the investigation when examined at the trial before the magistrate. The Commissioner of Police has taken steps to obtain a full explanation of the matter, but has pointed out that the "scathing strictures" stressed by the *Bombay Chronicle* were never communicated to him ; nor were they incorporated in the judgment of misjoinder passed by the magistrate. The special difficulties involved in the investigation of offences and prosecution of offenders in respect of the four days of riot have to be remembered. They were not mitigated by the subsequent inevitable delays of over two months in the numerous trials before the special magistrate.

† Vide Appendix K.

## FREE QUARTERS TO OFFICERS OF THE BOMBAY PORT TRUST.

Mr. C. M. GANDHI (Surat City): Will Government be pleased to state—

(a) if any officers of the Bombay Port Trust drawing Rs. 500 or more are supplied with quarters?

(b) if so, how many?

(c) how many of them are Indians?

The Honourable Sir CHIMANLAL SETALVAD: Information is being obtained.

## FREE QUARTERS TO CLERKS IN THE BOMBAY PORT TRUST.

Mr. C. M. GANDHI (Surat City): Will Government be pleased to state—

(a) The total number of clerks in the employ of the Bombay Port Trust drawing salaries between Rs. 50 and Rs. 250 per mensem?

(b) Have any of these been given quarters, or given house rent allowance? If so, how many?

The Honourable Sir CHIMANLAL SETALVAD: Information is being obtained.

## FREE QUARTERS TO MENIAL SERVANTS AND LABOURERS OF THE BOMBAY PORT TRUST.

Mr. C. M. GANDHI (Surat City): Will Government be pleased to state—

(a) The total number of menial servants and labourers employed by the Bombay Port Trust?

(b) Have any of these been provided with quarters? If so, how many; if not, why not?

The Honourable Sir CHIMANLAL SETALVAD: Information is being obtained.

## PROBATIONERS IN THE BOMBAY PORT TRUST.

Mr. C. M. GANDHI (Surat City): Will Government be pleased to state—

(a) How many probationers in the docks and in the Secretary's office of the Bombay Port Trust have been recently brought out from England?

(b) What are their qualifications?

(c) What qualifications are required for Indian probationers of the same class?

(d) Is there any difference in the qualifications of Indian and non-Indian probationers?

(e) Are there any printed regulations laying down the qualifications of these Indian and European officers? If yes, will a copy thereof be made available for the information of the Council?

(f) If not, will Government be pleased to state what the difference is? and

(g) Will Government be pleased to state why is such a difference kept?

The Honourable Sir CHIMANLAL SETALVAD: Information is being obtained.

### UPKEEP OF MOTOR CARS SUPPLIED TO OFFICERS OF THE BOMBAY PORT TRUST.

Mr. C. M. GANDHI (Surat City): Will Government be pleased to state—

(a) The total expense of the upkeep of 17 motor cars supplied by the Bombay Port Trust to its several officers?

(b) Do Government pay for the upkeep of the motor cars used for official purposes by their officers in other departments?

The Honourable Sir CHIMANLAL SETALVAD: (a) Information is being obtained.

(b) Yes.

### SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

Mr. C. M. GANDHI (Surat City): Will Government be pleased to state what steps, if any, they have already taken towards carrying out the resolution about the separation of judicial and executive functions passed by the Legislative Council at the last session?

The Honourable Mr. M. H. W. HAYWARD: The Commissioners are being consulted as to the practicability of reducing the ordinary magisterial establishments and of transferring the magisterial work to subordinate judges at places where there are subordinate judges' courts and on receipt of their proposals further references will be made to the Court of the Judicial Commissioner of Sind and to the High Court. It has not been practicable to make any proposals at present for strengthening the cadre of subordinate judges in view of the necessity of making the retrenchments promised to the Legislative Council.

### ADMINISTRATION OF JAILS.

Mr. C. M. GANDHI (Surat City): Will Government be pleased to state whether as promised by the Honourable the Home Member during the debate on the voting of grants for Jails and Convicts on the 6th March 1922, any steps have been taken to appoint non-official members to help Government in the administration of jails? If so, will they lay on the table of the House the list of such members?

Will Government be pleased to state if they have been able to carry out their intention of appointing a large number of non-official Indians to help them in the administration of jails (*vide* p. 831, Vol. V, Bombay Legislative Council Debates)? If not, when do Government hope to be able to do so?

The Honourable Mr. M. H. W. HAYWARD: A reference is invited to the revised rules relating to visitors of prisons recently made under section 60 (r) of the Prisons Act and to the list of non-official visitors appointed thereunder for the prisons in the city of Bombay published in the last issue of Part I of the *Bombay Government Gazette*.

### RULES UNDER PRISONS ACT.

Mr. C. M. GANDHI (Surat City): Are the rules under section 60 of the Prisons Act now collected and published? Will they be placed on the table of the House?

The Honourable Mr. M. H. W. HAYWARD: The rules are embodied in the Jail Manual, a copy of which has been supplied to the Council Library.

Mr. C. M. GANDHI: Will it be made available to the members of this Council on payment?

The Honourable Mr. M. H. W. HAYWARD : I cannot say how many copies are still left. They were printed for departmental use, and we do not propose to reprint them now, as we have to consider all the proposals of the Jails Committee. I cannot say whether sufficient copies will be available without reprinting.

Rao Saheb HARILAL D. DESAI (Ahmedabad City) : If they are available can they be had on payment ?

The Honourable Mr. M. H. W. HAYWARD : I cannot answer hypothetical questions.

Mr. JEHangIR B. PETIT (Bombay Millowners' Association) : Why are even public bodies refused copies of this Jail Manual ?

The Honourable Mr. M. H. W. HAYWARD : I am not aware of that.

Mr. C. M. GANDHI : Is there any objection to sell copies to members if they are available ?

The Honourable Mr. M. H. W. HAYWARD : I cannot see any objection if copies are available.

Mr. C. M. GANDHI : Will Government issue orders to the manager of the press to sell copies if they are available ?

The Honourable the PRESIDENT : That is a suggestion for action, but I leave it to the Honourable Member in charge to reply to it or not.

Mr. C. M. GANDHI : My question is, will Government be pleased to issue orders to the Manager of the Central Press to sell these copies to members of this Council if they are available ?

The Honourable Mr. M. H. W. HAYWARD : I cannot really say until I have ascertained whether the copies are available, and how many are available.

Mr. C. M. GANDHI : Can you do it by to-morrow ?

The Honourable Mr. M. H. W. HAYWARD : I cannot do it by to-morrow.

Mr. JEHangIR B. PETIT : Are the Government aware that a copy of the Jail Manual was refused to a public body on the ground that it was not meant for the public, but only for the administrative officers ?

The Honourable Mr. M. H. W. HAYWARD : The honourable member has asked a particular question on this point. I will give an answer when that question is reached.

Mr. JEHangIR B. PETIT : I ask this question, because it appears to be relevant to the question before us.

The Honourable Mr. M. H. W. HAYWARD : I would ask the honourable member not to anticipate the question he has himself put, and which will be duly answered in the Council.

The Honourable the PRESIDENT : What is it ?

The Honourable Mr. M. H. W. HAYWARD : The honourable member has already given notice of a question on the point. The answer will in due course be read in Council.

The Honourable the PRESIDENT : Mr. Petit, you want to eat your cake before you prepare it.

Mr. JEHangIR B. PETIT : This question arises out of the question before us. Government may inform us that no such copy was refused to any one.

The Honourable the PRESIDENT : When you have already a question on paper, why not wait, and then heckle the Government Member if you like ?

#### COMPLAINTS AGAINST POLICE BY PRESIDENCY MAGISTRATES.

Mr. IBRAHIM S. HAJI (Bombay City) : Will the Government be pleased to state whether complaints have been made by the Presidency Magistrates to the Commissioner of Police, Bombay, against individual police officers within the last two years from this date ? If so, will the Government state or lay on the table the nature of the complaints in each individual case ? What actions have Government taken on the complaints ?

The Honourable Mr. M. H. W. HAYWARD : The Commissioner of Police has reported that he found it necessary to take disciplinary action in 18 out of the 25 cases of irregularities referred to him during the past two years by the Presidency Magistrates.

Mr. IBRAHIM S. HAJI : Will Government be pleased to reply to my question specifically, as the question is quite clear there ? The last three lines of the question are : If so, will the Government state or lay on the table the nature of the complaints in each individual case ? The Government have not answered that part of my question.

The Honourable Mr. M. H. W. HAYWARD : Government will not be pleased to answer the question specifically, because Government do not consider that it would serve any useful purpose.

#### RENT ACT.

Mr. M. A. HAVELIVALA (Bombay City) : (a) Will Government please say as to how long they intend to keep the present Rent Act in force in the city of Bombay ?

(b) Do Government intend to amend and alter the Rent Act with a view to give relief to the landlords by way of an adequate increase in rents and to control the rents of the new premises ?

The Honourable Sir CHIMANLAL SETALVAD : The question is under the consideration of Government.

#### NEW PRIMARY SCHOOLS.

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state how many new primary schools were opened in 1920-1921 in non-municipal areas of the Presidency, how many will have been opened by the end of the current year 1921-1922 and how many are proposed to be opened during 1922-1923, giving the figures for each educational division ?

The Honourable Mr. R. P. PARANJPYE : A statement† giving the information required is placed on the table.

#### SALARIES OF PERSONS IN JAIL DEPARTMENT.

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to lay on the Council table a list of persons drawing Rs. 100 and more per mensem in the Presidency Jail Department ?

The Honourable Mr. M. H. W. HAYWARD : A list to the best of my belief has already been prepared.



## CONSULTING ARCHITECT'S ESTABLISHMENT.

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state when the Consulting Architect's establishment was created together with the expenses of the department year by year since its creation?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: The office of the Consulting Architect to Government was created in 1901 and that of the Executive Engineer, Architectural District, under him in 1914. The expenditure incurred on establishment in these two offices for each of the five years ending 1920-21 is as under:—

		Consulting Architect to Government.	Architectural District.
		Rs.	Rs.
1916-17	.. ..	37,148	35,054
1917-18	.. ..	65,278	26,628
1918-19	.. ..	67,449	26,579
1919-20	.. ..	75,435	37,803
1920-21	.. ..	99,602	42,637

Information regarding the expenditure incurred during 1921-22 and the period prior to 1916-17 is being collected.

## CERTAIN INFORMATION REQUIRED BY SCHOOL COMMITTEE, DHARWAR.

Mr. S. T. KAMBLI (Dharwar District): Is it a fact that the deputy educational inspector at Dharwar is not giving the information asked for by the members of the special educational or school committee appointed by the district local board of Dharwar?

The Honourable Mr. R. P. PARANJPYE: The information to which this question relates was first asked for by the head clerk of the district local board, Dharwar, on behalf of a member of the board. The fact that a public body may be entitled to ask for certain information does not entitle any member of that body to demand the information from a public servant. As soon as the information was asked for in the regular way it was supplied so far as it was reasonably possible to do so.

## POSTS OF ASSISTANT DEPUTY EDUCATIONAL INSPECTORS.

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

(a) the total number of assistant deputies to the inspectors of education in the Presidency in the year 1921-22?

(b) the total amount of salary paid to them in the year 1921-22?

(c) the total amount of travelling allowance paid to them in the year 1921-22?

(d) the total number of such deputies in the year 1910-1911?

(e) the total amount of (i) salary and (ii) allowance paid to them in the year 1910-11.

The Honourable Mr. R. P. PARANJPYE: (a), (b), (c), (d), (e) The information is being obtained.

## BUILDING GRANT FOR URDU GIRLS' SCHOOLS AT HUBLI.

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

(a) Whether it is a fact that the Hubli municipality has been applying for a building grant for the building of Urdu Girls' School in Ganeshpet?

(b) If so, since when has the municipality been applying for the grant?

(c) Has the grant been paid to the municipality?

The Honourable Mr. R. P. PARANJPYE: (a) Yes.

(b) and (c) Enquiries are being made.

## ENGLISH-TEACHING AT KURTKOT IN GADAG.

Mr. S. T. KAMBLI (Dharwar District): (a) Is it a fact that the villagers of Kurtkot in Gadag taluka of Dharwar district have applied that provision should be made in the village for teaching English?

(b) Is it a fact that there is no school at Kurtkot where English is taught?

(c) What is the population of the said village?

The Honourable Mr. R. P. PARANJPYE: Enquiries are being made.

## PRESIDENTS OF THE TALUKA AND DISTRICT LOCAL BOARDS.

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

(a) whether the posts of presidents of taluka local boards are made elective hereafter?

(b) whether appointments to the posts of presidentships of district local boards are to be made hereafter by election or by nomination as heretofore?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: (a) and (b) The matter is under consideration.

## TEACHING OF ENGLISH PRIMERS IN VERNACULAR TRAINING SCHOOLS.

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

(a) Whether provision is made in the vernacular training schools and colleges in the Presidency to teach English primers?

(b) If so, which are those colleges or schools?

(c) If not, does Government intend to have such a scheme in the curriculum of these schools and colleges in the near future?

(d) How many English-teaching teachers have been appointed in the primary schools in the Presidency to teach English?

(e) What is the total annual expenditure on account of these teachers?

The Honourable Mr. R. P. PARANJPYE: (a) and (b) No.

(c) No.

(d) and (e) Enquiries are being made.

## REVISION OF PAY OF TEACHERS OF HIGH SCHOOLS IN SIND.

Mr. IBRAMIM S. HAJI on behalf of Mr. GHULAM HUSAIN KASSIM (Karachi City): (a) Are Government aware that there is deep discontent among the teachers of the high schools in Sind owing to their revised pay not being sufficient to meet the high cost of living in Sind?

(b) What steps Government intend taking to allay their discontent?

(c) Are Government aware that the Education Department is unable to get teachers on the pay now offered to them?

The Honourable Mr. R. P. PARANJPYE: (a) Government understand that there is some discontent among the teachers referred to owing to disappointment at the revised scales of pay sanctioned for them not coming up to their demands. Similar discontent prevails among the teachers in the Presidency proper also.

(b) Government have no intention of taking any further steps at present. Graduate teachers in Sind start at ten rupees per mensem higher than teachers in the Presidency.

(c) No.

## HONORARY AND SPECIAL MAGISTRATES IN SIND.

Mr. IBRAHIM S. HAJI on behalf of Mr. GHULAM HUSAIN KASSIM (Karachi City): Will Government be pleased to lay on table the names of the honorary and special magistrates in Sind with their educational and other qualifications and powers?

The Honourable Mr. M. H. W. HAYWARD: A statement\* furnishing the information required is placed on the Council table.

## DAYARAM JETHMAL SIND COLLEGE: ENGINEERING BRANCH.

Mr. IBRAHIM S. HAJI on behalf of Mr. GHULAM HUSAIN KASSIM (Karachi City): (a) Has the attention of Government been drawn to pages 10 and 11 of the report of the Dayaram Jethmal Sind College for the year 1919-20 in which it is stated that the number of students in the engineering branch of the college has become small owing to the uncertainty regarding the position in the Public Works Department of the men trained in the branch and no substantial improvement in the pay and prospects of the holders of the guaranteed posts in the Public Works Department?

(b) What do Government propose doing to encourage students to join this branch of the college?

The Honourable Sir CHIMANLAL SETALVAD: (a) Yes.

(b) The matter is under the consideration of Government.

## INDOOR PATIENTS IN J. J. AND G. T. HOSPITALS.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): (a) Will Government be pleased to state the number of beds for Indian indoor patients in the J. J. and G. T. Hospitals, Bombay, existing in 1900 and 1921?

(b) Is it a fact that several patients are refused admission in consequence of insufficiency of number of beds?

\* Kept in Secretary's office.

(c) Will Government be pleased to state whether in the wards of indoor patients in the J. J. Hospital several cases of diarrhoea and dysentery occur owing to the building being wet and leaky in the monsoon and thereby causing fatality amongst the patients?

The Honourable Mr. R. P. PARANJPYE : Information is being obtained.

#### GRANT MEDICAL COLLEGE.

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

(a) Is it a fact that owing to large increase in the number of students in the Grant Medical College, students do not get sufficient opportunities for clinics in the wards?

(b) Will Government be pleased to state if any proposals have been made to allow students opportunities for clinics in the G. T. Hospital as has been done in the case of the Cama Hospital?

(c) Will Government be pleased to state if any honorary surgeons are attached to the G. T. Hospital? If not, why not?

The Honourable Mr. R. P. PARANJPYE : Enquiries are being made.

#### MOTOR ACCIDENTS IN AHMEDABAD.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): How many accidents occurred in Ahmedabad by motors and motor trucks during the years 1921 and 1922 up to the end of June?

(a) The number of offenders who are prosecuted;

(b) Who are acquitted;

(c) Discharged, and

(d) Sentenced?

The Honourable Mr. M. H. W. HAYWARD : The information is being called for.

#### COMPENSATION FOR LAND TAKEN UP FOR WIDENING THE SATARA-MAHABLESHWAR ROAD.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): (a) Will Government be pleased to state when land was taken up for the purpose of widening the Satara-Mahableshwar road, or for other purposes in connection with the road, in the village of Asni and in other villages in Jaoli taluka of the Satara district, and whether any compensation was paid to the occupants or to the holders of the villages?

(b) If the compensation is not paid, will Government be pleased to state the reasons of the delay?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information has been called for.

#### REMOVAL FROM THE ROLL OF THE REGISTERED MEDICAL PRACTITIONERS.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Will Government be pleased to state the names of the medical practitioners, whose names were removed from the roll of registered medical practitioners, with reasons for the removal in each case?

The Honourable Sir CHIMANLAL SETALVAD : The matter is in the hands of the Bombay Medical Council, not of Government.

#### UNANI AND AYURVEDIC MEDICINES.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : (a) In view of the resolution passed by this House about the Ayurvedic and Unani medical systems, will Government be pleased to state if they have made any inquiries from such of the practising medical graduates, or other qualified practitioners as are using the medicines, the efficacy of the medicines or the advisability of making the medicines popular ?

(b) Will Government be pleased to state what steps have been taken to encourage the use of the systems or to facilitate further inquiries into their utility, efficacy, etc. ?

The Honourable Mr. R. P. PARANJPYE : (a) No.

(b) Owing to the need for retrenchment Government have not yet been able to do anything in the matter.

#### UMRETH MUNICIPALITY.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : Will Government be pleased to place on the table all the correspondence with regard to the withdrawal of the privilege of electing the president from the Umreth municipality, a privilege which was but lately conferred ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : A copy of Government Resolution No. 2527,\* dated the 26th April 1922, is placed on the Council table.

#### RIGHT OF DISPOSAL OF THE CHILHAR AMOUNT IN ALIENATED VILLAGES.

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

(a) if their attention is drawn to the High Court decision, in appeal No. 29 of 1921, with appeal No. 45 of 1921, about the disposal of Chilhar amount ;

(b) in view of the decision have any general orders been issued, for the disposal of the Chilhar amount in alienated villages, and particularly in Nasik district ;

(c) if any amounts have been returned to the Inamdars for disposal since the decision ;

(d) if so, what is the amount returned in each district ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) Yes.

(b) No general orders have been issued.

(c) Government have recently directed that in the case of the village of Gangaware in the Nasik district, "Chilhar" should be administered by the inamdar.

(d) The amount that might be returned to the inamdar in view of the orders mentioned in the reply to (c) is not known.

\*Vide Appendix M.

Sardar V. N. MUTALIK : With regard to the reply to (b), will Government be pleased to state if they intend to wait and to fight out each individual case in civil courts, or do they intend to issue any general orders ?

The Honourable Sir IBRAHIM RAHIMTOOLA : At present, they have no intention of doing so.

#### STUDENTS OF DEPRESSED CLASSES IN NASIK HIGH SCHOOL.

Mr. K. B. NIMBALKAR (Nasik District) : Will Government be pleased to furnish the following information :—

(a) The number of the students of the depressed classes in the Nasik High School during the period when Rao Bahadur Deshmukh, a non-Brahmin, was the headmaster and the number of the students of the same class during the career of the present headmaster, a Brahmin. If the present number be in the decrease the reason therefor.

(b) The number of the Brahmin and non-Brahmin teachers in the Nasik district who draw duty allowance for performing post-master's duty in the villages ?

The Honourable Mr. R. P. PARANJPYE : The information is being obtained.

#### NOMINATIONS IN MUNICIPALITIES AND LOCAL BOARDS IN CENTRAL AND SOUTHERN DIVISIONS.

Mr. K. B. NIMBALKAR (Nasik District) : Will Government be pleased to furnish the following information in a tabular form ?

The number of the Brahmins, the Marathas, the Lingayats, the Jains, the Mahomedans, the Christians and the other non-Brahmins nominated by the Government in the various municipalities and local boards in the Central and Southern Divisions.

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

#### GRANTS TO LOCAL BOARD SCHOOLS IN SIND.

Mr. B. G. PAHALAJANI (Western Sind) : (a) Has the Government reduced its grant to local board schools in Sind ; if so, what is the difference between last year's and this year's ?

(b) Will the Government give the number of boys in each school so closed at the time of its closure ?

The Honourable Mr. R. P. PARANJPYE : (a) and (b) Enquiries are being made.

#### REVISION OF PAY OF CIVIL ASSISTANT SURGEONS.

Mr. A. N. SURVE (Bombay City, North) : Is Government aware that a sense of keen disappointment prevails amongst the civil assistant surgeons owing to the revision of pay recently brought into force by Government Resolution, General Department, No. 578, dated the 18th January 1922, as it fails to satisfy their minimum expectations ?

The Honourable Mr. R. P. PARANJPYE : No.

Mr. A. N. SURVE : May I ask the Honourable Minister on what grounds he bases his reply ?

The Honourable the PRESIDENT : That is a matter for argument. Mr. Surve, if you are not satisfied with any answer given by Government, you may make a note of it.

Mr. A. N. SURVE : The Honourable Minister has not given any grounds for the answer.

The Honourable the PRESIDENT : Then, your proper course is to wait until the budget discussion, and when his salary is being discussed, then ask for a reduction.

#### REVISION OF PAY OF CIVIL ASSISTANT SURGEONS.

Mr. A. N. SURVE (Bombay City, North) : Is it a fact that only a small part of the permanent service of civil assistant surgeons was counted in fixing their pay according to the revised scale ?

The Honourable Mr. R. P. PARANJPYE : The whole previous service was counted, and, in addition to percentage increase, they were granted half an increment for every three years' service.

#### REVISION OF PAY OF CIVIL ASSISTANT SURGEONS.

Mr. A. N. SURVE (Bombay City, North) : (a) Is it not a fact that the Public Services Commission in their report have recommended that the pay of the civil assistant surgeons should be the same as that of the military assistant surgeons ?

(b) If it is a fact, has the recommendation been given effect to ?

(c) If not, what are the reasons ?

The Honourable Mr. R. P. PARANJPYE : The recommendation of the Public Services Commission was to the effect that civil and military officers of the provincially recruited services should be paid alike, both when they are working as assistant surgeons, and after promotion into the Indian Civil Medical Service. There are however no military medical officers of the provincially recruited services. The military assistant surgeons are officers of the Government of India and their pay has been fixed by that Government.

#### HOUSE SURGEONCIES IN INDIAN GENERAL HOSPITALS.

Mr. A. N. SURVE (Bombay City, North) : Will Government be pleased to state why all the house surgeoncies in Indian General Hospitals are reserved for military assistant surgeons ?

The Honourable Mr. R. P. PARANJPYE : The statement made in the question is incorrect : only six house surgeoncies are, at present, reserved for military assistant surgeons.

Mr. A. N. SURVE : Will the Honourable Minister be pleased to state the total number of house surgeons in the Indian General Hospitals ?

The Honourable Mr. R. P. PARANJPYE : I would like notice of the question.

#### ADMISSION FEE FOR THE PRINCE OF WALES MUSEUM.

Mr. A. N. SURVE (Bombay City, North) : What is the object of levying an admission fee of four annas per person on Wednesdays when on other days admission to the Prince of Wales Museum is free to the public ?

The Honourable Mr. R. P. PARANJPYE : The fee is levied for the convenience of those who desire to examine the exhibits more closely than might be possible if the public were admitted.

Mr. A. N. SURVE : Am I to understand that the object of the fee is to shut out the general public on Wednesdays ?

The Honourable Mr. R. P. PARANJPYE : Yes ; one day in the week, certainly.

#### TEACHERS IN THE SECONDARY TRAINING COLLEGE.

Mr. G. B. TRIVEDI (Thana District) : Are Government aware that as a result of the adoption of mere seniority principle, officers who are occupying the position of teachers in the secondary training college have come to be on less pay than some of the teachers deputed to the training college for training ? And if so, do they propose to take any steps to remedy the anomaly ?

The Honourable Mr. R. P. PARANJPYE : No.

#### JAIL RULES.

Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to lay on the Council table the jail rules revised since 1919 showing wherein the new rules differ from the old ones ?

The Honourable Mr. M. H. W. HAYWARD : A copy of the Jail Manual corrected up-to-date by the insertion of slips will be found in the Council Library.

#### UNASSESSED LAND IN THANA DISTRICT.

Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to state (a) the approximate total area of unassessed land in the Thana district, (b) how much of this is fit for cultivation, (c) what steps, if any, have they taken or intend taking for selling such land with a view to get assessment ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) and (b) The total approximate area of unassessed land in the district is 1,205,887 acres, out of which 51,446 acres of land is fit for cultivation.

(c) The area of unassessed land fit for cultivation is chiefly khajan lands spread over the coastal talukas and requiring a great outlay of capital for reclamation. Such lands are granted on applications from capitalists for reclamation on reclamation leases under No. 40 of the Land Revenue Rules. Experience, however, shows that in a majority of cases they are not reclaimed. Small pieces of khajan lands are given on short term leases for reclamation at a reduced assessment generally for 5 years.

#### CONDUCT OF CITY POLICE, BOMBAY.

Mr. G. B. TRIVEDI (Thana District) : (a) Have Government received a copy of the resolution passed by the Bombay Police Court Bar Association in its meeting held on the 18th March 1922, protesting against the attitude of the Government regarding the conduct of the city police and urging Government to take steps against the police officers concerned ?

(b) What steps, if any, have they taken in the matter ?

(c) If not, what are their reasons for not taking steps ?



The Honourable Mr. M. H. W. HAYWARD : Government have read the resolutions mentioned. Government have, moreover, made detailed enquiries into all irregularities reported to them as promised in my speech of the 8th March last printed on pages 898 and 899 of Part III of Vol. V of the Bombay Legislative Council Debates.

Mr. IBRAHIM S. HAJI (Bombay City) : Have any irregularities been found ? If so, what steps have been taken ?

The Honourable Mr. M. H. W. HAYWARD : I should be very glad to answer any honourable member upon any specific case. I am holding in my hands my notes of all the investigations that have been made in each case and of the cases that have been brought to my attention, but I cannot answer any general question.

Mr. IBRAHIM S. HAJI : Here the question, part (b), is " what steps, if any, have they taken in the matter ? "

The Honourable Mr. M. H. W. HAYWARD : That has already been answered.

Mr. IBRAHIM S. HAJI : That has not been answered at all.

The Honourable Mr. M. H. W. HAYWARD : The steps taken are these, that every case that has been brought to my notice has been investigated personally by myself.

Mr. IBRAHIM S. HAJI : Therefore, if any irregularity has been found, what is that irregularity and what steps have been taken specifically to remedy that irregularity ?

The Honourable the PRESIDENT : Order, order. That again is irregular. This is the question hour and not an hour for debating the answers given to questions. Answers are obtained for the purpose of raising a debate hereafter, after the question hour and in due course.

#### RETRENCHMENT IN THE BOMBAY HIGH COURT.

Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to state what reductions were proposed by the special officer deputed to recommend retrenchment in the Bombay High Court, (b) how far these have been carried out.

The Honourable Mr. M. H. W. HAYWARD : The matter is under consideration.

#### CHAIRMAN, BOMBAY PORT TRUST.

Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to state—

(a) Why the rule of charging 10 per cent. of the pay as house-rent for the bungalows supplied by the Government is not made applicable in the case of the Chairman of the Bombay Port Trust ?

(b) What has become of the motor car of the chairman, purchase of which Government twice refused to sanction ?

The Honourable Sir CHIMANLAL SETALVAD : (a) The official residence of the Chairman, Bombay Port Trust, was built not by Government

but by the trustees. No rent is charged on the analogy of the cases of similar officers in Calcutta and Rangoon. It may however be observed that while fixing the pay of the chairman, Government took into account the fact that unlike other officers in Bombay he would be supplied with free quarters.

(b) A copy of paragraph 2\* of Government letter to the Chairman, Bombay Port Trust, No. 380-M, dated the 10th July 1922, containing the final decision of Government in the matter is laid on the table.

#### BUNGALOWS RENTED BY DEVELOPMENT DEPARTMENT.

Mr. G. B. TRIVEDI (Thana District): (a) How many bungalows are rented by the Development Department at the sea-side, Bandra, and for what offices?

(b) What are the rents and what rents are the owners entitled to according to the Rent Act?

(c) If higher rents are paid, what are the reasons?

(d) What are the reasons for locating these offices at Bandra and on sea-side?

The Honourable Sir CHIMANLAL SETALVAD: (a) Three bungalows have been rented at Bandra, two for the offices and residences of the Executive Engineers, Andheri and Suburban Sanitary Districts, and one for the office of the Superintending Engineer, No. 2 Project Division.

(b) The rents are Rs. 600 per mensem for each of the two bungalows used as offices and residences of the Executive Engineers, Andheri and Suburban Sanitary Districts, and Rs. 400 per mensem for the bungalow used as office of the Superintending Engineer, No. 2 Project Division.

It is not known what the owners are entitled to according to the Rent Act.

(c) and (d) The reason for locating these offices at Bandra was that the houses were vacant, that accommodation had to be obtained for the offices and could not be obtained elsewhere.

Mr. G. B. TRIVEDI: With reference to question (b) had Government no intention of taking advantage of the Rent Act while fixing the rents of those bungalows?

The Honourable Sir CHIMANLAL SETALVAD: I want notice of the question.

Mr. G. B. TRIVEDI: It is quite clear.

The Honourable the PRESIDENT: It may be clear to you, Mr. Trivedi, but it is not clear to the Hon'ble Member of Government. You better give him notice of the question on paper and then you will get an answer.

#### UMRETH MUNICIPALITY.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to lay on the Council table the correspondence that led to the deprivation of the right of electing its own chairman from Umreth Municipality?

(b) What action have they taken to mark their disapproval of the conduct of the mamlatdar who forcibly prevented a member of the municipality from doing his duty and who carried away the municipal minute-book?

The Honourable SHAIKH GHULAM HUSSAIN HIDAYATALLAH:

(a) Attention is invited to the reply given to a question put by Sardar V. N. Mutalik on the same subject.

(b) The statement made in this part of the question is incorrect.

Mr. G. B. TRIVEDI: What is the correct statement?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: You ought to know that much better than myself.

Mr. G. B. TRIVEDI: My information is that it is correct. If it is not correct, as you say, then you are to correct it.

The Honourable the PRESIDENT: What is it, Mr. Trivedi?

Mr. G. B. TRIVEDI: In answer to my question, the Honourable Minister says that my information is not correct. I say that my information is correct and that if it is not correct, then it is his duty to correct my statement.

The Honourable the PRESIDENT: Is there any answer to that?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: No, Sir. There is no answer. I refuse to give it.

Mr. G. B. TRIVEDI: Is it a fact that the mamlatdar of Anand forcibly prevented a member of the Umreth municipality from doing his duty?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: He was not elected even as a chairman. How could he have prevented him from doing his duty?

The Honourable the PRESIDENT: What is it, Mr. Trivedi?

Mr. G. B. TRIVEDI: Is it not a fact that the mamlatdar of Anand brought a police officer and threatened a member of the Umreth municipality to proceed against him under section 144 of the Criminal Procedure Code?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: I must refer you to the Honourable the Home Member for an answer to that question.

The Honourable Mr. M. H. W. HAYWARD: I cannot say, but I should think it is probably quite untrue.

Mr. G. B. TRIVEDI: I say that it is true.....

The Honourable the PRESIDENT: That is highly improper, Mr. Trivedi; after all the warnings given about supplementary questions, it is most unfortunate that honourable members at this stage make comments upon answers. No honourable member putting questions is entitled to make comments upon the answers given by Government. I have already stated that if a member putting a question is not satisfied with any answer, he may raise a debate upon it at the proper time and after taking proper steps.

Mr. IBRAHIM S. HAJI: The answers are not properly given...

The Honourable the PRESIDENT: If that is so, then I have pointed out the remedy, but this is not the time for quarrelling with the answers,

because Government Members here, as Government Members in the House of Commons, are entitled to give any answers they like or even sit mute and the proper remedy for the honourable members is to bring a vote of censure at the proper time, after taking proper steps.

Mr. G. B. TRIVEDI: Here, Mr. President, the Honourable Minister in charge referred me to the Honourable the Home Member for a reply, and therefore I had to put the question to the latter.

The Honourable the PRESIDENT: That is all right but when the Honourable the Home Member has answered, then you should accept his reply, for the moment, and, if not satisfied, take the proper steps as indicated by me already.

Mr. G. B. TRIVEDI: The Honourable the Home Member says probably it is not true.

The Honourable the PRESIDENT: Then you must take the answer for what it is worth and, if not satisfied, I again repeat, take the proper steps.

#### DHARWAR RIOTS.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state on what exact date official photographs of the scene of Dharwar riots on the 1st July 1921 were taken?

(b) Were they produced in the courts in the Dharwar riot case?

(c) If not, why not?

Will the Government be pleased to state the actual number of rounds fired by the police at the time of the Dharwar riot on the 1st July 1921?

The Honourable Mr. M. H. W. HAYWARD: I shall be glad to furnish the information sought hereafter if the question be repeated but I do not think it would be right for me to reply to questions of this nature now pending the defamation suits brought by the local officials against the *Bombay Chronicle* in the High Court.

#### WELL-BORING MACHINES.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state how many applications for well-boring machines were received from (1) agriculturists and (2) from private owners of bungalows in the Thana district during the last three years? How many of these were attended to and in what places, and how many of them were of class 1 and how many of class 2?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Information has been called for from the local officers and will be supplied as soon as received.

#### SENTENCES AGAINST THE EDITORS OF *Navjivan* AND *Young India*.

Mr. G. B. TRIVEDI: Are Government aware that four persons being the conductors of *Navjivan* and *Young India* have recently been sentenced

to rigorous imprisonment by the Magistrate at Ahmedabad, while the public prosecutor only asked for only simple imprisonment?

(b) Have Government considered the desirability of reducing these sentences?

(c) If so, what is their decision?

The Honourable Mr. M. H. W. HAYWARD: The Editor, Printer and Publisher of *Young India* and the keeper of the Press where the paper is printed were convicted of offences under section 124-A, Indian Penal Code, and sentenced to rigorous imprisonment. The statement that the public prosecutor moved the court to pass sentences of simple imprisonment is without foundation.

(b) and (c) Government do not propose to interfere with the sentences passed by the court.

#### SCHOLARSHIPS FOR MAHOMEDANS.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state how many scholarships during the last three years reserved for Mahomedans were awarded to candidates obtaining less than 20 per cent. of marks in English and Mathematics?

(b) Number of Mahomedan candidates that appeared in each district and the number of these scholarships reserved for each district?

The Honourable Mr. R. P. PARANJPYE: The information has been called for.

#### LIQUOR SHOPS.

Rao Bahadur D. A. VICHARE (Ratnagiri District): Will Government be pleased to say the number of liquor shops in each of the years 1880, 1900 and 1920 and the minimum distance between the neighbouring shops in each of the 28 districts respectively?

The Honourable Mr. C. V. MEHTA: The number of liquor shops is shown in the Excise Administration Reports of the years in question. The attached statement\* shows the minimum distance between shops in each district. The information conveyed in the statement may be misleading. Location near each other is a feature of large cities. Shopkeepers have to keep their shops where they can secure premises. In most districts the great majority of shops are at considerable distances from each other. 274 shops have been closed since 1921. This will affect the distances mentioned.

#### COMPENSATION FOR LAND.

Rao Bahadur D. A. VICHARE (Ratnagiri District): (a) Will Government be pleased to say whether 360 acres of land taken up from Parab-Wadi Vengurla have been compensated?

(b) If this land is not now required, will Government be pleased to say whether it can be given back to the owners?

The Honourable Sir IBRAHIM RAHIMTOOLA: Information has been called for.

## BOMBAY MEDICAL SERVICE.

Khan Bahadur D. B. COOPER (Satara District): Will Government be pleased to state if it is a fact that some of the 1st grade men of the Bombay Medical Service who had to revert from acting Civil Surgeoncies and who had been sub. *pro tem.* senior assistant surgeons drawing Rs. 360 per mensem according to the old scale of pay, after reversion are given only Rs. 280, as their present starting pay, when the new revision of pay, meant to give relief to the civil assistant surgeons, came into force and, if so, whether the Government intend to take any action to remove the hardship?

The Honourable Mr. R. P. PARANJPYE: Enquiries are being made.

## COUNTRY LIQUOR SHOPS AT MAHABALESHWAR AND PANCHGANI.

Khan Bahadur D. B. COOPER (Satara District): (a) Is Government aware of the fact that owing to the discontinuance of the country liquor shops at Mahabaleshwar and Panchgani in the Satara district on temperance grounds from 1st April 1922, the sales of the tariff duty paid spirits of much higher strength than the country liquor which used to be sold there have so much increased that the total consumption of spirits remains all the same notwithstanding the closing of the shops causing hardship on poor people and compelling them to buy inferior foreign spirit at a higher cost?

(b) Will Government be pleased to supply the figures of sales of foreign and country spirit for the three months April, May and June for the last year and the figures of sales of the corresponding months of the current year in proof gallons at Mahabaleshwar and Panchgani?

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

## ROAD-SIDE TREES.

Khan Bahadur D. B. COOPER (Satara District): Is Government aware of the fact that during the recent years branches of the road-side trees giving shade to the users of the provincial roads in the districts of Poona and Satara are annually being cut off, for the supply of fuel to the steam rollers working on these roads, thereby greatly decreasing the value and utility of these trees, which have been brought up with great care during the past several decades, and if so, do they intend to take any action to stop the trees being further damaged?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Necessary information has been called for.

**BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL  
ACT, 1888 (BILL No. VII of 1922).**

Consideration of clause 7 resumed.

Mr. S. K. BOLE (Bombay City, North): Sir, I may be allowed to move an amendment to section 14 which is a consequential amendment.

The Honourable the PRESIDENT: Sepoys and chobdars will not stand between the Chair and the honourable members; I cannot see Mr. Bole.

Mr. S. K. BOLE: May I be allowed to move an amendment to section 14 of the Municipal Act? It is only a consequential amendment.

The Honourable the PRESIDENT : We have already passed section 14.

Mr. S. K. BOLE : But, Sir, you have allowed consequential amendments to be moved.

The Honourable the PRESIDENT : I am afraid yours is not a consequential amendment. Your complaint is that as I have allowed certain amendments which were not within the period of notice, yours ought also to be allowed. I therefore asked you to show me your amendments which were disallowed on the ground that they were time-barred, as I wanted to see whether I should give you an opportunity. I find that some of them are not of a material character. I have allowed amendments which were not within the period of notice, where they were necessary for the frame-work of the bill. I cannot make any allowance for your amendments and admit them for the reason that some of them are of a very minor character, and if I allow yours, then I shall have to change the rule altogether that notice of an amendment ought to be given within seven days before the beginning of the Council session. More especially your amendments relate to ballot and elections to be made on the basis of population. They affect the principle of the bill ; because the question of ballot is a question which cuts deep into the vitals of the bill, so much so that in the House of Commons it took forty years for Government to recognize the principle of ballot. So that, the question of ballot is a question of principle which ought to have been raised at the first reading ; so also the question as to other amendments relating to the basis of population. Therefore, I am sorry I cannot allow your amendment.

Mr. S. K. BOLE : The principle of ballot has been....

The Honourable the PRESIDENT : I cannot allow an argument. When will Mr. Bole be good enough to take my warning and accept my ruling ?

Now, as regards these amendments which have been handed over to me just at this moment, I do not know where I am, because, I shall have to arrange them. I wish they had been given to me half an hour before we commenced work. However I shall have to make the best of the situation.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Sir, I move the following amendment to clause 7 :—

"In clause 7, leave out all the words beginning with '15' in line 5 upto the end of the clause and insert instead the following words :—

'15. A person shall not be qualified to be elected to be a councillor at an election by a chamber or association mentioned in sub-section (1) of section 5 or at a fellows' election unless he is at the time of the election a member of that chamber or association or a person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm, company or corporation registered as a member of such chamber or association or a fellow as the case may be, and unless in the case of a fellow he resides in the city.'"

According to the clause 7 as drafted in the bill it was left to Government to determine the bodies which should be given the right of returning certain members to the corporation. But we in this House have specified these bodies or associations, to whom the right of electing members to the corporation has been given, and these are already mentioned in clause 3 of the bill. They are, the Bombay Chamber of Commerce, the Indian Merchants' Chamber and Bureau, the Bombay Millowners' Association and the Fellows. It is therefore merely a consequential amendment.

Question put and agreed to.

Clause 7 as amended ordered to stand part of the bill.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Sir, before we go to clause 8, I want to move an amendment, which would be new clause 7 A after clause 7. It runs as follows:—

"At the end of clause 7 as amended, add the following:—

"7-A. A person shall not be qualified to be a co-opted member unless he has on the date of such co-option attained the age of 21 and is resident within the city."

Question put and agreed to.

Clause 8. (*Amendment of section 16 of Bom. III of 1888*).

"In sub-section (1) of section 16 of the said Act clause (a) shall be repealed."

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: I want to move an amendment, Sir, to clause 8, as follows:—

Add after the word Act the following words:—

"The words 'or co-opted' shall be added after the word 'appointed and'."

Question put and agreed to.

Clause as amended ordered to stand part of the bill.

Clause 9. (*Amendment of section 19 of Bom. III of 1888*).

In section 19 of the said Act—

(a) in sub-section (1) the words "justices and fellows respectively" shall be repealed;

(b) sub-section (2) shall be repealed;

(c) in sub-section (3) the following sentence shall be substituted for the last sentence:—

"The ward lists shall be arranged in alphabetical order";

(d) in sub-section (4)—

(i) for the words "have been assessed to the qualifying tax" the words "are entitled to be enrolled under the provisions of sub-section (2) of section 11" shall be substituted;

(ii) for the words "have been assessed" the words "are entitled as aforesaid" shall be substituted.

(e) in sub-section (5)—

(i) for the words "have been assessed" the words "are entitled as aforesaid" shall be substituted;

(ii) the words "to the qualifying tax" shall be repealed;

(f) in sub-section (12) for the word "ten" the word "fifteen" shall be substituted;

(g) sub-section (20) shall be repealed;

(h) in sub-section (22) for the word "tenth" the word "fifteenth" shall be substituted.

Mr. A. N. SURVE (Bombay City, North): Sir, the amendment which I propose to move is as follows:

"In sub-clause (c) add at the end 'and shall contain the addresses of persons who are entitled to be enrolled under the provisions of sub-section (2) of section 11.'"

The reasons for proposing this amendment are that the municipal list contains the addresses of persons, but the electoral roll does not contain the addresses of persons.

The select committee states in its report, paragraph (2):—

"We have made a small amendment in clause 4 to bring it into harmony with the Bombay Electoral Rules. It is obviously advantageous to have the Legislative Council and Corporation electoral rolls compiled on a similar basis."

So, if the municipal roll is made similar to the electoral roll for the Council, that is, if the addresses of persons are not given, it will be a great disadvantage. The advantage of having addresses is obvious. First of all, it helps to identify the persons who are going to vote. It was my experience that as the electoral



[Mr. A. N. Surve]

roll was prepared the last time, there were persons having similar names and one was entitled to vote and the other was not entitled to do so, that is, he was not qualified to be a voter. A person who is not qualified to be a voter, if the address is not given, can present himself at the polling station, obtain the voting form and vote and at the time of "telling" many difficulties arise. Therefore, in order to do away with cases of impersonation, it will be a great help if the addresses are given. The second advantage is for the candidates themselves. If the addresses are not given, they do not know who the elector is. Therefore, for these two reasons I propose that the addresses be added to the rolls.

Mr. KANJI DWARKADAS : Mr. President, I rise to support the amendment moved by my honourable friend Mr. Survé. I may inform this House that in the present municipal rolls these addresses are given in full. I may also say that as regards the rolls of the electors for the Legislative Council there was a serious omission in this matter ; for example, if a voter resided on the Sandhurst Road, he was only mentioned as residing on the Sandhurst Road. Anybody who knows how big the Sandhurst Road is, will have an idea of how difficult it would be for the candidate to find out this voter to try to persuade him to vote for him. It is therefore absolutely necessary for the electors, as also for the candidates, and for all concerned, that proper addresses of the voters should be given on the electoral rolls.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Mr. President, I have no objection to this amendment, but the difficulty is that the municipality has already started their work of preparing the rolls and it is some time back that they did so, and the rolls will be shortly ready for the new elections. I am afraid that, if this amendment is accepted, the elections may be delayed. However, I am in the hands of the House and if they want it, I have no objection.

Mr. M. A. HAVELIVALA (Bombay City) : Mr. President, I rise to support the amendment moved by my honourable friend Mr. Surve, and I think, Sir, in the interests of both the electors and the candidates, it is desirable that the municipal rolls should contain the addresses as is suggested by the amendment. We know that, as the Honourable Minister in charge has said, the municipal roll is not yet complete and is going to be completed soon, and if that is so, Sir, then I do not think there is any difficulty in the way of the municipality to add the addresses of those voters whose names the municipality has got by this time. The only thing at present the municipality has got to do is to add the addresses to the names of the voters and so I think that the difficulty which is suggested by the Honourable Minister in charge is merely an imaginary difficulty, as there is still some time for completion of the rolls.

Dr. K. E. DADACHANJI (Bombay City, South) : Mr. President, I rise to support the amendment. I do not agree with what has fallen from the Honourable Minister in charge. The roll is there. Last Thursday I enquired from the Municipal Commissioner, and he said the roll was complete with addresses and a part of it was already in the press. I do not know how the Honourable Minister got the information that this would delay the matter. He is talking of delays very often, but I can assure him that no further delay will be caused owing to the necessity for obtaining addresses. The municipal election will not be put off to the next year or the year after. The election

[Dr. K. E. Dadachanji]

will take place as you want to have it, in January or February; the addresses are there as I said on the rolls and the rolls are now in the hands of the printers.....

The Honourable the PRESIDENT: Is the matter one worth more discussion, Mr. Minister?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: No, Sir. I accept the amendment.

Question put and agreed to.

Clause 9, as amended, ordered to stand part of the bill.

Clause 10 (*Amendment of section 20 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 11 (*Amendment of section 21 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 12 (*Amendment of section 23 of Bom. III of 1888*).

In section 23 of the said Act—

(a) in the second paragraph for the words 'election by the Bombay Chamber of Commerce' the words 'elections by the associations or bodies mentioned in sub-section (1) of section 5' shall be substituted;

(b) for the third paragraph the following paragraph shall be substituted :—

"Thirdly, the day for the election of co-opted councillors shall be fixed by the Commissioner at an interval not exceeding fourteen days after the declaration of the results of the ward elections ;"

(c) the fourth paragraph shall be repealed.

Mr. COWASJI JEHangIR: Sir, I have given notice of a consequential amendment to clause 12.

The Honourable the PRESIDENT: Does it come before Mr. Surve's amendment to the same clause, or after it?

Mr. COWASJI JEHangIR: The Honourable the Minister says that he is inclined to accept my amendment.

The Honourable the PRESIDENT: That is all right, but does your amendment come before Mr. Surve's or after it?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Sir, I feel sure that if Mr. Surve will hear my amendment, he will withdraw his.

The Honourable the PRESIDENT: May be, but which comes first in point of order?

Mr. COWASJI JEHangIR: I would point out that the Honourable the Minister's amendments are consequential on the changes already made. After these amendments are disposed of, Mr. Surve's amendment can be discussed.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Sir, my amendment is, in clause 12 (a), in sub-section (a) for 'associations or bodies' substitute 'chambers and association.'

The Honourable the PRESIDENT: Mr. Surve's amendment must come first in that case.

Mr. A. N. SURVE (Bombay City, North): Sir, the amendment which I wished to move is consequential, but the amendment which I had proposed to clause 3 not being successful, I do not move this.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Sir, the amendment to clause 12 which I wish to move is:

"In sub-clause (a), for the words 'associations or bodies' substitute the words 'chambers and association.'"

That is merely consequential.

Question put and agreed to.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Sir, I move—

"For sub-clauses (b) and (c) substitute the following:

"For the third and fourth paragraphs the following paragraphs shall be substituted:

Thirdly, the day for the fellows' election shall be fixed at an interval not exceeding fourteen days after the day fixed for the elections by the chambers and association mentioned in sub-section (1) of section 5:

"Fourthly, the election of co-opted councillors shall be held on a day fixed by the Commissioner subsequent to the above mentioned elections and the appointment of councillors by Government, but prior to the day for retirement."

Question put and agreed to.

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

Clause 13 (*Amendment of section 25 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 14 (*Amendment of section 26 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 15 (*Amendment of section 27 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 16 (*Repeal of section 29 of Bom. III of 1888*) ordered to stand part of the bill.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Sir, before we go to clause 17 I want to move for the insertion of new clause 16A. I move for the insertion of the following new clause:

"Clause 16A. In sub-section (1) of section 30 of the said Act

(a) for the word 'elections' the words 'an election' shall be substituted and for the word 'councillors' the words 'a councillor' shall be substituted."

Question put and agreed to.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: I move that:

"After sub-clause (a) of 16A, the following sub-clauses be added:—

(b) the words 'whose name is not enrolled in the fellows' roll or' shall be repealed;

(c) the words 'and resident in the city' shall be added at the end of the sub-section."

Question put and agreed to.

Clause 17 (*New section 30 of Bom. III of 1888*):—

For section 30 of the said Act, the following section shall be substituted:—

"30. Elections of co-opted councillors by councillors elected at ward elections shall be made in accordance with rules made by the corporation in this behalf."

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Sir, my amendment is:—

"Leave out the words 'by councillors elected at ward elections.'"

Mr. C. M. GANDHI (Surat City): I have to bring to the notice of the Council, Mr. President, a very important omission. It is this, when we refer to section 26 of the Act we find the way in which candidates for elections are brought before the corporation, and when the revised elections take place, there is no provision for bringing the councillors to be co-opted before the corporation. The reason why you elect them by vote is, I understand, that a larger number of people may offer themselves for co-option. They will have to be brought before the corporation in some such manner as is provided by section 26 by nomination or by some such other method.

The Honourable Sir IBRAHIM RAHIMTOOLA: Mr. President, the proposal is that the corporation should make rules to govern the elections. The same provision has been made in the case of the associations, and the University which have been given the right of electing members to the corporation. They will make rules under which the candidates will be brought before the electorates. The same procedure will apply in the case of the corporation.

The Honourable the PRESIDENT: It is a matter of administrative machinery.

The Honourable Sir IBRAHIM RAHIMTOOLA: The bill provides for it by authorising the corporation to frame rules for the purpose.

Question put and agreed to.

The Honourable the PRESIDENT: The Council will now adjourn for tea till 4-30 p.m.

*After recess.*

The Honourable the PRESIDENT: Order, order. The amendment to clause 17 will run as follows:—

For clause 17 substitute the following:—

'After section 30 of the said Act, the following section shall be inserted:—

30A. Elections of co-opted councillors shall be made in accordance with rules made by the corporation in this behalf.'

Mr. G. C. BHATE (Kolaba District): The deletion must be of the whole clause 17. It was contemplated that co-option should be made only by the councillors who are elected at ward elections. But now the principle is that the co-option should be made by councillors elected at ward elections and also by the nominated councillors.

The Honourable the PRESIDENT: But the section is that elections of co-opted councillors shall be made in accordance with rules made in this behalf.

Mr. C. M. GANDHI (Surat City): Before the amendment is put to the vote, I beg to propose

That the words "subject to the provisions of sub-section (1) of section 5" be added at the end.

There we have made a rule that it must be made by a transferable vote, and the rules must be in accordance therewith.

Mr. B. G. PAHALAJANI: May I propose a way out of the difficulty?

The Honourable the PRESIDENT: Mr. Gandhi, I will put this first, because the Council has already passed that elections of co-opted councillors shall be made in accordance with the rules made by the corporation in this

[The President]

behalf. Now, we are numbering these sections properly, and after this is passed, then you may propose your amendment to add the words you have mentioned. Does that meet with your wishes?

Mr. C. M. GANDHI: Yes, Sir.

Question put and agreed to.

Mr. C. M. GANDHI (Surat City): Sir, I move that

"After the word 'behalf' add the following words:—

'Subject to the provisions of sub-section (1) of section 5'."

Question put and agreed to.

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

Clause 18 (*Amendment of section 31 of Bom. III of 1888*).

In section 31 of the said Act—

(a) for the words "the Bombay Chamber of Commerce" the words "an association or body mentioned in sub-section (1) of section 5" shall be substituted:

(b) for the word "Chamber," wherever it occurs, the words "an association or body" shall be substituted.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Sir, I move the following amendment to clause 18:—

"For 'an association or body' substitute 'a chamber or association' in sub-clauses (a) and (b) respectively."

This amendment, Sir, is consequential.

Question put and agreed to.

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

Clause 19 (*Amendment of section 32 of Bom. III of 1888*).

For sub-section (2) of section 32 of the said Act the following shall be substituted:—

(2) The said notice shall be signed in the case of a ward election and in the case of an election by councillors elected at ward elections, by the Commissioner and in the case of an election by an association or body mentioned in sub-section (1) of section 5 by the Secretary of such association or body.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Sir, I have to move an amendment to this clause, which is consequential.

For 'association or body' substitute 'chamber or association' in both places.

Question put and agreed to.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: I also move that

"At the end add 'and in the case of a fellows' election, by the Registrar of the University of Bombay.'"

Question put and agreed to.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: There is another amendment which I want to move, Sir. It is as follows:—

"In clause 19, line 3, omit the words 'elected at ward elections'."

The Honourable the PRESIDENT: That ought to have come first; however, it does not matter now.

Question put and agreed to.

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

*Clause 20. (Amendment of Section 42 of Bom. III of 1888.)*

"In section 42 of the said Act for the words 'twelve' and 'eight' the words 'sixteen' and 'twelve' respectively shall be substituted."

Rao Bahadur R. R. KALE (Satara District): I have given notice of an amendment with regard to this clause.

The Honourable the PRESIDENT: Your amendment is out of order, because it is an amendment in the alternative, and an amendment in the alternative is not allowed by the Standing Orders.

Rao Bahadur R. R. KALE: I have given sufficient notice, Mr. President, to the Secretary deleting the second portion of the amendment.

The Honourable the PRESIDENT: Very well; then you can move it. Is it a consequential amendment?

Rao Bahadur R. R. KALE: Part of it is consequential, namely, the latter portion. The first portion I have given. It will be seen that the constitution of the standing committee about number sixteen shall be there and my first amendment was that all the sixteen shall be elected by the corporation.

The Honourable the PRESIDENT: Because you have given the amendment to me only just now, I have not yet had time to decide whether it is in order. Subject to that, you may make your speech.

Rao Bahadur R. R. KALE: Section 42 of the Municipal Act as it stands runs thus:

"The Standing Committee shall consist of twelve councillors, eight appointed by the corporation and four by the Government."

Now, the amendment which I wish to make in this section is, first of all, "Substitute the word 'sixteen' for 'twelve' ". Of course, that is common to both my amendment and the amendment which is also proposed by the select committee, because the number of members on the standing committee is now increased from twelve to sixteen. So that portion of the amendment is really formal. Then, the second portion of the amendment is that "the standing committee shall consist of sixteen councillors elected by the corporation".

The Honourable the PRESIDENT: One amendment at a time. Let discussion be confined to that.

Rao Bahadur R. R. KALE: The first amendment, therefore, is that instead of the present section which says "the standing committee shall consist of twelve councillors, eight appointed by the corporation and four by the Government," "the standing committee shall consist of sixteen councillors". That is to say, instead of "twelve" substitute "sixteen" and the last nine words should be omitted. That is the first amendment.

The Honourable the PRESIDENT: Then, how will the section read as amended by you?

Rao Bahadur R. R. KALE: "The standing committee shall consist of sixteen councillors".....

The Honourable the PRESIDENT : Say the section will read, therefore, in that manner, and then explain what is coming on : "For the words, 'eight appointed by the corporation and four by the Government' substitute 'elected by the corporation by proportional representation by a single transferable vote'".

Rao Bahadur R. R. KALE : Yes.

The Honourable the PRESIDENT : Now you may make a speech on both.

Rao Bahadur R. R. KALE : So the principle of this amendment is...

The Honourable the PRESIDENT : Your amendment will read thus :

"In section 42 of the said Act for the word 'twelve' substitute the word 'sixteen,' and omit all the following words, and insert instead the words 'elected by the corporation by proportional representation by a single transferable vote.'"

I will state the proposed amendments :

"In clause 20, line 1, substitute the word 'word' for the word 'words'."

That is the first amendment. Then the second is :

"Leave out the words 'and "eight", in line 1."

The third amendment is :

"In line 1, substitute the word 'word' for the word 'words'."

And the fourth amendment is :

"Add at the end of the clause the following words :

'Elected by the corporation by proportional representation by a single transferable vote.'"

You have now got 4 amendments. You may make one speech on all and I shall put them to the vote separately.

Rao Bahadur R. R. KALE (Satara District) : The amendment which is rather elaborate means merely this. Originally in the City of Bombay Municipal Act, the standing committee consisted of 12 councillors, eight of whom were elected.....

The Honourable the PRESIDENT : May I ask you before you go on why there was no notice in such a case as this ? It is not a consequential amendment.

Rao Bahadur R. R. KALE : As a matter of fact, I had intended that if one had failed the other might come in. It is printed like this, but my amendment was that the whole body of 16 members should be elected by the corporation. That was my first amendment. If I had failed in that, my other amendment was that out of the 16, 12 should be elected and four to be nominated by the President.

The Honourable the PRESIDENT : Why should you have not given notice of it ?

Rao Bahadur R. R. KALE : It is printed.....

The Honourable the PRESIDENT : I saw the original.....

Rao Bahadur R. R. KALE : Failing the one, I thought.....

The Honourable the PRESIDENT : So, it is an amendment in the alternative.

Rao Bahadur R. R. KALE : I have not intended it to be so.

The Honourable the PRESIDENT : Surely intentions are made out by actual words used. Was it in the alternative or not ?

Rao Bahadur R. R. KALE : It may be in the alternative.

The Honourable the PRESIDENT : Why not admit at once ?

Rao Bahadur R. R. KALE : As I said.....

The Honourable the PRESIDENT : Under the Standing Orders, I have to treat it as an amendment requiring notice. But I shall dispense with notice if you make out a case. Why do you bring the amendment at the last moment ?

Rao Bahadur R. R. KALE : In the select committee report, I have...

The Honourable the PRESIDENT : I want an explanation.

Rao Bahadur R. R. KALE : I am only pointing out why notice should be dispensed with.

The Honourable the PRESIDENT : I would have shown you the same indulgence as I have shown to Mr. Cowasji Jehangir and some others of dispensing with notice. In fairness, they came to me and spoke to me as to what was coming on, and I was prepared for it. Now you are coming without giving notice of the amendment. I am sorry to say.....

Rao Bahadur R. R. KALE : Will you allow me, Sir, to say.....

The Honourable the PRESIDENT : I cannot allow it, as it is time-barred.

Rao Bahadur R. R. KALE : You just wanted me to explain.

The Honourable the PRESIDENT : Now, I have got a grip of your proposal. If I allow such amendments which are beyond time, everybody will harass me for indulgence. Members ought to be vigilant or, at any rate, you might have given me notice of the amendment yesterday. Mr. Cowasji Jehangir came to me yesterday and spoke to me. Did you not Mr. Cowasji Jehangir ?

Mr. COWASJI JEHangIR : Yes, Sir.

The Honourable the PRESIDENT : I cannot allow this amendment to be brought at the last moment.

Rao Bahadur R. R. KALE : May I say a few words, Sir ? The amendment has not come upon members as a surprise, because it has been placed in the hands of honourable members.

The Honourable the PRESIDENT : It won't do. It is irregular procedure.

Clause ordered to stand part of the bill.

Clause 21 (*Amendment of section 43 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 22 (*Amendment of section 54 of Bom. III of 1888.*)

In sub-section (2) of section 54 of the said Act for the word "forty-five" the word "sixty" shall be substituted.

The Honourable Khan Bahadur SHAIK GHULAM HUSSAIN HIDAYATALLAH : Mr. President, there is an amendment to clause 22 and it is as follows :

"Add the word 'four' after 'sixty' "

Question put and agreed to.



Clause as amended ordered to stand part of the bill.

Clause 23 (*Amendment of section 68 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 24 (*Amendment of section 77 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 25 (*Amendment of section 80 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 26 (*New section 80-A of Bom. III of 1888*).

After section 80 of the said Act, the following section shall be inserted :—

“80A. (1) The power of appointing municipal officers, whether temporary or permanent whose minimum monthly salary exclusive of allowances is or exceeds Rs. 500, shall vest in the corporation :  
Power of appointment . of allowances is or exceeds Rs. 500, shall vest in the corporation :

Provided that temporary appointments for loan works for a period of not more than six months may be made by the Commissioner without the sanction of the corporation ; the Commissioner shall forthwith report every such appointment when made to the corporation.

(2) Save as otherwise provided in this Act, the power of appointing municipal officers and servants shall, subject to the schedule at the time being in force, prepared and sanctioned under section 79, vest in the Commissioner.”

Mr. C. M. GANDHI (Surat City) : Mr. President, I move

“That clause 26 be omitted.”

The reason is that you are making a very great departure by the new section which is now proposed to be put in. Up till now the appointments have been made by the Commissioner and have been made very well, and if this clause is inserted, it will lead to a certain amount of canvassing for these big appointments, which would rather be prejudicial to the best interests of the city. I therefore propose that this clause 26 shall be entirely omitted. Such a departure ought not to be made, because we have found that the administration, as it has gone on up to now, has gone on very well.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : I accept it, Sir.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : Mr. President, the recommendation under discussion has been embodied in the bill by the select committee after very careful consideration. The select committee was aware of the fact that the proposal came before the Council upon the recommendation of the corporation ; and has accepted and embodied it in the bill with a full sense of its responsibility. I do not understand, Sir, why at this stage my honourable friend should move that the proposal to give this further power to the Corporation should now be omitted. He did not say a word against it during the debate on the first reading of the bill. It was only yesterday that all our friends from the mofussil were waxing eloquent one after another, upon the urgency of democratising the corporation and upon the desirability of vesting power in the hands of the new democratic corporation. And I now wish to ask them whether they will be prepared to accept this proposal for the omission of the clause vesting these very important powers in that very corporation which till yesterday they were blessing. If, Sir, my honourable friend has the fear, as in so many words, he very clearly said he had, that these wide powers are likely to be misused by the new corporation, I should like him to tell the Council whether it is not true that he entertains this fear because of the fact that the corporation is now to be formed in the manner laid down by us only the other day ; or is it because he is afraid that the corporation, as it will be constituted henceforth, cannot be trusted like the old corporation and will be incompetent to make the appointment of its officers carrying salaries of

[Mr. Jehangir B. Petit]

Rs. 500 and over. If these are his fears, the Council is entitled to know why he did not vote against the lowering of the franchise. What is the value of having a corporation formed on a lower basis unless you are prepared to trust it? So far as the present corporation is concerned, so far as its methods of work and selection are concerned, I am in a position to say as a member of the corporation of 22 years' standing that the corporation has always used all powers of appointment, and other equally important privileges, vested in it, with the greatest circumspection and wisdom; and there is no reason to suppose that the corporation, which has used its vast powers and responsibilities so wisely in the past, will misuse them in the future, unless it be that my honourable friend wishes to convey that the corporation of the future in view of its altered constitution will not be as competent, as wise and as trustworthy in the use of these powers as the corporation of the old days. If that is so, I should like the honourable member to make a frank confession to that effect in so many words: in order that independent observers may be able to assess at its proper value, the enthusiastic support given in this Council to the first reading of this bill. If, however, that is not so, I put it to this House whether it is not fair that the corporation of the future, a democratised body as it is henceforth going to be, an organisation of your own creation intended to associate the inhabitants of the city in its administration, should not be vested if not with more, at least with the same powers that the present corporation, had it continued would have enjoyed. I see no reason why this clause, which has been embodied in the bill on the specific recommendation of the corporation, readily included by the Government themselves in the first instance, examined and accepted by the select committee, should now be thrown out, merely because it is supposed that these powers will not be used properly by the new corporation. I venture to think that the removal of this power at this stage, will cast an unnecessary reflection upon the in-coming corporation to be formed on the new democratic basis; and ought not to be agreed to. No case has been made out for the omission of this clause; and I therefore ask the Council to reject the proposal.

Mr. M. A. HAVELIVALA (Bombay City): Mr. President, I am rather surprised at the Government accepting the motion for omission of this clause at so late a stage. The Government had very carefully considered this bill in the select committee, and, the other day admitted that it did not require any further consideration at the hands of the select committee. And now it is a surprise to me, Sir, that, at the last moment, Government come forward and accept the proposal for the omission of this important clause. The bill was so carefully considered (Honourable Members: Hear, hear), was so very carefully considered, that the Government kept the clause as it is in the select committee, and now Government say "No, we do not want this clause, we should drop it". I am rather surprised at that attitude of Government, at this stage of the bill.

Coming to the point of what is the idea of this legislation, the idea of this legislation is to bring a more democratic constitution into existence in the city of Bombay; and with that idea we are rushing through this legislation, and instead of giving the corporation wider powers under the extended franchise, we are taking away the powers from the corporation, that we intended to give by the insertion of the clause. That is what the Government, by accepting the omission of this clause, is exactly doing. I agree with my honourable friend Mr. Petit when he says that instead of giving wider powers to the corporation,

[Mr. M. A. Havelivala]

you are curtailing the powers of the democratic constitution that you wish to give to the city of Bombay. I hope, Sir, that wiser counsel will prevail and that Government will be pleased to retain the clause.

The Honourable Sir CHIMANLAL SETALVAD: Mr. President, I rise to support the view of my honourable friend Mr. Chunilal Gandhi as placed before the House, and I may assure my honourable friends Mr. Petit and Mr. Havelivala that I do that in no distrust at all of the new corporation that is to come into existence. I may assure the House that I have every confidence in the new corporation that this bill brings into existence, but I am reluctant and unwilling to place this power in their hands, on principle. Honourable members will remember that this power is not in the hands of the present corporation—a corporation which certainly my friend Mr. Petit would not ask us to distrust. The reason why that power was not placed with the corporation in the past is this. If you vest an elected body, consisting of 72, 96, or 106, or any other number, with the power of making all these appointments—a considerable number carry salaries of over Rs. 500 per mensem in the case of the Bombay corporation—you cannot avoid favouritism, you cannot avoid jobbery, you cannot avoid canvassing, perhaps on racial lines also. Then, further, if these appointments rest with a body like the corporation, after all human, any officer who gets appointed by the efforts or assistance of any particular members, ever afterwards remains beholden to that member or members, and, to a certain extent, there may be a conflict between his duties and the influences that might be brought to bear upon him. It is therefore best, under all the circumstances, that the corporation should not be placed in that position at all. They should be supreme as they are, as a deliberative body, having the power of the purse, and having the supreme power over the Commissioner and everybody else by their powers of control and criticism. To vest such a body with the power of making these appointments of executive officers must, to my mind, lead inevitably to results which would certainly be not in the interests of the city and the interests of the corporation itself. We have seen by past experience that the present system under which they are not concerned with these appointments has worked best both for the corporation and the executive officers. Therefore, I for one would deprecate the attempt that has been made in this bill to put the corporation in this position of vesting these appointments in them, and I for one would vote for the deletion of this clause, which would leave matters as they are.

My friend Mr. Petit is wrong in saying that we are distrusting the new corporation, or that we are taking away any power from them as Mr. Havelivala suggested. We are doing nothing of the sort. We are only entrusting the new corporation with all the powers enjoyed by the present corporation, and refuse to extend those powers in the direction indicated by this clause. For these reasons, I would support the deletion of the clause.

Rao Bahadur R. R. KALE (Satara District): Sir, I must say that I am also surprised to hear that this section in the bill was inserted without any deliberation, especially when the bill has emanated from Government; it is not at all a non-official bill. It was a bill drafted by the Member responsible for the Government, and when the matter was debated in the select committee, there was not the slightest suggestion that this section was intended by Government as rather an ultra-democratic section. It will be seen that the executive officer of the municipality, namely, the Municipal Commissioner, has got power to make appointments up to Rs. 500, but it is only in the case of appointments

[Rao Bahadur R. R. Kale]

the remuneration of which exceeds Rs. 500 per month that the power is vested by the bill as it stands in the municipal corporation. Coming from the mofussil, I must say that the powers of appointment of officers of the municipality after a certain limit, namely, in the case of the poorer municipalities Rs. 20 or Rs. 25, are vested in the municipalities. No doubt, the executive officer has got power to deal with the minor establishment, and for that purpose he is perfectly competent to appoint or dismiss people as he thinks proper. But in the case of the higher officers, such as the overseer or the secretary of the municipality, the powers under the District Municipal Act, vest in the municipality. That being so, it seems to me certainly strange that in a constitution which is going to be democratised we should find an attempt made by Government now, when the bill is passing through its second reading, to whittle down what little was granted in the beginning. Of course the changes which have been hitherto introduced by amendments, cannot be said in any way to point to a more democratisation of the constitution, and this fresh attempt which is supported by Government itself to further curtail the powers of the corporation, I submit, is anything but satisfactory. The corporation consists of so many as 106 members. They are members who have been elected by various methods, and also nominated by Government. It was suggested by the Honourable the General Member that the appointments of these officers will be influenced by certain considerations. Now, I would like to ask whether, when the appointments rest with a single individual, they are less likely to be influenced. I should think that when a corporate body consisting of 106 members has to bring its joint opinion to bear upon the matter, certainly the appointment and the selection will be less likely to be influenced by any such outside considerations. It is rather risky to vest the power in a single individual, and I think that the corporation, consisting as it does of various interests and various persons, may well be trusted to appoint its own officers, without regard to any outside influence. I think it is throwing unnecessary suspicion on the body, and it will be setting up a bad example to the district municipalities, which may hereafter have to be constituted under a different constitution. For these reasons, I do think that the clause which has been already incorporated in the bill should be allowed to stand as it is.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, there have been many surprises in this bill but none of these had this particular fate. It looks like this—I will not use the word—that the Government, as a body thought it proper to introduce a bill involving certain important principles, very probably on the advice of the Honourable Minister who is responsible to this Council. An important principle was involved in this bill, so that, he thought it proper that this enhanced power should be put into the hands of the corporation. The bill, on the first reading, was not objected to from this point of view. As usual it went into the select committee.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I rise to a point of order, before the matter is proceeded with further. In the statement of objects and reasons, this is given as a principle on which this bill has been presented by the Honourable the Minister in charge. That principle has been accepted at the first reading, and can we go into the matter now after the second reading?

The Honourable the PRESIDENT: That point did not escape my attention—whether this ought to be treated as a question of principle or as a mere question of detail. But the position in which I am placed is that, supposing

[The President]

I say that it is a question of principle, the clause has to be put to the vote, and the Council has a right to vote against it.

Mr. B. G. PAHALAJANI : That is the fate of every section and every Act.

The Honourable the PRESIDENT : If an amendment to this were proposed, then I could have ruled it out of order, but where the whole clause is concerned, it is competent for the Council to say even now that they will throw it out, whatever the principle of the bill. Will you show me a way out of the difficulty ? I cannot take it out of the hands of the Council. I must put it : "Those who are for the clause say aye ; those against say no " and if the Council says 'no' out goes the clause. In that case, what is the Chair to do ?

Rao Bahadur G. K. CHITALE : The point is, Sir, this. May I put it to the Council here whether the power is not vested in the county councils in the United Kingdom and other civilized institutions of that kind ? If that power after all the turmoil of the several parties, is not used in a proper way some risks have to be run. Have not we run several risks in reconstituting this Council on the present basis ? All these risks have to be run but you have to think of that before you bring in a bill. You wanted the whole credit of democratising the constitution of the first corporation in the Presidency. You have waited so long and now you say, here is a nice institution working very well, and that you will now go a step further and democratise it on a popular basis, and give it a larger constitution of members taken from various sources. But when the question of trusting it comes in you scratch your head and say it is rather suspicious, there are so many class interests, so many racial interests. A body consisting of such people has to be trusted with an amount of suspicion, and therefore, what ? And therefore, we will rather put this power into the hands of one single individual. It appears to me, Sir, that whoever that single individual may be it is just possible that sometimes the choice may be influenced by all these considerations. After all he is a human being. He must be influenced by many considerations, from which I take it that it is just possible that he may rise above certain considerations but nonetheless there are these risks. However, Sir, the point is, is it not better that all the councilors should be made responsible to a larger body of ratepayers, so that if a choice that is made is found to be wrong, or a wrong official is appointed, the corporation as a whole with all its members would be taken to task by the ratepayers ? I believe, Sir, that is a better safeguard than the autocratic power to be in the hands of a single individual who can ride roughshod over the wishes of the corporation in the matter of appointments. I should have wished that this amendment should not have emanated from a mofussil member who is conversant with the local constitution, and it appears to me that is perhaps based upon his own bitter experience after the one solitary locality which has gone in for something which it ought not to have done. Basing therefore his experience on the fact that the officials that were perhaps appointed by the bad local bodies were not a very happy choice—that they appointed a man and dismissed him all at once without giving any reasons, for which Government after suspending it, put on the same official who was dismissed by the previous local body—he thought it perhaps wiser that the power should be put in the hands of a single individual. The point which I am making and which the Council has to appreciate is this. You give the corporation the power of the purse. You give the corporation an elected majority of members. You give the

[Rao Bahadur G. K. Chitale]

power of bringing in a motion and to be passed by a majority of votes and now to distrust such body for making appointments—I do not think that there are more than 20 or 30 appointments in the gift of the corporation—I think would be a step not in the right direction rather than to allow it to start with such an institution with a handicap. I would therefore not support the motion made by my honourable friend Mr. Gandhi, but would support the bill as it is and it will certainly be a bad day Sir, if this is the earnest for all that is going to come for the local boards and other bodies wherein larger power is invested with Government. I think in that case the present constitution is much better and the clause should stand as it is.

Mr. KANJI DWARKADAS : Mr. President : I cannot congratulate the Government on the way they have conducted this bill. Generally the watch-word of the Bombay Government is efficiency. I am afraid they have lost this reputation, just for once, and I hope this will not be repeated again. This question has now been sprung upon us at the eleventh hour. This clause was in the original draft, it was put before the select committee and there was not the slightest dissentient voice in this matter. It was carried through unanimously. It is said that the Bombay corporation have so far not enjoyed this right. It is true ; but it is also true Sir, that the Bombay corporation have asked that this right should be given to them, and it is not for the Government at this stage to go back on all that they have done and said for the last six months ever since this bill was published. I am surprised that Government are now trying to take away with one hand what they have given with the other. It is nothing but that. To give the corporation some power and then to take it away in another way is hardly fair. Let me repeat what my friend the Honourable the Minister for Excise and Forests said the other day. " Let us go on with faith and courage ". If we do, I am confident that the corporation will use its powers reasonably, and I therefore feel that there should not be the slightest hesitation in giving that power to them.

Mr. B. V. JADHAV : Mr. President, I stand to support the amendment brought in by my friend Mr. Gandhi.

Dr. S. S. BATLIWALA : It is no amendment.

Mr. B. V. JADHAV : Whatever that may be, I stand to support his motion. I am surprised to hear all the arguments brought forward in the sacred name of democracy. Democracy is all right in its place. The power of the purse is given to the municipality which is the chief thing and the municipal corporation is to decide how the money is to be spent.

Mr. M. A. HAVELIVALA : What have you been preaching all along ?

Mr. B. V. JADHAV : What I am now preaching is caution. My friend says that it is much better to trust to the discretion of 106 members than to trust to the discretion of one man.

But Sir, that one man is responsible to the eagle eyes of 106 men, while the 106 men are not responsible to anybody else. In the multitude of councillors lieth safety ; but that safety is for the doctor not for the patient. In this case the safety will be for the members, but it cannot be said that that will ensure efficient selection.

And in this case, too, Sir, if the majority of the 106 are disposed to combine then very inefficient men are likely to be appointed, and even the safeguard suggested by my honourable friend, Rao Bahadur Chitale, will not be of much

[Mr. B. V. Jadhav]

value, there may be some indignation at the appointment of a third rate man, but the electorates forget the delinquencies of their nominees in one or two years. The procedure up till now followed is that the highest appointments are in the gift of the corporation and the lower ones are made by the chief officer—that is, by the Municipal Commissioner. That is all right and it has worked very well. The experience of the mofussil municipalities is flung in our face, but I think that experience will not bear out the opponents of this motion but will strengthen those who stand for it. That experience is very bitter and we have found in the mofussil municipalities more appointments of incompetent persons than of the good ones, one after another, and I do not think that the same experiment should be tried in the city of Bombay. I therefore beg to support the motion of my honourable friend, Mr. Gandhi.

The Honourable the PRESIDENT : Now, Mr. Pahalajani, with regard to your point of order, where a principle is affirmed at the first reading, it is competent to the select committee and, after the select committee, to this House to limit that principle. Only it cannot extend it, because by extending the principle it extends the scope. Now, here the suggestion of Mr. Gandhi does not extend it.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : The Municipal Commissioner is a servant and the corporation is the master. That is the difference.

The Honourable the PRESIDENT : Therefore, I say the principle is limited.

Mr. IBRAHIM S. HAJI (Bombay City) : Mr. President, I rise to oppose this amendment moved to clause 24 (since numbered 26) to amend section 80-A of the Municipal Act. It is not that this Council should be amused in finding a rift on the Government benches, but I think it is the duty of this Council to see seriously what is intended in the amendment proposed by my honourable friend Mr. Gandhi. Mr. Gandhi's amendment, Sir, is in brief to give the power of appointment of certain servants and services in the hands of the Commissioner and take it away from the corporation. The appointments of certain servants under the Bombay Municipal Act by the corporation only are limited by section 74 of the Municipal Act, and the Bombay corporation could only appoint three officers as mentioned in section 74, sub-section (1), namely, the executive engineer, the municipal health officer and the municipal hydraulic engineer. These persons the corporation could appoint. The other sections of the Act applicable in respect of certain servants are 76A, 76B and 78. All these sections give the power to the corporation with respect to certain appointments, but nothing is mentioned with respect to the emoluments. The section which this bill inserts in the body of the old Act limits the power of the Municipal Commissioner and extends the power of the corporation to this effect, that the Municipal Commissioner is not entitled to appoint any officer whose services are to be paid for by a salary of Rs. 500 or beyond Rs. 500, unless those services are for a temporary purpose and for a temporary period. The argument is brought forward by the Honourable the General Member that the power of appointing officers getting the amount of Rs. 500 or more in the hands of the corporation will be abused by the extended corporation, namely, 76 elected and 30 nominated,—106 altogether. He used the words, there would be jobbery, there would be influence and there would be wire-pulling. If this jobbery, if this influence, if this wire-pulling is

[Mr. Ibrahim S. Haji]

likely to occur with respect to 76 elected and 30 nominated members—106 altogether—, I can submit, Sir, that this very jobbery, this very influence, this very wire-pulling would become far easier under the sun with respect to the power in the hands of one person, namely, the Commissioner in this case, as is suggested. I think, Sir, after this bill has been accepted, after the principle of giving liberty to the corporation has been accepted, it becomes essential that this insertion of section 80A as proposed by the bill must also be allowed when you have democratised the constitution of the corporation. Far be it from me, as has been suggested by the Honourable the General Member, that we should distrust those responsible persons elected at the ward elections and those nominated by the Government, and that they should be subject to such influence and jobbery and wire-pulling as is suggested by the Honourable the General Member. And, Sir, I also submit to this House that this insertion of section 80A as desired by clause 26 of this bill was passed by this House, was passed by the select committee and had passed the second reading. I submit, Sir, at this juncture an opposite amendment is suggested, and particularly that such an amendment should be supported by the members on the Government benches puts this House in a very serious predicament. But I submit to this House that the insertion of section 80A is important with respect to the powers that the new corporation are going to exercise.

Mr. B. G. PAHALAJANI (Western Sind) : I am surprised, Sir, at the move by the Honourable Minister in charge with respect to this amendment. I am surprised not at the way it is sprung upon us, but at the most inconsistent position taken up by the Government in accepting this amendment from one of the honourable members, and I do believe.....

The Honourable the PRESIDENT : That is no amendment. It is practically a negative.

Mr. B. G. PAHALAJANI : Yes, Sir ; It is a direct negative. And I do still believe, when my honourable friend Sir Ibrahim Rahimtoola has told us that he was responsible for many of the suggestions in the bill, and when he told us that the present Minister took up this constitution on the same principles as were first enunciated by him, that the objects and reasons had the full and complete and considered approval of the Government of Bombay. If the objects and reason given, while the bill was moved for the first time, do represent the object of the whole Government, is it fair, I say does it lie in the mouth of the same Government to depart from the very object for which the bill is brought before this Council ? Though the statement of objects and reasons does not technically form part of the bill, they fix its principle and for that purpose it virtually forms part of the bill. It was in accordance with the recommendation of the corporation that the appointment of officers, whose monthly salary is Rs. 500 and over was vested in the corporation by sections 22 and 26. The Government agreed with the well-considered opinion of the corporation of Bombay and came to a definite, determined and clear conclusion that the decision of the Bombay corporation was correct ; and when the Government placed before the House the bill for its first reading, and when it went to the select committee on which the Honourable Members of Government were represented, are we to understand that the very same Government is going to stultify itself by departing from the objects and reasons it placed before the House ? Am I to understand that the General Member is prepared to depart from the united opinion of collective Government, which placed the bill before the House ?



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Am I to understand that the Honourable Minister who, in the select committee, agreed with the provisions of section 80A in giving all the powers in accordance with the recommendation of the municipal corporation, is giving away his opinion and prepared to submit to the principle enunciated by my honourable friend Mr. Gandhi that this will open the way to jobbery or open the way to canvassing? Has the Honourable Minister really seen what he actually stated in the statement of objects and reasons? I think that this present suggestion placed before the Council to give the power to the Municipal Commissioner is a deliberate slur on the municipality as a whole which is to come into existence under the new constitution. It is a slur the Honourable Members of Government who spoke or the Honourable Member who accepts the proposition cast upon the common sense of the municipality that is coming into existence under the new democratising bill? The old landlord corporation, not the tenant corporation that is coming into existence, has found more than once that that power should be taken away from the Commissioner. In entering upon a new democratic government of the municipality, are we to understand that there should be the same centralisation of powers? The Municipal Commissioner is not to be appointed by the corporation, but appointed by Government and lent by Government to the municipal corporation. I respectfully submit to the honourable members including my friend Mr. Jadhav, who has told us about the good qualities of the Commissioner, that the amendment of Mr. Gandhi should be rejected. I appeal to every member whether he is prepared to endorse the views of Mr. Gandhi, and endorse the view enunciated by Sir Chimanlal Setalvad as regards the weakness and gullibility of the coming corporation? I can go further, and point out that minor municipalities are entrusted with full power to appoint their servants; so also the district local boards. The chief officer appoints servants within Rs. 15, the managing committee upto Rs. 25, and the municipality above Rs. 25. If mofussil municipalities are invested with such powers, does it mean that a responsible body like the municipality of Bombay will be unable to exercise their power reasonably? I cannot concede that principle that the future municipal corporation of Bombay will not be able to feel and exercise the sense of corporate responsibility in the appointment of their servants. I do not think the Government up to this day has approved of that principle. Government has progressed with the times, and the statement of objects and reasons has adopted the reasonable demands of the times. This latest step is hardly fair, is hardly just to the common sense of this Council.

According to the old Act, when you had 72 members, when the Municipal Commissioner had to appoint all the officers except the health officer, the engineer and the hydraulic engineer, all these appointments had to be filled by the Municipal Commissioner. This produced a discontent even in that landlord municipality which has been so much stigmatised by some local gentlemen of Bombay. They agree that the constitution should be democratised. Would any of those members who stigmatised the old corporation as aristocratic come forward and say that the old constitution should remain and the municipality should be disabled from exercising its natural powers, and that they should depart from the principle they laid down only three days ago? It is not fair either for this Council or the Bombay members to go back upon that principle. What is section 80A? It gives a simple natural power to the corporation to appoint its executive officers above Rs. 500, while the power of appointments below Rs. 500 is vested in the Municipal Commissioner.

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It is only with regard to appointments of more responsible officers, besides the three, that there used to be complaints in Bombay that Indians were not appointed. I submit that the principle enunciated by the amendment of my friend Mr. Gandhi and accepted by the Government is a very retrograde measure. I am surprised if this matter goes to division how Government is going to vote. It is a matter of amusement to me if, after deliberate acceptance of this particular principle in the statement of objects and reasons, Government Members go to the opposite lobby. I fear this is a matter in which the Government should reconsider their position in accepting the amendment, and even the Honourable the General Member should reconsider his position not as an individual of the Bombay city, who can entertain any opinion he thinks fit, but as a member of the collective corporate Government which has recorded its deliberate opinion in the statement of objects and reasons. I hope better sense will prevail and this matter withdrawn.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I wish to address the house at this stage in order to offer a word of explanation, so that honourable members may clearly realise what the issue before the House is, and vote according to what they think is in the best interests of the city. It is not my intention to try to persuade any councillor to adopt any particular line, but I think the honourable members who have not been members of the municipal corporation of the city of Bombay should realise what the exact issue is which they are called upon to decide. A great deal has been said in debate as regards showing distrust of the corporation. I may be permitted to say that I would never be a party to any distrust being shown to the corporation, and I need not say that I have always resented any unjust criticism that has been applied to the corporation in the past. It is necessary, in order to realise the issue before the House, to understand what the municipal constitution is. If you realise what the municipal constitution is, it will be easier for you to consider what you will do. The municipal constitution, I submit, is different from the constitution of the district municipalities in this Presidency. The district municipalities are executive bodies—executive and deliberative. The Bombay corporation is a deliberative body and the executive and the deliberative functions are specifically divided by statute. Under section 64, which deals with the constitution it is distinctly provided that

“Except as in this Act otherwise expressly provided, the municipal government of the city vests in the corporation.”

That section gives all the controlling power to the corporation for the civic administration of Bombay. The next sub-section says

“Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the corporation or the standing committee, and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of this Act vests in the Commissioner.”

That is the constitution under which the Bombay corporation has worked all these years. In their case the deliberative and the executive functions, subject to certain restrictions and limitations, have been distinctly divided and the executive powers are vested in the Commissioner. It is perfectly natural that honourable members, who are not conversant with that constitution, may run away with the idea that the Municipal Commissioner is an autocrat and can defy the corporation in matters which are expressly left to him. That would not indicate a full grasp of the constitution. While the Municipal

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Commissioner has co-ordinate authorities with the corporation and the standing committee, he is entirely controlled by the corporation. My honourable friend, Rao Bahadur Chitale, said that the corporation had the power of the purse and had various other powers, and that, therefore, why should it not have this power ?

Before I explain the practical effect of this measure, I will tell the House what further powers the corporation enjoys over the Municipal Commissioner, and I will give you a specific instance of the manner in which that power was exercised in the past. On one occasion the Chief Accountant of the municipality went on two years' leave. The Municipal Commissioner, by virtue of the powers vested in him, appointed the Revenue and Refund Officer to act for him. According to the leader of the house, the late Sir Pherozshah Mehta, the Revenue and Refund Officer was not qualified to act as Chief Accountant. The power of making the appointment was with the Municipal Commissioner and the appointment was constitutionally made. He brought forward a resolution in the corporation proposing a vote of censure on the Commissioner. The result was that a qualified man was obtained and appointed when the permanent vacancy occurred. The power of controlling the appointments made by the Municipal Commissioner vests absolutely.....

Mr. KANJI DWARKADAS : How can you substantiate it ?

The Honourable Sir IBRAHIM RAHIMTOOLA : You can find it in the records of the corporation ; older members of the corporation can verify this.

If the Municipal Commissioner acts in a manner detrimental to the interests of the city, controlling powers are there in the hands of the corporation. The position of the corporation in regard to all these appointments is this : the Municipal Commissioner is their executive officer under the complete control of the corporation and further, there is another aspect of the question which is being overlooked. There is a further provision in the bill itself. When the corporation consisted of 72 members, it was within the power of 45 to dismiss the Commissioner. That power is now given to 64 out of 106 members. If there was a case in which the Municipal Commissioner had forgotten his loyalty to the corporation, a single member can bring forward a resolution for the purpose of dismissing the Commissioner. Now, I ask you, Sir, to consider whether powers which I have indicated are, or are they not, sufficiently powerful to control the Commissioner as their officer ?

An Honourable MEMBER : It is very rare.

The Honourable Sir IBRAHIM RAHIMTOOLA : Why is it very rare ? Two things can be said about it, either that during all these years there has been no case in which the Municipal Commissioner has been so disloyal to the corporation as to justify the bringing forward of such a resolution—if he has been loyal, there can be no complaint, but if he has not been loyal and still not a single member out of 72 has been found during the last 40 years to bring forward a resolution for the purpose of taking the vote for the dismissal of the Commissioner, it can only show one thing. It shows that there has been no cause for it or the other alternative which I would never admit, namely that members of the corporation had not the courage to do so. I entirely and emphatically repudiate the second alternative. The fact is that the municipal constitution of the city of Bombay is based on a different footing altogether. The municipal corporation is not an executive authority, it is a deliberative

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body with full powers to dictate its policy upon the Municipal Commissioner. Is there any question of distrust of the corporation? Not the remotest in my mind, when I say that in the best interests of the city's administration it is essentially necessary that the power of appointment and dismissal should vest in a single individual and not in a body of 106 members. I will tell you, Sir, my personal experience about a few appointments that have vested in the corporation in the past and what has happened in filling them up. I will give you one instance (I will not go at present into the sections that my honourable friend Mr. Ibrahim Haji referred to, which deal with the appointments of the municipal executive engineer, the executive health officer and the water engineer), but I will give you an instance of the typical kind which you are now called upon to consider. Under section 136, it is provided that the municipal accounts shall be audited from week to week by the auditors specially appointed in this behalf, for each official year, by the corporation. I am pointing out to the Council a specific case in which the corporation has had the power of making appointments of two auditors with a salary of Rs. 5,000 per annum for each, that is below Rs. 500 per month. I have been associated as a member of the corporation with the making of these appointments. What has been the procedure? Intimation is sent to the corporation that the auditors' posts would become vacant. The corporation immediately appoints a committee to make recommendations as to the persons to be appointed. Advertisements are inserted in the newspapers calling for applications. The committee meets to consider the applications received in association with the Municipal Commissioner. What happens in the meantime? Every form of influence and every form of canvassing is resorted to upon individual members of the committee, and I say so from personal experience, because I have served on most of these committees. This is wholly undesirable in the best interests of the city. I hope honourable members will realise that I would be the last person to ask the Council not to give further powers to the corporation. This Council is aware that in the Village Panchayats' Bill, of which I was in charge, three of the most far-reaching principles in local self-government, *viz.*, adult male suffrage, practically wholly elected panchayats, and control of the panchayats by local boards and not by revenue officers, were introduced and carried. Having done that, honourable members will, I hope, recognise that I would be the last person to ask them to decline to give to the Bombay corporation further powers. If I say that these powers should not be given, it is because I feel that the Council would be making the greatest mistake, in giving 72 or 106 members the power of making these appointments.

Mr. B. G. PAHALAJANI: How did the Government put that provision?

The Honourable Sir IBRAHIM RAHIMTOOLA: I will come to Mr. Pahalajani's point later on. At present, I am placing before the Council the facts of the case, so that they may decide dispassionately what is the best thing to be done.

After the committee stage, when all this canvassing has taken place, the committee reports the names of three candidates out of whom the appointment is to be made by the corporation. The other applicants finding it useless to pursue the matter farther give it up. Then the friends of these three men go round the councillors. Now, I would ask the Council whether good administration is possible, when members of the corporation, are subjected to constant canvassing of this character. I will go a step further and say that most

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of the members of the corporation who are elected by the ratepayers have got some influential friends who have helped them in the election, and attempts are made to canvass councillors through these men. It is for honourable members to consider whether they are acting in the best interests of the city by making this possible. In regard to a large number of important appointments, is the Council right in laying the members of the corporation open to an influence of this character? And, why does the Council wish to do so?

Mr. COWASJI JEHangIR: How many have fallen victims to canvassing?

The Honourable Sir IBRAHIM RAHIMTOOLA: The inner conscience of every man is in his own charge. I ask the Council, as practical men, to appreciate the position, and see whether their vote is to be applied in this way. If that represented a matter of local self-government, I would have supported it, but the corporation already possesses overwhelming powers to control the Commissioner, to the extent of passing a vote of censure even in regard to a single appointment—I have given the Council a specific instance—or, in the alternative, to bring forward a resolution to dismiss him. Now, that being so, I would ask another question. During the last 40 years, the Commissioner has exercised these powers, and excepting the one case to which I drew attention, I do not know of any other case in which the Commissioner's action in the matter of these appointments has come in for open criticism. If that is so, if, in the interests of the city, you require the most qualified men for the pay that you propose to give, is it, or is it not desirable that that responsibility should rest in one man of high position controlled entirely and wholly by the local self-governing institution you place over him? Is it not a practical way of doing things when you require the entire responsibility to be centred in one individual who is fully and completely controlled by the corporation? Then again, there is a further power which the corporation wields under the act. The standing committee is required to frame a schedule; that schedule fixes the minimum and the maximum salaries of each appointment; the schedule is passed by the standing committee. The Municipal Commissioner has no power to vary the minimum and the maximum salary of any appointment. All that he does is that he selects the personnel, and that selection is again open to criticism and censure by the whole body. Now, in a big corporation like that of the city of Bombay, with an annual income of over two crores of rupees, I should like to ask whether the administration is likely to go on in the manner in which every one of the members of this Council must desire, by having the corporation always to be engaged in making these appointments, and having all this canvassing every time. I would ask the Council to discard from its mind every other consideration especially the consideration that there is any member who desires in the remotest degree to show the slightest distrust in the capacity or the power of the corporation. Merely as a matter of practical politics, I would ask the Council to consider whether it is or it is not in the best interests of the city that the personnel of its officers should be selected in a manner in which the best men can be obtained for the salary which the corporation are prepared to pay. As I said, it is not in the remotest degree a question of distrust. The method has been tried, and the appointments of auditors have been made, and I have given to the Council my personal experience of the result. In the face of that experience, in a city like Bombay, with all the multiracial influences that must inevitably exist, is it wise to give the power of appointing these officers to a

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body of 106 members? I will say only one word more and that is again in regard to the personal experience of what has happened. Take the case of the municipal secretary. The present Act provides that the appointment should be made by the standing committee. The appointment in this case was left with a body consisting of only 12 members. I understand that it has not given satisfaction and that it is now proposed to put that appointment in the hands of the whole body. Now in regard to the higher appointments, carrying a salary of Rs. 1,500 to Rs. 2,500 the case is different, because the candidates are few. (An Honourable Member: What about canvassing). Canvassing can only be local. Speaking perfectly plainly, the time has not yet come when amongst local people many candidates can be found qualified for these high special appointments. When I say local, I mean the city of Bombay. In India there are many and we have taken them from this country, but the real danger is the canvassing on behalf of local candidates, and that would be accentuated if you include offices carrying a salary of Rs. 500 and over. It is that danger against which I desire to warn you. I trust that in the best interests of the city, in the interests of efficiency of municipal administration you will be content by leaving the appointments in the hands of a single individual of high position controlled by the corporation. I ask you therefore not to try experiments, not to run the risk especially after the experience already gained.

Dr. K. E. DADACHANJI (Bombay City, South): Mr. President.

Sardar V. N. MUTALIK: Sir, I want an explanation from the Honourable Minister.

The Honourable the PRESIDENT: I am afraid it is too late. Dr. Dadachanji has risen already.

Dr. K. E. DADACHANJI: Mr. President, I am strongly opposed to this amendment. The clause as drafted was sent by the corporation to be embodied in this bill which has been so long before the Government. The corporation wanted the Act to be so amended in order that they must have the power to appoint these officers. From time to time they have brought this question and they committed this question to their committees, and after mature deliberation, this time they came to the conclusion, with the consent of the Municipal Commissioner, who is a high officer of Government, that this clause in this form should be embodied in the amendment of the Act. It is at the instance of the Municipal Commissioner, Sir, I remember in the committee that we decided that a provision should be made that temporary appointments for a period of not more than the period of six months might be made by the Commissioner. The Commissioner asked in the committee to allow this and with the consent of this Government officer it is thus that we have brought this clause to be embodied in this present draft, and I therefore do not know why this has been objected to at this late stage. There has been no representation to Government by the Commissioner himself in this behalf. If there is one I would request the Honourable Minister in charge to point it out to this House. As far as I know, there is none to be adduced before us. Mr. President, I am surprised to hear all the arguments brought forward here by experienced gentlemen, experienced corporators like the Honourable the Leader of the House and the General Member. They were both members of the corporation. They know the ways of the corporation and the only thing that is trotted out here is "influence". Influence is everywhere. The Municipal Commissioner is a thousand times influenced by every member that we know (hear, hear).

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When you come to the extended franchise, I say that, as one of the previous speakers has said, you give by one hand the extended franchise and by the other you take it away. And so the blessing is gone; all praises and encomiums showered on the Honourable Minister of Local Self-government are also all gone with it; whereas by passing the clause as drafted and by throwing out the amendment the Honourable Minister's name will be on the historic record. They say that the municipal corporation has got the power of purse and that they can do and undo things. If the corporation which has 106 members by the new arrangement is not given the power of making appointments up to Rs. 500 what will be the result? The work of the municipality will not go on. Members of this new corporation with new ideas will say the Commissioner has made an appointment by some influence, and according to their view, they will bring a vote of censure every time, and the whole thing will go to dogs. With their majority they will carry the vote. And in that way how many Municipal Commissioners will have to resign? That aspect of the question is forgotten. I am sorry, Sir, that they did not think of it. They did not know what sort of corporation is going to come. I know what sort of canvassing is going on in the city already. Therefore, I am afraid that every time an appointment will be made by the Municipal Commissioner—of course the Municipal Commissioner is a human being—he may make any appointments in the best interests of the Corporation, but these 106 members, when they see that there is a little bit of job, will bring every time a vote of censure. There is only one instance which was pointed by the honourable the Leader of the House, but indeed, with the 106 members, every month there will be hundreds of notices of motion for censure. It will be under the circumstances very difficult for any Municipal Commissioner to go on and he will resign, and it would be very difficult to find a Municipal Commissioner to serve the city. So, let the corporation manage in their own way their own affairs. Now I see that when they thought of the enlargement of the franchise they never thought of the fact that the people were mostly illiterate. That time they said they will make use of their common sense in voting. Now, Sir, that they have conceded. Now when the question of appointments of municipal servants of the salary of Rs. 500 comes in they say they must have some status and there should not be jobbery. The corporators whom we elect are supposed to have the same broad common sense and sound business knowledge and we deny them this power. This is a strange antithesis. Government ought never to have come with this sort of amendment. They ought to have stuck to their original proposal. When the bill came originally before us we never thought that this hotchpotch bill will be before us, and thus put us to all that trouble. If now this amendment is to be passed, I say, Sir, with my little knowledge of municipal work extending over 27 years that the bill is not complete as yet. Mr. President, I say that this House, especially at this time, must make a bold front of it and give this power to the corporation as asked for.

Rao Bahadur G. K. SATHE : Mr. President, after having listened very carefully to the sound advice of the Honourable the Leader of the House, who is an authority on the working of the municipal corporation in Bombay, I thought he would succeed with many of us in converting to his own views. But I am really sorry to say that his arguments have not appealed to me at any rate. In the first instance, he wanted to bring to the notice of the mofussil members the radical difference between the constitution of the

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mofussil municipalities and the constitution of the corporation of Bombay. Let me tell my honourable friend the Leader of the House that, even according to the wording of the mofussil Municipal Act, the municipal administration of a city vests in the municipality. There is not the slightest difference, so far as the powers of the whole body are concerned, and if we compare these powers, namely, of taking to task the Commissioner, or the chief officer or the secretary—by whatever name you may call him—then I can assure my honourable friend Sir Ibrahim Rahimtoola that there is not the slightest difference in the working of the two Acts. The only difference is that, for some time, both the deliberative and executive functions were combined in the managing committee. But at the time when he and I had the honour of being on the same bench, when the municipal amending bill was passed in 1914, Government stated in the clearest terms that the mofussil municipalities, at least the larger municipalities, should understand the difference between the executive functions and the deliberative functions, and that it was in order to bring this home to the members of the city municipalities in the mofussil that the appointment of Commissioner was brought into existence. We have been working this Act for the last eight years and I may assure the members of this House that we have not shown any want of aptitude to administer the Act in the spirit in which it was brought forward in 1914. The greatest point that I could see which was made by the Honourable the Leader of the House was that by giving these powers in the hands of the corporation you will be doing the greatest injustice to the administration of the city, and that matters will be impossible to be administered if the question of an appointment has to be determined by 106 men instead of one man. Now, Sir, if we look at the provisions of of the Bombay City Municipal Act that are at present on the statute book, we find—I speak subject to correction, because I have not studied that Act very carefully—that the secretary of the schools committee is appointed by the corporation. Similarly, qualified medical officers are appointed by the corporation. I leave aside for a moment the other three appointments which are made by the corporation subject to the sanction of Government. But if these two appointments, which I consider as of some importance, are left with the corporation under the existing Act, is the Honourable the Leader of the House in a position to say that the corporation has exercised that right to the detriment of the interests of the corporation and of the city? And unless any evidence is forthcoming to substantiate that that right has been exercised in a wrong manner, there is no reason why that principle should not be extended in the case of other appointments. Now, Sir, coming to the practical side of it, he in fact spoke about the influence that was brought to bear on the members of a small committee which was appointed in the case of the auditors. I ask him, who is free from this influence? Does not Government appoint a committee which is called sometimes "Selection Board" to select candidates for the Finance Department to be sent to Calcutta to undergo instruction or to appear for the examination? Was not such a board constituted last year to make selection for choosing candidates for the Indian I.C.S. examination? If such selection boards are created by Government, are we to understand, Sir, that the members of such boards are not open to any influence? I should certainly be glad if the answer is in the negative.

The Honourable the PRESIDENT: Order, order. You will excuse me for pointing out that you are now drifting into the question of influence



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exercised or exercisable by other bodies. You say because somebody else is wrong, therefore the corporation may be justified in being wrong also. You may say generally that influence is exercised everywhere, not in the corporation only but the moment you go into details of instances, I do not know where we shall be.

Rao Bahadur G. K. SATHE : It is my duty to bow to you ruling. But my whole attempt was to show that this bogey of influence has no substance in fact. That was my point.

The Honourable the PRESIDENT : That is quite in order. I only do not want any particular entity mentioned—whether it is the Government, or the corporation, or the Legislative Council, because that would be drifting into matters relating to bodies not now before us.

Rao Bahadur G. K. SATHE : If it is a matter of indiscretion, you will excuse me.

The Honourable the PRESIDENT : It is not a question of indiscretion but of relevance.

Rao Bahadur G. K. SATHE : I accept it, Sir. I have made my point of influence quite clear. Another argument that was put forward by the Honourable the Leader of the House was, if you find that your Commissioner has gone wrong, does not the Act provide that you should remove him or bring a vote of censure on him, and thus make his position intolerable ? But I ask my honourable friend how up-hill a task that is.

The Honourable Sir IBRAHIM RAHIMTOOLA : Not in the least.

Rao Bahadur G. K. SATHE : It may not be in his case—he is expert and bold—but for ordinary corporators I think—that is my individual opinion—it is a very difficult task. And, Sir, to make out a case that a particular selection has been made in a manner which requires the removal of such a responsible officer like the Municipal Commissioner or which requires that a vote of censure should be passed on him by a responsible body like the corporation, requires most convincing arguments. And what is the usual tendency as we find human nature ? The usual tendency is to allow matters to rest where they are ; and further, Sir, I am not convinced of the argument, namely that, because you have controlling powers in your hands, you can leave this power in the hands of a single officer like the Commissioner of the corporation of Bombay. Then, Sir, I was one of those who had something to do with the passing of the Panchayat Bill, to which the Leader of the House referred, and when he gave a very liberal and democratic constitution to panchayats, I least expected that he would not give this simple power to a premier city like the city of Bombay.

Coming to the question of local canvassing I think the point is so small that I need not take the time of the Council to reply to it. However, it shows that influence is at work. It is at work everywhere, and much depends upon the man who exercises influence. Now, I put it to you whether it would not be difficult for any individual candidate to approach 106 men rather than approach one individual, namely, the Commissioner of the corporation. In the case of the Commissioner various considerations may come in to which I need not refer ; but in the case of a whole body the appointment will be made on merit or demerit. If the procedure which has been mentioned by the Leader of the House, which is adopted in such cases, is

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adopted in future, namely, by appointing a small committee to make selection in the order of merit, and then to place the recommendation of the committee before the whole corporation, I think nothing would be lost in leaving the power entirely in the hands of the corporation.

There is one more point, and I have done. It is this. It is said we grow wiser every day, but I never thought that Government, after having deliberately considered the utility of this clause in the first reading of the bill, and having got it passed by the select committee, would go back upon it at the last moment, and ask us to scratch our brains, and see whether what we voted upon on the first occasion and what the members of the select committee affirmed during the select committee sittings was right or not. Is that fairly treating the members of this Council? I say, Sir, that this change of front does not appear to me just. On the merits of the case, I put it that it is the right principle which we ought to accept, and if the whole constitution is being changed with a view to make it more liberal, this is one of the ways in which you can make it liberal. Even in the reforms, it has been stated that it is only by mistakes that we will learn, and my submission to the honourable members of this House is that, if by experience it is shown that we have not been properly exercising this power, is not the legislature competent to repeal that section, and then say to the corporators in Bombay 'you do not deserve to be invested with this power; you have misused and abused it, and therefore; we take them away from you'? We are only making an experiment. I think the clause should be allowed to remain as it was at the first reading, and in the bill as it has emerged out of the select committee. It is quite fair that we should pass that clause and not allow it to be deleted. With these remarks I oppose the negative motion put forward by the honourable member from Surat City.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Sir, I oppose the omission of the clause. The Honourable the Leader of the House has given one side of the picture. I have some experience of the matter with reference to the Ahmedabad municipality, and the power exercised by the Municipal Commissioner, which was a limited one. I wish to place before the Council my experience in the matter. Our elderly statesmen who had experience of the Bombay corporation, and who had an amount of trust and confidence in the wisdom of the Municipal Commissioner and his infallibility, in the year 1914, got passed an amendment to the District Municipal Act which became Bombay Act VIII of 1914, and to that amending Act, the Honourable Sir Ibrahim Rahimtoola, the Honourable Sir Chimanlal Setalvad, and the late Sir Pherozeshah Mehta were parties and took a prominent.....

The Honourable Sir IBRAHIM RAHIMTOOLA: I have to contradict the honourable member; I was not present when the Council considered the first reading of the bill.

Rao Saheb HARILAL D. DESAI: In any case, the Honourable Leader of the House was there during the period, though he was not there throughout.

There a united stand was made against the amendment. These three gentlemen used their influence for vindicating the infallibility of the institution of Municipal Commissioner and advocated.....

The Honourable Sir IBRAHIM RAHIMTOOLA: I again beg to contradict.

Rao Saheb HARILAL D. DESAI: Then, I would like to omit him.

The Honourable Sir IBRAHIM RAHIMTOOLA : I want the Deputy President to be accurate in his facts.

Rao Sahab HARILAL D. DESAI : In any case, Sir, what happened was, as in the case of section 64 of the Bombay City Municipal Act, section 23-A came to be incorporated in the District Municipal Act, whereby the municipal government of the municipality was vested in the municipality, but the executive power was vested in the Municipal Commissioner. By section 186 (j) power was given to the Municipal Commissioner to make appointments carrying a salary not exceeding Rs. 100. We had three successive Municipal Commissioners for a period of three years. Eventually we had to protest generally with reference to the application of chapter XIII-A which applied to the Ahmedabad municipality and the Government, after having finally satisfied themselves that the institution was not working well, had to withdraw the application of chapter XIII-A.

I lay this question before the Council for this purpose, that it is true that sometimes influences may work, but when they work in the case of a single individual, they do not leak out so much as when those influences are spread over a larger number of people. Whatever that be, the power, which was once vested in the Municipal Commissioner with reference to district municipalities, appears not to have been properly exercised and had to be withdrawn. I think that with reference to the Bombay municipality, the provision which is in the bill, is one which is an advance upon the present provisions of the present Act, and I think that it will be in the fitness of things not to go back upon the provisions of the bill as they stand.

Mr. M. W. PRADHAN (Thana District) : Mr. President, I rise to support the motion of my honourable friend Mr. Gandhi, and, while doing so, I am considerably surprised to see the attitude of my honourable friends—the Parsee phalanx in the House—the more so because at the time of accepting the first principle.....

The Honourable the PRESIDENT : The honourable member will excuse me if I point out that it is no use making any direct or indirect attacks upon the members of any particular community in this House.

Mr. M. W. PRADHAN : I am sorry, I withdraw that remark, Mr. President. I was really surprised to see the attitude of my honourable friends, especially the Parsee members of this House. When discussing the first principle of the bill.....

The Honourable the PRESIDENT : You say you accept my suggestion and yet you repeat your charge. So far as I can see only two honourable members who belong to that community have spoken. There are others also who have spoken, and I do not understand why you individualise the Parsees when there are other members of the corporation in this House who have spoken.

Mr. M. W. PRADHAN : I am really sorry, Mr. President.

The Honourable the PRESIDENT : If you are sorry, I hope you will withdraw the insinuations you have made.

Mr. M. W. PRADHAN : I apologise for the remarks I have made, Mr. President. What I meant to suggest to this Council is that, when the first principle of the bill was being discussed, the honourable members of the corporation warned the Honourable Minister, and, if my memory is correct, one

[Mr. M. W. Pradhan.]

honourable member, who is also an old member of the corporation, uttered a note of warning to the Honourable Minister, and said that the Honourable Minister will rue the day for lowering the franchise so low as that of ten rupees. If the Honourable Minister has acceded to the suggestion of my honourable friend Mr. Gandhi, to my mind it appears that he has respected, or given due consideration to the warning given to the Honourable Minister by the member of the corporation concerned. The Honourable Minister does not want to rue the day when the new corporation comes into existence. The Honourable Minister was told that it was a very bold step that he was taking. Very well, Sir, if it was a very bold step to democratise the corporation, I think the Honourable Minister is perfectly right in suggesting to this Council that only such powers of the corporation as are at present enjoyed by the corporation shall be entrusted to the new body which is going to come into existence. Several honourable members who are members of the corporation have said that they already know what the calibre of the future corporation is going to be. Mr. President, I submit to this Council whether they would not like to watch whether that new calibre is working all right the old constitution and its rights. The present clause proposes to give the new corporation extra powers. Those powers, as the ablest members of the corporation in the Council have said, are not enjoyed by the present corporation. Nothing is being taken away from the new corporation. Let us now see when a note of warning has been given to the Honourable Minister in taking such a bold step, how that bold step is working the rights and privileges already existing in the Act. Why hasten and give the extra powers to that body about the working of which we do not know anything as yet? Let us watch how that body is going to work the powers that are already entrusted to it. Then if we find, or if the public finds that that body is working satisfactorily, I do not see what should come in the way of that body to make a recommendation or a suggestion or a demand to this Council, and this House can later on see whether some extra power should be given to that body or not. It stands to reason that in democratising a corporation like that of Bombay where so many important interests amounting to crores of rupees are involved, a bold step may be taken but let it be taken very considerably, very slowly, and *festina lente* should be our watchword. It is no good giving unlimited powers and then to withdraw those powers later on. Let us see how the newly enfranchised city is going to work the powers already existing, and later on there will be plenty of time to give them more powers. I appeal to all the honourable members of this House, just as my honourable friend Mr. Petit appealed, that the Council will rue the day when they see the result of the lowering of the franchise. I therefore say, let us not rue the day, let us see how the existing powers are worked and it will be time enough for this Council to have amendments and to consider larger powers being given to them. With these few words, Mr. President, I strongly appeal to the members of this Council to see that we do not rue the day and to see that whatever powers are given to the new corporation are properly utilised and digested by them.

Mr. S. K. BOLE (Bombay City, North) : Mr. President, I wish to speak on one point only. It has been pointed out by the Honourable Sir Ibrahim Rahimtoola, the Leader of the House, that the constitution of the Bombay municipal corporation differs from that of the mofussil municipalities, and that the Bombay municipal corporation is a deliberative body, but I may humbly

[Mr. S. K. Bole]

point out that, only the other day, when the administration report of the municipal corporation was being discussed by the corporation, and when it came in for a great deal of criticism, the present Municipal Commissioner told us that he was going to draft a scheme for appointing ward committees with executive powers and he told us that unless he did that, matters would not be improved. In anticipation of this, I think there is no harm if the section is retained. From my experience of the select committee, I can say that this clause was unanimously passed in the select committee, and I am surprised to see at this late hour the Government Members taking a somersault.

The Honourable the PRESIDENT: The Council is adjourned till 2 p.m. tomorrow.

*Thursday, the 27th July 1922.*

The Council re-assembled at the Council Hall, Poona, on Thursday, the 27th July 1922, at 2 p.m., the Honourable the PRESIDENT, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

*Present :*

ADDYMAN, Mr. J.  
 ADHAV, Mr. P. N.  
 BATLIWALA, Dr. S. S.  
 BEDREKAR, Khan Bahadur ISMAIL SAHIB M.  
 BENNET, Colonel V. B.  
 BHATE, Mr. G. C.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Mr. S. K.  
 BULLOCKE, Mr. A. GREVILLE.  
 CHITALE, Rao Bahadur G. K.  
 CLAYTON, Mr. F.  
 COOPER, Khan Bahadur D. B.  
 CRERAR, Mr. J.  
 DADACHANJI, Dr. K. E.  
 DALAL, Sardar Khan Bahadur ADARJI M.  
 DALAL, Mr. D. B.  
 DESAI, Rao Saheb HARILAL D.  
 DESAI, Rao Saheb DADUBHAI P.  
 DESHMUKH, Mr. ANANDRAO SHRIPATRAO.  
 DRAKHAN, WADERO MAHOMED PANAH.  
 DUBHASHE, Mr. SHANKAR BALKRISHNA.  
 DUMASIA, Mr. NAOROJI M.  
 DWARKADAS, Mr. KANJI.  
 FERNANDES, Major C.  
 FERREIRA, Mr. D. J.  
 GANDHI, Mr. C. M.  
 GARUD, Rao Bahadur S. D.  
 GHOLAP, Mr. D. D.  
 GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH.  
 GODAD, Khan Saheb ABDULLA AVJAL.  
 GODBOLE, Dewan Bahadur K. R.  
 GRIFFITH, Mr. F. C.  
 HAJI, Mr. IBRAHIM S.  
 HAJI KHAMISO GUL MAHOMED, Mr.  
 HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA.

HAVELIVALA, Mr. M. A.  
HAYWARD, The Hon'ble Mr. M. H. W.  
HOOD, Mr. A. J. F.  
HULKOTI, Mr. CHANAPPA CHANAVIRAPPA.  
JADHAV, Mr. B. V.  
JEHANGIR, Mr. COWASJI.  
JUVEKAR, Mr. D. G.  
KALBHOR, Mr. G. M.  
KALE, Rao Bahadur R. R.  
KAMBLI, Mr. S. T.  
KASSIM, Mr. G. H.  
KER, Mr. J. C.  
LAGHARI, Khan Bahadur KHAIR BAKSH.  
LAHORI, Khan Bahadur HAJI AMIRALI.  
LAWRENCE, The Hon'ble Mr. H. S.  
LORY, Mr. F. B. P.  
MANSURI, Khan Saheb A. M.  
MEAD, Mr. P. J.  
MEHTA, The Hon'ble Mr. C. V.  
MODI, Sardar Davar TEMURAS K.  
MOHOMED, SALAHUDDIN K., Mr.  
MONIE, Mr. P. W.  
MOUNTFORD, Mr. L. J.  
MUTALIK, Sardar V. N.  
NILKANTH, Rao Bahadur R. M.  
NELSON, Mr. F.  
NIMBALKAR, Mr. K. B.  
PAHALAJANI, Mr. B. G.  
PAINTER, Mr. H. L.  
PARANJPYE, The Hon'ble Mr. R. P.  
PARULEKAR, Rao Saheb L. V.  
PATEL, Mr. B. P.  
PATEL, Mr. J. B.  
PAWAR, Shrimant J. A.  
PETIT, Mr. JEHANGIR B.  
PRADHAN, Mr. M. W.  
PROES, Mr. E. M.  
RAHIMTOOLA, The Hon'ble Sir IBRAHIM.  
SALGAR, Mr. R. G.  
SATHE, Rao Bahadur G. K.  
SAYED NABI BAKSH SHAH.  
SAYED, SHAHJADE SAHEB HATDAR SAHEB.

SETALVAD, The Hon'ble Sir CHIMANLAL H.

SHIRRAS, Mr. G. FINDLAY.

SINDORE, Mr. H. N.

SUFI, Mr. KALANDARBAKSH.

SURVE, Mr. A. N.

THAKOR OF AMOD, Sardar NAHARSINGHJI.

THAKURDAS, Mr. PURSHOTAMDAS.

THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

*Debate on clause 26 resumed.*

The Honourable the PRESIDENT: Order, order. I again propose the question that clause 26 of Bill No. VII of 1922, a bill further to amend the City of Bombay Municipal Act, 1888, as amended by the select committee, do stand part of the bill.

With reference to this clause, I have allowed a great deal of latitude to the discussion yesterday. The point which was raised by Mr. Pahalajani was a very important point, but, as I stated then, it is out of my power to interfere in a discussion raised upon the question whether this clause should be omitted from the bill or not. Since then, I have given further consideration to the matter, and without venturing to state my opinion upon the merits of the question raised, without interfering with the liberty which the House has as to the discussion upon the clause, I think it is my duty to bring certain circumstances to the notice of the House, circumstances bearing upon the question of order and procedure in the discussion of a clause at a stage at which the present bill has arrived. This particular clause formed part of the bill when it was introduced into the House for the first reading. The bill which was read the first time, passed the first reading in the House unchallenged. Then it was referred to the select committee; in the select committee again, this clause passed unanimously, and it came out from the committee unscathed. On the motion for the second reading again, not a word was breathed against this particular clause, and I put it to the House whether the House is laying down a safe and sound precedent for the future in going back and subjecting this clause to a discussion as if it was being read for the first time. (Honourable Members: Hear, hear.) I stated to the House yesterday that I could not interfere with the liberty of the House to accept the clause or to reject it *in toto*. That is a power which is given to the House, but it is my duty also to warn the House that because a power is given to the House to reject a clause at this stage, it does not mean that that power is not to be exercised with due regard to the steps which the House has already taken at the first reading, at the select committee, and at the motion on the second reading. When our Standing Orders and Rules say that after the House has resolved to read a bill a second time, every clause is to be read and put to the House, the liberty to deal with any particular clause means that you may amend the clause, or that you may reject a clause, provided any new circumstance has been brought to the notice of the House which, if not duly taken account of, would stultify the House, or the House has passed some previous clause which is inconsistent with the clause in question, or some minor circumstance of this kind is involved. Now, in the case of this clause, honourable members were aware, at the time of the first reading that



[The President]

vast powers were being given to the corporation, which did not exist in the present Act. You were aware of it on the motion for the second reading, and now, after it has gone through these two important stages, are you going to raise the whole question of the principle involved in this clause? It is a principle of the bill, because the question as to whether the corporation ought to be allowed the power of appointing all its officers of a particular class means the broadening the basis of the powers of the corporation. Under these circumstances, I put it to the House whether all the questions which were raised at the discussion yesterday should be gone into, and whether it is worth the while of the Council to spend more time upon this question. I put it to Government again. It is not my duty to interfere with the merits of the question, but I ought to point out that the House should be on its guard not to make this a precedent, but to interpret the words "A bill shall be read clause by clause" strictly and with due regard to what has gone before. If we allow laxity in that respect at this stage to-day, it may be convenient for the purposes of Government to-day, but hereafter the Government may find it inconvenient, as allowing a latitude to honourable members which may prove very embarrassing. I am anxious that that should be avoided. I do not wish to meddle with the liberty of the House. Having said so much, and discharged my duty and given the House a warning, I now allow the House to deal with the clause as it likes.

Mr. NAOROJI M. DUMASIA : Mr. President, I want to say .....

The Honourable the PRESIDENT : Mr. Ferreira and members who have been present all along in the House will be allowed to speak first.

Mr. D. J. FERREIRA : Sir, the question with which we are concerned at the moment is the question as to the appointment of municipal officers whose salary is Rs. 500 or more, and I think that I ought to invite the attention of the members of the House to what the powers of the corporation and of the Municipal Commissioner are in the matter of appointments under the Act. Under section 74, it was for the corporation, and not for the Municipal Commissioner, to appoint fit persons to be the municipal executive engineer, the municipal executive health officer, and the municipal hydraulic engineer. Similarly, under clause 76 (a) it was for the corporation and not for the Municipal Commissioner, from time to time, to appoint a fit person to be the secretary to the schools committee. Similarly, again under section 76 (b) it was for the corporation to appoint legally qualified medical practitioners, as might be necessary, to the charge of any hospital maintained by the corporation. Then again, under section 77, it was for the standing committee to appoint a fit person to be the municipal secretary.

Section 82 of the Act provides that except as above provided, the power of appointing municipal officers and servants shall, subject to the schedule at the time being in force prepared and sanctioned under section 79, vest in the Commissioner.

Under the bill which is now before us, Sir, it is intended that section 82 should be deleted and in its place we are to have clause 26 whereby the power of appointing municipal officers whose salary is Rs. 500 or more should vest in the corporation. And the question now, Sir, is whether this power should, as stated in the bill, vest in the corporation or, as it stood originally, be vested in the Municipal Commissioner. That is the simple issue before the House.

[Mr. D. J. Ferreira]

Sir, we are very grateful to you, very grateful indeed, for having pointed out to us the stage at which this bill has reached. It was my intention to point out that this bill was a Government bill, and that as a Government bill we felt that it came with the sanction not only of the Honourable Minister in charge of the bill, but with the sanction of the whole Government. (Hear, hear). In the statement of objects and reasons when this bill was first placed before us we were told that clauses 22, 24, 26 and 27 were in accordance with the recommendations made by the corporation, and that in accordance therewith, the power of appointing the officers whose monthly salary exclusive of allowances is Rs. 500 or over was being vested in the corporation. Now, Sir, having this statement of objects and reasons before us and having heard from the Honourable the Leader of the House that this matter occupied the attention of Government for some years and that it was because of the recommendation of the corporation that these what may be called great innovations were sought to be introduced, I feel that I am doing nothing but right when I say that this bill has come before the House after great cogitation and mature deliberation—I do not propose to go over the ground which you, Sir, have covered. You, Sir, have properly brought to the notice of the House certain matters. I do feel, Sir, that if there was any single dissentient voice at the time of the first reading of the bill as to the principle underlying clause 26, we should have heard that voice. It is true that the Honourable the Leader of the House was not on the Government benches on that occasion. But, Sir, after this bill was referred to the select committee, and after it came back to us for the second reading with the report of the select committee and the dissentient minutes of some of the members of the select committee, we did not find the slightest indication that any dissentient voice had been raised in the select committee, and as you have pointed out, Sir, there was no dissentient voice when the bill was offered to us during the second reading. I go further and say, Sir, that when an attempt was made by some honourable members, in view of the feeling that the interests of minorities had not received due recognition at the hands of the select committee, to get the bill referred back to the select committee, it was, Sir, the Honourable the Leader of the House who with his powerful personality and by his lucid explanation of the position couched in oily eloquence compelled the House to vote for the bill being proceeded with and not being referred back to the select committee. If, Sir, the Honourable the Leader of the House then felt that there was something wrong with the bill that this clause 26, the clause under discussion, was a tremendous innovation and was an innovation which would result in the ruin of the municipal government of this city, was it not fair to us that he should have availed himself of that occasion.....

The Honourable the PRESIDENT: Order, order. That argument, I think, relates to a question not before the House. It was relevant to the debate which has concluded.

Mr. D. J. FERREIRA: But, Sir,.....

The Honourable the PRESIDENT: Will you obey my ruling and proceed? I think you had better proceed with something relevant.

Mr. D. J. FERREIRA: Then, Sir, at another part of the discussion the Honourable the Minister in charge of the bill was given time to frame his amendments. I understand he sat overnight.....

The Honourable the PRESIDENT: Order, order. That also is not relevant to the question. If you go into all these extraneous matters, we shall be going beyond the clause under discussion.

Mr. D. J. FERREIRA: Again, Sir, when clause 26 was mentioned did the Honourable the Minister in charge make a suggestion in respect of that clause? No. It was Mr. Gandhi who started this discussion. And, Sir, the point raised came to us as a surprise. We had already been committed to the principle underlying this legislation and are we not entitled to ask what happened overnight or in the growing hours of the morning which made the Honourable Minister in charge so complacently ready to accept the suggestion of Mr. Gandhi? Are we, Sir, not entitled to be taken into the confidence of the Honourable Minister in charge? I proceed, Sir, to the question of the merits of the matter now under consideration.

The Honourable the PRESIDENT: I thought you had already gone into the merits.

Mr. D. J. FERREIRA: Going into closer quarters, I avail myself of the earliest possible opportunity to dissociate myself from the remarks made by some honourable members that if 106 members were open to favouritism and jobbery, the Municipal Commissioner was still more so. I think, Sir, these are remarks which ought not to have been made and should never have been made were it not for the language used by the Honourable the General Member, which language I cannot but describe as a gratuitous insult to the members of a body not already formed, a body whose constitution we had but just discussed. He said, if you vest this power in the corporation the result will be that these appointments will be made by favouritism and jobbery.

I come now to the points that were sought to be made by the Honourable the Leader of the House. I must at once say that the junior members of this House (An Honourable Member: We are none of us juniors) are always ready to be guided in our deliberations by the Honourable the Leader of the House. It is, therefore, not without much trepidation and some hesitation that I raise my feeble voice against his powerful advocacy. Sir, I feel that in spite of the persuasive eloquence of the Honourable the Leader of the House on this occasion his arguments were not convincing. I ask the House to bear with me while I go through his arguments, because, so far, it is he and he alone by whom arguments have been advanced to show why the powers which are sought to be vested in the corporation should be vested in the Municipal Commissioner. The Honourable the Leader of the House, after telling us that the constitution of the district municipalities was absolutely different from the constitution of the Bombay municipality and reminding us that the executive government of the municipality of Bombay was vested in the Municipal Commissioner, went on to instance the case of the deputy accountant having gone on leave and the Municipal Commissioner having made the appointment of some revenue officer. The appointment of that revenue officer was found unsatisfactory and.....

The Honourable the PRESIDENT: Is it worth while going into all this? I know I allowed a good deal of latitude to the Honourable the Leader of the House, because, as I pointed out a few days ago, the parliamentary practice is to allow a certain amount of latitude to the Leader of the House and to the Leader of the Opposition on the point of relevancy. When the Honourable the Leader of the House went into the question of the constitutional powers of the Commissioner and the corporation, I allowed him to go into it because I

[The President]

thought that it was preliminary to the explanation which he was giving on the merits of the clause. But I am afraid now the time has come when I ought to say that I cannot allow the same latitude to other honourable members. The practice is to allow some latitude to the Leader of the House and to the Leader of the Opposition, if any. If you are the Leader of the Opposition, then you are perfectly entitled to some latitude.

Mr. D. J. FERREIRA : No, I am not. I do not claim to be the Leader of the Opposition. I want to point out that the very instance which the Honourable the Leader of the House gave shows that in that case a bad appointment was made by the Municipal Commissioner. The next instance which he gave to us was the appointment of two auditors. The Honourable the Leader of the House did not tell us that the appointment of the auditors, which was then in the hands of the corporation, was a bad appointment. On the contrary we understood from the Honourable the Leader of the House that no amount of influence, no amount of underhand work, no amount of overtures, the nature of which he could not even mention to the polite ears of this House, had any influence in the appointment of the two auditors, and that the corporation made a proper appointment. Sir, I put it to the House that the very instances mentioned by the Honourable the Leader of the House go to show that, while the Municipal Commissioner himself made a bad appointment, the corporation, at least in the instance cited by the Honourable the Leader of the House, had made a good appointment. This being so, Sir, why should the corporation not have this power of appointment sought to be given it by clause 26 ? A point was sought to be made, as I understood it, by the Honourable the Leader of the House in this that there would be all sorts of influence brought to bear upon the 106 members of the corporation, in whom this power to appoint officers would be vested. Does anybody here, Sir, suggest that the 106 members of the corporation should all sit in solemn conclave and vote the appointment of each and every officer of the municipality whose salary is Rs. 500 and upwards ? Is it not a fact that the moment this power is vested in the corporation, that moment the corporation will immediately appoint an appointments committee with whom will rest the power of making the appointments ? Sir, there is a great deal of trouble, the Honourable the Leader of the House told us, which the members of the corporation would be subjected to. Influence would be brought to bear upon the several members of the corporation. I ask, is there anything wrong in proper influence being brought to bear upon a person who is in charge of the appointments ? If that recommendation comes from a man....

The Honourable the PRESIDENT : Order, order. I am afraid you are now taking the House on to the philosophy of influence, which may, I fear, lead us anywhere and everywhere. So please confine yourself strictly to the merits of the clause. The morality of influence is a matter which is for moral philosophers.

Mr. D. J. FERREIRA : One reason, Sir, which might have appealed to me as to it being necessary to vest this power in the Municipal Commissioner, and not in the corporation, is this that the appointments being of officers who would have to work under the Municipal Commissioner, it is advisable that the Municipal Commissioner should have a voice in the appointment of those officers. Now, Sir, if that reason could be urged, I am sure that the Honourable the Leader of the House, than whom no one is more familiar with the several branches of the municipal administration in all its details, would have put

[Mr. D. J. Ferreira]

forward that argument as an argument for his contention that, as a matter of fact, this power should vest in the Municipal Commissioner, and not in the corporation. That argument has not been advanced.

Sir, we have been promised self-government. The municipal council is the training ground where the art of self-government is taught and learnt. Was it not, Sir, on the battlefield of the municipal arena that our Honourable Leader of the House first won his spurs? Has that training not served him in good stead for the responsible....

The Honourable the PRESIDENT: This seems to be a lecture on the Honourable the Leader of the House, not on the clause.

Mr. D. J. FERREIRA: When we tiroes in the art of self-government ask to be allowed to be given certain powers, when we say give us the necessary opportunities to show that the art of government is not the monopoly of any particular individual, then, Sir, we are told "It was our intention for years—not months and weeks—we considered the matter long and anxiously—we felt you were entitled to that right, but this morning we feel otherwise and we are not going to give that power to you." And lastly, I ask once again as the honourable member Rao Bahadur Sathe asked yesterday, are our laws immutable? Is there no way of removing a power given by the statute? The power was sought to be given to us by the bill, a bill introduced by Government, why does Government now want to take away that power from us, why not leave it to time to see whether we exercise this power properly, and then if in course of time it is found that the corporation does not exercise this power with discretion, cannot the Honourable Minister in charge bring forward another amending bill? Sir, this power of appointment is a great power. It is a power to be properly exercised. It is a power which we claim as our right. I appeal to the House to give us this power, and if we abuse it, then to take away this power from us.

The Honourable Mr. H. S. LAWRENCE: Mr. President, as strong feelings have been aroused in this matter, and such vigorous expression has been given to them, I intervene at this stage with the greatest reluctance. However, after the remarks made by the last member, I feel it my duty to inform this House that the apprehensions which have been expressed by the Honourable the Leader of the House in regard to the possible result of this new departure are not based upon any suspicion specially attaching to the character of the body which will be called into existence by this bill. Those apprehensions are amply based on administrative experience in many countries of the world. I submit, Sir, that this House may be glad to consider, what many people know but some may not, what this experience is.

Now, Sir, in Canada, for many years the patronage of the civil service was in the hands of the general body of the Parliament. This led to such grave abuses that a special commission was appointed in 1907 to investigate them. The report of that commission led to very great difficulty and trouble throughout the country for a couple of years, but eventually the Parliament, when they considered the abuses which were proved, came to the conclusion, unanimously,—the Government with the concurrence of the opposition,—that the patronage should be removed from their own hands, and placed in the hands of a public service commission so as to free all political patronage from pressure upon Ministers and members of the Parliament. That is one instance taken from Canada.

[Mr. H. S. Lawrence]

In the Government of Australia in 1902, shortly after that Government was newly established, they passed a law that all public patronage should be in the hands of one commissioner and that commissioner is not removable except on an address from both Houses of Parliament.

As a contrast we can consider what happens in the United States, and if this House so prefers, they can adopt the practice of the United States. There, there is the system known as the spoils system. As the result of an election, the party that comes into power has full power to dismiss Government servants of all descriptions, and make use of that power in a most remarkable.....

The Honourable the PRESIDENT: Order, order. All this argument would be relevant, if it related to a municipality or a county council. But this relates to Parliaments. I am not quite sure whether that analogy will hold good. I am not concerned with the soundness or unsoundness of the argument. Comparison was made between the mofassil municipalities and the corporation. Any example from municipal administration, either from the United States or colonies or the United Kingdom will be pertinent to the question. I am, therefore, doubtful whether the analogy of Parliaments which stand on a different level will hold good.

The Honourable Mr. H. S. LAWRENCE: I bow to your ruling, Sir. I quoted these instances as drawn from the general principles of administrative science, uniform throughout the world.

The Honourable the PRESIDENT: If you refer generally to the doctrine laid down in that science, as for instance in Mill's Representative Government, which is regarded as a standard authority on the subject, you are and will be perfectly in order, but when you cite particular instances of the doctrine, they should relate to local bodies and not Parliaments, because there is a difference between the two in point of executive government.

The Honourable Mr. H. S. LAWRENCE: Thank you, Sir. I will now refer very briefly to the general tendency in the United Kingdom, not in the House of Commons, but in the area of local self-government.

It has been found in recent years that so much local pressure has been brought to bear upon officers like the officers of health that the local government board has within the last few years, very greatly restricted the powers of county councils and other minor bodies with regard to the power of appointment and dismissal of such officers.

Then, again, Sir, in India, I think the members of this House are aware that the administration of the Bombay Municipality has been regarded as a model for other big towns in India, and that the particular feature of its administration, which has been approved so far as even to be followed in the new constitutions of other towns has been based upon the separation of the executive powers from the deliberative powers of the main assembly. That is all I wish to say.

Mr. NAOROJI M. DUMASIA (Bombay City, South): Mr. President, the proposal for the omission of the clause, and its acceptance by the Honourable Minister, came as a bolt from the blue, especially at this stage. We can understand a member bringing forward a proposal for the omission of this particular clause, but I cannot understand it from a responsible Minister who aims at introducing a democratic bill. The acceptance of this motion means

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that what you give with one hand you take away with another. This bill, Sir, bristles with difficulty, and we have raised the warning voice from the very beginning, but that warning voice was unheeded.

This bill has been badly handled and badly.....

The Honourable the PRESIDENT : Order, order. I think the honourable member has not been properly handling it himself. I think we have had all these arguments and he was not present at all to hear all that has been said, and it is therefore natural that he should repeat what has been said. Will the honourable member kindly confine himself to clause 26 ?

Mr. NAOROJI M. DUMASIA : It has been said that the insertion of this new section will promote jobbery and favouritism. To imply this is to imply insult to the new democratic corporation, and we should not tolerate such an idea at all. It is easy to canvass appointments in the hands of one officer, but when the appointments rest in the hands of the corporation, it is impossible to canvass, because the corporation appoint a committee of chosen members....

The Honourable the PRESIDENT : This argument was used by other speakers before.

Mr. NAOROJI M. DUMASIA : I do not know it because I was not present.

The Honourable the PRESIDENT : Yes, I know that.

Mr. NAOROJI M. DUMASIA : I consider that the omission of this clause will disfigure the bill, one bite here and one bite there will disfigure the bill. I will not say anything more, but I hope that, as you have said, wisdom will prevail and Government will withdraw their opposition to this.

The Honourable the PRESIDENT : I never said that.

Mr. NAOROJI M. DUMASIA : I am sorry I misunderstood you, Sir, and, as I have nothing more to add, I beg leave to sit down.

Mr. PURSHOTAMDAS THAKURDAS : Mr. President, almost 24 hours back when you, Sir, were taking the bill through the Council not only with great courtesy to the Council and to the Honourable Minister in charge, but I would almost say lending to the Honourable Minister assistance which has not been usual in this Chamber before, one could hardly have expected that there would be great liveliness, and, almost what I would call acrimonious debate, on a clause the omission of which from the bill before us was going to be accepted by Government. As a member of the select committee, I may say that when this clause came up before the select committee, I was the one who, not being a corporator, did not know what the inclusion of the clause in the new bill indicated and asked the Honourable Minister what Government had to say on this point. All the members of the select committee who were on the corporation nodded assent. The Honourable Minister (I distinctly remember) said that the corporation have asked for the power conferred by the clause and he saw no objection to including it in the new bill. There the clause stood and nothing more was heard about it either in the select committee's report or in any of the dissenting minutes that you see on that report. The main reason for the heat with which this particular item is being discussed strikes me, Sir, as being this—in fact it has been asked pointedly in the course of the discussion since about five o'clock yesterday, why this sudden change on the part of Government ? The omission of this clause was suggested by my honourable friend Mr. Chunalal Gandhi and the Honourable Minister got up and said that Government would accept the omission.

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I fully sympathise with every honourable member of this Council who is on the Bombay corporation in his great zeal to see that what the corporation asked for and what the Bombay Government almost agreed to by insertion in the bill and by inclusion of it in the select committee's report without any dissent, should be carried through. I also greatly sympathise with every honourable member here who is for greater powers to local self-governing bodies and particularly to the Bombay corporation. I, therefore, feel, Sir, that every honourable member who has levelled an attack at Government in this matter, has a justification, and I have no sympathy with the root causes which have given rise to this rather sudden change on the part of Government. But, Sir, men are liable to err; and if Government have overlooked or if the Honourable Minister has overlooked a certain point in the course of handling what will now turn out to be a most important bill, and, what certainly has been this session one of the most exciting of bills, is that any reason why the Government should say "we are going to stand on the ground of prestige and therefore are going to let pass this clause in spite of what the Honourable the Leader of the House and the Honourable Sir Chimanlal Setalvad and others have enlightened the Council on?" I therefore appeal to the Council to take off from their minds all the trouble and all the worry that they may have been put to owing to one or two omissions on the part of the Honourable Minister. After all, Sir, it must be recognised and I say so because I think it is due to the Honourable Minister in charge that he had a difficult task to go through. There were opposing forces and opposing interests which had to be brought into line and I have perceived myself that the course of this bill through the Council could not have been much easier even with more expert handling of the bill. With this one word and it is only one word that I say as an excuse for the Honourable Minister, I propose, if the Council will permit me, to go on to a dispassionate consideration of this clause that is causing so much excitement in the hall here. After all, what is it that is aimed at? Certain powers which were not given to the corporation in the Act of 1888 were asked for by the corporation. A good deal has been said regarding the failings of human nature and regarding how efficacious canvassing can be in these matters. I do not propose to enter into those details. I leave them to those who have personal knowledge of the working of either the Bombay municipal corporation or of the district municipal corporations. I wish, without endorsing a single word of what has been said by the Honourable the Leader of the House or by any other honourable members who have spoken in favour of the retention of this clause, to restrict myself to the main principle underlying the whole debate, and what is that main principle, Sir? To my mind, the main principle appears to be this; I would take as a parallel a business concern. Let me take a joint stock company which has, we will say, 10,000 shareholders who elect as their representatives a set of directors to conduct the affairs of their concern. These directors are vested with all sorts of powers—they may go and busy themselves with the employment and the dismissal of the sweeper in the office or of the man who works as the humblest labourer in their industrial concern. But what do the directors do? The directors give over these powers to the agents, ay, it is not that the directors give them over but the articles of association at any rate of a concern like this in Bombay provide that the agents or the manager, whoever may be the executive, may under the control of the board of directors appoint and dismiss all this subordinate staff. The only powers that the board keep to themselves are the powers of appointment of heads of departments and appointments (we will take a parallel case of cotton



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mills) of mill managers, of engineers, of salesmen and so on. But all these other minor appointments are left over to managing agents or the managing director as the case may be. There is the power in the hands of the board of directors to ask them to explain and to ask them to abide by the decision of the board in the case of any question arising regarding such appointment. That, I understand, is the principle underlying this. If we will only take the voters of Bombay city as the shareholders in this case and take the 106 corporators as the board of directors for these voters it, I think, is only a businesslike proposition that the power of appointing officers, who do not matter materially to the welfare and the sanitation of the city of Bombay, may be vested in the Municipal Commissioner. The corporation can always pull up the Municipal Commissioner, and, as the Honourable the Leader of the House explained yesterday at some length, the corporation can always call upon the Municipal Commissioner if necessary to explain why certain appointments were given to certain persons. That is a power of control and a power of check which I should be very jealous of. But this is not proposed to be taken out of the hands of the corporation. But to entrust to 106 gentlemen—most honest, we will take it, for they must be honest men, most expert, and knowing everything about the management of the corporation—with these powers, appeals to me not as being a businesslike proposition, but as being good only in theory, if it is that. I feel, however, that the way in which the Bombay municipal corporation must have seen from the draft bill as submitted at the time of the first reading, that the power asked for was going to be given to them, the way in which they must have seen that clause in the select committee's report, and seen that it has been agreed to by the select committee, must have raised very great hopes in the minds of the corporators. In order not to injure the self-respect and the dignity of the Bombay corporation, and in order that some advances may be made over what has been allowed to the corporation at present, I venture, with all deference to the Council, to suggest a small amendment for their consideration, in the hope that it may meet with their approval. If the amendment that I venture now to submit to the Council appeals to them, I hope that it might put an end to the discussion much earlier than it otherwise would, and we might come to some compromise between the two extremes. I would, therefore, venture to just read out my amendment. Section 80A which is proposed to be added after section 80 by clause 26 of the bill reads :

"The power of appointing municipal officers, whether temporary or permanent, whose minimum monthly salary exclusive of allowances is or exceeds Rs. 500, shall vest in the corporation."

The amendment which I propose is to leave out the words "vest in the corporation" and to substitute the words "be made by the Commissioner, subject to the approval of the standing committee." The section, as amended by me, will read as follows :—

"The power of appointing municipal officers, whether temporary or permanent, whose minimum monthly salary exclusive of allowances is or exceeds Rs. 500, shall be made by the Commissioner, subject to the approval of the standing committee."

All that I propose is that, instead of the Commissioner making these appointments absolutely, the Commissioner shall make these appointments subject to the sanction of the standing committee. The next clause would, in that case, in my opinion, not be necessary, and may be omitted.

I see some of my corporator friends on the front bench shaking their heads. I dare say that their greater and closer acquaintance with the Bombay

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municipal administration may perhaps convince me that the amendment is not desirable, but in the absence of any such expert knowledge about the Bombay corporation affairs, I still venture to submit this amendment of mine for serious consideration by this Council. Sir, all that we have been told in the course of the discussion here is, "Yes, there may be canvassing, there may be one or the other abuses going on, when appointments are in the gift of a large body". But I have not heard anybody saying anything to the contrary. In fact, honourable members who have anything to do with district municipalities have contended that the gift of posts in the hands of the whole municipal body does exist at present, and they say, what does it matter if there be abuses in Bombay owing to this change? I do not propose to go into the question whether there may or may not be jobbery or favouritism. Everybody will come to his own conclusion in this connection. But what I feel is that all the arguments that I have heard in this House since the debate on this point started yesterday, amount to something like pleading that two wrongs make one right. If a certain system prevails in some quarters or in some districts.....

The Honourable the PRESIDENT: Are you speaking in support of your amendment?

Mr. PURSHOTAMDAS THAKURDAS: Yes, Sir.

The Honourable the PRESIDENT: I rule the amendment out of order, and my reasons are as follows:

I have stated yesterday, and I also stated to-day that clause 26 contains a principle of the bill, a principle which was affirmed at the first reading. You may limit the principle, but you cannot extend it. By the first reading, the Council affirmed the principle that the corporation should be vested with certain powers. Now, the honourable member departing from that principle, wants to substitute another body, namely, the standing committee. That is not allowed after the first reading. An apposite case to that is from the Parliamentary reports. Where, after the second reading, in committee it was suggested that the London County Council should be substituted for the Metropolitan Water Board, and also where another amendment was brought forward to substitute a joint committee for the Metropolitan Water Board, the Chair said that it was out of order, as going beyond the scope of the clause of the bill. Then, I may be asked, how is it that the House is allowed to speak to the motion to omit this clause, and therefore destroy its principle? I have already answered that; however, it is for the House to retain or omit the clause.

The Honourable Sir IBRAHIM RAHIMTOOLA: May I be allowed to say one word about it?

The Honourable the PRESIDENT: I decline to have my rulings questioned and I know what I am doing.

Mr. PURSHOTAMDAS THAKURDAS: Your ruling is definite, and I bow to it. I think I can go on speaking to the motion?

The Honourable the PRESIDENT: I have only ruled that the amendment is out of order. You can certainly speak on the motion.

Mr. PURSHOTAMDAS THAKURDAS: As my amendment has been ruled out of order, I propose to speak on the clause that is under discussion. I am against the clause being passed; I am for the omission of the clause. I will restrict myself to that. From the main point underlying the arguments of every honourable member who has spoken in favour of this clause, it has

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struck me as if they thought that two wrongs make one right. Because certain abuses are tolerated at present in the districts or in some parts of the world, it is argued that there is no reason why it should not be so in Bombay. It is not even contended that the systems in vogue in the districts have not led to abuses. I venture to ask the Council whether it is right that this Council should pass a certain clause or give certain powers which may lead to these abuses, and I have heard no challenge from anybody in this House that certain of these abuses did not prevail in spite of these powers being vested in district municipalities. I contend that in the drafting of the Act of 1888, such patriotic and farsighted champions of local self-government as Sir Pheroze Shah Mehta, Justice Badrud-din Tyabji, and Justice Telang took a prominent part, and even with regard to the smallest point better provision was made for administration than in other parts of the Presidency. I would therefore venture to ask whether this Council would be justified in taking, at one step, a double leap, namely, broadening the basis, more of democratisation, and, at the same time, giving certain powers which I do not say the Bombay municipal corporation should never have but which may be given three, or four or five years later. I am, Sir, for every power that could be given to the corporation and to every public body that wants it. I may have voted for this if this question of changing the whole constitution of the corporation were not being decided by this House simultaneously. Is it asking too much if it is contended by persons who have had something to do with the municipal corporation and generally speaking with public life that the spirit of democratisation that is prevailing at present in this House may travel at a bit slower pace and that increased powers, liability whereof to abuse has not at all been challenged, in this House, may be given a little later? I, Sir, am inclined to be conservative and I think that it would be better to give increased powers a little later than give them all the powers that they have asked for at one pace, and risk the slightest setting back. I venture, Sir, again to say that any attitude that any of the honourable members may have taken in this Council in commending the omission of this clause should not be construed as a reflection either on Indian character or Indian administration or policy. I wonder, Sir, if discretion is not the better part of valour. Are the honourable members of this House, who may have some slightest apprehension about all powers being given simultaneously, in the slightest degree less patriotic if they only plead that the powers may be given slowly and after the new experiment that is going to be tried is settled down? Sir, that appears to me to be the burden of what has been advanced against the retention of the clause, and I again repeat that there is not the slightest question of doubting either the honesty or the capacity of the Bombay municipal corporators. The whole question is that a certain important and radical change is to be made in the constitution of the new corporation. Why not give these powers five years later when the new constitution is settled down? The Council will then be pleased to pass it without the slightest hesitation.

The Honourable the PRESIDENT: Does not the House think that we have had enough of this? I am of course willing to sit here and listen to this interesting discussion.

Honourable MEMBERS: Vote, vote.

The Honourable the PRESIDENT: Unless some honourable member moves for a closure, I cannot close the debate.

The Honourable Mr. C. V. MEHTA: I move for a closure, Sir.

The Honourable the PRESIDENT : I accept the closure and call upon the honourable mover to reply.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Sir, I want to say only a few words. As there seems to be a very strong feeling in favour of the retention of this clause, I have no objection to it being retained (Hear, hear ; and applause).

Clause ordered to stand part of the bill.

Clause 27. (*Amendment of section 81 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 28 (*Repeal of section 82 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 29 (*Amendment of section 83 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 30 (*Amendment of section 118 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 31 (*Amendment of section 136 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 32 (*Amendment of section 461 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 33 (*Reduction of term of councillors 1922-23*)

"Notwithstanding anything contained in the said Act or in any by-law or agreement thereunder—

(a) Members of the corporation holding office on the 31st day of March 1923 shall retire from office at noon on the first day of April 1923 which day shall for the purposes of the said Act be considered as the day for retirement in respect of said members ;

(b) General elections of councillors to be elected in place of councillors retiring on the first day of April 1923, shall be fixed by the Commissioner subject to the provision of section 3 to take place on such days in the months of January and February 1923 as he shall think fit ;

(c) Appointments of councillors by Government to come into office on the first day of April 1923, shall be made not less than 7 days before that date ;

(d) The chairman and members of any committee or sub-committee as constituted on the 31st day of March 1923 shall retire from office at noon on the first day of April 1923 ; provided that the standing committee in existence on the 31st day of March 1923 shall continue to hold office until such time as the new standing committee is appointed under section 33 notwithstanding that the members of the said committee or some of them may no longer be councillors."

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Sir, I beg to move that—

" Clause 33 be numbered 34 and a new clause be inserted :

33. In column 7 of schedule B to the said Act, for the words six, eight, five, five two and two, the words twelve, sixteen, sixteen, ten, ten, six and six, shall respectively be substituted."

Sir, as the present bill raises the number of elected members by ward electors from 36 to 76, therefore, the number 36 which is shown in schedule B and which number is distributed in the various wards requires to be amended because the number has been increased to 76. We have the report of the Municipal Commissioner of the corporation who has considered this question and who recommends to the Government that the most equitable and proper way of distributing the 76 seats would be by doubling the seats in each of the existing wards and the remaining 4 should be given to the two wards F and G, where the backward communities reside. With these words I place the amendment before the Council for their acceptance.

Mr. IBRAHIM S. HAJI (Bombay City) : I rise, Sir, to move an amendment to the amendment proposed by the Honourable Minister.

The Honourable the PRESIDENT : Mr. Haji, let the discussion go on for some time on this amendment at present and let us see what is said. Then, after two or three speakers have addressed, you can move your amendment to the amendment.

Mr. A. N. SURVE (Bombay City, North) : Mr. President, I also want to move an amendment.

The Honourable the PRESIDENT : Will you also take the same advice as I gave to Mr. Haji and wait till discussion on the present amendment has gone on for some time ?

Mr. A. N. SURVE : Yes, Sir.

Mr. M. A. HAVELIVALA (Bombay City) : Mr. President, this is rather a very important matter and I must say at the outset that this schedule, which really changes the entire constitution of the present corporation, was not considered at all by the select committee and this is a clear and a very serious omission on the part of the Honourable Minister in charge that this matter was not placed in the select committee for the consideration of the whole committee.

The Honourable the PRESIDENT : Is this not a consequential amendment ?

Mr. M. A. HAVELIVALA : No, Sir. This could not be called a consequential amendment. Not only that. In the first place, this matter is under consideration before a committee of the corporation and I do not know whether that committee has sent in its report for the consideration of Government. I might say, Sir, that this matter requires very careful consideration at the hands of this Council. At present, as you will see, Sir, the city is divided into several wards, and under the old Act in schedule B, ward No. 1, that is called A ward, is allotted 6 seats. Now, by the proposed arrangement it is proposed to give 12 seats to that ward. Now, Sir, comparing the population of the Fort ward to that of the E ward, that is, Byculla ward, the population of which is something like 7,00,000 and the population of the Fort ward is something like 70,000, we find that the seats proposed are not at all equitable. The Fort ward is going to be allotted 10 seats, while.....

The Honourable the PRESIDENT : I should like to ask one question on which the Honourable Minister will kindly enlighten me. Supposing this amendment is not inserted in this bill, will it affect the other clauses materially or the bill made unworkable ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Yes, Sir. There are now 36 seats. The bill has raised the number to 76. If this amendment is not embodied in the schedule, the bill will be incomplete.

The Honourable the PRESIDENT : So it is consequential. I have just seen section 14 and therefore I asked the question. I asked before whether this amendment was not consequential and it was said it was not. I want the House to understand that it is consequential.

Mr. M. A. HAVELIVALA : Then, I will speak what I have got to say on the various amendments, but I will say, Sir, that the arrangement proposed by the Honourable Minister in charge is not an equitable one. As I pointed

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out, the Fort ward is very much less in population than the Byculla ward. That is called the E ward in this schedule. That ward has got a population of something like 7,00,000.

Mr. S. K. BOLE : No ; the population there is 2,76,000.

Mr. M. A. HAVELIVALA : I stand subject to correction, but I only point out that this is an inequitable arrangement.

The Honourable Sir IBRAHIM RAHIMTOOLA : I think, Sir, I had better explain the whole position. By an oversight, the fundamental point of making the necessary alteration in the schedule was overlooked in the select committee and it is not my function to attribute any blame. The Honourable Minister is new to the Bombay City Municipal Act, but there were a large number of members of the corporation who sat on that select committee, and I understand that none of them drew attention to this obvious defect in the bill. In the body of the bill it is provided that against 36 members who are elected by the rate-payers at present, 76 shall be elected by the rent-payers, while section 24 in the body of the bill remained unaltered and that section says :

" Unless and until they are so altered or reapportioned all councillors to be elected for each ward shall be as specified in Schedule B. "

Now, if you turn to Schedule B, you will find that it lays down that only 36 shall be elected. If the schedule is not altered, the whole bill becomes defective and no election can take place, because the schedule which governs these elections provides for the election of 36 members only while in the body of the bill you have now altered 36 to 76. Therefore, it is absolutely necessary in order to make the bill an effective legislative measure to amend the schedule and it is for that purpose the Honourable Minister has placed before this House the present amendment. Now, in view of the fact that the select committee overlooked this point, the difficulty was how to apportion these additional 40 seats among the wards. There are various ways in which it can be done. You can re-arrange the wards and the seats, but there is no time to do so. Therefore, some concrete proposal has to be made before the House in order to enable them to discuss it and pass what they think is suitable under the altered conditions. Now, the difficulty is proposed to be got over in this way. There are 76 members to be elected against 36. If you double 36, you get 72, and by doubling the representatives of all the wards, you automatically get 72 members. That leaves four more members to be provided for. There has been a very strong feeling in the corporation that the northern wards, F and G, which have at present two seats each should receive larger representation. Therefore it is proposed that the balance of four seats should go to F and G wards. A distribution has, therefore, been proposed that all existing wards should get double representation while F and G wards should get three times as much. That is the proposal which is placed before the House.

Now, Sir, a solution of this difficulty has got to be found and, unless this Council is prepared to provide for the representation of wards, this bill will fail. It occurred to us that the suggestion the Honourable Minister made may be open to criticism as Mr. Havelivala has already pointed out. There are three principal factors which ought to govern the proportion of representation which should be allotted to each ward. One is population, the other is number of voters in each ward, and the third is the amount of municipal tax that each ward pays. If the House proposes to go into this question it will be obvious there will be considerable difference of opinion in regard to allotting seats to

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the different wards. The Municipal Commissioner has considered the subject and has recommended what Government are actually proposing. In his letter to the election committee the Commissioner says :—

"As there are to be 76 seats in place of 36 the number will be a little more than doubled and I think that a distribution based on this fact would be equitable and would be likely to produce a body of councillors fully capable of representing the proportionate interests of the various parts of the city. The surplus seats should, I think, be allotted to F and G wards and I therefore recommend the distribution of seats shown in column 6 of the second statement."

In the tabular statement which he attached to this report, he has made certain variations. It appears to me that, unless the Council is prepared to make this provision, the difficulty will be that no election can be held and the new democratic corporation cannot come into existence. It could naturally be asked : "we are legislating and that legislation in these important matters does not come before the Council at short intervals and therefore that any arrangement which this Council might make in a hurry might become perpetuated and deprive those who may be entitled to larger representation from getting their due." I am going to give the answer which will, I hope, satisfy the House. If you pass the amendment, you are doing the best thing under the circumstances without unnecessarily impairing the power of immediate variation in order to put the representation on a more equitable basis. Section 24 which I shall read out deals with this matter. It says :

"(1) For the purposes of elections, the city shall be divided into wards and the number of councillors to be elected at ward elections shall be apportioned over the said wards.

(2) The corporation may, with the sanction of Government, from time to time alter the number and boundaries of the wards and re-apportion the councillors to be elected at ward elections among the wards, but not so as that any such alteration or re-apportionment shall first have effect at a ward election to fill a casual vacancy."

You will see that the Act provides that the corporation can, if they find that the present distribution of seats is unfair to any ward, send in a representation to Government giving the reasons why an alteration in the number of seats to each ward should be made. This can be done from time to time, and the Government in the transferred department will give this matter its best consideration. The Minister in charge can, if he is satisfied, make the alteration in the amount of representation for each ward. It is, therefore, necessary on the present occasion to accept the basis which is reasonable and fair, and allow the election to proceed immediately. If you do not pass this amendment, there will be no other alternative but to go to the select committee.

Mr. M. A. HAVELIVALA : We will go.

The Honourable Sir IBRAHIM RAHIMTOOLA : The amendment placed before the Council is what the Municipal Commissioner has himself recommended to a committee of the corporation. I ask the honourable members to realise that this is about the best workable basis on which to start. Any variation can be made at any time afterwards.

Mr. G. B. TRIVEDI : What is the number of seats recommended by the Commissioner ?

The Honourable Sir IBRAHIM RAHIMTOOLA : I read out his letter to the Council. He has recommended 1 seat less to each B and C wards, and one more to each F and G wards.

The alternatives before the House are to accept the amendment and let the bill pass or delay the matter. There appears to be no object in delaying the measure because the Act already provides an adequate remedy.

Mr. S. K. BOLE (Bombay City, North) : Mr. President, I may point out that the Municipal Commissioner has recommended seven seats each to F and G wards, and after taking into consideration all the points argued by the Honourable the Leader of the House I think we should not go beyond the proposal of the Municipal Commissioner and deprive these wards inhabited by the millhands and labouring population of Bombay, which have been labouring under a great disadvantage, up to this time, of any seats. They have enjoyed only two seats each, and now they should be given the privilege of electing so many members as have been recommended by the Municipal Commissioner.

Mr. JEHangIR B. PETIT (Bombay Millowners' Association) : Sir, it is a great pity that the Honourable the Minister in charge of this bill overlooked the fact that the schedule had to be amended in order to be brought in a line with the draft of the bill before us. It is an injustice, I think, to the members of the select committee that this point was not placed before them and they were deprived of the chance and opportunity of discussing.....

The Honourable the PRESIDENT : Order, order. We cannot cry over spilt milk and go back to the select committee now, for we are now at the stage when we must consider the clause on its own merits. You may say that it is unfortunate that this matter was not considered at previous stages, but I do not think it is any use harping upon the words "select committee".

Mr. JEHangIR B. PETIT : I would like to raise a point of order, as to whether this matter can be brought here now without its being placed before the select committee and without the select committee being given an opportunity of discussing and examining it.

The Honourable the PRESIDENT : My ruling is that when a select committee amends a bill or sends a bill with its report, the discussion at the subsequent stages in the House should be confined to the four corners of the bill and amendments can be proposed so far as they are within the scope of the bill.

Secondly, any amendment may be proposed which is a consequential amendment and I have let this amendment in, because I have been assured by Government Members (whose word I am taking because it is their bill) that it is a consequential amendment. On the merits as to whether it is consequential or not, and whether it should be accepted or not, the House is the entire master.

Mr. JEHangIR B. PETIT : I bow to your decision, Sir. The distribution of the seats according to the wards, however, raises issues which are of very great importance and which, I submit, should have been placed in the first instance before the select committee or at least before the House in order to enable honourable members to judge of the merits or demerits of the different figures that are placed before them. The Honourable the Minister in charge of this bill and the Honourable the Leader of the House have told us that this is a rough and ready manner and, under existing circumstances, perhaps the only way in which a solution can be found of the difficulty which now faces the House. But, Sir, I do not think that that argument alone ought to weigh with the House in accepting the proposal of the Honourable the Minister in charge of this bill without careful consideration. The report submitted by the Municipal Commissioner to the committee of the corporation formed for the purpose of looking into this question, which the Honourable the Leader of the House read out, has also given detailed figures of the population inhabiting each ward



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and of the number of persons that will be enfranchised according to the new qualification that we are now laying down under this bill ; and I should have liked the House, if not the select committee, to consider.....

The Honourable the PRESIDENT : May I bring to your notice, Mr. Petit, without wishing to interfere with your arguments, that even if it is done now, section 24 (2) gives the corporation the power of from time to time altering the number and boundaries of the wards and re-apportioning councillors to be elected at ward-elections, etc., with the sanction of Government, so that even if this is accepted by the House, it will be provisional and the new corporation can afterwards effect changes with the sanction of Government. I merely bring this to your notice.

Mr. JEHangIR B. PETIT : I am aware of this section, Sir ; but....

The Honourable the PRESIDENT : Therefore it is that by taking the step which the Council is asked to take by the Honourable the Minister in charge of the bill, the matter is not concluded, but it is still within the power of the corporation to alter all this with the sanction of Government.

Mr. JEHangIR B. PETIT : The ground on which I am opposing this proposal from the Honourable the Minister in charge is twofold ; the first is that if we accept this basis today, it will be incorporated in the Act, and the next corporation will be elected on this basis for a period of three years, which will and must mean an injustice to those wards that, in view of their population and the number of voters inhabiting them, would be entitled to a larger number of seats than are now sought to be assigned to them. I do not think it is right to fix the seats arbitrarily in this manner ; and it would not be fair to the new constitution and to the different wards that would elect representatives to form that corporation, if this basis were even temporarily accepted regardless of the population of the different wards, of the number of voters resident therein and other circumstances, which would have to be carefully taken into account and which the committee of the corporation is now considering. The second ground is that once we accept this basis, it will be most difficult for the corporation to agree to come to the Government to alter it, primarily because the alteration must be made only by an amending bill, and also because the ward or wards which will find their seats reduced thereby, will cause trouble and block the way, thus giving rise to a lot of complications in the corporation which will add to our difficulties, which are already very great. It is therefore, Sir, that I complain that the Honourable Minister did not give us an opportunity of considering this matter. I submit that he should have placed it before us in good time, but since he has not done that, he must make good the deficiency now. As you yourself have said, it is no use crying over spilt milk and I will not therefore pursue the question of the omission further. But I think there is still one way out of the difficulty, even at this late stage. I suggest that the bill be referred back to the select committee for the reconsideration of this section. We are very near the end of the bill and if my suggestion to refer back this new section alone for the consideration of the select committee is accepted.....

The Honourable the PRESIDENT : Order, order. It is too late now for the select committee. It was only on the motion for second reading that recommittal could be moved as Mr. Havelivala did move. We have gone beyond the stage of the select committee.

Mr. JEHANGIR B. PETIT : There is another alternative still open to us, by the adoption of which the difficulty can be averted. We can adjourn the discussion of this section to to-morrow ; and in the meanwhile, I throw out a hint to the Honourable the Minister in charge, to informally consult the members of the corporation who are here and who will be able to advise him as to the best manner in which these seats can be allocated. I make this suggestion by way of assistance, because this is an important matter and is not as trifling as it appears on the surface. The corporation committee has been considering it for a very long time and there are many important issues involved in it. In any case, Mr. President, the postponement will do no harm but will on the contrary help to solve the difficulty. The matter can be adjourned to-day and may be taken up to-morrow after question hour and disposed of. We members of the corporation will be pleased to place before the Honourable the Minister in charge all the pros and cons of the matter to help him to arrive at a satisfactory decision. I do not understand why this should not be done. At any rate, to allocate seats in this rough and ready manner, without the slightest regard being paid to the population of the different wards, their importance and the number of voters that live there, will cause complications in the future and be a source of trouble to the corporation which I hope the Council will be good enough to avoid. With these few words, Mr. President, I strongly oppose the inclusion of this new clause in this bill at this stage ; and move an adjournment of the debate for a day, so that more time may be given for the further consideration of the whole matter.

Mr. COWASJI JEHANGIR : Mr. President, during the second reading of this bill and while going through it clause by clause there have been many awkward moments, but in my humble opinion the most awkward moment is the present one. You have been informed that this is a consequential amendment. It is so to a certain extent, but, Sir, I think the Council ought to realise that this is a very important section which deserved the consideration of the select committee, but we find that it was never placed before them. It is really a new section in the bill ; it is hardly a consequential amendment. It is a section which, if not included in the bill, makes the whole bill unworkable. At the same time, this section was not discussed by the select committee, and you cannot proceed without the section. That is the awkward position in which Government find themselves. Now the Honourable the Leader of the House has been called upon to find a remedy. He is quite capable of finding one, and he has done so. He looks about, and he finds a report from the Commissioner which was placed before a meeting of a corporation committee, and he says " Let us adopt that report straight away, and get over this trouble. "

The Honourable Sir IBRAHIM RAHIMTOOLA : As a personal explanation, Mr. President, will you permit me to say that I made that suggestion to the Honourable Minister without knowing that the report existed ?

Mr. COWASJI JEHANGIR : I am praising the Honourable the Revenue Member for the brilliant idea that struck him, and for finding a way out of the difficulty, but I think you must realise, Sir, that this is a section and this is a question which ought to have been discussed by members of the select committee, but they have not been given that opportunity.

The Honourable the PRESIDENT : So far as it is addressed to me, I have realised it, as you yourself admitted. As the amendment is of a

[The President]

consequential character, I have allowed it, and it is for the House to dispose of it on the merits.

Mr. COWASJI JEHangIR : That being the position, the Honourable the Leader of the House has proposed a remedy. Naturally, in patch-work of this sort, there are many defects, and several honourable members have got up and pointed out the defects. Injustice must be done to a ward here and a ward there. But the position that the Honourable the Leader of the House has put before us is, "Do you desire that the next election should be delayed, and that this question should be discussed as it should be, or will you accept the patch work offered to you by Government, and let the election go on?" That is the position in which the House finds itself. Sir, I cannot understand why both Government and so many honourable members are in such a desperate hurry. They are legislating on a most important measure, supposed to be for the best interests of the city of Bombay. They desire this Council to do the work of the select committee, and they desire, you, Sir, to do the work of the Honourable Minister. I do not understand why, when we have come to this position, even now the Honourable Minister cannot say that he is prepared to allow the present corporation to go on for six months longer, in order that this Council should have a little more time to consider this bill. Is the present corporation, within the next six months, going to ruin the city of Bombay, or is the future corporation, within six months, going to make a paradise of Bombay? Why should there be this desperate hurry both on the part of the Honourable Minister and on the part of several honourable members of this House? Even now, it is in the hands of the Government to ask for an adjournment of this debate, and then consider the question. If you cannot send it back to the select committee, you can have an informal committee appointed. The Honourable Minister can invite as many members of this House as he chooses to consider the question along with himself and the Honourable the Leader of the House. In that case, of course, it will be necessary to move another amendment, which, I hope, you, Sir, will be pleased to admit, to the effect that the life of the present corporation should be extended by six months more. What is the harm that will be done, if this procedure is adopted?

Mr. PURSHOTAMDAS THAKURDAS : Why not two years?

Mr. COWASJI JEHangIR : I do not propose the full two years. I see it will be imagined that I am doing it with some other deliberate object. Six months will be sufficient to discuss an important point in the bill. You give 76 members to the wards by the new constitution but you do not consider how those members are to be allocated to the various wards. Is this such a minor point that it should not be properly considered by this Council, and that the patch-work scheme proposed by the Honourable the Leader of the House should satisfy it? And, remember, the Council is being asked to pass one of the most important bills discussed during its life. I cannot understand the position of either the honourable members who oppose my suggestion or of the Honourable Minister. I think the best thing the Minister can do is to swallow the pill completely and ask for an adjournment for six months, and promise to extend the life of the present corporation for six months. (Honourable Members : No, no.) No? All right. If you do not want it, take the bill as it stands and adopt the suggestions of the Honourable the Leader of the House. It is no use arguing and saying that injustice is done. Take it in good

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grace, and be done with it. If you are not prepared to accept his suggestion, then there should be an adjournment, and clause 33 (a) of the bill, as it now stands, might be amended so as to give the corporation six months longer. Those are the two alternatives before the House; there is no third alternative. If you are dissatisfied, the remedy is what I have suggested, but if you do not wish to do so, then accept Government's proposal. They have done what they could to the best of their ability; they cannot do better, and it is now no use converting this House into a select committee, to discuss what is the fairest thing to do.

Rao Bahadur R. R. KALE (Satara District): Sir, I think the apprehension which seems to be present in the minds of some of the Bombay municipal corporators is altogether unfounded. As has been pointed out already, when the Municipal Act was passed in 1888, that Act tentatively gave a schedule setting forth the wards, and the number of councillors which should be given to each ward and deliberately made a provision by the second clause in section 24 that that arrangement should be in force until changed. That arrangement was only a tentative arrangement; as the legislators had to make some arrangement, that arrangement was laid down in the schedule. But it was left open to the corporation, as soon as possible, to make any emendations or any alterations which were required, and as soon as those alterations came into force, this arrangement set forth in the schedule ceased to exist. So, that is exactly the position in which we now are. We are now amending the Bombay City Municipal Act, and instead of 36 members we have 76 members. The old schedule contained the number of councillors given to each ward in a certain manner, and I understand that that schedule has stood up to now unaltered. Although the corporation had the power to alter it, if they thought it necessary, that schedule, I am told, is standing for all these years, from the year 1888 to the year 1920. If that is so, I fail to see how that will work an injustice now, when the number of councillors is nearly doubled, and therefore the figures in the schedule are doubled. I therefore think that it is purely a consequential amendment, and not an amendment of the section.

The Honourable the PRESIDENT: Consequential or provisional?

Rao Bahadur R. R. KALE: So, the section is not being sought to be amended at all. The section stands as it is, and it gives to the future corporation the same powers as the old Act gave to the old corporation. If there is any inequality or any disparity in the number of councillors allotted to each of the wards, that disparity and that inequality has stood for so many years. If, however, now, by the reformed constitution, members think that that disparity is, in a measure, not proper, it will be quite open to them to-morrow, in fact any day, as was suggested by my honourable friend behind me, to draft, if they like, another distribution, and that distribution can be at once submitted to the corporation, and it can come into force at once.

Dr. K. E. DADACHANJI: It cannot come into force for three years.

Rao Bahadur R. R. KALE: It can come into force before the next election. If the present corporation is anxious that by the time the new elections come to be held, there should be a redistribution, it will be perfectly within their hands to bring it into operation before the next elections come into force. That being so, I think there is no point to be gained, by any adjournment of this debate. This proposed amendment was placed on the table, and has been in the hands of honourable members since the 24th, that is, the date on

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which the Act was first taken under consideration in this session, and honourable members were fully aware of the change that the amendment was going to bring about. That change, as I have said, is merely a consequential change and also a provisional change. Some schedule has to be put to the Act. Unless and until that schedule is added to the Act, the Act would be incomplete. Therefore, some provisional schedule is added to the Act. I mean to say that there is power subsequently to make any amendment. Therefore, there is no reason for any apprehension in the mind of the present corporation that there is going to be any injustice. Of course, the House will not be a party to work any injustice. Although we are coming from the mofussil, we do not want any injustice should be inflicted upon the members of the corporation and if really it was necessary to have some time and the question was of paramount importance, which it is sought to be given to the point, we certainly would allow the matter to be looked into, but, as I have said, there is no reason whatever of any hardship or injustice which can be set right. For these reasons I think that the amendment should be carried.

The Honourable the PRESIDENT: Mr. Haji and Mr. Surve have an amendment to this amendment.

Mr. IBRAHIM S. HAJI (Bombay City): Mr. President, I rise to move an amendment to the amendment proposed by the Honourable Minister in charge of the bill. My amendment is as follows:—

"Leave out the words 'twelve,' 'sixteen' 'sixteen,' 'ten,' 'ten,' 'six,' 'six,' and insert instead 'eight,' 'twelve' 'fourteen,' 'eleven,' 'fourteen,' 'eight' and 'nine'."

Sir, the Honourable the Leader of the House has explained to the House that if this.....

The Honourable the PRESIDENT: Mr. Haji, I will save your amendment and also that of Mr. Surve, by putting the amendment proposed by the Honourable Minister in charge to leave out these words. If they are left out, then your amendment will come in, but if the House decides not to leave out those words, then your amendment and that of Mr. Surve fall to the ground.

Mr. IBRAHIM S. HAJI: Sir, but the House must know the importance of my amendment. The Honourable the Leader of the House had told us .....

The Honourable the PRESIDENT: I think we will rise now and resume the debate on Mr. Haji's amendment at 4-25 p.m.

*After recess.*

The Honourable the PRESIDENT: Order, order.

Mr. IBRAHIM S. HAJI: Mr. President, the Honourable the Leader of the House told us that we have two alternatives either to accept the basis on which ward elections should take place as given by the amendment proposed by the Honourable Minister in charge or get this bill postponed and the elections postponed for some time also. I submit, Sir, these two are not the exhaustive alternatives and I submit in my amendment which I have placed before you, Sir, the third alternative which, if this House accepts, will give a fair basis. I will take ward by ward and show to the House that my amendment

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will satisfy all the interests of this important city. Really speaking the ward Fort, which is called for the purposes of nomenclature as "A" Ward according to the old Act, the Act which we are now amending, this ward, the ward Fort, has now to return six councillors. We do not know—at least I have not got—the basis of population then, that is in 1888, but, presumably, I am assured, this number of six was fixed on the strength of the population. At present Government propose to give to this ward Fort 12 seats, and I may tell this House here, Sir, that it is not fixed on the strength of the population in that ward. The present population of ward Fort is 74,440. But we are not to be satisfied to allot seats according to the strength of the population only. As the Honourable the Leader of the House showed to us, we must consider other elements for the purpose of allotting seats to the different wards of the city. First, he said the population strength, second, the voting strength and third, the taxation strength. Now looking to the population strength we find that the Fort ward will be entitled to 5 seats and on the taxation strength it would be entitled to 12 seats, and on the voting strength, I beg to submit it would not have as much as 12 seats but 10 seats. The voting strength of the ward Fort is 9,000. I think for the information of the honourable members of this House, I may give the figures of the population of these wards and the voting strength of these wards as well. Ward A, that is, Fort, has got a population of 74,440. Ward B, Mandvi, has 1,29,575. Bhuleshwar, C ward, has 1,98,384. Girgaum, D ward, has got 1,46,029. Byculla, E ward, 2,76,149. Parel, F ward, 1,45,285; and Mahim, G ward, 1,67,920. The voting strength as it is presumed that the city will have after the franchise of Rs. 10 is given as follows:—

For Fort ward, A, 9,060; Ward B, Mandvi, 16,220; ward C, Bhuleshwar, 31,280; ward D, Girgaum, 18,691; ward E, Byculla, 10,877; ward F, Parel, 4,905; and Mahim, ward G, 4,155.

Now, the importance of these wards must be expressed and explained to this House in the following words.

Ward A is a business quarter and the population moves there now and then at different parts of the day. The Fort ward gets crowded in the early part of the day and the population goes back to other parts of the city and the suburbs of the city in the later part of the day. The Mandvi ward, which has stationary population, is itself a business and residential locality. Bhuleshwar, Girgaum and Byculla are also crowded wards. Wards Parel and Mahim are the growing wards to which the Act of 1888 has allotted only 2 seats. The population has so much grown that it shows a tendency that these wards will be as important wards as the ward of Fort. The population has increased beyond a lakh in both these wards, Parel and Mahim. Government only propose to give 6 seats in the place of 2 seats which they originally had exercised. Now looking to the population basis of these two wards the number of seats proposed to be allotted by Government can be objected to on several grounds. Now Mahim has got a population of 1,67,000. Government gives to this ward 6 seats only, whereas the Fort ward, with only 74,000 population, is being given 12 seats by Government—just the double—when the population is one-third of that of Mahim. Now at Mahim and Parel the population mainly is that of working classes,—Marathas, depressed classes, and mill-hands. Of course, there is a section of population which is composed of high class Mahomedans, high class Parsis and high class Hindus living in their own built houses. They also form a considerable part of this population. So these two wards are to be

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given half the seats as compared to the Fort ward in spite of the fact that these wards have an overwhelming population as compared to the Fort. I beg to submit, Sir, that the basis that Government has given is absolutely wrong. Now, if we compare these two wards Parel and Mahim with the Fort ward A with respect to the voting strength, the electors' voting strength in these two wards is half. Parel and Mahim wards have got only 5,000 voters each, whereas ward Fort has got 9,000. But we have not to consider only this element of the voting strength of the wards, as the Honourable the Leader of the House has asked us not to do so, but to take all these three points into consideration, namely, the taxation, the population and the voting strength. I submit, Sir, that if that is so, the Government has no business to give 12 seats to the Fort ward and 6 seats to Mahim. Similarly, with respect to my amendment of changing of seats from 16 in case of Mandvi to 12, and Bhuleshwar from 16 to 14, and Girgaum from 10 to 11, and Byculla from 10 to 14 and Parel from 6 to 8, my arguments for this change are based, as I have already expressed, on the basis which is the mean of population, taxation and voting strength of each ward. Wards D and F must be given a special consideration—not consideration with a sectarian feeling as it might be implied in the arguments which I am going to place before this House. Girgaum is the stronghold of the Parsis and Byculla is the stronghold of the Christians. I think it would not be fair if this House accepts the basis of giving only 10 seats each to these wards. There is intelligent population in Girgaum and Byculla. Their population strength is 1,46,000 in Girgaum and 2,76,000 in Byculla. The Government only proposes to give 10 seats to Byculla and 10 seats to Girgaum. Now looking to the voting strength of Byculla only, you will find that there are 10,000 voters and in the Fort only 9,000 voters and the Fort is given 12 seats and Byculla only 10. So I submit to this House that the Government have not paid attention either to the population or to the voting strength or to the taxable strength of these wards and have not given us the basis which is the mean between these three. Therefore, the basis which this Council is asked to make a part of this amending Act, I submit, is an improper basis which could not be the basis on which the new elections should take place. It is very well to say, as the Honourable the Leader of the House pointed out by reading section 24, that the future corporation or the present corporation, after this basis has been fixed by this House, can alter the basis from time to time if the Government sanctions it. There are two things to be considered, whether the section satisfies this House. I submit that this section does not satisfy the House at all, because if the basis as given by the Government forms part of this new Act in schedule B, the result would be that there would be again vested interests in the discussion of the alteration of the seats. Ward Fort will be powerful in making their claim and other localities also which could claim for their right according to the various elements which I have discussed. This is the one point, Sir, that the present corporation or the future corporation would like to hesitate and would hesitate to give equitable distribution of seats according to population and taxation and voting strength. The second point is this, as it was expressed yesterday in the speech of the Honourable the Leader of the House, that there is new spirit and our legislation should be with respect to the new spirit. The new spirit will manifest itself in the election of the corporation. Real democrats will be found in the wards other than Fort, and therefore it is not equitable for this House to give such a basis as to prevent the democratic element to stand for the election and get in the municipal corporation.

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With these words I ask the House to accept the amendment which is the mean of the three considerations, population, taxable basis, and voting strength of the different wards.

Dr. S. S. BATLIWALA : Sir, as one who is interested in the Bombay corporation.....

The Honourable the PRESIDENT : Are you going to move an amendment without giving notice ?

Dr. S. S. BATLIWALA : Yes, Sir.

The Honourable the PRESIDENT : Unless Mr. Haji's amendment is disposed of, you cannot move an amendment.

The Honourable Sir IBRAHIM RAHIMTOOLA : Mr. President, the amendment which has been moved conclusively proves the view that I took when I spoke on the original amendment. The honourable member wants this Council to examine not only the number of voters, the population, and taxable capacity of each ward, but also communal and educational qualifications of the residents of such wards. I ask whether this Council is in a position to examine all these five factors and determine the proportion of representation to be allotted to each ward. If the bill is to go through and the elections are to be held, the only alternative is to accept the Honourable Minister's amendment. The arrangement is only provisional and can be modified at the instance of the corporation subject to the sanction of Government. I hope the House will accept this view instead of going into the question as to whether A ward should get X number of seats or B ward should get Y number of seats, or another constituency should get Z number of seats.

Mr. IBRAHIM S. HAJI : I never brought in communal representation.

The Honourable Sir IBRAHIM RAHIMTOOLA : I will accept the contradiction. I have distinct recollection however of hearing the honourable member say that E ward should be specially dealt with, because there was a large Parsi population living there and that D ward should get larger representation because a better and intelligent class lived there. This is what I heard. If he wishes to contradict this view, I have no objection.

Mr. COWASJI JEHangIR : Mr. President, Mr. Haji has proposed that for 'twelve,' 'sixteen,' 'sixteen,' 'ten,' 'ten,' 'six,' and 'six' the following be substituted :—'eight,' 'twelve,' 'fourteen,' 'eleven,' 'fourteen,' 'eight' and 'nine.'

That will show, Mr. President, that the amendment is one of considerable importance to the bill. It changes the whole aspect of the division of wards and seats. I have already mentioned that this point has not received the consideration either of this Council or of the select committee. It is not possible for this Council.....

The Honourable the PRESIDENT : This is an argument which was already made by the honourable member on a previous occasion and it is not relevant to the amendment to the amendment, to which you have to confine yourself.

Mr. COWASJI JEHangIR : I desire to point out and illustrate the small degree of consideration this question has received. This is an amendment which upsets the whole scheme laid down by Government. There are several



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other amendments which go to show that the division placed before the House is not satisfactory. (Honourable Members : There are.)

The Honourable the PRESIDENT : Placed by whom ?

Mr. COWASJI JEHangIR : By honourable members.

The Honourable the PRESIDENT : We are on Mr. Haji's amendment. You must confine yourself to Mr. Haji's amendment. After it is disposed of, you can speak on the original amendment, if you have not already spoken on it.

Mr. COWASJI JEHangIR : I have already spoken on it.

Then, I will not go into that question, but I want to point out that the schedule that has been placed before the House will hold good for the next election. If there is any injustice done by the schedule put forward by Government it cannot be remedied at least for 3½ years because the next election will take place in a few months' time.....

The Honourable the PRESIDENT : I am very sorry to interrupt you. As a rule, you are relevant to the point. Very reluctantly I have to interrupt you. Somehow or other you have got hold of an idea, and you want to press it.

Mr. COWASJI JEHangIR : I do not want to take any more time of the Council. The honourable members and the Government will be well-advised to take a little more time to consider this question in order that the citizens of Bombay may not be landed in an awkward position. I have got no motive in the matter. If you pass this amendment, you might be doing a great injustice, for we have not got the figures or the statistics officially before us to enable us to judge. We can only take the Government view or no view at all but if we wish to take an absolutely impartial view, then we must say that we want more discussion. The fact that so many amendments are coming forward, shows that Government's view does not meet with acceptance. I only appeal to the Honourable Minister to consider his position before he goes further with this important measure.

The Honourable Mr. R. P. PARANJPYE : Mr. President, I wish also to oppose the amendment proposed by my honourable friend, the honourable member for Bombay city. The number of various amendments that can be put forward in this manner and the way in which these....

The Honourable the PRESIDENT : The Honourable Minister need not trouble himself about future amendments. The remedy is in my hands and there is a way out of the difficulty. When I put the question, that question will settle the fate of all future amendments—I am not afraid of that—I am only afraid of the speeches.

The Honourable Mr. R. P. PARANJPYE : Any number of amendments can be put forward in this manner. The various considerations that my honourable friend Mr. Haji has put forward before the House are multifarious, but we are not at present going into the ideal state of assigning seats to various wards. On that question opinions may differ and I think that as a tentative measure, we may accept the amendment proposed by Government. The Bombay Corporation has been given this power of assigning seats to its various wards for the last 32 years and the corporation have slept over it. I do not

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feel that there would be much harm in the city of Bombay considering that same matter for three years more, because the possible number of arrangements is almost infinite—I have just taken the trouble of calculating it—that I think that something between 28 and 29 millions of different arrangements can be proposed.

Rao Saheb D. P. DESAI (Kaira District): Sir, I regret I cannot accept my honourable friend Mr. Haji's amendment. If Mr. Haji wants to take population as the basis, then I should think Mahim would not get 9 as it appears to have been given by Mr. Haji, nor Bhuleshwar would get 14 as it appears to have been allotted by Mr. Haji. Neither does he go by the voting strength of different wards because the voting strength of the biggest ward is 31,000 and Mr. Haji appears to have ignored this factor in assigning seats to that ward.

Again, Sir, we are not in possession of facts—we are not in possession of the amount that the rent-payers pay as rent in each of these wards and until we have the amount contributed by each ward towards the municipal funds, I should think that the original motion of the Honourable Minister may be accepted provisionally, and it should be left to the Bombay people to object to the principle followed, and the number of seats allotted by the Honourable Minister and to make a representation if any ward is unjustly treated. We may therefore provisionally accept the Honourable Minister's amendment.

Mr. FRANK NELSON (Bombay Chamber of Commerce): Mr. President, I must ask the indulgence of the House to my very brief intervention in this debate, for I speak not as a past member of the corporation nor as a present member of the corporation and, having regard to the reduction of the representation of my constituency, probably not even as a future member of the corporation; I am constrained to say, Sir, that I am approaching this subject, if I may, from the point of view of a looker-on, and proverbially a looker-on is said to see most of the game, and it appears to me that whether this House resolves itself into what is virtually a committee to debate this afternoon or at the most tomorrow the various amendments to the original amendment, or whether it is referred back to the select committee or whatever the procedure may be, I put it to the House and (I speak with the greatest respect for I feel certain that I am going to incur the wrath of the Honourable the Leader of the House), that I think that this is an opportunity to ask the Honourable Minister in charge of the bill once more to consider as to whether this is not an opportune moment for the entire bill to be deferred for consideration of the next session of the Council. If you will pardon my inexperience, Sir, you will perhaps advise me as to what should be my exact procedure on this occasion—whether I should move an amendment or as to whether I should merely put this proposal forward to the Honourable Minister in charge of the bill. May I ask your intervention, Sir?

The Honourable the PRESIDENT: Yes, certainly.

Mr. FRANK NELSON: May I move an adjournment of the House?

The Honourable the PRESIDENT: Yes.

Mr. FRANK NELSON: I move,

"That the House be adjourned on the ground that this entire bill and this debate should be deferred until the next session."

Rao Bahadur G. K. SATHE: Sir, I have to support the amendment moved by my honourable friend Mr. Nelson, and my grounds are these. During the discussion of this bill for the last three days...

The Honourable the PRESIDENT: Honourable members will kindly remember that I shall hear arguments on this question only so long as I like. On a motion for adjournment of a debate the rule is for the Chair either to put it or to refuse to put it. I am going to put it, but I do not wish to take upon myself the responsibility of deciding whether one or two speeches will do before I put the question. I will not allow a debate because that will be drifting into something which may again lengthen itself out. I will hear you, Rao Bahadur Sathe, only and none else.

Honourable MEMBERS: What about those honourable members who wish to oppose the motion?

The Honourable the PRESIDENT: If I allow any more discussion, the debate will lengthen itself out. I will therefore put the question—

“That this business and the further consideration of the bill be adjourned to the next session.”

Rao Bahadur G. K. SATHE: Mr. President, you asked me to begin.....

The Honourable the PRESIDENT: Yes, but I have two courses open to me—one is to put the motion for the adjournment of the debate immediately and the other to refuse to put it. I have put it.

Question put. House divided. Ayes 15. Noes 55. Motion negatived.

Division No. 3.

#### Ayes.

ADDYMAN, Mr. J.  
BATLIWALA, Dr. S. S.  
CLAYTON, Mr. F.  
DADACHANJI, Dr. K. E.  
DALAL, Sardar Khan Bahadur ADARJI M.  
DALAL, Mr. D. B.  
DUMASIA, Mr. NAOROJI M.  
FERNANDES, MAJOR C.

GODBOLE, Dewan Bahadur K. R.  
HAVELIVALA, Mr. M. A.  
JEHANGIR, Mr. COWASJI.  
MODI, Sardar Davar T. K.  
NELSON, Mr. F.  
PETIT, Mr. JEKANGIR B.  
SATHE, Rao Bahadur G. K.

Tellers for the Ayes: Mr. FRANK NELSON and Mr. NAOROJI M. DUMASIA.

#### Noes.

ADHAV, Mr. P. N.  
BENNETT, COLONEL V. B.  
BHATE, Mr. G. C.  
BOLE, Mr. S. K.  
BULLOCKE, Mr. A. GEEVILLE.  
CHITALE, Rao Bahadur G. K.  
CHERRAR, Mr. J.  
DESAL, Rao Saheb HARILAL D.  
DESAL, Rao Saheb DADUBHAI P.  
DESHMUKH, Mr. ANANDRAO SHRIPATEAO.  
GARUD, Rao Bahadur S. D.  
GHOLAP, Mr. D. D.  
GHULAM HUSSAIN, The Hon'ble Khan Bahadur Shaikh.  
GODAD, Khan Saheb ABDULLA AVJAL.  
GRIFFITH, Mr. F. C.  
HAJI, Mr. IBRAHIM S.  
HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA.  
HAYWARD, The Hon'ble Mr. M. H. W.  
JADHAV, Mr. B. V.  
JUVEKAR, Mr. D. G.  
KALBHOR, Mr. G. M.  
KALE, Rao Bahadur R. R.  
KAMBLI, Mr. S. T.  
KER, Mr. J. C.  
LAGHARI, Khan Bahadur KHAIR BAKSH.  
LAWRENCE, The Hon'ble Mr. H. S.  
LOBY, Mr. F. B. P.

MANSURI, Khan Saheb A. M.  
MEAD, Mr. P. J.  
MEHTA, The Hon'ble Mr. C. V.  
MOHAMED SALAHUDDIN K. Mr.  
MONIE, Mr. P. W.  
MUTALIK, Sardar V. N.  
NILKANTH, Rao Bahadur R. M.  
NIMBALKER, Mr. K. B.  
PAHALAJANI, Mr. B. G.  
PAINTER, Mr. H. L.  
PARANJPYE, The Hon'ble Mr. R. P.  
PARULEKAR, Rao Saheb L. V.  
PATEL, Mr. B. P.  
PATEL, Mr. J. B.  
PAWAR, Shrimant J. A.  
PROBS, Mr. E. M.  
RAHIMTOOLA, The Hon'ble Sir IBRAHIM.  
SALGAR, Mr. R. G.  
SAYED, Mr. MAHOMED KAMAL SHAH.  
SAYED, SHAHJADE SAHEB HAIDAR SAHER.  
SETALVAD, The Hon'ble Sir CHIMANLAL H.  
SHIREAS, Mr. G. FINDLAY.  
SINDORE, Mr. H. N.  
SUFI, Mr. KALANDARBAKSH.  
SURVE, Mr. A. N.  
THOMAS, Mr. G. A.  
TRIVEDI, Mr. G. B.  
VICHARE, Rao Bahadur D. A.

Tellers for the Noes: Mr. J. C. KER and Rao Bahadur R. R. KALE.

The Honourable the PRESIDENT: The debate on the amendment to the amendment by Mr. Haji is resumed. No one seems to be anxious to speak. I am going to put it in such a way that it will settle the question whether the further amendments which are going to be proposed will survive or not.

Question put, that the words twelve, sixteen, sixteen, ten, ten, six, and six in the original amendment proposed to be left out do stand part of the original amendment,

and agreed to.

The Honourable the PRESIDENT: Now, the original amendment is open to debate.

Rao Bahadur G. K. CHITALE: Sir, I rise to support the amendment and in doing so.....

Mr. COWASJI JEHangIR: Sir, I move a closure.

The Honourable the PRESIDENT: I accept the closure and call upon the Honourable Minister in charge to reply.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Sir, nothing convincing has been said against the amendment. This schedule has been there since the passing of this Act and the corporation has absolutely made no changes as regards the distribution of seats. The way that these seats have been distributed has been accepted and approved by the corporation as most equitable and fair and in this case what we are going to do is only doubling those seats on the very principle which was adopted by the corporation when they distributed these seats in the original Act, and the four extra seats we are going to give to the backward classes of the two wards, Mahim and Parel.

Question put and agreed to.

Clause 33 ordered to stand part of the bill.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: I now move that clause 33 be numbered as 34.

Question put and agreed to.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Sir, I have to move an amendment to clause 34. My amendment runs as follows:

"At the end of clause 34 add—

(e) in the event of a casual vacancy occurring between the coming into operation of this Act, and the 1st day of April 1923, such casual vacancy shall be filled in accordance with the provisions of section 9 of the City of Bombay Municipal Act, III of 1888, as if this Act had not been passed but the member elected or nominated to fill such casual vacancy shall retire from office at noon on the first day of April 1923."

Mr. COWASJI JEHangIR: Sir, before that, there is another amendment. It is that in clause 34 after sub-clause (c) insert the following:—

(c) Insert the following:—

"Election of elected co-opted councillors can be made at a meeting of councillors as elected and nominated as provided in section 5, sub-section 1, to be held at such time as the Municipal Commissioner may think fit."

That, Sir, is consequential to my amendment.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: I think that is covered by the amendment that I had already proposed and passed.

Question put and agreed to.

Clause as amended ordered to stand part of the bill.

The Honourable the PRESIDENT: There are two suggestions I have to make I think a consequential amendment will be necessary to section 52 of the Act. I am much obliged to the Deputy President for drawing my attention to it. I am also very much obliged to the Secretary for the help which he and the Deputy President are giving me in this matter. I think the words "or co-opted" ought to be added in that Section. Section 52 runs thus:

"No disqualification of, or defect in, the election or appointment of any person acting as a councillor or as the President or presiding authority of the corporation," and so on.

Now you have in this bill not only election and appointment, but we have also co-option. Therefore the words "or co-option" must be added after the word "appointment". Will the Honourable Minister kindly move an amendment to that effect?

Mr. C. M. GANDHI: Co-option is by election, will not that be included in it?

The Honourable the PRESIDENT: We must be very precise and unambiguous. All that you have to say is that the amendment shall be: "Add the words 'or co-option' after the word 'appointment' in section 52 of the Act".

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Very well, Sir. I move the following amendment:—

"After clause 21 of the bill, add:—

"21A. In section 52 of the said Act, after the word 'appointment', the words 'or co-option' shall be added."

Question put and agreed to.

The Honourable the PRESIDENT: Has any honourable member any suggestions to make in regard to any further amendments?

Mr. C. M. GANDHI (Surat City): May I, Sir, invite your attention to section 33 of the Act which reads: "If any qualification" and so on? Suppose the qualification of a person co-opted is disputed. Should we not define the machinery for doing so?

The Honourable the PRESIDENT: In the Act itself, besides elected councillors there are other kinds of councillors mentioned, and yet the Act distinctly confines itself on this point to those members who are elected. Co-option members may come in by transferable vote. I do not therefore think a definition is necessary. Rao Bahadur Sathe, do you want to make up any deficiency?

Rao Bahadur G. K. SATHE: No, Sir. I am suffering for want of the book (a copy of the Municipal Act) and the amendments, neither of which have been supplied to us. So I have nothing to suggest.

Mr. C. M. GANDHI: I call attention to section 34 similarly. It says that if from any cause no councillor is elected at any general election the old councillors will continue to hold office. Suppose co-option fails for a similar reason, should not we provide for the co-opted members to continue in office?

The Honourable the PRESIDENT: We cannot provide for all possible legal subtleties. I now put the preamble:

"Whereas it is expedient further to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:—"

Preamble ordered to stand part of the bill.

The Honourable the PRESIDENT: The bill is now read a second time.  
Bill read a second time.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: I move now, Sir, that the bill be read a third time and passed into law.

The Honourable the PRESIDENT: For that, you want me to suspend the Standing Orders?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Yes, Sir.

The Honourable the PRESIDENT: Well, what is your case now for asking for a suspension?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: If the bill is not passed now, the elections cannot come on next year, because the electoral roll ought to be ready and published under the new bill by the beginning of October, Sir. That is, if the third reading is not proceeded with and it is postponed to the September session, and if it is passed then, the bill will require the sanction of the Government of India and that will also take some time and the provisions of the new Act will not come into operation next year, because the list of electors ought to be out under this Act by the 1st of October. Therefore, I request that you will suspend the Standing Orders.

The Honourable the PRESIDENT: I cannot make suspension of the provisions a general rule. As for the delay in the Government of India sanctioning the bill, I think the local Government may ask the Government of India to be a little quicker. I am not going to suspend the provisions. I think it is in the interests, after all, of the Government itself that the third reading should be taken up in the September session; so that, if there are any slips in this bill they can be put right. After all the trouble we have gone through, it is necessary that there should be some time to see whether we have made any mistakes anywhere in the bill or not. Therefore, I decline to suspend the provisions.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: The Standing Order says:

"Where the objection prevails, the bill shall be brought forward again at a future meeting; and may then be read a third time."

The Honourable the PRESIDENT: I am dealing with your question. I spoke of the next session, because you simply wanted me to suspend the Standing Orders.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: I move, Sir....

Mr. M. A. HAVELIVALA: You have decided....

The Honourable the PRESIDENT: I merely declined to suspend the Standing Orders. The Standing Order is:

"If any amendment be made when a bill is submitted clause by clause, any member may object to the bill being read a third time at the same meeting; and such objection shall prevail, unless the President, in exercise of his power to suspend this provision, disallows the objection. Where the objection prevails, the bill shall be brought forward again at a future meeting; and may then be read a third time."

I have power to decline to suspend the provisions, but the motion for the third reading may be made at any future meeting. The future meeting may even be to-morrow.

Mr. IBRAHIM S. HAJI: Nobody has raised any objection.

The Honourable the PRESIDENT: I have only dealt with the question of declining to suspend the provisions. You may make any objection if you have.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): I beg to object, Sir, to the taking up of the third reading of the bill to-morrow, under sub-clause (2) of Standing Order VIII, 11, first because numerous amendments to the bill have been accepted, and secondly because the wording of the Standing Order speaks of a meeting, whereas to-morrow's sitting cannot be called a meeting, as it is only an adjournment of the July meeting or session. The amendments have been so numerous that sufficient time should be given to the members of this Council to consider the changes made in consequence of them and their effect upon the bill.

The Honourable the PRESIDENT: To-morrow's meeting is not to-day's meeting. I always say that the Council shall adjourn till 2 p.m. to-morrow. Adjourning the Council is different from adjourning a meeting. As a rule, we meet daily during a session from 2 p.m. to 7 p.m. Every day has its meeting.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: I give notice, Sir, that the third reading of the bill will be taken up to-morrow.

The Honourable the PRESIDENT: I have declined to suspend the provisions, and therefore the bill cannot be read now, but the motion for the third reading can be moved at any future meeting. The Honourable Minister in charge has given notice to move it to-morrow. I ask the Honourable Minister why he should not postpone the third reading to the September session. I should like to go through the bill, in order that we may be sure that we are on safe ground.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Elections will not take place. Under the provisions of the Act the electoral roll should be published by the 1st of October. Unless the bill is carried at this session, it is impossible to publish the electoral roll by that time.

The Honourable the PRESIDENT: Do you wish that the third reading of the bill should be taken up to-morrow?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Yes.

The Honourable the PRESIDENT: Does anybody propose any amendment? It is quite competent for any member to move an amendment. After the amendment is moved, I shall then go according to the sense of the House.

Rao Bahadur G. K. SATHE: At the end of my remarks I will put the amendment with your permission. It pains me most as it must have pained many of us here that we have spent full three days over this bill. If we look at the manner in which the whole bill has been discussed, the piecemeal amendments which have been thrust upon us, which were not before the select committee, and also the manner in which the select committee has done justice to the bill, I say nothing would be lost in postponing the third reading of the bill till the September session. My point, Mr. President, is....

The Honourable the PRESIDENT : I am afraid the Secretary has brought to my notice a difficulty. Standing Order IV (1) says :

"When Government business has precedence, the Government may arrange such business in such order as it deems fit."

This is Government business, and so they may bring the motion for the third reading at any future meeting. If the House is dissatisfied, it is for them to throw it out, and so no amendment can be moved now. As a matter of favour, the Government may be requested not to rush through the bill. I will not allow a general debate ; but I shall allow one or two honourable members to speak.

Rao Bahadur G. K. SATHE : Sir, before I make any remarks, I want to assure my friend the Honourable Minister in charge that I do not wish to say anything personally about him during the discussion of this motion on which I wish to address this Council. My only point is whether we should show this inordinate haste in getting through the third reading of the bill. You are aware that many of us have given votes without understanding what was being done.

The Honourable the PRESIDENT : Order, order. I do not think that any member ought to speak disrespectfully of himself or of any other member in this House.

Rao Bahadur G. K. SATHE : I apologise, Sir. I was only observing as to whether in the absence of copies of the Act or written amendments on the table of honourable members, they could do justice to such an important measure as this. That is all that I wanted to say. The Honourable the Leader of the House at one time during the course of the discussion in today's debate said that there might be some flaw or defect when he spoke of the schedule. I do not make any further reference to it. There are over 400 sections in the Municipal Act. No doubt it might first appear to us that the amendments which were suggested by the Honourable Minister in charge of this bill were consequential. I confess I am not familiar with the Act which applies to the city of Bombay, but I dare say there may be other sections also where some consequential amendments would be required or would be found necessary. And, Sir, what I wish to bring to the notice of the Council is that our responsibility is really very great when we pass a legislation of this kind and you, Sir, as President have to give a certificate or an authentication of bills under Standing Order VIII, 12, (1), which reads :—

"When a bill has been passed, the President shall sign a certificate at the foot thereof in the following form....."

Now, under another section of the Act, the Governor has got the power to resubmit the bill for the consideration of this Council if he finds it defective. I am pointing out these things not with a view to favour my Bombay friends, when it was alleged in certain quarters that they wanted to extend their life for two years; I do not want to intervene in that discussion. I am not concerned whether the present corporation ends its life on the 1st April 1923 or whether its life is lengthened by two years or six months. That is no concern of mine. I am only concerned with one fact and that is this, whether we have taken sufficient care to see that no other amendments—consequential or otherwise—are necessary in a bill of this character and in an Act which extends over 400 sections. The very fact that this bill which only contains 34 clauses took three days shows that there is a considerable amount of feeling on the questions involved and unless Government places forward a very strong case as to why



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the elections must take place in March and not next year or after six months; I cannot induce myself to believe, Sir, that there is any valid justification for this inordinate haste which is being exhibited during the passage of this bill. And, you, Sir, have done much more than any of us could do and you have appealed to the Honourable Minister in charge of the bill, whether Government would not be well advised if the consideration of this bill be deferred till the September session, and I cannot do better justice to this case than quote your own words, Sir, and I again repeat and bring to the notice of my honourable friends that "let them look at it quite from an impersonal point of view, let them not be swayed by the facts that one party wants to end the constitution by April and that there is another body of opinion which wants the life of the present corporation to be extended". That is not the real crux of the case. The real crux of the case is this, whether anything would be lost, whether any damage is going to be done, whether the interests of the corporation are going to suffer, if this bill is allowed to come into operation six months later than the 1st of April 1923. And, Sir, there is a certain amount of responsibility and we must be alive to that (as every one of us is) and I only put it for the consideration of my honourable friends whether they consider themselves perfectly justified in taking up the third reading of this bill just to-morrow or whether they would be well advised in deferring it till the September session. With these few words, I appeal to the Honourable Minister in charge of the bill to reconsider the matter in the light of the present discussion.

The Honourable Sir IBRAHIM RAHIMTOOLA : Mr. President, I appreciate the view that you, Sir, have put before the House and which my honourable friend Rao Bahadur Sathe has emphasized, namely, that in view of the fact that many amendments have been made when the bill was being considered clause by clause, honourable members should have some time to examine the bill as it now stands before coming to a decision and giving their sanction to its third reading.

The only question—the only difficulty—is that the Honourable Minister had had in view throughout that the new elections should be held in January and that the new democratic corporation should come into existence on the 1st April 1923. If any delay takes place in passing the bill, various further alterations will become necessary. That is the difficulty which confronts the Honourable Minister in acceding to the wish expressed which I think Government would otherwise be prepared to concede. There is one alternative which I wish to place before the honourable members, if it will be acceptable to them. The Government propose to try and get the bill as it stands now, with all the amendments introduced and as it is to be read for the third time, printed and supply copies to honourable members by Saturday evening or Sunday morning, give them the whole of Sunday and Monday morning to consider it and take up the third reading on Monday at 2 o'clock. If that is acceptable, it will save a great number of difficulties in regard to the alteration of dates for holding the elections. Section 19 of the Act lays down that the preliminary election roll shall be published on the 1st day of October and a certain number of days are given for objections to be sent in. If the bill is not passed at once or at all events during the present session, those provisions of the Act cannot be carried out. It is, therefore, not a matter of six months unless those sections are again brought up for amendment, but it may be possible to do so if you extend it for one year more, in which case you will

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have to merely alter "1923" to "1924". I ask honourable members to consider whether it is desirable to prolong the present corporation for a further year. If the suggestion which I have made is acceptable to the members, they will get a copy of the bill in print, showing the form in which the Council will be asked to read it a third time. They will have the whole of Sunday and Monday morning to examine the bill, and then it can come up for the third reading on Monday at 2 o'clock. This will enable honourable members to consider, with the bill before them, whether they will sanction the third reading or not. I do not want to tie them down at all, but what I wish to say is that if they should agree to an effort being made to pass the third reading on Monday, this measure will come into operation immediately, instead of being put off for another year. For these reasons, I should like you, Sir, to ascertain the sense of the Council whether honourable members are agreeable to the suggestion which I have made.

Rao Bahadur R. R. KALE (Satara District) : Sir, even if the third reading is postponed, at the third reading we cannot have any amendments except verbal ones, according to our Standing Orders. So, the object which my honourable friend has in view in postponing the third reading, namely, to be able to make some amendments, cannot be gained. Only verbal amendments can be moved at the third reading of a bill. Therefore, it seems to me that no object will be gained by further postponing the third reading. Of course, there may be defects, and they will have to be remedied by amendments.

The Honourable the PRESIDENT : Is it the decision of the Honourable Minister that he proposes bringing on the bill for the third reading on Monday ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Yes, Sir.

The Honourable the PRESIDENT : You can do that at any future meeting you like. It is perfectly within the power of Government ; I cannot interfere.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I have given notice of a motion which I wish to move. I understand that copies of the motion have been circulated to honourable members. The motion reads as follows :—

That the following motion carried in the Legislative Council on the 8th March, 1922, be rescinded, and the amount thereby disallowed be now provided by re-appropriation from the reserve :—

"That item 282, Revision of Salaries of Inspectors of the Amalgamated Factory Boiler and Smoke Nuisances Departments, Rs. 26,000, be omitted."

On the occasion when the subject came up for the consideration of this Council, the Secretary to the General Department had placed before the House a complete statement of the case. The facts of the matter are that, before 1920, there were three Government departments to deal with factories, boiler inspection and smoke nuisances, and there were fifteen officers employed in the three departments. In the Factory Department there was a Chief Inspector on a salary of Rs. 1,000—50—1,250, in the Boiler Department one Chief Inspector on Rs. 1,000—50—1,500, and in the Smoke Nuisances Department one Chief Inspector on Rs. 500—25—700. There were also four inspectors in the Factory Department on Rs. 400—30—900, one Inspector in the Boiler Department on Rs. 500—10—600 and six inspectors on Rs. 300—10—500, and in the Smoke Nuisances Department one Assistant Inspector on Rs. 300—20—400. There

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were in all 15 appointments. It was thought desirable that these three departments should be amalgamated. A scheme for doing so was submitted to the Secretary of State and was sanctioned by him in July 1920. Under this scheme the staff of the amalgamated department was as under :

The total number of fifteen inspectors was reduced to eleven, consisting of one Chief Inspector on Rs. 1,000—50—1,500, nine inspectors on Rs. 400—30—900, and one Indian inspector on Rs. 400. When the amalgamation took place, all the inspectors were put on a graded list, and the result of that gradation was that in some cases some promotion was given to them. In the case of the first two inspectors, drawing the higher scale of salaries, no increase was granted at all. In the case of the others, some increases were given, and they were put on a uniform maximum of the Factory Department, that is, a minimum of Rs. 400 rising to Rs. 900 with an annual increment of Rs. 30. Immediately the scheme came into operation, the officers represented through the proper official channel that they had not got any promotion on the lines of the revised scale applied to all other departments. In regard to the Imperial services, varying increases up to a maximum of 30 per cent. were provided by revision ; in regard to the provincial services—and these officers rank practically on the provincial basis—promotion was given varying from 30 to 60 per cent. It was proposed by Government, at the time of the budget that, in the case of these officers, an increase of  $33\frac{1}{3}$  per cent. should be given on pre-war rates, that is to say, the promotion which they got by virtue of being graded in the amalgamated department was not to be considered, but only  $33\frac{1}{3}$  per cent. was to be given on pre-war pay ; the amount that they actually got by gradation was to be deducted from the  $33\frac{1}{3}$  per cent. This proposal came before the House at budget time, and was not sanctioned. Government thought that it was desirable to place the matter again before the house, with any further information that they may require, in order to show that the proposal which Government were putting before them was reasonable.

There is one explanation which, I think, I ought to give and that is in regard to the Indian inspector. Under the recommendations of the Public Services Commission, it was laid down that at least one inspector shall be appointed, who should be of pure Asiatic descent. The difficulty was that a qualified man could not be obtained. Effort was made when attention was drawn to that recommendation, and an Indian officer has been appointed on probation on Rs. 400 per month. It is not intended that this officer should remain permanently on Rs. 400. He is not at present graded. The obvious criticism on the statement that was put before the House was that, while the other inspectors were graded from Rs. 400 to Rs. 900 by annual increments of Rs. 30, the Indian inspector alone remained on Rs. 400. But that is not correct. This Indian inspector gets Rs. 400 during the time he is under training and on probation.

As soon as he is qualified and a vacancy occurs he will be put in the grade and he will then get Rs. 400—30—900 as all other inspectors. He will be then on the regular staff. The question really is, in view of the fact that officers of all Government establishments have received promotion under revisions which took place, why these officers should alone be left out. The question, therefore, before the House is whether these officers should also be put on the same footing as other officers in all other departments in regard to the revision consequent upon the rise in the cost of living. That is the issue for the Council to decide. I beg to move the motion for the acceptance of the House.

Mr. G. B. TRIVEDI : Mr. President,....

Mr. B. G. PAHALAJANI : Sir, I raise a point of order for the decision of the Chair. Is this motion made as a supplementary grant, or as a demand for a grant or as a resolution ? Under what Standing Order or rule is it made ?

The Honourable the PRESIDENT : If it was in the original budget and the House refused it, then it cannot be brought forward as a supplementary estimate, but it can be brought forward as a part of the original estimates by a motion to rescind the decision of the House made on the original estimates, and the House may be asked to reconsider that decision. Then, as to the question of the honourable member as to the power of the House to allow this kind of a motion for rescission of the decision, my answer is in the words of the Speaker of the House of Commons, which will be found in Parliamentary Debates, Fifth Series, 1912, Vol. 43, col. 2006.

"The House has always claimed the right to rescind, without which it would be impotent ; any other rule or law would really reduce the House to a condition of almost ludicrous importance. To deny to the House this right of rescission is to deny to it the first quality of a really deliberative Assembly."

Mr. G. B. TRIVEDI (Thana District) : Sir, I rise to oppose the motion. This grant was negatived by 36 votes against 30, and in the speech that the honourable member made now in support of his proposition, no new argument has been put before the House, except that there was a misunderstanding about the Indian inspector. But on going through the report of the debate I find that that did not form the principal point of objection of this House. The principal objection was, it was urged then, that the scheme had been sanctioned in 1920 by the Secretary of State and he found that it was sufficient and it was adequate. If the Secretary of State found it adequate, then why did the Government of Bombay come to the Council if they thought it inadequate ? Why did they not go to the Secretary of State ? They come to the Council and say this was inadequate and that if we compare it with the other revisions that were granted to other departments, we will find that it is not inadequate. That was the point made out at that time and our objection at that time was as the Secretary of State had sanctioned the scheme in 1920 and he found it adequate, and as these people are not low paid officers but are highly paid officers we did not think that in 1922 when the cost of living was going down that revision was necessary. That was one point.

The second point was that there was in fact no necessity for boiler inspectors and if this Council will refuse to give any increase or any revision, it may ultimately lead Government to consider the whole question and they may consider whether the boiler inspectors are necessary or not. I find from the report of the debate, Sir, that the Director of Labour, my honourable friend Mr. Shirras, said that in England the practice was that the boiler inspection was not done by Government but by the insurance companies. If this was so in England, and I further point out that it is not done in all Presidencies of this country, specially not in Madras, then we are not convinced as to why Government should pay for the boiler inspectors, and specially as the work done by the boiler inspectors is very unsatisfactory, because from the debate and from the speech of my honourable friend Mr. Purshotamdas Thakurdas, I find that only 25 per cent. of the boilers were inspected in a year ; so that 75 per cent. boilers were left out. So that, if there is danger to human life from the neglect of boiler inspection, 75 per cent. of the danger is there. So on that ground also we oppose the grant.

[Mr. G. B. Trivedi]

The third point is, Sir, in the revision and in the original pay of 1914 there were no allowances. All allowances were amalgamated or were considered to be amalgamated in the pay. But since the revision of 1919-20 there were a number of allowances, there was the House allowance, the motor car allowance of Rs. 150 and all these ought to be considered as an increase of pay. I mean a man who did not get any allowance beforehand and if he gets now, it is to be considered an increase of pay as my honourable friend the General Member only stated yesterday in reply to my question about the Chairman of the Port Trust that he was given a free bungalow and nothing is cut down from his pay because it is considered that the house allowance is included in his pay. Similarly here all the allowances were considered to be amalgamated in the pay that these people were getting in 1914. But as soon as the revision comes they get the revision and then they get all these allowances. All these allowances and the revision of pay did go up to 33½ per cent. which Government are asking us to pay to these people. So on all these grounds I oppose the motion and I say that no fresh case has been made out.

The only point that was pressed by the Honourable Member in charge was that there was a misunderstanding about the Indian inspector. That was not the real point. I have gone through the whole debate and I do not find that that was the point on which the motion was negatived. That was mentioned only by one member and the motion was not negatived on that ground. The chief reasons why it was negatived are unanswered and therefore the present motion is not a fit one for going back to the vote of this House.

The Honourable the PRESIDENT : As regards my ruling on the point of order raised, I put it in rather general terms. I ought to say that my ruling is only confined to the questions or decisions arising out of the debates on the budget estimates, because, as to other decisions of the House, they may be reviewed at any time and hold good only during the current session. As regards the budget, what I have said applies and it does not apply to any other decisions of the House. The remarks of May on page 452 would be useful. He says, in the case of a grant :

"The due amount was voted *de novo* in committee; and the previous resolution was rescinded before the new resolution was agreed to by the House."

Subject to that, my ruling stands good and I hope it will not be quoted as a precedent for decisions on any other subject except budget estimates.

Mr. KANJI DWARKADAS : Mr. President, we had a very full debate on this question at the March sessions, and when I rise to oppose this motion brought by the Honourable the Leader of the House, I do so with the greatest hesitation, because I always feel that when Government, and specially the Government of Bombay, come back to the Council to get a decision of this House rescinded, they would certainly do so because they would ordinarily have very strong reasons to bring the discussion back in this House. In this matter, Sir, I am afraid Government, so far as the speech of the Honourable the Leader of the House indicates, have hardly made out any case at all for this decision of this House to be rescinded. Let us have a glance at the March Debate. There, the Honourable the then Revenue Member, my honourable friend Mr. Cowasji Jehangir, gave us a certain definite undertaking on behalf of Government. If the House will have patience with me, I shall show to them what the exact words of my honourable friend here were. They will be found on page 919 of the March proceedings. He said :

[Mr. Kanji Dwarkadas]

"I have already taken it upon myself without any expression of views from honourable members up to now, to see that the whole department is re-organised"....."Yes it is an undertaking from Government," My honourable friend Mr. Cowasji Jehangir added.

It is unfortunate that the Honourable the Leader of the House should have resumed his charge just a few days before this session began.

The Honourable Sir IBRAHIM RAHIMTOOLA : Surely, Sir, if a Member of Government has given an undertaking, it is binding on the Government, because it would show all the confidence in the word of the Member.

Mr. KANJI DWARKADAS : That is exactly my position. Because one Member has given that undertaking, that undertaking stands good and the Government of Bombay will always stick to that undertaking. Well, Sir, I want to know from Government,—from the Honourable the Leader of the House,—if the Honourable Mr. Cowasji Jehangir told us that he had already taken it upon himself to re-organize the department, is it not fair to the House now to tell us what Government have done in this direction? The Honourable the Leader of the House should certainly tell us how far this department is reorganized.

The Honourable the PRESIDENT : What has the re-organization to do with this item? Unless you satisfy me on that point, I cannot allow you to go into the question of the re-organization.

Mr. KANJI DWARKADAS : My point, Sir, is this that the House then threw out the Government motion because it was dissatisfied with the position then taken up by the Government. It was admitted by the Government then that the department was not working satisfactorily. It was pointed out by member after member that the department was not working satisfactorily and that it was working in a most unsatisfactory manner, and on that point the Government motion was defeated. Then, Sir, Government also gave another undertaking. Again let me quote Mr. Cowasji's words :

"Yes. Indianising is an undertaking from Government."

The Honourable the PRESIDENT : You have not satisfied my point. If the Government said they were going to re-organize, that was all right. This demand was refused in spite of the undertaking. The House did not respond to the undertaking. Then, what has that to do with this question?

Mr. KANJI DWARKADAS : The Government should have realised that the House was not prepared to merely take the undertaking. They wanted something solid, something substantial. And now when we have .....

The Honourable the PRESIDENT : Then, your argument is "We will give you this money provided you satisfy us that you have re-organized the department".

Mr. KANJI DWARKADAS : Exactly, Sir. But unfortunately I am not as good a debater, Sir, as the Honourable the President or the Honourable the Leader of the House.

The Honourable the PRESIDENT : Then you will just endeavour to be one. Very well; you can go on.

Mr. KANJI DWARKADAS : Then, the Honourable the Leader of the House has given us no further information. He himself said that the House would expect to have this information. He has merely read to us the figures which were placed before us by my friend Mr. Cowasji Jehangir at the March

[Mr. Kanji Dwarkadas]

session. What more has he done than that? Surely, we want to know from Government, before we vote this money for a department which is worked in a most unsatisfactory manner, whether they have taken any steps to see that the department will work in a satisfactory manner or is working in a satisfactory manner. Sir, the new Factories Act has come into force from the first of this month. The duties of the factory inspection department have increased a hundred fold. When Government come to us for money to be given away as a bonus, surely, will they not tell us what provisions they have already made to meet the new difficulties, the new responsibilities, which fall upon this department under the new Factories Act? It is very well known throughout the Presidency—and who has given this information? The annual factory report for the last five years—that if any department of Government has worked in a most unsatisfactory manner, it is the Factory Department. This factory report is nothing but full of lame excuses. It is admitted that children have been overworked beyond their time. It is admitted that women have been overworked. It is admitted that the owners of factories have throughout broken the provisions of the Factories Act. And yet the factory report says, nothing has been done, nothing will be done, nothing can be done. Surely, Sir, nothing will be done unless Government set their foot on it and see that the Act is worked satisfactorily. I am sure, if the Government does not do so, this House will see to it that the Government do take care to see that the Factory Department does its work more satisfactorily.

Then, Sir, as I said, Government have told us nothing about the future arrangements which will cost a lot of money. About the indianisation of this service.....

The Honourable the PRESIDENT: Order, order. That question, the honourable member will be pleased to bear in mind, has nothing to do with this. We are now on this narrow point about rescinding the decision and considering the question whether item 282 ought to be allowed or not,—a very narrow point. Now you want to go over the whole question of indianisation, and so on. How does it affect the present question?

Mr. KANJI DWARKADAS: In this way, Sir,.....

The Honourable the PRESIDENT: I know there are many ways, and we have got only one straight way. Either you must walk that way or resume your seat.

Mr. KANJI DWARKADAS: I must always walk the straight way, Sir, and obey your ruling. But I submit that the Government have not taken us into their confidence and told us as to exactly why they want the money. They have not told us what provisions they have made for the future. I, therefore, submit, so far as I am concerned that I oppose the motion for rescinding the omission. And I should like to make my own position with regard to this matter quite clear. Sir, I fully realise that Government servants are not so many machines, who have merely to go on working; I realise they are all human beings, who have to support their families. I can very well understand the difficult position in which the factory and boiler inspectors are placed by the vote of this Council. They must have incurred some expenses in view of the promises made to them by Government in anticipation of the sanction of the Council. To them goes my deepest sympathy. But, Sir, I would be untrue to myself if I did not oppose this motion, because I feel that the department has not done its work well.

Mr. J. C. KER : Mr. President, in the honourable member's impassioned, but rather irrelevant speech, he referred first to the future re-organisation of the department, and to the want of confidence shown in this House by the Government. At the end of his speech he came to the more relevant point in this case, namely, that the factory inspectors are now suffering on account of insufficient salary. That is the most important point in the whole case, and that is the part of his speech to which I wish to invite attention.

Before coming again to that point, I may refer to one or two points mentioned by Mr. Trivedi. The facts of the case are that a scheme was sent Home to the Secretary of State in 1919 ; but that scheme was not a scheme of revision. It was a scheme for amalgamation, and not a scheme for revision at all. The question then was simply that Government proposed to turn all the three departments into one department.

Looking into the figures more closely, we find that formerly there were four inspectors on the Rs. 400 to Rs. 900 grade, and they still remain on the Rs. 400 to Rs. 900 grade.

Mr. G. B. TRIVEDI : Was it not Rs. 300 originally ?

Mr. J. C. KER : Not for these four inspectors.

If you compare the two statements, you will find that the minimum expenditure of all the departments was reduced from Rs. 6,700 to Rs. 4,500, and the maximum expenditure was also reduced ; the result of this amalgamation, which was not a revision, was to entail considerable loss in pay and prospects to these men. You took away one chief inspectorship, so although you increased the maximum salary of some men, you took away their prospect of rising to over Rs. 1,000. So far as prospects are concerned, the inspectors do not on the whole benefit much.

The second most weighty point was raised by my honourable friend Mr. Purshotamdas, namely, that there was no necessity for any boiler inspection and that there was no boiler inspection in the Madras Presidency. I may inform the House that there is boiler inspection in Madras, and in all the other industrial provinces of India. At the same time I doubt, Sir, whether it could be considered a sound argument that, because you consider the boiler inspection unnecessary, therefore the salaries of the existing inspectors should be reduced. So long as you keep them, you must pay them. To do away with boiler inspection is quite a different question, and it has got nothing to do with the salary of the existing inspectors.

The next point is that increases are said to have been given to these men. This House is familiar with the revision of salaries of all departments ; some honourable members may even think that there have been too many revisions. When you revise the salary of any class of service, there are three points to be considered. The first is, the two ends of the scale, the maximum and the minimum ; the second point is the steps in the scale ; and the third point is the stage at which each man should enter the scale. You have done the same thing with regard to the Educational Department, the Police Department, and other departments of the provincial service. In the case of the Educational Department, you have a revised scale from Rs. 350 to Rs. 800, and in this particular case the Secretary of State has sanctioned a scale of Rs. 400 to Rs. 900, and the steps in the scale have been fixed at Rs. 30. The only point now left is the stage at which each man should enter the scale.



[Mr. J. C. Ker]

When the question of revision for the provincial service of the Educational Department came before Government it was found necessary to fix a percentage increase over pre-war rates, and that was eventually fixed at 60 per cent. In the case of the factory inspectors it was finally decided to give 33½ per cent. The level of salary is similar in both the cases. It may be asked why this revision of salary to the boiler and factory inspectors was not settled in 1920, when the revision of other provincial services were settled. The answer to that is simple. It was only after the sanction of the Secretary of State with regard to the amalgamation was received that the question of salary could be taken up. What we now ask the Council is to give, within the scale sanctioned by the Secretary of State, the increase which every other provincial service has got.

A very important point was raised by Mr. Pahalajani regarding the sanction of the Secretary of State. The point taken by the honourable member was that, after the Secretary of State had sanctioned the scale, it was not within the competence of this Council to make any change in it. The answer to that is that after the two ends of the scale have been sanctioned by the Secretary of State, it is competent for this House to fix the stage at which any man should enter the scale. The question of giving retrospective effect is different, and a reference to the Secretary of State will be necessary.

The main question that this Council has to consider is whether the salaries that these men receive are sufficient or not. The fact is that the cost of living in Bombay since the year 1915 has gone up very considerably. That everybody knows. These men have got a small increase in the house-rent allowed to them, but house-rents, as everybody knows, went up long before the Rent Act was passed. Between 1915 and the passing of the Rent Act very great increases in rents took place. The fact is some of these inspectors are really starving and have got into debt; some have been carrying on in spite of heavy debt simply relying on the fair dealing of Government and of this Council. In ordinary circumstances, they would have found it most difficult to proceed with their work in the usual way, but they have with great difficulty, and relying on the support of Government, carried on their work.

Another point which has been raised in the course of this debate is the question of conveyance allowance. It has been represented that the allowances of Rs. 150 and Rs. 75 a month are additions to the salaries of these officers. But the proposal sent home to the Secretary of State was a proposal that the conveyance allowances which these officers drew should remain the same as they always were, and the same as all other officers draw, except that if a man keeps a motor car he gets Rs. 150 a month. Now, nobody can keep a motor car in Bombay on Rs. 150 a month. I think that is well known. The cost of keeping a motor car in Bombay is between Rs. 250 and Rs. 300 a month even if a cheap and small car is maintained. If an inspector uses no car and simply drives about from one mill to another, he receives exactly the same conveyance allowance that he got before. No change has been made in the conveyance allowance, but if an inspector keeps a motor car, he gets Rs. 150 a month. Government have sanctioned this limit of Rs. 150 a month, because inspectors who use motor cars can get through a great deal more work than those who do not use motor cars. But the men make no profit out of this conveyance allowance. It is not to their interest to keep a motor car and get Rs. 150 a month.

[Mr. J. C. Ker]

The question then simply is this, that the Secretary of State has sanctioned a scale of Rs. 400 rising to Rs. 900 and it is left to this Government to fix the stages at which these men should draw their pay. What the Government now propose is that they should receive an increase of  $33\frac{1}{3}$  per cent. over their pre-war salaries; this Council has sanctioned that increase in the case of all other provincial departments, and Government propose that a similar increase should be sanctioned for these inspectors also.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, I wish to support this grant and it is due to this Council that I should place my reasons before them, as I had opposed it at the last time. I am looking at it from a constitutional point of view first. Here is a grant which was disallowed by the Council and under the present constitution there were two ways open, namely His Excellency the Governor could have vetoed and could have replaced the grant on his own initiative, but that is an extreme step and the Government is well advised in putting this for reconsideration before the Council. From that point of view, Sir, Government is to be congratulated for not taking a step which would have been misunderstood by the general public, because, after all, these vetoing powers are to be used on as rare occasions as possible. Now, Sir, that is one consideration which I wish to put before you and as this is the first occasion on which this reformed Council is asked to reconsider its proposal which it had declined to pass, the Council ought to be very careful in what they decide, because once we give an opportunity to say that this Council is not prepared to reconsider a proposal, when after the serious consideration which has been given to it by Government Members, it is thought proper to put it before us and we must have implicit confidence in the Government Members as far as their responsibility is concerned, even from that point of view the Council is certainly justified in criticising the proposal put before them for reconsideration, but at the same time the Council have to remember the constitutional issue involved in the decision of this Council.

The next point is this, that there is an impression abroad in the minds of the services—they think that this Council is out for reducing their fair wage or a living wage or which ought to be a fair salary. I think this Council will be well advised in dispelling that impression at the earliest possible moment, and if it does that, I should think that the public services will work more sympathetically and more heartily than they do at present. The picture, Sir, that is drawn and which has been spoken to by the honourable member for labour shows what? It shows, if anything, human nature, that the factory inspectors and other inspectors do not appear to have the heart in their work because they feel that a very great injustice and a very grave injustice is being done to them, that they have no heart in their work because it is just possible that they are not able to live within the amounts which have been allotted to them, and therefore it is that they have represented their case to the Government which has been considering the matter in all its different bearings and Government has come to this deliberate conclusion that some relief must be given. What is the nature of the relief? The nature of the relief that is intended to be given is this: Bengal is not such an advanced industrial part of our country like Bombay. In Bengal, as the printed note shows, these people have been given rises of 60 per cent. Now here, instead of giving them 60 per cent., this Government proposes only to give almost half of that. In an industrial town like Bombay, wherein the factory inspection from the point of view of labourers is essential

[Rao Bahadur G. K. Chitale]

from more points than one, would you not like that as these factory inspectors are appointed there to supervise and as a matter of fact see that the letter of the law is respected by factory owners, is it not necessary to see that this service is well contented so that they might put in a better kind of work? From that point of view also, Sir, it appears to me that this proposal of a rise of  $33\frac{1}{3}$  per cent. is also a proper rise, especially when it compares very favourably indeed with the rises that we have given to the provincial services all round. From that point of view, therefore, this present proposal ought to command itself to the Council.

Now there remains only the question of the indianisation, but to my mind that ought not to be raised at this stage of the discussion. That is a different question altogether. After all, you cannot do injustice to people who are already in the service and I take it that Government will do its best that as vacancies occur they will be filled up by duly qualified Indians. With that assurance, Sir, which was given to us in the Finance Committee, I feel no hesitation in supporting this proposal for increased grant which I would support very strongly.

Mr. J. ADDYMAN (Bombay City): Mr. President, amongst the many motions which it has been my duty and pleasure to support in this Council, there are very few indeed to which I attach more importance than the motion which is before the House at the present moment. This motion seeks to provide for a revision of salaries of inspectors engaged in the most important work of protecting our work-people in our factories, engaged in the most important work of securing safe working of our boilers and seeing that the emission of smoke from our chimneys is reduced to the minimum. This is a motion which seeks to rescind the vote given in the March session by this Council. I regret that circumstances prevented me from taking part in that debate and I was naturally very much disappointed when I later read that the motion for the grant had been thrown out by this Council. The only consolation that I could gather for myself was that the majority was a very narrow majority indeed, and I hope that this motion before the House will be supported by so many honourable members present as to wipe out that majority, and give a majority in favour of a more equitable increase of pay to these men, who are carrying on such responsible duties in this Presidency. Sir, I claim to possess a knowledge of inside factory conditions. I claim to possess, and to realise and to appreciate the very important and responsible duties of factory and boiler inspectors, and I am going to say, not in any spirit of boastfulness, that I claim to possess this knowledge second to none of the honourable members in this House. It is 30 odd years since I started my career in a Yorkshire mill at the age of ten on 1s. 6d. a day as a half-timer. I have, since then, seen the vast improvement brought about in factory conditions, due to the activities of our worthy factory inspectors. Coming to Bombay fourteen years ago, I have had just the same experience, and I must say that the present satisfactory—so far as we can call it satisfactory—condition of most of the mills in Bombay is entirely due to the impartial conduct and satisfactory supervision of our factory inspectors. Officers of this type, on whom there is so much responsibility, are worthy of better support than was given to them when the budget grant was thrown out by this House. It is my greatest surprise that my friend Mr. Kanji Dwarakadas, who, I know, has the interests of labour at heart, should have voted against this grant on the last occasion, and on this occasion again opposed the

[Mr. J. Addyman]

motion to pay these men, who are the most likely to protect and who are in fact, responsible for the protection of the working classes of Bombay city, an equitable fee. It is my desire to see the conditions of the working classes improved just as much as we can improve them, and to do that, the Factory Inspection Department and the Boiler Inspection Department must be of the highest efficiency possible. I am inclined to feel and I am very much afraid that this House has got too much into the habit of looking at things from the standard of what honourable members are pleased to call economy. In this case, we must have economy, but with that economy there is another word which is inseparable from it, and that is efficiency, and if we are out for efficiency, we must pay for these efficient men. Is it the desire of the House that we should have first class men on third rate pay? Is it the desire of this House that our factory inspectors whose duty, as I have just stated, is the most important in the textile industry, should be kept down on something which is not a living wage? I hope the House will see to it that the opposition to this grant will not succeed.

Now, Sir, dealing with this question a little further, we have now three departments amalgamated; one is the Factory Department, the other the Boiler Department, and the third the Smoke Nuisances Department. When these departments were separate, we had fifteen men. After the amalgamation the number of officers was reduced to eleven, which meant that, with the growing responsibilities, year by year, of the textile industry throughout the Presidency, these eleven men had far heavier work and greater responsibility thrown on their shoulders. I would like honourable members to remember that point, and to remember that for one other reason, namely, that it was found necessary for these men to cover wider areas than before, which could not be done by train, and that made it necessary to provide them with some quicker vehicle which would enable them to get through their day's work. Well, Sir, I cannot, for a moment, feel that the arrangement on an amalgamated basis is a satisfactory one. I would like to see that these departments are again placed under their respective heads, and that each department is brought up to an entire state of efficiency. Our present inspectors have been accused of not carrying out their duties. I say that that is entirely wrong. They have carried out their duty, and the fact that they have not carried out what they might have carried out is due to the organisation under which they are working and I appeal to the Government to re-organise these departments, and to bring them up to a state of perfection which, I am sure, will be better for the employees and to the employers also. I would like to ask my honourable friend Mr. Shirras to keep a close eye on the matter.

The Honourable the PRESIDENT: I have allowed a little latitude in the discussion of this question, because the House is asked to rescind a decision which was arrived at on the original budget estimates. But I ought to point out to the House that where Government make a demand in respect of a particular service or officer, the question as to whether there is efficiency in that department or not, and if it is inefficient whether that want of efficiency is due to some defect in the organisation, is a question which cannot strictly speaking arise upon that demand as a ground for its refusal. If the Government come and say "Here is a service, we want so much money for it," the question is whether that service is necessary and, if it is, whether it requires that amount or not. But if any individual officers in that service are incompetent, then

[The President]

that is a matter not for starving the service but for censuring the Government and asking Government to remove those officers and put more efficient ones instead. The point must be confined, therefore, to this whether this demand, apart from the competency or incompetency, efficiency or inefficiency, of individual officers, ought to be granted or not for this particular service. Otherwise, the position of Government and of these officers may become intolerable. Is this service wanted? If it is wanted, what is it worth? These are the relevant points in debate. The honourable member Mr. Kanji Dwarkadas no doubt raised the point that the present inspectors are incompetent and so on. I allowed him to go on, because it sometimes becomes difficult for me to check any member on an irrelevant point unless he finishes. The point is that this service requires so much money, and the Council has to decide whether it should be sanctioned or not. The question of efficiency had better be left alone now. When main estimates in the budget come on for debate you may raise that point specifically, but not now.

Mr. J. ADDYMAN: I only wanted, Sir.....

The Honourable the PRESIDENT: You are not responsible for it. I allowed the latitude to Mr. Kanji and his remarks are naturally being taken up and answered. And so I have pointed out what a narrow point before the House is. Otherwise we shall be debating general questions and missing the particular now for decision.

Mr. J. ADDYMAN: In conclusion, Sir, I would just like to repeat that old business maxim to honourable members of this House. I would repeat what I said last year that, it is not what you pay a man that matters but what you get out of him; in other words that a man should be paid for the service rendered, and I hope that that maxim will be kept in mind by honourable members when they go to vote on this motion.

Rao Bahadur R. R. KALE (Satara District): Sir, the question of refusing a grant is always a perplexing question and has exercised the mind of honourable members of this Council. But the principle which has been now almost accepted by the Council in the matter of this revision is this. If you are going to give revision, then give it to all the departments. There should be no bickering on account of any inequality. If you have to consider the question, then consider it wholly. In the Finance Committee a point was raised that if revision has been too liberal, then do not give it but reduce the salaries all round. But so long as the revision is given, to give it to some departments and some services is certainly unjust. It is unjust to refuse to give it to any service which stands on a parallel footing. It is on this ground that I think in this case, so far as we have been able to hear, the Government says that the demand is made. No doubt the demand was thrown out on the last occasion, but that consideration ought not to obsess the mind of honourable members of this House, if as a matter of fact, they think that still Government has come again to ask for the grant because there is great necessity for this demand; that there is the necessity for the employment of these boiler inspectors is not the question to be considered by the Council. Government have satisfied this Council that they are necessary and that they cannot do without giving them this increment. It is on that ground that Government have approached the Council fully trusting that the Council will bring to exercise its good sense upon the question, apart from the fact that a contrary decision was arrived at last time. As was pointed out by my honourable friend Rao Bahadur Chitale, there is a power in

[Rao Bahadur R. R. Kale]

Government to un do what the Council does, but we have to consider whether this is a case in which we should drive Government to that position. I for myself think, Sir, that in order to maintain the credit of the Council we must trust Government and if this is a service which is necessary and Government cannot do without it, and if the Government have come forward with a proposal before the Council for reconsideration, I think honourable members will be well advised in bringing a fresh mind to bear upon this matter and vote the grant.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, I rise to support the motion before the House. We have been told by some honourable members that Government has power to sanction the grant if the Council refuses to vote this grant. But I would appeal to the House to use its own discretion and to look at this motion from the business point of view. In the first place, it would not be out of place to remind this House that the duties of factory inspectors are very hard. They are to keep an acute eye on the mills and to see that boys under age are not put to work. Besides this they have also to see that boys who are admitted are not made to work the whole day. Leaving aside this question, if you look at it from some pecuniary point of view, I would remind the House that in the first place on the amalgamation of this service there has been some saving and in the second place Rs. 11,000 more have been earned than in the preceding year out of the boiler inspection fees. So looking at it even from the financial point of view I would appeal to the House to reconsider their decision and to sanction this grant.

Mr. B. V. JADHAV: Sir, I rise to support this motion. Many honourable members have supported the same on the ground that, if the Council does not reconsider their judgment, Government may be forced to exercise the power of the veto. But I do not think that this is a right argument to put forward. We have to consider whether the demand is just or not, and if we find it is just, whether Government would apply the veto or not, we have to sanction it. If we think it is not a just demand we ought to vote against it and may force Government to apply the veto if they like. I for myself think that these factory inspectors are performing useful work and that they ought to be adequately paid. Their present salary is not adequate as they did not get any substantial rise above the pre-war scale and therefore they must be given the advance asked for. Last time we, for some certain considerations, refused it; but that is no reason to refuse it again. Perhaps at that time the case was not so forcibly and lucidly placed before us as it is done this day by Government. I think now the Honourable the Leader of the House has placed the facts before us and they have also been explained to us by other Government members and it is but right on our part to reconsider our decision and pass this item.

Sardar Khan Bahadur A. M. DALAL (Broach District): Sir, I beg to move a closure.

Honourable MEMBERS: Closure, closure.

The Honourable the PRESIDENT: Honourable members who have already spoken ought to be rather careful in moving the closure, but Sardar Khan Bahadur Dalal has not spoken and he has every right to move a closure. (Voices of adjourn and closure) I think we will go on for some little time and see if we can finish it.

Mr. B. G. PAHALAJANI (Western Sind): Sir, as I was responsible last time for a considerable opposition to this grant, I owe it to the Council and to the Members of the Government to place all the facts before them on this occasion. Then I think I will be able to supplement in some way the facts that have been given by my honourable friend Mr. Ker and contradict some of the facts that have been given by some of the other members. Now, so far as this grant is concerned, I shall start by saying that I deny emphatically the principle enunciated by my honourable friend Rao Bahadur Chitale, that from the constitutional point of view it is better for this Council to consider this question. I demur to that, and were it not for the Honourable the President having given us a ruling on that point, it is in my opinion setting a bad precedent. Sir, I would start by saying that the present combined department consisted of three before 1919. According to that arrangement, there was one important department, the Factory Department, and two other minor departments, the Boiler and the Smoke Nuisances Departments. The Factory Department, on account of its importance, had a salary for inspectors of Rs. 400 rising to Rs. 900 by annual increments of Rs. 30. But the two less important departments, the Boiler and the Smoke Nuisances Departments, had for its salaries of inspectors Rs. 500 rising to Rs. 600 and Rs. 300 rising to Rs. 500. The Smoke Nuisances Department had its inspectors at Rs. 300 to Rs. 400. Besides this, the chief inspector in the Boiler and Smoke Nuisances Departments drew a salary of Rs. 1,000 rising to Rs. 1,500 and Rs. 500 to Rs. 700. So that, Sir, from the facts that are in the note that is placed before the Council it is very clear that the Factory Department, before 1919, was considered the most important department and had salaries higher than those in the two other departments. Apart from one chief inspector, who drew in the Boiler Department a salary of Rs. 1,000 rising to Rs. 1,500 the other inspectors drew pay, or were entitled to draw pay, not exceeding Rs. 600, not exceeding Rs. 500 and not exceeding Rs. 400. I mention these facts, Sir, because I will have to place before the Council the considerations that have been advanced by my honourable friend Mr. Kanji Dwardkadas for the purpose of determining whether this grant should be allowed or reserved until the future re-organization of these departments is complete. Now, towards the end of 1919, November 1919, this Government submitted to the Government of India, who submitted them to the Secretary of State, certain proposals; and I must admit that these proposals that were submitted to the Secretary of State were not for fixing the scales of promotion, but were for amalgamating these three departments and for fixing the salaries of the inspectors, in the new combined department. So that, the consideration that, in the absence of sufficient information given by the Government at the last meeting, was present to the minds of many honourable members was that the Secretary of State had revised the salaries according to the scale of promotions of other departments. I am placing all the facts, Sir, as they have not been placed either in the Finance Committee or by Mr. Ker before this Council. The Secretary of State then, in 1920, granted the amalgamation of the three departments into one and at the same time, in accordance with the recommendations of this Government, four out of fifteen appointments were cancelled, and he raised the scale—there lies the difficulty—of the pay of the minor departments, the Boiler and the Smoke Nuisances, to Rs. 400 rising to Rs. 900, while the same inspectors in the two separate departments drew salaries rising to Rs. 600, and even the chief inspector in the Smoke Nuisances

[Mr. B. G. Pahala]ani]

Department drew a salary of Rs. 500 rising to Rs. 700. By the present arrangement of amalgamation into one department, the salaries rose in insignificant departments or were made risable from Rs. 400 to Rs. 900 by promotion of Rs. 30 a month annually; so that, all the inspectors of the Smoke Nuisances and Boiler Departments were benefited by this change. Those who were in the Factory Department were not benefited by the change because their salaries before 1919 also ranged between Rs. 400 and Rs. 900. Now, Sir, this was the view and these were the circumstances, and this is the reliable, documentary information on which to act. There was no subject for his consideration of the increments according to the high cost of living when the papers were sent to him in 1919. What the Government now seeks to bring before the Council—and it is for the Council to determine how far it should be allowed in view of the other fresh considerations that I will place before the Council—what the Government now wishes to place before the Council is this, that as other departments of Government have got increased salaries on account of rise of prices, which is  $\frac{1}{2}$ rd or  $33\frac{1}{3}$  per cent. of the pre-war salary, this department should get a similar treatment of having the  $33\frac{1}{3}$  per cent. increase over the pre-war rates. Now, so far, therefore, the treatment to other departments is concerned, I think it is an admitted fact, from the scales Government has from time to time placed before the Council for different departments, that such a rise has been allowed. But another circumstance that I will place before the Council is this, and that, Sir, turns solely upon the engagement or the undertaking given by the Honourable the then Revenue Member at the last session as regards the re-organization of the department. I am not going to touch on the grievances against the Government as to whether they have fulfilled the undertaking, but I only want to place these considerations before the House that the Government intend to re-separate this one combined department into three, that on the 1st of July 1922, this July, a new Factories Act has come into existence, that by this new Act considerable inspection of these factories will be necessary and by the new Act it will be necessary, in the interests of the factories and the labour classes, to increase the number of factory inspectors. Now, if it is intended—and that is the understanding; I think, given by the Government—that these three departments should be separated again, then, Sir, the importance of the Boiler and the Smoke Nuisances Department, which now is co-extensive with the Factory Department, will have to be reconsidered. In comparison to the Factory Department, their importance is less, and if in that re-organization the salaries of these two departments are placed at a lower level than those in the Factory Department, then these people, if they get promotion at the present moment, are disproportionately benefited from Rs. 400 or Rs. 500 to Rs. 800. Now, if the Government comes to the conclusion that the Smoke Nuisances and the Boiler Departments should not rise beyond say Rs. 600 or Rs. 700, in the new arrangement on account of their lesser importance, then the Council will note the peculiarly advantageous position, in which the present people whose increments we are sanctioning now or may sanction now will be placed. They will be getting in less important departments salaries intended for the more important—the Factory Department. That will be the special advantage they will gain and I think my honourable friend Mr. Kanji Dwarkadas's proposal on that subject receives considerable strength from the undertaking given by Mr. Cowasji Jehangir last time as the Revenue Member that the re-organization is in view, and I am told,—I am credibly informed,—that the



[Mr. B. G. Pahalajani]

Government has got that re-organization in view and that the new Act is compelling Government to take it up immediately. I submit to the Council, therefore, whether it will not be necessary and in the interests both of the revenues of this province as well as in the interests of the people concerned themselves, that this question be taken up again after the re-organization is complete.

• Mr. J. C. KER : I should like to know how any re-organisation can affect the past salaries of these inspectors ?

Mr. B. G. PAHALAJANI : I mean that the salaries of the present incumbents are at present on a higher scale than they are entitled to, or rather they should be entitled to. In the present amalgamation men of less important departments have been raised to the level of important appointments. If the Government cannot deprive them of their present pay, the Council can deprive them of the present importance which the amalgamation has given to them, and retain their lower salary. In the last session, the whole discussion between myself and Mr. Cowasji Jehangir turned on the point whether the Secretary of State has sanctioned the scale according to the high prices. If the Council thinks that the re-organisation is in view and that it will throw upon the country considerable expenditure, on account of the new Factories Act that is to come into existence, the Council may pause and wait till that re-organisation is complete, and then you can consider and determine what salaries should be given or what new appointments should be made. These are both sides of the question and it is for the Council to adopt either.

Mr. NAOROJI M. DUMASIA : I move the closure, Sir.

The Honourable the PRESIDENT : I accept the closure and call upon the Honourable the Leader of the House to reply.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I was criticised for not having gone exhaustively into the arguments that were advanced previously, in introducing the motion, on the present occasion. I did so deliberately because I felt that I should place before the House the only issue that they had to deal with. The issue which I placed before them was whether an increase of pay due to gradation in an amalgamated department was tantamount to revision of pay. The point for the Council to consider was that all other provincial and Imperial departments had received promotion by way of revision. By reason of the fact that their departments were amalgamated, some of these officers were benefited by it. The question was whether they were benefited according to the standard accepted by Government and this Council, whether the promotion they got by way of amalgamation was adequate in regard to the rise in the cost of living. It is not necessary to go into the details of the various points which were made on the previous occasion when the subject came up for consideration. It has got to be remembered that what the Secretary of State sanctioned was the amalgamation of these departments. As Mr. Pahalajani has pointed out in the case of minor departments, the maximum of their salaries was increased. The question is not whether the maximum in the case of these officers should be raised, but whether the increase which they received was adequate, and whether they should be given the 33½ per cent. rise on pre-war figures. That is the issue before the House, and that is the issue which the House has got to decide. A great deal has been said as regards the

[Sir Ibrahim Rahimtoola]

undertaking given to this Council in regard to re-organisation. It is not necessary for me to say that when any Member of Government gives this Council any assurance, that assurance is on behalf of Government as a whole. Therefore, the undertaking for re-organising the department holds good; but the question for the Council to consider is whether it has any bearing on the question before the House. The new Factories Act has come into operation on the first of this month. That will necessitate the employment of a larger number of officers in order to keep pace with the increased work as the Factories Act has been extended to factories which were previously exempt from its operation. I understand that a scheme has already been prepared and it is now under consideration. I do not know what effect that can possibly have on the question now before the House. The question before the House is whether in their opinion the promotion, which some of the inspectors got as a result of the amalgamation, is adequate from the point of view of revision of salaries. It will be obvious from the point of view which has been put before the House by various speakers that by comparison it cannot be considered as adequate. If that is so, the only solution is the sanctioning of this grant.

There is one important point to which I should like to invite the attention of the honourable members. Fees are charged for boiler inspection, and I am told Government obtains sufficient revenue to meet the cost of these officers, so that there will not be any liability incurred by provincial revenues. If further establishment is necessary in view of the amendment of the Factories Act, Government will consider the desirability of so regulating their charges as to bring in the necessary revenue for the purpose of carrying out the work of inspection. But these are to my mind questions which can be dealt with separately when the re-organisation scheme comes before the House. The present issue simply is, whether in the opinion of this House the proposed increase (without touching the maximum of the present officers) is deserved in view of what this Government and this Council has done in connection with other officers of similar status, or whether it is not. I have no intention of dealing with the criticism passed on the working of the department, but I may say one word in regard to it. Government will, of course, take necessary measures to make inquiries into this criticism, but it is to my mind open to any member to specifically bring to the notice of Government by means of interpellations, if they have any complaints to make in regard to the administration of any department of Government, and I need hardly assure the House that Government always give their best consideration to any complaint to which their attention is drawn by honourable members.

In conclusion I will only say that the issue before the House is a simple one and that it has to be voted upon from that one single point of view, whether the promotion proposed of 33½ per cent. on the pre-war pay, taking into consideration the gradation increases which have been given and which will be deducted from the 33½ per cent. is a reasonable one, or whether these officers alone should be content with what little promotion they got by way of gradation when the three departments were amalgamated. That is the simple issue before the House and I trust it will pass the motion.....

Mr. JEHANGIR B. PETIT: When did these inspectors get an increase last?

The Honourable Sir IBRAHIM RAHIMTOOLA: They are on an incremental basis. The intention is (the maximum recommended under the

[Sir Ibrahim Rahimtoola]

sanctioned scheme of amalgamation is not to be disturbed) that these inspectors would be given some advance increments to secure them the increases they deserve.

Mr. JEHANGIR B. PETIT : But when did they get the last increase ?

The Honourable Sir IBRAHIM RAHIMTOOLA : I gave the figures of actual increases after revision. What is proposed is to give them a certain number of increments in advance. They get nothing more than that.

Question put and agreed to.

The Honourable the PRESIDENT : The Council is adjourned till 2 p.m. to-morrow.

# BOMBAY LEGISLATIVE COUNCIL DEBATES

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FROM 28th TO 31st JULY 1922

VOL. VI—PART II

OFFICIAL REPORT



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*Friday, the 28th July 1922.*

The Council re-assembled at the Council Hall, Poona, on Friday, the 28th July 1922, at 2 p.m., the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

*Present :*

ADDYMAN, Mr. J.  
 ADHAV, Mr. P. N.  
 BATLIWALA, Dr. S. S.  
 BEDREKAR, Khan Bahadur ISMAIL SAHIB M.  
 BENNETT, COLONEL V. B.  
 BHATE, Mr. G. C.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Mr. S. K.  
 BULLOCKE, Mr. A. GREVILLE.  
 CHITALE, Rao Bahadur G. K.  
 CLAYTON, Mr. F.  
 COOPER, Khan Bahadur D. B.  
 CRERAR, Mr. J.  
 DADACHANJI, Dr. K. E.  
 DALAL, Sardar Khan Bahadur ADARJI M.  
 DALAL, Mr. D. B.  
 DESAI, Rao Saheb HARILAL D.  
 DESAI, Rao Saheb DADUBHAI P.  
 DESHMUKH, Mr. ANANDRAO SHRIPATRAO.  
 DRAKHAN, WADERO MAHOMED PANAH.  
 DUBHASHE, Mr. SHANKAR BALKRISHNA.  
 DUMASIA, Mr. NAOROJI M.  
 DWARKADAS, Mr. KANJI.  
 FERNANDES, Major C.  
 FERREIRA, Mr. D. J.  
 GANDHI, Mr. C. M.  
 GARUD, Rao Bahadur S. D.  
 GHOLAP, Mr. D. D.  
 GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH.  
 GODAD, Khan Saheb ABDULLA AYJAL.  
 GODBOLE, Dewan Bahadur K. R.  
 GRIFFITH, Mr. F. C.  
 HAJI, Mr. IBRAHIM S.  
 HAJI KHAMISO GUL MAHOMED, Mr.

HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA.

HAVELIVALA, Mr. M. A.

HAYWARD, The Hon'ble Mr. M. H. W.

JADHAV, Mr. B. V.

JEHANGIR, Mr. COWASJI.

JUVEKAR, Mr. D. G.

KALBHOR, Mr. G. M.

KALE, Rao Bahadur R. R.

KAMBLI, Mr. S. T.

KASSIM, Mr. G. H.

KER, Mr. J. O.

LAGHARI, Khan Bahadur KHAIR BAKSH.

LAHORI, Khan Bahadur HAJI AMIRALI.

LAWRENCE, The Hon'ble Mr. H. S.

LORY, Mr. F. B. P.

MANSURI, Khan Saheb A. M.

MEAD, Mr. P. J.

MEHTA, The Hon'ble Mr. O. V.

MODI, Sardar Davar TEMURAS K.

MOHOMED SALAHUDDIN K., Mr.

MONIE, Mr. P. W.

MOUNTFORD, Mr. L. J.

MUTALIK, Sardar V. N.

NILKANTH, Rao Bahadur R. M.

NELSON, Mr. F.

NIMBALKAR, Mr. K. B.

PAHALAJANI, Mr. B. G.

PAINTER, Mr. H. L.

PARANJPYE, The Hon'ble Mr. R. P.

PARULEKAR, Rao Saheb L. V.

PATEL, Mr. B. P.

PATEL, Mr. J. B.

PAWAR, Shrimant, J. A.

PETIT, Mr. JEKANGIR B.

PRADHAN, Mr. M. W.

PROSE, Mr. E. M.

RAHIMTOOLA, The Hon'ble Sir IBRAHIM.

SALGAR, Mr. R. G.

SATHE, Rao Bahadur G. K.

SAYED NABI BAKSH SHAH.

SAYED, SHAHJADE SAHEB HAIDAR SAHEB.

SETALVAD, The Hon'ble Sir CHIMANLAL H.

SHIRRAS, Mr. G. FINDLAY.

SINDORE, Mr. H. N.

SUFI, Mr. KALANDARBAKSH.

SURVE, Mr. A. N.

THAKURDAS, Mr. PURSHOTAMDAS.

THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

The Honourable the PRESIDENT : Order, order.

**A BILL TO REPEAL SECTION 32 OF THE BOMBAY CIVIL COURTS  
ACT, XIV OF 1869. BILL NO. XII OF 1921.**

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I rise to move that Bill  
No. XII of 1921, a bill to repeal section 32 of the Bombay  
First reading Civil Courts Act, XIV of 1869, be read for the first time.

Section 32 was inserted in the Act, which is at present 53 years old, at a time when the civil jurisdiction or civil administration of justice in the Presidency of Bombay was not yet settled. Act XIV of 1869 is the Act that, for the first time, introduced civil courts in the Presidency of Bombay, and in 1869, it was considered necessary, when the institution of subordinate judges was in its infancy and the courts of small causes were just beginning, to insert section 32 in that Act. Section 32 is a section that excludes and limits the jurisdiction of ordinary courts as regards suits that are to be filed against the Government or against public servants as such, in their capacity as public servants. The section reads thus :

No subordinate judge or court of small causes shall receive or register a suit in which Government or any other officer of Government in his official capacity is a party, but in every such case, such judge or court shall refer the plaintiff to the District Judge, in whose court alone such suit shall be instituted.

Now, Sir, the ordinary jurisdiction of courts was determined by this very Act XIV of 1869; it gave them jurisdiction against all the nationalities and people in the country, whether they be Indians, Europeans, Americans, or people of any other nationality. There was no distinction in the civil jurisdiction of the courts, so that suits under Rs. 500 were to be filed in the court of small causes, suits up to Rs. 5,000 in the courts of subordinate judges of the second class, and suits above Rs. 5,000 to unlimited extent in the court of a first class subordinate judge, if any, or in the district court. But, in the case of Government servants, this special section 32 made it compulsory for people, as plaintiffs, to file suits, for howsoever small an amount—whether it be for Rs. 10 or for Rs. 10,000, and whether it be a suit for injunction for which a court fee stamp of 6 annas, or 12 annas, or Rs. 6,000 is necessary,—against the Government and against any officer who was a Government servant, in the district court existing at the head-quarters of the district.

I may also mention that this exception applies to suits against State railways as well. There are some railways that are managed by companies, for instance the G. I. P. Railway and the B. B. & C. I. Railway, and the Jodhpur-Bikaner Railway, but there are others which are entirely



[Mr. B. G. Pahalajani]

State concerns, like the North-Western Railway, — the railway that runs through nearly half of the upper portion of the Indian Empire. And, as it is a State railway, a suit for howsoever small an amount—whether it be for Rs. 100 or Rs. 5 for goods lost in transit—has to be filed in the district court.

This Act was passed at a time when the subordinate judges were not educated enough or trained in law. This was passed at a time when new judges had to be recruited with sufficient experience, and the institution of qualified subordinate judges had not yet come into existence. Untrained, unpassed hands were then recruited to administer civil justice. But times have progressed.

At the same time, in support of the first reading of the bill, I would place before this Council this fact, that throughout the Indian Empire, in all the other Presidencies, except the Bombay Presidency, where civil courts exist, no such limitation exists. If you turn to Act XII of 1887 which applies to Bengal, the N. W. P., and Assam, if you turn to Act III of 1873 and Act XIX of 1877, the Madras Civil Courts Act, if you turn to the Punjab, nowhere, either in Bengal, the N. W. P., Madras, Punjab, or Assam, except in the Bombay Presidency, is this limitation on the powers of civil courts placed. In all those other Presidencies, a suit against the Secretary of State, that is the Government, a suit against a State railway, or a suit against any public servant, for any act done as such, can be filed in the ordinary court of competent jurisdiction, according to the money value of the suit. A suit of Rs. 500 can be filed there in the court of small causes, whoever the defendant may be, whether a Government servant or not, a suit up to Rs. 5,000 can be filed in a second class subordinate judge's court, and so on.

Now, if this is the state of circumstances so far as the other Presidencies are concerned, there is no justification whatever why this ancient provision—ancient because it is now 53 years old—should still remain on the statute book of this Presidency. This Council has the power of rescinding that section independent of any sanction from the Government of India. I respectfully submit that, so far as jurisdiction is concerned, and so far as this Act is concerned, at a time when we have no such limitation in the other provinces, there is no reason why this limitation should exist here.

Now, apart from that, this Council may consider the quality of the subordinate judges that we have got, the sub-judiciary that we have got in this Presidency. The Honourable the Home Member, only last session, during the budget discussion, gave a well merited compliment to the sub-judiciary, and I think that every one of us in the House is of the same opinion, that the sub-judiciary of this Presidency is doing splendid work, and is producing work according to the expectations not only of the Indians but also of the Government. Now, if the Indian judiciary is independent, if the judgments of the Indian subordinate judges command respect at the hands of High Court Judges, and if the Privy Council itself, in many cases, approves of the decisions of the subordinate judges in preference to those of the district courts, then there cannot be the slightest objection to invest them with the ordinary powers that their brother officers in every other Presidency possess. The Indian legislature itself has recognised the necessity of these changes, with the result that, from time to time, the Indian legislature has engrafted exceptions upon the section, by allowing the ordinary courts' jurisdiction to many officers—the court of wards, the Collector, the curator of a lunatic, etc.,

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Amongst the exceptions there is the Court of Wards, which is a regularly constituted Government office headed by a Government servant in charge of the estates of minors and spendthrifts. Now, though the Court of Wards is a Government servant, though he manages the estate of lunatics and minors, yet according to Act I of 1905 the jurisdiction of suits against a Court of Wards is given to ordinary courts. To proceed further, if the estate of a minor is in the hands of a Collector, if the estate of a lunatic is under the management of a curator, if the estate of a spendthrift is under the special management of a particular officer, all those suits by the special exception of the sections have been made cognizable by ordinary courts who deal with them. But again an anomaly exists in the province of Sind in connection with another office, the Manager of the Encumbered Estates. The Manager and the Court of Wards is the same person. He, as the Court of Wards, may file a suit in an ordinary Court—but the same person as manager, if under his protection as manager, must file a suit, be it a simple suit for money or for partition, must file it or be sued in the district court howsoever small the estates. Simply because he happens to be styled a manager, though the same person styled as a Court of Wards in any capacity is under the jurisdiction of an ordinary civil court.

Then another more important consideration is that there are two or three subordinate civil courts in every district one for two or three talukas. Now for a small suit for whatever amount of the suit may be, any man who has to file a suit has to come all the way to the headquarters of a district. The district courts which are not only courts for disposal of civil work but are courts of sessions as well have an enormous amount of criminal sessions and original work to do which includes trial of serious offences of murder and dacoity on account of this dual capacity; and from time to time representations are made to the Government to appoint additional judges for disposal of criminal work; almost all the civil work lies there undisposed of. I may inform the Council that even in Sind on account of criminal sessions work, suits, small and great, against the Secretary of State and the Manager have been pending for a period of ten years until the day when a particular District Judge came and sat over-night and handled it. Even then he could not dispose of even one-third of the amount of civil work. The amount of sessions work gave them little time for civil work. It not only increases the duration of the disposal but increases the cost that litigants have to pay, not the Government, because Government can spend an unlimited amount. Parties have to come to the district courts from time to time to hear that their suits are not to be taken up. The professional fees besides in the district courts are larger; there are many other circumstances which make it entirely undesirable that suits that would otherwise be disposed of summarily by a court of small causes should be filed in the district courts await disposal for years. It may be argued and it will most probably be argued that in cases, many times points of importance arise which it is desirable that district courts should dispose of; but my answer to it is simple and it is that if a case having such points arises the District Judge can be moved to transfer to his own file any case without giving any reason; if an important principle is involved in a case that affects Government, Government can easily move the District Judge to transfer that case to himself. But to compel a plaintiff or a defendant to compel him to go to a district court for suit howsoever small is extremely hard and extremely undesirable.

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I do not think anybody in this House will say that any one is likely to be injured if this limitation is fixed or that the quality of the work of the subordinate judges is so low as to make it still desirable to preserve the limitation. I have a better opinion of the subordinate judiciary and I think that the period of 53 years is long enough for us to reconsider the decision of the legislature then and remove the little limitation that exists and give the jurisdiction to the ordinary courts and remove the slur that otherwise exists in the statute book on the sub-judiciary. I, therefore, move that this bill may be read for the first time. If it is necessary in the unanimous opinion of this Council that this Act should be passed with certain exceptions and that we should reserve some suits to be filed in the district courts, it will still be open for the select committee to go into these matters. I think therefore that I am entitled to have the first reading being passed without dissent.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I am sorry that I cannot support the first reading of this bill. I have since its introduction taken the opportunity of consulting both official and non-official opinion. And I find that there is a very strong opinion against this bill. That opinion includes such important bodies as the Ahmedabad and the Satara Bar Associations. It includes all the Government Pleaders who have special experience of this work. It includes all the District Judges, the Court of the Judicial Commissioner in Sind and the High Court.

Now, Sir, this particular section 32 was enacted in 1869. It was enacted to provide that suits against the State and public officers should be brought in the highest original court. The reasons given were that suits of this nature involving matters of great and urgent importance to the community ought not to be brought before inferior courts, but ought to be brought before the chief original courts, that is, the district courts. It was also provided at the same time that special precedence should be given to the hearing of such public suits in the district courts. That was to ensure not only that they should be tried in the best courts but that they should be tried in the quickest possible manner by those courts. The provision as to precedence will be found in section 16 of the Revenue Jurisdiction Act of 1876. I submit, Sir, that these reasons still exist. It is still important that cases involving matters of great and urgent importance to the community should be tried quickly and should be tried in the highest courts of original civil jurisdiction, that is to say, the district courts.

Now, Sir, if any one proposes that that clause should be altered, the burden lies very heavily on him to make out his case. This section 32 has been modified from time to time to provide for those cases where there were real hardships. You will notice, Sir, that it was amended in 1876, in 1880, in 1895 and in 1914, in order to exclude certain petty matters or matters of not so great importance to the community from the special jurisdiction of the district courts. These matters included municipal cases, cases relating to minors and cases relating to lunatics—municipalities, minors and lunatics—I hope members will not draw any improper inference from the gathering of these three together in one category. Similarly, Sir, if there are inconveniences, as very possibly there may be, with regard to suits against the Manager of Encumbered Estates, it seems to me the remedy should be the same as has been applied hitherto, to exclude them specifically from section 32. Similarly, if there are petty railway suits, such as loss of goods on the railway, in which inconvenience is

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really experienced, then it seems to me the proper remedy is, as before, to exclude them from the special jurisdiction of the district courts. But hitherto on none of the various occasions when amendments were proposed, was it ever suggested that suits of great and urgent importance to the community should be tried by second class subordinate judges instead of being tried in the district courts. Nor is it any hardship on the plaintiff to have those suits tried in the highest court. It is on the contrary a real benefit to him. He gets better legal advice on complicated questions; he gets his suits better conducted; and he gets them heard by more experienced judges, because he has to come to the head-quarters, and at the head-quarters he finds the most experienced lawyers and the best advised courts. That is not his only benefit. He has another, and that is that, if he is not satisfied with the result of the trial even with the aid of the best local legal talent and the highest local court, he can take his case, not only on law but also on the facts, to the High Court. It is a very substantial advantage to the plaintiff that he should be able to take his case both on law and on facts and get it decided by the highest tribunal in the Presidency, the High Court.

On the other side of the question is the public convenience. If this bill is passed, it will mean that all public suits will be liable to be tried before second class subordinate judges. Now, it is well known, Sir, that the second class subordinate judges have to do their work in out of the way places in the districts. It means, therefore that public officers will have to spend their time in visiting these out of the way courts. They will not only have to spend their time, but they will have to spend some public money in travelling to and from these out of the way courts, and that public money will have to be found by the provincial Legislative Council and the honourable mover will have to vote an extra sum under the heading "Litigation" in the budget of my honourable colleague in charge of the General Department. Almost all suits will be liable to be tried in the second class subordinate judges' courts, because they are tried according to the valuation put on them and it is very easy to value a suit below Rs. 5,000 which is the limit of the jurisdiction of the second class subordinate judges. It is very easy to value a matter of very grave and serious importance to the community at a sum under Rs. 5,000 in order to bring it into the court of a second class subordinate judge. The result will be that not only will there be a waste of public time and public money, but matters of serious importance to the community will be liable to be tried by inexperienced second class subordinate judges. Now, I entirely agree with my learned friend that they are an excellent service, but, as I have said before, even second class subordinate judges do improve with experience and you cannot expect to get the same ripe judgment on important and difficult matters by a man who has not had ripe experience. It is important for the public that they should have these suits decided by judicial officers of ripe experience. It is also important that the further benefit should be preserved to the State that these suits should be finally decided on appeal both on law and fact, not by the district courts but by the High Court. Therefore, it seems to me there is a strong case for the maintenance of the present rule that all suits involving great and urgent matters to the community should be tried at the most convenient place and the most inexpensive place, the head-quarters of the district, in the highest original civil court of the district with a right of appeal both on law and on fact to the highest tribunal in the Presidency, namely, the High Court.

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It has been urged that a different rule applies in other Presidencies. I am surprised that the honourable member should have brought that forward as a reason why we should amend the law relating to the Bombay Presidency. This is a Presidency which has been accustomed to give lead without seeking the help of other Presidencies. That may be said to be a mere matter of sentiment. There is more in it than sentiment. There is this: The law relating to civil courts in other Presidencies is materially different to the law relating to the civil courts of the Bombay Presidency. In those other Presidencies they have not got as we have second class subordinate judges. In Bengal they have got munsiffs exercising powers up to Rs. 1,000 only and not entrusted with the powers entrusted to our second class subordinate judges. In Madras too, they have got district munsiffs with powers up to the extent of Rs. 2,500 only. I am not aware of the exact reasons why a different law prevails there. It seems to me, quite possible, that the reason is this: that the munsiffs there have so low a jurisdiction that practically no public suits of any serious importance can be brought in their courts. There is not the same need, therefore, for the rule as there is in the Bombay Presidency. Whatever that may be, it has been found desirable in this Presidency, and there is no reason why we should be servile and copy the practice of either the Madras or the Bengal Presidency.

There is one more point and that is this. It is by no means unusual to have special laws on this subject. You will find in England no such suit can be tried except through the special procedure of a petition of right. You will find on the continent, in France special courts, but special laws for suits against the State. It is therefore, for all these reasons, not possible for me to support the first reading of the bill.

Mr. S. T. KAMBLI (Dharwar District): Mr. President, I rise to support the first reading of the bill. In my opinion, whatever reasons may have existed in the past, to limit the jurisdiction of the sub-judiciary in respect of suits against Government or Government officials, those reasons have ceased to exist now. There is no reason why suits against Government or Government officials should not be heard by subordinate judges. The recruitment of subordinate judges' posts is made from a class of persons who are specially well-trained in the legal knowledge and practice, and members of the bar in the mofussil are efficient enough. So then, there is no lack of efficiency either in the case of subordinate judges or in the case of pleaders who have to give legal advice to their clients. This being the state of circumstances, I am emphatically of opinion that section 32 of the Act has no reason to exist on the statute book. The Government of this Presidency is engaged in making proposals for investing our subordinate judges with magisterial powers. That shows the confidence of the public and the Government of this Presidency both in the integrity and independence and also in the ability of the subordinate judges. This is another additional ground which induces me to support the first reading of this bill.

Now, I ask the Council just to consider for a while the small cases which have to be filed against Government, *e. g.*, a suit for damages for Rs. 100 or Rs. 200. The client has to go from one end to the other end of the district. He has to undertake the journey, has to find out an efficient pleader, which means as a matter of course heavy legal fees, and then, Sir, the district court is engaged in hearing so many criminal cases and civil appeals. Just consider

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how the clients would feel with all these troubles in order to prosecute a suit against Government, whatever righteous cause he may have. The present section 32 places obstacles in the way of obtaining justice for the general public. Sir, there may be some cases in which safeguards may be necessary.

There may be special cases which may require certain safeguards. For such cases there are provisions made in the Civil Procedure Code. The district court and the High Court have been invested with special powers to transfer any special cases from the file of the subordinate judges to the file of any superior court. On this ground I entertain no fear as put forward by the Honourable Mr. Hayward. In this connection it has been said that the opinion of the Government pleaders has been obtained and they are against it. The reason seems to me not far to seek. These Government pleaders are located and are practising in places where there are district courts and the reason, I may say, briefly is that it touches their pockets and their interests. So the opinion of Government pleaders in this connection is not entitled to that value which it otherwise would have got. If in other Presidencies such suits are tried by the subordinate judges, I see no reason why in this Presidency they should not be tried by the subordinate judges. The Honourable Mr. Hayward has said that Bombay always gives the lead to other Presidencies and we should not copy the practice followed in other Presidencies. If this is the case, Sir, if the section 32 has been standing on the statute book since 1869, why should it not have been copied in other Presidencies? That itself is a sufficient ground to show that at least in this particular case of section 32, this Presidency is not followed by other Presidencies and it may be exactly that this Presidency is not giving the lead to other Presidencies at least with regard to the provisions of section 32 of this Act.

It is said that the constitution of the subordinate judiciary in this Presidency with regard to their powers and jurisdiction, is quite different from the constitution and jurisdiction of the munsiffs which are to be found in the Presidencies of Bengal and Madras. From the little knowledge that I have of other Presidencies there are also subordinate judges there—munsiffs may have got a limited jurisdiction of Rs. 1,000 or Rs. 2,500 in the other Presidencies, but there are subordinate judges there who are invested with jurisdiction above Rs. 1,000 in one case and Rs. 2,500 in the other case. Those very subordinate judges are invested with powers to try suits in which Government or a Government official is a party, and I do not see any reason why our subordinate judges, our second class subordinate judges, who are invested with powers to try suits up to Rs. 5,000, and First Class Subordinate judges who are invested with unlimited powers with regard to any claim of any value, should be prevented from trying suits simply because the Government or a Government official is a party.

It has been put forward by the Honourable the Home Member that there are special benefits to the general public from the fact that suits are made triable by the District Courts, and these benefits are said to be in the way of appeals directly to the High Court and for this reason the general community will be benefited in having the right of appeal direct to the High Court on a question of law and on a question of fact also. Is that a sufficient ground, I ask, for the general public to go to the district court, to spend so much money, even in small petty cases simply because there is a possibility of appeal

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to the High Court even in small cases of Rs. 500 or Rs. 600? If, as the Honourable the Home Member said, district courts of Civil Jurisdiction in district places are more to be trusted and are fit to be trusted, the fact lies here; if a subordinate judge tries a suit in which Government is a party and any party is aggrieved by the decision of the subordinate judge, he has the right of appeal, both on questions of law and fact, to the district court. Is that not a sufficient safeguard both to the Government and to the public? I fail to see why, because there is a direct appeal from the decision of the District Judge, to the High Court, that fact alone should stand in the way of suits being made triable by subordinate judges. For all these reasons, Sir, I heartily support the first reading of this bill.

Rao Bahadur R. M. NILKANTH (Ahmedabad District): Mr. President, I feel it my duty to oppose the first reading of this bill. I may say for the information of the Council that this bill was referred to the Ahmedabad Bar Association who resolved that they were opposed to this bill. With regard to the observation of the honourable mover that the provision he seeks to repeal is old and antiquated, I may say that during its existence the general public has come to the conclusion that it is very convenient for them that suits against Government are tried in district courts. In the first place, as the Honourable the Home Member pointed out, the public gets the advice and assistance of lawyers of greater training and experience at the headquarters of the district; secondly the knowledge that the trial of suits against Government has to take place before a district judge inspires greater confidence in the litigating public. The district judge is an officer of a status equal to that of the Collector who is generally the officer who represents Government in suits against Government and the public feel that having their suits in the hands of district judges enables them to have better justice, to have justice done to them with greater efficiency, to have orders for inspection complied with greater speed, and, also to have a fairer trial. That is anyhow the impression of the public.

Again, as was pointed out, the fact that suits are tried in district courts enables litigants, if unsuccessful, to have a direct appeal to the High Court both on points of fact and law. It was said by the honourable mover that section 32 of the Bombay Civil Courts Act ought not to stand because several amendments have had to be made in it, introducing in it exemptions of cases which may be tried by courts of subordinate judges. But it must be observed that all these exemptions are cases where Government as such are not concerned but are cases where a Government officer is guardian or manager of private persons' estates. These are cases where Government interests are not the subject matter of dispute but where only accidentally a Government officer happens to be concerned on behalf of private parties. These are virtually suits between private parties. If there are other cases similarly requiring exemption, such as suits against railways, the section may be further amended so as to provide for such exemptions, but that is no reason to repeal the section as a whole.

Another point made was that the district courts are over-crowded with criminal cases and other work and that, therefore, subordinate judges should be empowered to try such suits. I may say with regard to this that subordinate judges too have enough work of their own and further that it is proposed to invest them with magisterial powers in order to carry out the separation of executive and judicial functions. That will add to the work of subordinate

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judges. And therefore, there is not much force in the argument that suits against Government could be tried with greater speed by subordinate judges.

Then it was said that suits against Government are very often small suits and that therefore the cost of prosecuting such suits in the district court is excessive. Let me point out to the Council that such suits generally are not small money suits but are suits in which the rights of the public or of individuals against the State are concerned or questions of the conduct of public officers in important political matters are at issue. Those are all suits which are of a complicated nature and are unlike money suits of small value. There is, therefore, no force in the argument that the cost of such suits in the district court becomes disproportionate.

For these reasons, I oppose the first reading of this bill.

Mr. M. W. PRADHAN (Thana District): Mr. President, I rise to oppose the first reading of this bill and my reasons are that the special merit in the present legislation is to my mind that the public have a right of direct appeal to the High Court. Mr. President, you are very well aware what it means in the High Court when pleaders appear before Their Lordships and say "first appeal or second appeal". I do not think that my learned friend ebhind realises the distinction and the treatment these two appeals receive. From the public standpoint, when the present legislature gives them the right of having the facts scrutinised by the High Court, I think that privilege alone is entirely one which ought to be copied by all other Presidencies. I say this because they automatically get the decision of the High Court on questions of fact, and when the Honourable the Home Member was giving the merits of it, nothing appealed to me more than this right of direct appeal to the High Court, and I hope that the Council will not be misled by any other thing. This is the most radical right that the public have, namely, a judgment on facts by their Lordships in His Majesty's High Court. It is not a very small right. I should lay greater stress on that right than on any other. I therefore hope that this Council will see that this bill is not allowed to be read a first time.

Mr. G. C. BHATE (Kolaba District): Mr. President, I feel it my duty to take part in this discussion, because I come from a mofussil place. It is a taluka town, and we have no sub-judge's court at that place. From my experience of the last twenty years or so, as a practising pleader, I do feel that in cases of small importance at least, the subordinate judges should be invested with powers to try suits against Government and Government officers. While opposing this motion, the Honourable the Home Member advanced an argument that suits involving matters of great importance to the community should be tried by district courts. No doubt, there are such suits of great importance to the community. But at present, a suit for damages, a petty suit for the refund of money, and such small suits which are not of great importance to the community, but simply a matter of interpretation of certain sections of certain enactments are to be filed in the court of the district judge. The inconvenience caused to the parties is very great indeed. Suppose a man in a place like Dapoli or in a place near Dapoli has to file a suit in the district court at Ratnagiri. The inconvenience caused to him for having to take the witnesses to Ratnagiri and all that, is really a great hardship to him, and the question involved in the suit, as in many other suits, is not of very great importance to the community.



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In this connection, I might give to the Council an instance which recently happened in my taluka. The House knows that there is an Act, called the Summary Settlement Act, No. VII passed in 1863. Under that Act, some sanads have been given in my part of the Presidency. The holders of the lands who have been given such sanads are entitled to transfer their lands to purchasers or mortgagees. Government thought that such transferees should not get the benefits which the original holder had, namely, simply paying the quit rent and enjoying the produce of the land. Government passed a resolution and levied from the transferee the whole assessment on those lands. For some time, such levies were paid. But one such transferee went up to the High Court, and he brought to the notice of the High Court that the levy was illegal. The High Court came to the conclusion that his contention was substantial and real, and as it was a refund suit, a refund was allowed. However, Government is still levying the full assessment in such cases in my part of the Presidency. People had applied saying that the High Court ruling is applicable to the lands coming under their sanads, and that such levies should not be allowed. They had asked for refunds of the amounts which they had paid for some years, but all the applications have been refused. In such cases, the only remedy is to go to the civil court, and file a suit. Of course, in the court in such suits, the same argument will have to be advanced, because the sanads are all of the same type under the same Act, and if so long as the High Court ruling stands, that ruling will be applicable in the case of all those litigants also. But the difficulty in the case of these litigants is, the question involved being for a small amount, it is difficult for them to go to the district court, and file suits there. Besides, the number of such litigants would not be small. This is one of the instances in which such small suits do arise, and at present, as the litigants have to go to the district courts, they are handicapped. As regards the argument that in the district courts there is better legal advice, I must demur to it, because now-a-days in almost every civil court, and in the subordinate judges' courts there are a good many LL.Bs. Formerly, it might have been said that there were only district pleaders there without any good legal training, and their advice might not have been good. At present, the District Pleaders' examination is abolished, and in many subordinate courts there are LL.Bs. practising for many years. Whatever may have been the state of things in former times, to say that now the LL.Bs. practising in the subordinate courts cannot give good legal advice, if one has to file a suit against Government or a Government officer, does not appeal to me.

There is one more thing which I wish to say, and that is that the bill simply says that section 32 may be repealed. But the honourable mover has said in his speech that if at all the House thinks that certain reservations should be made, and that only certain suits should be tried by the subordinate judges and not others, that question can very well be discussed by the select committee that may be appointed. Now, as the power is with reference to all suits, whether of great importance or no importance, this power should be removed to a certain extent at least. With these words, I support the first reading of the bill.

Mr. C. M. GANDHI (Surat City): Sir, before we allow this bill to go to the select committee, I think the Council would like to know what principle we are going to accept by allowing that to be done. We know that ordinarily, all civil suits are to be brought in the court of lowest jurisdiction. The section which it is now proposed to repeal says that in cases where Government or

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an officer of Government in his official capacity is a party, no subordinate judge or court of small causes shall receive or register such suit. If we agree to the repeal of the section, does it mean that we shall have no chance of going into select committee at all—for once we agree to repealing this section, will it mean removing the jurisdiction of districts in all such cases—or will it be open to the select committee to decide.....

The Honourable the PRESIDENT : Order, order. We have not yet come to the stage of the select committee. If the bill passes the first reading, then there will be time enough to consider that question, and then the honourable member may ask me as to what procedure might be adopted, and if any point of order is raised, I will answer it. But it is no use anticipating the select committee. First of all, we must deal with the question of first reading, whether the principle of repealing this section is acceptable.

Mr. C. M. GANDHI : I would like you to say, Sir, whether we can make any additions.

The Honourable the PRESIDENT : You can, so far as the principle of the bill is concerned. I can only give a general answer to a question like that. But if you ask me how that can be done, as regards that I do not know whether I can answer it just now unless the House has decided to pass the first reading.

Mr. C. M. GANDHI : Before we are called upon to vote as to whether this bill shall be allowed to be read for the first time or not, we would like to have from you, Sir, a clear enunciation of the principle that the Council must be taken to have accepted if this motion be accepted.

The Honourable the PRESIDENT : It will not be proper on my part to say at this stage anything which may interfere with the discretion of the select committee. All I can now rule is this : if this bill passes the first reading, and the Council decides to refer it to the select committee, then the select committee can limit the principle of total repeal by confining it to a partial repeal and amend section 30 of the Act, and the committee may also change the title of the bill which now runs, that this Act may be called the Bombay Civil Courts Repealing Act. In other words, the select committee shall not have power to extend the scope of this bill so as to amend section 30 of the Act by providing that no suit shall be filed in any district court or in the High Court against any Government servant. That would be extending the principle. But it will be competent for the committee and then to this House to amend this bill by providing that suits shall be filed in the subordinate courts in all cases except certain cases which shall be filed in the district court and the High Court. That would be limiting the principle, not extending it.

Mr. C. M. GANDHI : I think I should rather support the first reading of this bill. For there is no doubt that there are cases as have been pointed out by the honourable member from Sukkur (Mr. B. G. Pahalajani) where great hardship is caused.

There is certainly a great hardship in certain cases like the suits in which it will be possible or perhaps desirable to restrict the institution of suits in the courts of first class subordinate judges of some standing. As the present section 32 stands it says :

"No subordinate judge shall have any jurisdiction in a suit in which Government or any officer of Government in his official capacity is concerned."

[Mr. C. M. Gandhi]

It may be possible then to have the question thoroughly discussed in the select committee and to say whether the restriction shall only extend so far as the subordinate judges of a certain standing are concerned or so far as the first class subordinate judges are concerned. But after all we must say this that the right of appeal direct to the High Court is a very valuable right and in many cases where suits against Government are brought, it depends on certain interpretation of a grant or tenure and other complicated questions, it is much better to have these suits tried in a district court where there is better legal talent available and where better and more qualified district judges are available to hear these suits, and if there are any chances of mistake occurring in the judgment, first appeal being allowed to the High Court all such mistakes are very easily corrected. But in many cases where we can only go to the High Court in a second appeal, the appeal being confined to mere questions of law, sometimes injustice is likely to occur. No doubt, the mofussil bar even in taluka towns is being strengthened day by day, but it is no disparagement to them to say that men who are being trained up in district courts are more familiar with precedents of law and procedure, than those in the taluka courts. Similarly all graduates in law have to admit that men practising in the High Court are more up to date in law than members of the bar of the district courts, because they are every day dealing with questions of law. Therefore, without meaning any disparagement to my friends in the taluka courts, it is much better to have these suits tried in the district courts where better legal talent is available.

My honourable friend Mr. Kambli seems to suggest that opinions of Government pleaders ought not to have any weight given to them because he thought they were all interested in maintaining the monopoly of men practising in the district courts. I myself was a Government pleader for several years and for better reasons when I joined this Council I resigned, and I think it is hardly fair to Government pleaders to say that in giving their opinions they should have been actuated by any such sordid motives. The right of appeal direct to the High Court as a first appeal is a very valuable right and unless and until a very good case is made out, I would not easily give it up. I would vote in favour of the motion before the House.

Rao Bahadur R. R. KALE (Satara District): Sir, a good deal has been said on this subject and the previous speakers have dealt with the matter in a way which shows that there are certain advantages in instituting suits against Government or against Government officers in the district courts, while others have pointed out that there are certain disadvantages. I must submit that when suits are filed in the district courts against Government or Government officers, it several times happens that such suits are transferred to the Assistant Judge who is generally attached to a district town, and in my experience I have found that several of them were transferred to an Assistant Judge and were dealt with by him without any objection on the part of the parties, whereas there were certain suits in which, owing to their importance or owing no doubt to the intricate nature of the questions that might arise for trial, the parties liked that they should be tried by the district court alone. But the number of such latter suits was, so far as my district was concerned, comparatively small. The greater number of suits were such as were transferred to the

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Assistant Judge and were disposed of by him and now, Sir, I may tell the House that the Assistant Judges are in no better position than the second class subordinate judges. In fact, without meaning any disrespect to that service, I must say that the second class subordinate judges are in many cases better qualified and more competent men to deal with such cases for the simple reason that an Assistant Judge, when he is posted to a district town, is first of all invested with original powers to try civil suits. That is his training ground, as it were, and he gets a number of original cases transferred to him for trial and he tries them in that manner without having, really speaking, any experience of civil work. Therefore, I submit that when the issues involved are simple, they are perfectly competent to try such cases and in my humble opinion our second class subordinate judges in the mofussil taluka towns will be as much, if not more, competent to try such cases.

Now, with regard to the question of public convenience, I must say that it all depends upon the particular case. I have had to deal with cases in which taluka officers were sued,—a sub-inspector of police or a mamlatdar. They had to leave their taluka towns and come up to the district court. In that case it was inconvenient to them as well as to the parties, whereas in every case when a Collector or a land acquisition officer was sued, it was convenient to those people, who are generally at the headquarters, to attend at the district court and take their trial in that court. Therefore, with regard to convenience also, it seems to me that it is a matter which is common to both. Whether you take the case to the district court or to a taluka court, there is a certain amount of inconvenience in the one case and a certain amount of inconvenience in the other case.

Next, with regard to the legal advice, I must say, Sir, that there are subordinate Government pleaders attached to the subordinate judges' courts. These subordinate Government pleaders have, really speaking, little Government work except to deal with pauper cases in which practically they get no fees. It is very difficult for any pleader in a taluka town to accept the post of a subordinate Government pleader, because, as I say, it does not carry with it any remuneration worth the name. If, therefore, now such suits are allowed to be tried in the subordinate courts, these subordinate Government pleaders will have a certain amount of practice and you will be able to secure the assistance of LL.B. or qualified subordinate Government pleaders. What at present happens is, actually we have to appoint one subordinate Government pleader for two or three courts, for the simple reason that you cannot get any one to accept the position of a subordinate Government pleader, and considering, Sir, that a great advance has taken place in the legal profession, we find a number of LL.B.'s now practising at the taluka towns. This is a state of things which is certainly very different from that which prevailed in the early seventies when the Civil Courts Act was passed. Both the subordinate judges as well as the bar in taluka towns in those days and up to some time later were not quite in that state in which we find them now. What I submit, therefore, is that so far as the question of legal assistance or legal advice is concerned in ordinary cases, such as damages, and so on, there will be no difficulty whatever for subordinate Government pleaders to deal with such cases themselves, and it will be hardly necessary for district pleaders to be sought after. So, on that ground also, I think that there will be no hardship to the litigants in the taluka towns, but on the contrary they might certainly choose to employ a subordinate

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Government pleader, or the other party who may be a private party who may be in a position to employ a pleader at a taluka town at much less cost to himself.

Then, with regard to the question of first appeal and second appeal, it is quite obvious when you have got a simple case, a case of small money value, that there is no second appeal after a certain stage when the value of the subject matter does not exceed Rs. 500. So in such cases there will be a first appeal only and I think that the parties will have the advantage of the District Judge in going into the question of facts, whereas in other cases relating to immovable property or large amounts of money, I think the District Judge is a judge who decides the case on law as well as facts. That is as regards the first appeal. Then, again, there will also be the right of second appeal. I do not see that on that ground also there is anything to be said against the proposal. However, I would certainly submit, Sir, that the principle which underlies this bill is this, that the law as at present constituted creates a clear bar to the institution of every suit in which the Government or an officer of Government is a party. Such a suit is absolutely barred from the jurisdiction of a subordinate court. The principle which is sought to be enunciated by this bill is that this bar should be removed. Having regard to the arguments advanced for and against this present bill, it seems to me that, if this principle is limited in such a way that it should be left to the option of the litigant.....

The Honourable the PRESIDENT: Well, that will be a question for the select committee and, afterwards, for this House to consider. I think you had better deal with the question whether the bill ought to be read for the first time and its principle affirmed, and afterwards it will be for the select committee to say whether the bill ought to be, in principle, affirmed intact as it has passed the first reading or whether it ought to be limited in some way as you propose or anybody else may propose,—whether it should be partial repeal or total repeal of that section. The select committee will be quite competent to deal with the partial repeal or modification, and you need not anticipate that.

Rao Bahadur R. R. KALE: In view of the observations of the Chair, I will not proceed with the discussion of this question, provided I can take it that the principle could be limited and I only threw out a suggestion for the consideration of the select committee.

The Honourable the PRESIDENT: We do not know whether the bill is going to be referred to a select committee or not.

Rao Bahadur R. R. KALE: In order to enable the bill.....

The Honourable the PRESIDENT: You might propose an instruction to the select committee at the proper stage, but at present please confine yourself to the first reading points.

Rao Bahadur R. R. KALE: I do not think I need dilate at greater length, and on the grounds I have stated, I support the first reading of the bill.

Mr. B. V. JADHAV: Mr. President, I rise.....

The Honourable the PRESIDENT: Is it necessary to have any more speeches? I do not want to stifle discussion. If honourable members will give fresh arguments, then I would be glad to hear and the House would be glad to hear them, but it is no use repeating the arguments. Have you got any fresh argument?

Mr. B. V. JADHAV : I think I have. At least I am not going to repeat what has fallen from other honourable members.

The Honourable the PRESIDENT : Very well. You can go on.

Mr. B. V. JADHAV : I rise to support the first reading of this bill. What has been stated in this Council will, I think, be sufficient to convince the members of this House that section 32 of the Act requires some amendment.

The Honourable the PRESIDENT : That is, I think, repetition of the arguments ; only it is a consolidated repetition.

Mr. B. V. JADHAV : It need not require a complete repeal, but it requires an amendment. There are very hard cases which require.....

The Honourable the PRESIDENT : That I have said will arise after the first reading, and when it goes into the select committee.

Mr. B. V. JADHAV : I therefore call upon the Government to accept the first reading of the bill.

Rao Bahadur G. K. SATHE : Sir, I am not in a position to give any assurance that I will not repeat the same arguments, but I will try not to do so.

In the first instance, let me make one point clear. The insertion of this section in the original Act XIV of 1869 did not and does not mean any reflection on the sub-judiciary of this Presidency, because there are certain Acts under which powers are given to district courts alone to try and decide cases : I only refer to the proceedings under the Indian Companies' Act, Patent and Designs Act, Land Acquisition Act, Probate and Administration Act, and Indian Succession Act. The High Court was recently given power to invest certain sub-judges with power to hear all applications under the Probate....

The Honourable the PRESIDENT : We are concerned with cases against officials.

Rao Bahadur G. K. SATHE : I would be the last person to waste a single minute of the House.

The Honourable the PRESIDENT : I should be the last person to interfere with an honourable member of the experience and talents of Rao Bahadur Sathe, but unfortunately he is drifting into probate and other matters which have nothing to do with this.

Rao Bahadur G. K. SATHE : The point is really this ; whether *status ante quo* should be retained or whether we should have an entire repeal or partial repeal. Without going into the arguments which were put forward in favour of and against the repeal of the section as proposed in the first reading, I do say that there are certain kinds of suits, which, if I understood the Honourable the Home Member correctly, he observed could very well be tried by the subordinate judges, either of the first or second class.

That is the attitude that Government seems to take when the Honourable the Home Member said that exception could very well be made in the case of suits against State companies, such as railway companies owned by the State or in the case of suits under Sind Encumbered Estates Act, and suits—the Honourable the Home Member did not refer to this—under Talukdari Estates Act. That is really the position : the entire repeal is not desirable but certain provisos ought to be added to it. Then we, as members of this Council, are put on the horns of a dilemma and it is this : if we allow the first reading of the bill, then the question would naturally arise whether we can tack on those provisos leaving the main section as it is. Sir, in view of the remarks which

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you were kind enough to make for the elucidation and information of the members of this House, I think, whatever may be the view as to the entire repeal of the section, it is a matter when it goes to the select committee that can be looked into and certain alterations, say provisos, could be added to minimise the difficulties which litigants are now put to. This view I want to put forward for the information of the members of this House. The question whether one officer is more competent than another for trying a particular suit is one which I do not intend to touch; because to go into the question of comparative merits and competence of officers, would naturally open up a wide field for discussion. I would rather refrain from making any reference to it. I would urge that the first reading should be passed with such limitations as you were kind enough to suggest.

Sardar Davar T. K. MODI : I move the closure, Sir.

The Honourable the PRESIDENT : I call upon the mover for a reply.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I understand from the remarks of the Honourable the Home Member that he agrees with me as to the desirability of limiting the section.....

The Honourable the PRESIDENT : He may say "I am prepared to limit the bill up to a certain extent." Then the question arises, if the Honourable the Home Member is willing to limit the principle, I do not see why he should not agree to refer to a select committee and allow the bill to be read the first time.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I cannot say at once. My position is this. We have a bill before us for the total repeal of the section, and that bill has been sent round for opinion to the local bodies and officers. They have not been asked their opinion about exemptions. It would not be fair either to them or to this Council to refer the bill to the select committee, and ask the select committee, without knowing the opinion of the district officers and legal associations, to put in a long list of exemptions. It would practically be making a new bill. I am quite prepared....

The Honourable the PRESIDENT : I have to differ from the Honourable the Home Member. It would not be making a new bill; it would be modifying or limiting the bill. Every Act becomes new in a sense when it is amended. It will not be so transforming the bill as to making it a new one in principle.

The Honourable Mr. M. H. W. HAYWARD : I intended to say no more than that it would be extremely inconvenient for the select committee to make so large a modification in a small repealing bill carefully drafted by the legal draftsman of Government. I am quite prepared to take into consideration all the hardships if individual members come and tell me of them and to have a proper bill drafted by the legal draftsman of Government and to send it round for opinion to various officers and local bodies and legal associations and then, if necessary, to bring it forward as a fresh bill before the Council. In the circumstances I do not think I ought, either in the interests of Government or of this Council, to agree to submit the present bill to the select committee—I think there ought to be a new bill brought forward by Government.

Mr. B. G. PAHALAJANI (Western Sind) : Mr. President, after the last declaration from the Honourable the Home Member that there ought to be a new bill with certain limitations that Government may adopt and that the

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Government may be induced to bring it as a Government bill instead of a private member taking advantage of his position and bringing all the facts before the Council, I think there is no dispute as I gather from these speeches both of the Honourable the Home Member and of the other honourable members, as to the fact that there are many hardships in the case of these suits by members of the public against Government or against Government officers and that those hardships required to be redressed. Once this admission is made, I do not think that there is any case made out for not referring the matter to the select committee where according to the Chair's ruling the matters of limiting the operations of.....

The Honourable the PRESIDENT: Just one point, Mr. Pahalajani, in order to help the Council to arrive at some decision without waste of time, I invite attention of the Council to Standing Order VIII, 5 (1) entitled "Motion after First Reading":—

VIII, 5 (1) If the first reading of a bill is passed, the Member in charge may make one of the following motions in regard to the Bill, namely:—

(a) that it be read a second time either at once or on some future day to be then stated; or

(b) that it be referred to a select committee composed of such members of the Council as he may specify in his motion; or

(c) that it be published for the purpose of eliciting opinion thereon, for a period to be specified in the motion.

(2) Any member may make a motion as aforesaid by way of amendment.

(3) Where a motion that a bill be published for the purpose of eliciting opinion is carried and the bill is published in accordance with that direction and opinions have been received thereon within the period specified, the Member in charge, if he wishes to proceed with the bill thereafter, shall move that the bill be referred to a select committee.

That course may be adopted. I am merely pointing out the procedure without wishing to interfere with the discretion of the House.

Mr. B. G. PAHALAJANI: The whole difficulty can easily be removed by extending the time for the submission of the report of the select committee. I understand that this is done in very special cases, and in this case in particular when there is only one section to be repealed, there is enough time before next September for the opinions of District Judges and other bodies to be obtained; this course ought in my opinion to be followed now. As the Honourable the Home Member has admitted, there are many hardships which require to be removed and as these hardships can be removed by the amendment of this section and limitations of the powers of exclusion have got to be created by this bill in the select committee, I think and the honourable members of this Council will agree, that this is a fit case for being referred to the select committee. I will not take the time of the Council by attempting to answer some of the objections of my honourable friends the non-official members—but I will answer only some of the points raised by the Honourable the Home Member who has been the greatest opponent to the passing of the first reading of this bill. One of the grounds mentioned in the statement of objects and reasons of the bill passed in 1869, is that suits of great, urgent and public importance are to be filed before experienced judges. Those words were used in 1869 when the subordinate judiciary was not constituted and placed on a firm basis, when even the High Court Pleaders examinations were absent. Those conditions no longer exist. In those days Europeans were drafted into the service as District Judges. In those early 'sixties and seventies' they alone were



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entrusted with the judicial administration of the country. Not only times are changed now, not only are those suits being tried now by Indian judges, but I will go a step further—I think my honourable friend, the Home Member, will be pleased to consider the wording of section 32, that suits of any nature against the Government shall be tried in district courts (not District Judges alone). Then it must be remembered that a subordinate judge, who is a subordinate judge to-day, if he is only an Assistant Judge to-morrow, can try suits under Rs. 10,000 against any Government servant or against the Secretary of State, as my honourable friend Rao Bahadur Kale stated, the same second class subordinate judges who are appointed Assistant Judges, are trying those very suits against Government servants of whatever nature they may happen to be; there is no reason why these men who are subordinate judges and who are simply Assistant Judges should not try such suits. So far as their record of experience is concerned, am I to understand, Sir, that an ordinary civilian who has just arrived and who is appointed as Assistant Judge or Joint Assistant Judge to any district court, has more experience than a subordinate judge of 25 or 30 years' standing of the second class for trying suits of less than Rs. 5,000? Am I to understand that the legal calibre of our judiciary, to whose efficiency the Honourable the Home Member has himself testified, is inferior in any way to the Assistant or District Judges whose experience may be very, very limited? And again, Sir, the cases of "great public importance" have vanished. That "great public importance" was in existence when the revenue law was not made, when other laws were not made. Now all that necessity has disappeared, everything has been crystallised into Acts and codified. In all such suits (I am only speaking of the district courts in our province)—I have got figures of suits of several district courts—and amongst all these there is only one suit, out of fifteen, of an injunction on court fee stamp of fifteen rupees against the Secretary of State, the other suits being for partition or for accounts which involve no serious question whatever. That is also the case in all other district courts—the suits are, for instance, for the setting aside of the order of the Collector giving one survey number to another who is not entitled to it—the suits are for setting aside his order. Are these suits of such great, public and urgent (those are the words used in the objects and reasons) importance as ought to compel the plaintiffs to go to a court away from the head-quarters and file a suit there at much cost and expenditure?

Again, Sir, I was rather amused by the Honourable the Home Member stating that it saves public time and public expenditure and that I, as a member of this Council, will have to be called upon to sanction increased expenditure on the Judicial Department. I think I will have to be called upon to reduce it, because you can see, Sir, that at present when any suit in reference to any taluka matters is filed in a district court, all taluka officers have to travel with all their books and documents to the district court; they all have to charge their travelling allowances, they have to charge daily allowances for their detention, and who pays all that? Either the poor opposite party or the State, but it saves no time and no money. Let me inform the House that the provision in the Land Jurisdiction Act X of 1876 that suits should be tried with expedition (I believe the Honourable the Home Member who has been Judicial Commissioner in Sind knows) has been observed more in the breach than in its observance. If any suits pending in district courts have been pending for ten or more years, then I think it is time that courts which are devoted to civil work only should try those suits. I think this is pre-eminently a matter which

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ought to go to the select committee which has the power of limiting the scope of this Act and during that period, before and after the report is returned, the matter can be referred back to the District Judges and to other associations whose opinions can be placed before the House before the second reading of this bill is passed. There is no harm done by reading the bill for the first time. It is more or less, as the honourable members have on many occasions been reminded, only a formal business—everything has to be done at the second reading, and I think I am entitled to ask the Council to sanction the first reading of this bill.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I regret that I am still unsatisfied that it would be in the public interest to pass the first reading of this bill. I will not deal with the special pleading of my honourable friend, the mover of this bill, who says that your subordinate judge may some day become an Assistant Judge. He may—I hope he will—I hope he will go further and become a Judge of the High Court. But, Sir, that is no argument. While he is a subordinate judge, he is a subordinate judge; not till he is selected to become a High Court Judge, is he a High Court Judge. I will not waste time on the other suggestion of the honourable mover that the Assistant Judge even now might be directed to try these in a district court. He did not tell you, Sir, that the Assistant Judge so specified in section 19 must be a specially selected assistant, specially empowered with the full powers of a District Judge. That, Sir, was a section invented in order to get all the judicial work of a district done at the cost of an Assistant Judge instead of a full paid District Judge. That, I submit, is no real argument. The real point is that the Act does provide, or endeavours to provide for the trial of these cases by an experienced judicial officer. I will not repeat in detail the advantages it gives to a plaintiff against the State to go to the headquarters and get good advice. My honourable friend opposite reckons the obtaining of the degree of LL.B. to be all-sufficient qualification for efficient advocacy. I submit, Sir, that for a good advocate, something more than that is required. I submit you are not nearly so likely to obtain that something more in a subordinate court, as in the headquarters district court. I submit that if the unwary plaintiff in a suit against the State relies upon the advice of a petition-writer or even an inexperienced LL.B., he may find an otherwise good case gone to rack and ruin, after an exceedingly complicated and unintelligible progress before it finally reaches the Bench of the High Court. I have pointed out the advantages to the public—the saving of time and expense—and I repeat it is a saving both of time and expense.

An Honourable MEMBER : We are not prepared to agree.

The Honourable Mr. M. H. W. HAYWARD : It is a saving both of time and expense of public officers to and from their headquarters to attend the cases in subordinate judges' courts. There is one more thing. The State must employ the best legal help it can in the interests of the public, and the Government pleader who goes from his headquarter station cannot be asked to go for nothing. He will charge higher fees—he is entitled to higher fees under the rules for the legal officers of Government. My honourable friend says he has very seldom seen an injunction suit filed for under Rs. 5,000. My experience, Sir, and it is not a short experience, is very different. I have seen many such suits valued at Rs. 10, or rather Rs. 150 or whatever is the lowest value for a ten rupee court-fee stamp, suits affecting property worth lakhs of rupees.

[Mr. M. H. W. Hayward]

So that a suit against the State involving property worth lakhs might be brought in a second class subordinate judge's court. I submit that it is impossible for me to support a bill which would have so disastrous an effect on the public interests of the State.

On the other hand, Sir, I have stated that I am perfectly prepared to bring forward any reasonable amendments necessary in this section in another bill. I must observe from my previous experience as Secretary to this Council, from my previous experience as legal draftsman to this Council, and from my most recent experience in the present sessions of this Council, that it would be a fatal thing to send a bill like this, which merely says: "Repeal section 32" to a select committee to draft an entirely different enactment not repealing but exempting several forms of litigation from the operation of section 32.

Mr. B. G. PAHALAJANI: The Legal Member will be there.

The Honourable Mr. M. H. W. HAYWARD: I submit, Sir, that the right procedure is what I have suggested—for those that are aware of really hard cases to let me know, to let me prepare a bill including those hard cases, to let me send it out for opinions, to those who are in the best position to judge, and then to put their opinions before the select committee and this House. How can I do this otherwise and how can the select committee, even with all its experience, do it or know exactly what are the cases in which there is hardship? Surely, we must gather that from the local officers. I am quite prepared to ask the opinion of the local officers, and to put the whole matter in a bill before the Council, so that it will be rightly, quickly and efficiently disposed of by the Council. I submit that it would be most dangerous.....

Mr. COWASJI JEHangIR: Does the Honourable the Home Member mean that Government will bring in a bill to this effect?

The Honourable Mr. M. H. W. HAYWARD: My suggestion is that I should enquire what are the cases of hardship. I have had one or two mentioned, which are probably good cases. I want to find out something more about them. Why should we deal with only these cases from Sind? There may be cases of equal hardship in the Presidency proper, and why should they not be included in the bill? I am prepared to enquire and draft an amending bill. But I submit that it would be a most dangerous precedent to refer a small bill of this sort to the select committee and to ask them with insufficient materials, to draft a proper enactment. I submit it would be a dangerous step for this Council thus to surrender the general principle that it is necessary to take precautions in the public interest in the case of suits against the State. I submit that that principle must be affirmed, and it can only be affirmed by rejecting this bill. If the Council accepts this bill, it will afterwards be told that it has surrendered the general principle that it is necessary to safeguard the public interests in the matter of suits. It has given up section 32. It has recognised that it is not necessary any longer to have any safeguards whatever in respect of suits against the State. I submit the Council will be putting themselves in a most embarrassing position, and I submit, therefore, that the only right and proper course is for honourable members to accept the open offer which I have made to them, to rely on my *bona fides* in making that offer, and to reject the first reading of this bill.

Mr. B. G. PAHALAJANI (Western Sind): Is the offer made by the Honourable the Home Member definite? Can he say when the bill is going to be brought up by him?

The Honourable the PRESIDENT: If I may venture to make a suggestion, under the circumstances, would it not be the right thing for the honourable member to withdraw the bill, on an assurance by Government that they will inquire into the matter, take opinions, and see whether a bill, not totally repealing the section but modifying it so as to give relief to cases of hardship, shall be brought forward? If Government find that there is no necessity for it, then the honourable member may introduce another bill in such a way as not to make it a difficult task for a select committee to modify it.

Mr. B. G. PAHALAJANI: May I propose another course if the Chair permits? I am prepared to take the suggestion of the Chair that the opinions may be elucidated, but the first reading of the bill may be got through now, and the report of the select committee called for in February next by which time the opinions of various officers will be received.

The Honourable the PRESIDENT: That is all right, but I have given my ruling that while you propose total repeal of section 32 (total includes partial), and therefore it may be modified. But the Honourable the Home Member has said that while it is easy to lay down an abstract proposition of that kind, when you come really to grapple with the difficulty in select committee, it may lead to difficulties, and we know from what has happened during the last five days what the difficulties of formulating amendments are.

Under these circumstances I put it to the Council whether the proper thing would not be for the Government to give an assurance of the kind I have pointed out and for you to accept it. If of course negotiations on that ground fall through, it is my duty to put the question.

Mr. B. G. PAHALAJANI (Western Sind): Sir, may I make a request that if the Government is prepared to fix the maximum time within which this bill can be brought up, I think, the whole House will be satisfied and I will also be satisfied? To me the maximum time within which Government can bring up this bill is the principal factor. It is but fair that we ought to know it. Otherwise the undertaking will be there and the expected bill may not be brought forward for two years till this Council may cease to exist. Therefore, my request to the Government is this that the Council may know the maximum time within which they can bring the bill.

The Honourable Mr. M. H. W. HAYWARD: Sir, I cannot tie myself down to any specific time. I will do my best. I am a very indifferent worker as is well known to the honourable member from Sukkur. If he will not believe me when I say I will do my best, he will not believe me if I say that I will do it within six months.

Mr. B. G. PAHALAJANI: I am prepared, Sir, to withdraw the bill on that assurance.

Bill withdrawn.

Sardar V. N. MUTALIK: Sir, may I ask your permission to give priority to my resolution?

The Honourable the PRESIDENT: We are not dealing with resolutions. We are dealing with Standing Orders. Will the Honourable the General Member present the report of the select committee on Standing Orders?

#### MOTIONS TO AMEND STANDING ORDERS.

The Honourable Sir CHIMANLAL SETALVAD: Sir, I present the report of the select committee on Standing Orders.

The Honourable the PRESIDENT: Standing Orders will now be read clause by clause. Part XI.

"After Order I of Part XI the following order shall be inserted, namely:—

IA. When the demands made in accordance with Rule 26 or 31 relate to any new scheme or revision of scale of pay or allowances or creation of a new appointment, all material details of such scheme or revision shall be supplied to all members as early as possible."

Mr. B. G. PAHALAJANI (Western Sind): Sir, I have got an amendment to this. I think the history of this amendment is known to the Council. In the report of the select committee the clause stands as it was just put by you, Sir. To that my amendment is as follows:

"When the demands made in accordance with Rule 26 or 31 relate to any new scheme or revision of pay or allowance, or creation of a new appointment, the Finance Member or the Member in charge shall render available, seven days before the presentation of the Budget on the table of the Secretary of the Legislative Council, full and complete details of such scheme or revision together with any correspondence relating to them or the new appointment, except such as is privileged."

The Honourable the PRESIDENT: Before I admit this amendment I want to know who is to determine what is a privileged document and what is not a privileged document.

Mr. B. G. PAHALAJANI: Government of course.

The Honourable the PRESIDENT: You do not say that in your amendment. The words "except such as is privileged" might imply that there is something in some statute or Standing Orders which says what documents are privileged. But that is not so. It is entirely within the discretion of Government to say what is a privileged document, unless you state who is to determine in this particular case the question of privilege.

Mr. B. G. PAHALAJANI: The privilege is of the person in whose possession the document is.

The Honourable the PRESIDENT: When you put it in the Standing Order, it must be so clear as not to give rise to any misapprehension. The Standing Orders have to be interpreted by the Chair. "Except such as is privileged" may mean that the Chair has the right to determine. It is entirely the right of Government. This Standing Order as proposed by the select committee is in accordance with parliamentary practice. Here, under the amendment proposed by the select committee, the words are "all material details of such scheme or revision shall be supplied to all members as early as possible." I do not want to interfere with the merits, but I want to give the House a warning, as regards Mr. Pahalajani's amendment, that it will create great difficulties. His amendment says "except such as is privileged". That would be throwing the burden of deciding what is privileged and what is not, on the President, which is never allowed in Parliament or in any parliamentary assembly.

Mr. B. G. PAHALAJANI: I propose a small amendment. It is necessary to go into the history of this change, because the last time when the Council was in session, the recommendation made by the select committee, unanimous except for a note of dissent by my honourable friend Mr. Mead, was that:

"When the demands made in accordance with Rule 26 or 31 relate to any new scheme or revision of scale of pay or allowances or creation of a new appointment, the budget circulated to

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members shall be accompanied by full and complete details of such scheme or revision together with any correspondence relating to them or the new appointment and the suggestions by the officers of the department concerned."

This was the recommendation, unanimous recommendation, which the select committee placed before this House the last time, with one single dissentient, my honourable friend Mr. Mead. Then, this clause was at the instance of the Honourable the General Member remitted to the select committee.

The Honourable the PRESIDENT : You can continue your speech afterwards. We shall now adjourn for half an hour.

*After recess.*

The Honourable the PRESIDENT : Order, order. Then, you say that you will amend your amendment in the following words :

"For the words 'except such as is privileged' substitute the words 'except those for which Government plead privilege'."

Mr. B. G. PAHALAJANI : Yes, Sir.

The Honourable the PRESIDENT : I think it would be better and make it more definite if you say :

"except those documents or communications which Government think are confidential and should not be published for reasons of State or in the public interest."

That is the ground upon which it is generally put. It is generally put on that ground in Parliament. I think it makes the amendment clear.

Mr. B. G. PAHALAJANI : Very well, Sir. I accept it.

The Honourable the PRESIDENT : I take it the House assents to the change in the proposed amendment, because it is, after all, a merely verbal matter ?

Mr. B. G. PAHALAJANI : As the House knows, Sir, I was referring to the debates of September 1921, when the original amended Standing Orders were brought before this Council. At that time, the nearly unanimous amendment of the clause as it was brought before this Council contained definite words that in the case of a creation of a new appointment or any new scheme or revision of scale of pay or allowances the budget circulated shall be accompanied by full and complete details of such scheme or revision together with any correspondence relating to them or the new appointment and the suggestions by the officers of the department concerned. When this, Sir, came before the Council in September 1921, Government Members rose to oppose it and it was with common consent sent back to the select committee for further consideration. Now it was then that many of the members of this House asserted and insisted upon their right as members of the Council to be placed in possession of such papers as are necessary to guide them in their determination of the grants, and that is, Sir, what my amendment now seeks also to do. It was then at that meeting also moved by my honourable friends for the Government that there are many confidential papers or many papers which it would not be in the best interests of the public to publish, and that was the chief point on which the whole discussion then turned. I think members of the Council will remember that my honourable friend Rao Bahadur Sathe then was the first to suggest—a suggestion that was taken up subsequently by the Honourable Sir Chimanlal—that the privileged documents may be excepted. My amendment, therefore, Sir, to the order as it has been sent over to this Council by the select committee, is no more

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than fixing the time. It is nearly the same language, Sir, that I have used : " 7 days before the presentation of the budget on the table of the Secretary of the Legislative Council, full and complete details of such scheme or revision together with any correspondence relating to them or the new appointment except such as is privileged " (that is confidential). The only wording on which I differ from the select committee and which I have placed before this House at present is that this House should fix the time instead of the indefinite words " as early as possible," fix the time definitely, the minimum time within which these papers should be available to the members of this Council, available not by circulation, which may be a very difficult process, but available for reference to those members who care to refer to them on the table of the Secretary to the Legislative Council—a very modest demand and a demand I think in which there should be no difficulty of compliance. That is one of my amendments—to fix the time. Instead of giving all the power to the Government to interpret the words " as early as possible," I wish to fix the time within which it may be done. That is one; the second is that instead of saying " all details of such scheme or revision " I go a step further and say that correspondence from officers or correspondence in relation to the increase of salaries or revision of salaries which is not strictly confidential may be also available for the inspection or the reference of the members of this House. I am not claiming much, except what the Members of Government usually say they are prepared to give, when the Council is sitting. When the Council is sitting, Government in the hurry of the moment place before this Council figures which few of us are able to follow. All that I request is that the members of Council may have the power of looking into these papers some time before the budget is called on for discussion, so that they may have the opportunity of either disputing or supporting the demands. I may also quote a concrete instance to show the beneficial effect of the access to the papers, and I am sure it will tend to a harmonious working both of the Council as well as of the Government. At present there is a certain kind of spirit that members want too much in the minds of Government Members, and there is an impression in the minds of honourable members that the Government are unwilling to place the papers at their disposal. I shall quote last evening's experience. As soon as the Government were pleased to give me access to the papers and correspondence which related to the scales of salaries of factory inspectors, I was able to place before the Council both sides of the question. If the Government are pleased to allow access to the papers, then I think it will be in the interest of Government as well as of Council, and will smoothen the way for the Government to ask for these payments and lessen the discussion which is taken up by calling for information in open Council. The select committee agrees that information shall be given ; but what I object to is the words ' as early as possible '.

My second portion is with regard to the correspondence. It sheds a considerable light upon the whole scheme and upon the facts that had to be placed before the Council. I think in the interest of Government and in the interest of non-official members this fixing of time and the production of papers are necessary. I move this amendment.

Mr. P. J. MEAD : I trust, Sir, that I shall be in order in referring, as I think my honourable friend Mr. Pahalajani referred in brief, to the course of discussion in the select committee.

The Honourable the PRESIDENT : I am afraid I was absorbed in just thinking of the modifications that are necessary and suggesting them to Mr. Pahalajani, and I did not quite gather. Now, since he has referred, I cannot prevent you altogether. On this occasion I will allow a little laxity.

Mr. P. J. MEAD : I propose to be very brief. To the best of my recollection, Mr. Pahalajani seeks in this amendment to bring forward a view in which he was in an absolute minority in the select committee. The whole matter was fully considered, the impracticability, not on account of privileged documents but of the bulk and complexity of the various records of Government which might have to be dragged forth and put on the Council table in support of a matter of no very great importance fully discussed. That was the main objection to the proposal which Mr. Pahalajani once more seeks to bring before this House. If I may, I should like once more to point out that the Finance Department has never been averse from producing all necessary documents before either members of the Finance Committee or before members of this House. If we have failed in the possible view of the members of this House, it is due to the question of days within which we could produce certain papers. We never held back any information which would be of material assistance to members in considering a general scheme for revision of salary or expenditure of money. I would also beg honourable members of this House not to show the universal distrust which Mr. Pahalajani inevitably shows in the *bona fides* of Government. This distrust leads him to tie down, in ridiculously precise terms, a department to produce certain papers within a specific number of days. It is surely better for the House as a whole to lay down certain general wishes, but no time should be prescribed for the department to produce the papers. It will be my endeavour, as long as I have anything to do with the Finance Department, to meet the wishes of any member of this House ; but it strikes me that it would be unfortunate if this House definitely stated that certain documents or information should be given within a precise number of days and that then the Finance Department for reasons beyond its control should fail to keep that contract. I, therefore, invite the attention of the members of this House to the extreme difficulty of framing a suitable rule such as the honourable member Mr. Pahalajani suggests, which would, on the one hand, make it incumbent upon Government to produce all the really relevant papers, and on the other hand, would not compel us to pursue some ridiculous and absurd course in producing every single letter, D.O's, references 20 years old, and a mass of stuff all of which must inevitably be bound up in Government records, and would have to be separated from old files, which would entail both time and money. There is not the least reason to apprehend that full information will not be given in so far as it is material. As has been fully explained in the select committee, a scheme that comes forward and underlies a demand of money may be a scheme that in some form or other has been under discussion for 20 or 30 years. Finally it comes forward in a slightly different form, a grant is asked for and the relevant papers underlying that grant, dealing with the situation as it now stands—not as it was twenty years ago—are then put and will be put at the disposal of the members of the House.

Mr. COWASJI JEHangIR: Mr. President, I do not desire to repeat anything that my honourable friend opposite (Mr. Mead) who has just sat down has said, but before I make any remarks, let me remind the House that when I sat on the select committee I was not a Member of Government—I sat as a non-official. We discussed this question, as the Chief Secretary has told you, very



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thoroughly and we came to the conclusion (all of us except Mr. Pahalajani) that it was not possible to carry out the wishes of Mr. Pahalajani. I think the Honourable the General Member discussed it thoroughly with Mr. Pahalajani, along with the Chief Secretary, and I left the meeting under the impression that Mr. Pahalajani had been convinced, but I find that all the eloquence of the two honourable members from Government has not succeeded.

One has to go a little into details to see what Mr. Pahalajani wants. He wants, as Mr. Mead has told you, that all correspondence relating to any budget demand should be placed on the table of the House. I presume, that the table of the House is the Secretary's office. Even if it is the Secretary's office, I am afraid that it is too small to hold all the mass of papers which it would be necessary to place on the table, and even if there was enough space in the Secretary's office, I would really like to know how long my honourable friend Mr. Pahalajani would take to find the relevant facts out of that huge mass of correspondence. It may be that the result of the experiment would be that my honourable friend would take two hours, when he now takes one to explain what he had learnt from the papers in the Secretary's office and further what he had learnt, might turn out to be the most irrelevant part of the files. The committee tried to meet the wishes of Mr. Pahalajani as far as they possibly could by providing that all material details of such schemes shall be supplied to all members as early as possible. If Mr. Pahalajani desires to contend that Government will not of set purpose place the material details before members that it is to Government's interest that honourable members should not understand the details, then I can understand Mr. Pahalajani demanding that all the files should be placed on the table of the House or in the Secretary's office so that he himself can collect the details, but if he is prepared, as I am sure a large majority of the honourable members are prepared, to trust Government to supply the necessary details, then the provision made by the select committee is all that this Council should require. As an illustration of his argument, my honourable friend pointed to the debate of yesterday, when he was in a better position, after having looked at some of the files (I do not know what files he alluded to) to explain the question of the factory inspectors to the House yesterday. May I point, Mr. President, to that very instance as an illustration of the amendment as suggested by the select committee? The material details were placed before this House on both occasions, yesterday and during the last budget meeting in two foolscap printed papers. The difference between yesterday and the last budget meeting was that yesterday Mr. Pahalajani seemed to understand what was printed in those two foolscap papers, while with any amount of explaining and argument Mr. Pahalajani failed to do so in the first instance. I would like to know what other details Mr. Ker was able to produce for Mr. Pahalajani's information yesterday. From his speech I could find no other details except perhaps that his facts were more correct than they were on the last occasion. If Government are prepared to place details before Council as they did yesterday, no honourable member should have a single complaint.

As to the seven days' notice, which is the other point before us, I think Government might be trusted to do their very best to see that the honourable members have ample time to understand the questions before them. It is entirely to the interests of Government—it is more to the interests of Government than to the interests of honourable members, because if honourable members understand the details the task for Government is much more easy than it

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is at present, and therefore I think the House will be well advised to leave it to Government to inform this House of details at the very first and the earliest opportunity.

The Honourable the PRESIDENT : May I take leave of the House to point out that it seems to me that we are wasting time upon a matter as to which the Standing Orders (and therefore the law) are very clear and which say that in a budget discussion it is the duty of the Government to give all material information. That is common sense and therefore law. If there is no material information given, then the House may say " We are not going to give you any grant ", and during the budget discussion in the House of Commons the practice is, if any honourable member wishes for any information or to have any papers laid upon the table, he says " the consideration of this matter be postponed until the Government place all papers or certain papers upon the table ". That is what is done in the House of Commons, but I have searched in vain for a rule of this kind. The House has got that inherent power. I wish to remind not only the honourable member Mr. Pahalajani but the entire House that the committee has recommended what seems to me to be a platonic, superfluous Standing Order. The House has already got the inherent power. The House has, at the time of the budget debate, got the power to say to Government " give us all material information or lay all correspondence upon the table ".

Mr. G. B. TRIVEDI (Thana District) : Sir, this House has been described and described very aptly as a deliberative body, and, as a deliberative body, it ought to make its own judgement on what has been placed before the House, but what do we find in the budget ? In the Blue Book certain remarks are made in three or four lines. The Council had the experience of two years' budgets and even yesterday, when we were asked to rescind a former resolution of this House....

The Honourable the PRESIDENT : We are not concerned with legislation now, we are concerned with the budget. So, please confine yourself to the budget. It is no use going to yesterday, we are dealing with to-day.

Mr. G. B. TRIVEDI : It was a budget grant, so I said....

The Honourable the PRESIDENT : I thought you were dealing with the Municipal Bill.

Mr. G. B. TRIVEDI : No, Sir. Now, when this House is asked to pronounce an opinion on any matter, if the facts are placed before it in the course of the debate instead of supplying them some days earlier, the House has to take it as it is, and there is no time for the House to sift the material that is placed before it. Therefore, is it not reasonable on the part of the House to say that all the material details should be supplied to the House a specified number of days earlier than the days for the budget discussion ? The recommendation of the committee is very vague. It says " as early as possible ". That means that the Finance Secretary may supply it to the House even while the budget discussion is going on. That stands in the way of our intelligently voting on anything. But if it is supplied, for instance, seven days before the item comes on for discussion, then we will be in a position to sift the material that has been supplied to us. We will verify it, we will look at it from all points of view, and if we are satisfied, we will not raise objection. So, if you want our intelligent vote, and if you want to curtail the

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debate, it is but necessary that it should be supplied a certain number of days earlier, as specified in the rule. Therefore, I would like, with your permission, Sir, to move an amendment.

The Honourable the PRESIDENT: We must get rid of Mr. Pahalajani's amendment first. We cannot have several amendments at the same time.

Mr. G. B. TRIVEDI: I will not move it at present.

The Honourable the PRESIDENT: What are you going to do, then?

Mr. G. B. TRIVEDI: I will only suggest it. Perhaps, if I mention it, Mr. Pahalajani may be induced....

The Honourable the PRESIDENT: Mr. Pahalajani has already committed himself, and I cannot allow him any more indulgence. It is no use making any suggestions to Mr. Pahalajani. As for yourself, you cannot move any amendment at this stage, nor can you move any amendment at a subsequent stage, because you have lost your right of speech. If you had waited until Mr. Pahalajani's amendment was disposed of, and then moved another amendment, that would have been another story. But unfortunately, you have exhausted your right.

Mr. G. B. TRIVEDI: In order to deal with the objection that has been raised, if we had some such provision as seven days....

The Honourable the PRESIDENT: Order, order. You better ask somebody else to move that amendment.

Mr. G. B. TRIVEDI: I give my suggestions.

The Honourable the PRESIDENT: The suggestion must be relevant. It is not relevant to an amendment. You had better resume your seat.

The Honourable Mr. C. V. MEHTA: Sir, the last two years' experience of the budget discussion made it clear, not only to the non-official members of the House but also to Government that the widest publicity and the greatest amount of information that Government can give to any schemes that they have to place before the Council is in Government's own interests. I entirely agree with the view of the non-official members that if they were in possession of all the facts relating to any scheme seven days or even longer before the budget discussion, as desired by my honourable friend Mr. Trivedi, it will help towards a clearer understanding and more expeditious despatch of the business before the House. But it seems that the printed notice of a motion, which stands in the name of the Honourable the Finance Member, and which is placed on the Council table in front of every honourable member, seems to have escaped attention. If I may be allowed to refer to that notice, I think it will be clear to honourable members that the point that was sought to be made by Mr. Trivedi is completely met, and that far from there being any desire on the part of Government....

Mr. B. G. PAHALAJANI (Western Sind): Sir, may I rise to a point of order? The leave to be asked for by the Honourable the Finance Member to move his amendment to the Standing Orders has not yet been granted. Besides his amendment is as regards the words "ordinarily twenty days" and it has no connection with this amendment at all.

The Honourable Mr. C. V. MEHTA: If my honourable friend had allowed me to proceed and explain, he would have seen that it is entirely relevant and it meets precisely the point which he was making, and which Mr. Trivedi was

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making. The point is this: the word in the Standing Order at present is "ordinarily" and that may be interpreted to mean that the budget can be given to the Council even a few hours before the budget is taken into consideration.

Mr. B. G. PAHALAJANI: It is unfortunate.

The Honourable Mr. C. V. MEHTA: Quite so. What is attempted to be secured by the new motion that stands in the name of the Honourable the Finance Member is that the budget and all material details shall be submitted to the Council fourteen days before the budget is taken into consideration. It is twice as much time as is asked by my honourable friend Mr. Trivedi. That means that no budget or detailed estimates can be taken into consideration until the honourable members have had the full time of fourteen days to understand and digest all the details placed before them. I hope I have made the point clear, and I hope Mr. Pahalajani will see that there was no necessity for him to rise to a point of order.

Let me now come to the somewhat extraordinary demand which has been made by the honourable mover of the amendment. I would like to refresh his memory by reminding him of the very complete details which you, Sir, gave in the select committee which was considering these Standing Orders. You referred him to the practice that prevailed in England; you told him of the practice that also prevailed in.....

Mr. B. G. PAHALAJANI: On a point of order, Sir, can the discussion that went on in the select committee be referred to in the Council?

The Honourable the PRESIDENT: You have set the example, and I am afraid you have made it impossible for me to prevent others from doing so. I have already said that considering the importance of this question, and as it is a matter of the domestic concerns of the House, references may be made to what occurred in the standing committee. Only, if any hot words passed, they should not be divulged.

The Honourable Mr. C. V. MEHTA: It is a matter of surprise to me that the honourable member who is such a seeker after information should not desire all the facts to be placed before the House, in a matter which is the domestic concern of this House. However, all I meant to say was that the matter had been gone into most fully, and that the constitutional practice not only in England but in various other countries was pointed out with the precision which honourable members of this House are accustomed to from the Chair, and it brought conviction to every member of the committee except Mr. Pahalajani, and the reason why it brought conviction to every member is not very far to seek. His demand is that not only should material details be given, but a great deal more. I would like to quote his exact words: "All full and complete details of such schemes". He explains that by saying that every possible detail that relates to any schemes should be placed before the honourable members of the Council. Now, I know for a fact that he is aware that any scheme of any magnitude takes no less than 500 pages of a file, and if it is asked that all these pages should be printed and should be circulated to the honourable members fourteen days before the consideration of the budget, I leave it to honourable members to consider how great an expenditure of time it will involve, how great will be the expenditure, and how slow will be the work that can be done by the Council. I think in no legislative or deliberative assembly, not even in a small municipality, is it possible to supply every

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conceivable detail, and I think it is too tall an order to ask this Council to be supplied with such details. I hope, therefore, that the amendment will be rejected.

Mr. KANJI DWARKADAS : Sir, I move for a closure.

The Honourable the PRESIDENT : I shall adopt the closure. The mover of an amendment to an amendment has no right of reply. I will divide it into two parts.

Question put that the words of the original question after "all material details of such scheme or revision shall be supplied to all members as early as possible" be left out and negatived.

Question put that the words proposed to be left out from the original amendment do stand part thereof and agreed to.

The Honourable the PRESIDENT : Does any honourable member wish to address the House on the original amendment ? As no one wishes to speak I will put the question.

Question put that after Order 1 of Part XI the following order shall be inserted namely :

1A. When the demands made in accordance with Rule 26 or 31 relate to any new scheme or revision of scale of pay or allowances or creation of a new appointment all material details of such revision shall be supplied to all members as early as possible :

and agreed to.

The Honourable the PRESIDENT : I will now call upon the Honourable the General Member to present another report of the select committee on Standing Orders.

The Honourable Sir CHIMANLAL SETALVAD : Sir, I beg to present another report of the select committee.

The Honourable the PRESIDENT : The Standing Orders will now be read clause by clause.

"Part II, Order 2 (1). Leave out the words "at such times" and add at the end the words "and the time for the council to meet shall ordinarily be from 12 noon to 6 p. m. with one hour's recess provided that the President may fix other time for particular cause".

The Honourable Sir IBRAHIM RAHIMAToola : Sir, I wish to oppose this amendment.

The Honourable the PRESIDENT : I will propose both these parts together when I put the question.

The Honourable Sir IBRAHIM RAHIMAToola : Sir, I should like to make a few observations on the proposed alteration in this Standing Order. The Standing Order as it stands at present reads as follows :

"Save as provided in paragraph 1, the Council shall sit on such days and at such time as the President shall direct".

It is proposed to alter this by specifically stating the hours at which the Council should meet. I am perfectly aware of the fact that the times at which the Council has sat in the past has not been found convenient to some honourable members. We started by sitting in the morning till 5 or 6 and it was felt that it was inconvenient. We then started to meet from 2 to 7 with half an hour's interval. We have been sitting at these hours for some months and I know that there is a feeling amongst some members that this time is inconvenient and therefore they press that we should have our meetings from 12 to 6

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with one hour's interval for lunch. Now, Sir, my first objection to this alteration is that while the Standing Order as it stands at present enables the Council to meet at such time as is convenient to a large majority, by this amendment you are tying down the hands of the Council by definitely fixing specific hours. Now, Sir, past experience has shown that if in the opinion of a large body of this House the meeting hours have not been found convenient and if the Standing Order stands as it is at present, those hours can be varied from time to time. If you alter this and fix the hours from 12 to 6 and if again the same experience is repeated and you find that the hours of 12 to 6 do not suit you, what happens? You will have again to go through the procedure of amendment of the Standing Orders, reference to select committee and a further variation, a procedure which will have to be gone through again in order to make any change which may for the time being appeal to a majority of this House. The Standing Order as it stands at present gives the power of fixing the days and hours to the President with the proviso that it may be varied from time to time. The President will, I am sure, be ever ready to meet the wishes of the House and regulate the hours of meeting according to the convenience of honourable members. I say, Sir, that the Standing Order, as it stands, meets all the requirements of the case and that any variation which definitely fixes the hours ordinarily of the meetings of this House is tying down the House to an action which if found inconvenient would necessitate an elaborate procedure to alter. Now, Sir, from what I have said it will be apparent that the best course is to leave the Standing Order as it stands at present in order that the hours may be regulated according to the convenience of the House. Immediately you start upon fixing definite hours, there are various considerations which arise.

Firstly, a time of meeting which may be very convenient to a very large body of councillors in Poona may not be equally convenient in Bombay. Take the case of Bengal. They met at different times. Ultimately they decided to meet in Calcutta at 3 p.m. In important towns the members who give their time to public service find it very inconvenient to meet, say, from 11 or 12 to 6, which takes up the whole of their time. It may be that the House may decide to meet even earlier than 12. You would be tying them down to certain fixed hours, and I think you should not do so. That is my first point.

My second point is that if you depart from the time at which we meet at present, from 2 to 7, the work of the Council will be prolonged or many members of the House may have to come back to Poona or Bombay during the interval between two sessions. Now I ask you to consider this aspect of the question. We require members of the select committees, members of the Finance Committee and members of other committees to meet at the time when the session is on. If you meet from 2 to 7, those meetings could be held at 12 and the number of days are thereby saved. If you meet from 12 to 6, your whole time will be taken up in the consideration of the Legislative Council business and you may have to come back for your select committee meetings, Finance Committee meetings and for your other committee meetings. It will mean more expense and more time to be put in by non-official members. I am putting forward these considerations simply to show that it is unwise to fix up definite time by Standing Orders. If you do that, circumstances may arise which would necessitate alteration and you will have to go through the whole procedure again. If you leave the Standing Order as it is, it will be open to the President to fix

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such hours as may be most convenient. You can regulate the hours as it suits you. I ask you again to consider this aspect of the question that honourable members who are members of the accounts committee, of the Finance Committee, of select committees, will be obliged to come specially for those committee meetings, instead of being able to deal with them during the time the session is on. Sir, I ask honourable members to consider it from all aspects of the question and they will see that so long as the number of hours during which the Council sits is not appreciably curtailed, such hours should be so fixed as would meet not only the conveniences of individual members, but the convenience of public work of the Council. I therefore oppose the amendment which the select committee has recommended and would ask the House to throw it out, keeping the rule as it stands at present, namely :—

“Save as provided in paragraph 1 the Council shall sit on such days and at such times as the President shall direct.”

I am quite sure the President will be ready to meet the convenience of honourable members if he is satisfied that particular hours at particular sessions will be more convenient to them than any that may have preceded it. On the whole, Sir, I think instead of tying down the House to specific hours, it would be much better to leave the matter in the hands of the President as the Standing Orders do now.

Rao. Saheb HARILAL D. DESAI (Ahmedabad City): Mr. President, I rise to support the amendment of the Standing Orders that is proposed by the select committee. The Honourable the Leader of the House has said to the Council that the amendment as proposed seeks to tie down the Council to particular hours, but the honourable member's attention requires to be drawn to the amendment proposed. It says that the time for the Council shall ordinarily be from 12 to 6 p.m. with one hour's recess, provided that the President may fix other times for particular occasions. So the Honourable the President has the discretion to change the time for special occasions and the word “ordinarily” has been put in in order to provide for contingencies. Honourable members are aware that the ordinary hours of work in offices in all departments are from 12 to 5, and honourable members are also aware that previous Councils used to sit from 12 to 5 in olden days. Consequently, the time that is sought to be fixed by the Standing Order is not an unusual demand upon the convenience of the honourable members of this House. The Honourable the Leader of the House seems to have considered only the convenience of honourable members who live at head-quarters and officers of Government, but hardly any heed is paid to the convenience of honourable members from the mofussil who come from great distances and have at great personal inconvenience to stay for a number of days at the head-quarters where the Council meets; and, as compared with the inconvenience which they are put to, the inconvenience of some honourable members living at head-quarters is in my opinion next to nothing. The Council ought to keep to the usual office hours, and the Honourable the President has the power to change them whenever it is necessary to do so. Under the present time we work for  $4\frac{1}{2}$  hours from 2 to 7 with a recess of half an hour. Under the proposed arrangement we will be working 5 full hours with one hour's recess. Consequently, honourable members will be able to resume work better refreshed after one hour's recess. Under those circumstances, I submit that the amendment proposed to the Standing Order is a very salutary one, it does not tie down anybody to any hours of work, the

[Rao Saheb Harilal D. Desai]

Honourable the President's discretion is still open, and the House should therefore adopt the select committee's recommendation.

Dr. S. S. BATLIWALA (Bombay City, North) : Mr. President, I do not agree with my honourable friend, Rao Saheb Harilal Desai. In his speech he has not answered the second point raised by my honourable friend the Leader of the House. My honourable friend, the Leader of the House, has distinctly pointed out that in order to meet with the convenience of those members who are not staying at head-quarters but in the mofussil, and in order to see that the work of select committees, Finance Committee and other committees is taken up in the earlier hours of the morning and save the members thereof the necessity of coming back to Poona again for such work, that the present order ought to be retained. My honourable friend Rao Saheb Desai on the contrary has charged the Honourable the Leader of the House by saying that he does not pay any heed to the convenience of the mofussil members. It is quite the contrary, Sir, in my opinion. I may say that it was to meet with the convenience of members from Bombay and mofussil that the present hours are most appropriately fixed more especially for the convenience of those members who give their extra services to Government by being on several committees to do the work which has often to be carried on at the shortest notice. I may also say that the fixing of the present time for our meeting saves considerable time, trouble and money of all those members who have to work on committees. As regards the first point, it is quite reasonable that the Council should leave the hours to the discretion of the President, who, generally voicing the feeling of the majority can convene a meeting at odd hours if the majority so likes. This amendment ties down the hands of the President by a Standing Order. It should not be on account of the Standing Orders that we should not meet whenever it is necessary; then the position will become hopeless. I, from my point of view, do not see the necessity for the change.

Rao Bahadur R. R. KALE (Satara District) : Mr. President, I wish to be brief. It seems to me that the reason why this amendment was undertaken is contained in the short note of the select committee and that note is :

"In view of the frequent representations received by the President for the alteration of the hours of sitting, we think it a good thing to have the hours laid down by order, subject to the President's discretion to alter them in emergencies. The hours fixed give a five hours' sitting instead of 4½ hours as has formerly been the practice."

That is signed by all the members, excepting one, by the President, Mr. Cowasji Jehangir, Mr. P. J. Mead, Mr. C. V. Mehta, Dr. K. E. Dadachanji, Rao Bahadur R. M. Nilkanth, Mr. Pahalajani, and Rao Saheb Harilal Desai. Further, there is no dissent on this point. It will be seen that we actually gain two days more, because half an hour we gain every day, if we sit for twenty days. Our complaint has been that sufficient number of days has not been given hitherto for the business of non-official members. So, in that way we get half an hour every day and secondly as to the objection as to the time required for the committee meetings, I wish to point out that the whole House is not concerned in that. However, what I submit is that the select committee or Finance Committee.....

The Honourable the PRESIDENT : That is not relevant. Do you mean that the whole House is not concerned with the work of committees ?



**Rao Bahadur R. R. KALE :** I meant to say that the sittings of committees should be so arranged that they should be immediately preceding the session or immediately succeeding the session, so that only such members as are required to work on the committees will attend on those two extra days. Now, what happens is that, not all the members of the Council are required to attend and, as I said, only some of them have to serve on committees. As the order now will be, we shall have to attend from 12 to 6 and committee meetings should come a day previous or a day subsequent to the session.

With regard to the question of President's power, because the President wanted some fixity of time, this order was undertaken. I think it is too late to go back upon it and the House will do well to accept the amendment.

**Mr. KANJI DWARKADAS :** Sir, from what my honourable friend Rao Bahadur Kale has said, it is clear that the only reason he has is that if we sit from 12 to 6 we gain half an hour a day. Well, Sir, if he will only realise how much money is saved if we sit from 2 to 7 he will not grudge this half an hour. The Honourable the Leader of the House has told us that many select committees sit from 11 to 2. For example, in March last, throughout the session, we had meetings of select committees, and here in Poona for the last 4 or 5 days there have been meetings of committees from 12 to 2. If the Council is to sit from 12 to 6, the result will be that select committees will meet after the Council session is over. Possibly members will have returned to their places and will have to be called back to the head-quarters for select committee meetings and all this means big expenses. If my friend realises how much money will be spent by this process and also if my honourable friend the Deputy President realises that, they will reject the amendment. Therefore, I hope the House will accept the suggestion made by the Honourable the Leader of the House.

**Dewan Bahadur K. R. GODBOLE (Poona District) :** Sir, I wish to address the Council on this matter. As was explained to us by the Honourable the Leader of the House, the President has got powers at present for regulating the hours of Council meetings. We meet at present from 2 to 7 and there is nothing in the present regulations to prevent the President from saying that we should sit for one hour longer on any particular day or during a particular week. So, the half-hour gain that has been pointed out does not seem to me to be a matter of much importance, because, as I said, the President has the power of adding half an hour at present if he considers it desirable to do so.

The other point made by Sir Ibrahim Rahimtoola is very important. Most of the members of this Council have to attend select committee meetings, and if the House is to sit from 12 to 6, it means that the select committee meetings must have special separate days allotted for them. I will give an instance to the Council of what is happening in that respect in my own case. To-morrow I have to attend two Council committee meetings, one at 11 and the other at 12-30. If the sitting hours of the Council had been from 12 to 6 these committee meetings could not have taken place to-day; myself and other members of the committees would have been obliged to come back to the Council Chamber on two separate additional days. The present arrangement is I think very satisfactory, and should not be changed. The Council will do well in throwing out the amendment.

**Mr. COWASJI JEHangir :** I move that the question be now put.

**The Honourable the PRESIDENT :** I accept the closure.

Question put that the existing standing order do stand and agreed to,

The amendment proposed by the select committee lost.

Question put that

In Part VII, Order 1, paragraph (1), omit the words "a resolution on"

and agreed to.

Question put that

In Part VII, Order 1, paragraph (3), in line 1 omit the word "resolution" and insert instead the word "motion"

and agreed to.

Question put that

In Part VII, Order 1, paragraph (3), in line 2 omit the words "and resolution"

and agreed to.

Question put that

In Part VII, Order 1, paragraph (3), omit the word "resolution" and insert instead the word "motion" in line 8

and agreed to.

Question put that

In Part VII, Order 2, paragraph (1) leave out the word "resolution" and insert instead the word "motion" wherever it occurs

and agreed to.

Question put that

In Part VII, Order 2, paragraph (3), leave out the word "resolution" and insert instead the word "motion" at the end

and agreed to.

Mr. B. G. PAHALAJANI (Western Sind): There is one more matter to be disposed of. This matter went to the select committee because my honourable friend Mr. Petit.....

The Honourable the PRESIDENT: Have you sent in notice?

Mr. B. G. PAHALAJANI: The minute of dissent is equivalent to a notice, I believe.

The Honourable the PRESIDENT: We cannot go back to the original motion. It went to and has come back from the select committee and we must consider what is contained within the four corners of the select committee's amended Standing Orders, and if any new clause is to be added and if you want to make any addition of a new clause to that, you ought to have sent notice of it. You have not sent any notice.

Mr. B. G. PAHALAJANI: I have sent notice by way of dissent.

The Honourable the PRESIDENT: The Standing Orders say that I must deal with the Standing Orders as amended by the select committee as if it were a bill. You cannot go to the original bill. I must insist upon the procedure being adopted.

Mr. B. G. PAHALAJANI : In September last there was one clause added in Chapter XI of the Standing Orders after it was passed by this Council, namely that Government shall supply a copy of the budget and the detailed estimates shall ordinarily be despatched to each member of the Council at least 14 days prior to the voting of demands for grants under Rule 27. ....

The Honourable the PRESIDENT : The Standing Order 2, Part IX, reads as under :—

2. When the motion is reached, the President shall ask whether the Member has the leave of the Council. If objection is taken, the President shall request those members who support the motion to rise in their places and if more than 30 members rise accordingly, the President shall intimate that the Member has the leave of the Council.

3. Where a member has the leave of the Council to proceed, the draft amendments shall be referred to a select committee. ....

and therefore Mr. Pahalajani must ask for leave.

Mr. B. G. PAHALAJANI : I am only asking for leave to omit the word "ordinarily" from the last amended rule as now present in the Standing Orders book. I ask for leave of the House

That the word "ordinarily" be omitted, from Order 1, Part XI.

The Honourable Sir CHIMANLAL SETALVAD : Sir, I oppose this amendment.

Only 27 members rising in their seats leave was not granted.

The Honourable Sir CHIMANLAL SETALVAD : Mr. President, I ask leave of the Council to move that

In Part XII, in Standing Order 1 (1) the words "and the names of the members present" shall be omitted and to Standing Order 3 (c) the words "in the case of select committees" shall be added.

Mr. G. C. BHATE (Kolaba District) : I object.

Only 22 members rising in their seats leave was not granted.

The Honourable Mr. H. S. LAWRENCE : Sir, I rise to ask leave of the Council to move an alteration of the Standing Orders in Part XI, Order 1, as in the printed notice.

In Part XI of the Standing Orders—

(a) For Order 1, the following order shall be substituted, namely :—

"A copy of the Budget and the detailed estimates shall ordinarily be despatched to each member of the Council at least 14 days prior to the voting of demands for grants under Rule 27."

(b) In Order 3 for the words "before the date appointed for the session of the Council at which the motion is to be made" the words "before the first day of the voting of demands for grants under Rule 27" shall be substituted.

Mr. JEHangir B. PETIT : I object.

A count was taken of members who supported the motion.

The Honourable the PRESIDENT : I am not satisfied that it has been correctly done. Let the members be counted again.

Mr. KANJI DWARKADAS : On a point of order, can those members who have just now entered the hall be counted ?

The Honourable the PRESIDENT : I have not completed the counting at all. I thought I counted, but somehow or other, I lost sight of some. What is the use of wasting time on these petty objections ?

Mr. G. B. TRIVEDI : Can those who have entered the House after the first count was taken be counted now ?

The Honourable the PRESIDENT: The honourable member does not understand what I am saying and what I am doing. I have not yet finished counting. I have asked for another count.

Thirty-six members rising in their seats, the amendments were referred to a select committee.

The Honourable the PRESIDENT: The Standing Order with regard to the formation of the select committee is that the President shall be chairman, and the Deputy President and a chairman of the Council to be nominated by the President shall be members. The remaining members who shall be seven in number, shall be elected by the Council by such method as the President may determine.

Mr. B. G. PAHALAJANI: I suggest that the old committee consisting of the same members may be appointed.

Mr. M. A. HAVELIVALA: I think Rao Bahadur Sathe's name may be added.

Dr. S. S. BATLIWALA: I suggest the name of Mr. Purshotamdas.

The Honourable the PRESIDENT: The select committee as proposed is:—

The President, the Deputy President, Dr. K. E. Dadachanji, Mr. P. J. Mead, Mr. C. V. Mehta, Rao Bahadur Ramanbhai M. Nilkanth, Mr. B. G. Pahalajani, Mr. Purshotamdas Thakurdas, Rao Bahadur G. K. Sathe, and Mr. Cowasji Jehangir.

Question put and agreed to.

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

Sardar V. N. MUTALIK: Sir I request priority for my resolution which refers to the treatment of political prisoners in jail.

The Honourable the PRESIDENT: Have you given intimation to the Honourable the Home Member?

Sardar V. N. MUTALIK: I have, Sir, and I hope Government will accede to my request.

The Honourable Mr. M. H. W. HAYWARD: I have no objection whatever. I shall welcome discussion on this matter.

Sardar V. N. MUTALIK: I only say that I should be allowed to move it to-morrow.

The Honourable the PRESIDENT: I cannot provide for to-morrow. You can repeat your request for priority to-morrow.

The Honourable Mr. M. H. W. HAYWARD: I shall not change my views to-morrow.

The Honourable the PRESIDENT: I think the best course for you, Sardar Mutalik, will be to begin it to-day. If you want to move it to-morrow, then you must ask for priority to-morrow. I cannot give you priority to-day in anticipation, because anything may happen to-morrow.

Sardar V. N. MUTALIK: In that case, I shall move it to-day.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Sir, the resolution which stands in my name and which I present to the House for their approval runs in this way :

"This Council recommends to His Excellency the Governor in Council to be pleased to take steps, as early as possible, either by necessary changes in the rules, or by executive orders, or by legislation, to accord to all "political prisoners" a treatment similar to that, given to political prisoners or first class misdemeanants in England."

Sir, the reforms sought in this resolution are long overdue in this Presidency. The importance of due classification and the separation of one class of prisoners from other classes is an accepted principle in all civilised countries. This classification is made for the purpose of location, labour, diet, clothing, supply of some conveniences like lamps, newspapers and books, and interviews and letters, and necessary expenditure over and above that may have to be incurred to be met by the prisoner or at the expense of Government as it may suit the convenience of Government at the time. Sir, for the sake of this classification, we have to consider the moral condition of the mentality of the prisoner, whether the offence involves moral turpitude or depravity of mind or any moral obliquity. We have also to consider the ordinary mode of life led by the prisoner and his social status, as well as the effect desired to be obtained by his detention in jail. I feel confident, Sir, that all the honourable members of this House will agree with me that offences of political nature involve no moral turpitude or depravity of mind. On the contrary, the offence is actuated by high motives of patriotism and a desire of national evolution—evolution in law, in political liberty and political advancement of the country. It cannot be denied, Sir, and I am quite prepared to admit, that overzeal in this respect is bound to burst out at times in excesses and perhaps certain offences involving violence to person and property may be committed at times. But in this resolution I am not considering such sort of offences and I may let off such sort of offences by saying that it is patriotism running amuck.

The question Sir, naturally arises who are to be taken as political offenders, and the Honourable the Home Member once gave an answer to my question that the law, as it at present stands, makes no difference and Government do not know whom to call "political offenders." I would like to answer that question at this stage. I am not, Sir, prepared at this stage to accept the position that only persons convicted under certain sections or special laws are to be taken as political prisoners. If we accept such a definition, I think the definition would be too narrow and cannot be quite logical. There might be a number of persons who may be convicted under ordinary criminal law and will all the same come under this head. It is the motive that actuates the crime that must be taken into consideration for determining this sort of offence. As a matter of fact, Sir, it is not only the motive of the offender, but also the motive that leads Government to prosecute the man that will decide the question. If a person is prosecuted for political reasons, that is, in pursuance of a policy and not for the moral turpitude or depravity of mind, if a man is convicted because he cannot conscientiously accept the orders of Government or cannot accept the justice of any existing law or because he wants the laws to be amended or removed from the statute book and he sacrifices his liberty for this sort of evolution, I think such persons ought to be taken as political offenders. The determining factor, Sir, then would be the motive of the prosecution, as well as the motive that actuates the crime. No moral ground of corrupt disposition or depravity of mind can possibly come under

[Sardar V. N. Mutalik]

this head. If there is any danger in that respect, the prosecuting authority may take another view and push such political offenders into the ordinary head of criminal offenders. It need hardly be said, Sir, that there is a unanimity of opinion on this point, and I may quote here the opinion of Mr. Frederic Harrison. He says :

"A political offender should never be regarded and punished in the same way as an ordinary criminal. For the former commits offences not for any private gain but from a sense of public duty. Instead of feeling himself humiliated he regards his act as a public service. He is looked upon as a martyr by his own party and, above all, though he may be detested by his political opponents, he is not certainly considered by them dishonoured. It is, however, quite different with an ordinary convict. No one will associate with a thief: the latter himself will hang down his head in shame when he comes across an honest man. In short, even in his own estimate, he is but a degraded creature who has lost his character as a self-respecting human being."

The distinction, Sir, is quite clear and I hope the Honourable Member in charge of the Home Department will take the definition as it stands here. It need hardly be said, Sir, that the political offence is committed as a protest against the existing system of Government or against any existing order of Government, and in such cases there is an honest difference of opinion about the justification of the order. But I think that about the motives there could be no doubt. Those in power will then consider that their prestige is lowered down and will always say that such persons are creating some sort of disturbance or lowering the prestige of Government, a thing which is not in the interests of the country. It is no question, Sir, of prestige. We must not allow the bogey of prestige to come in our way. We must respect the motives, and about the motives I suppose there could be no doubt. When the offences are committed against the will of the executive authorities, there is likely to be a sort of feeling of vengeance in the treatment of those political offenders.

(The Honourable the President at this stage withdrew and the Deputy President occupied the Chair.)

Repression is bound to grow in cruelty. Attempts to break a man's spirit and health will grow out of repression. Sir, there are a number of stories published in newspapers to which I am not referring. There are statements made by persons coming out of prisons about the ill-treatment to such sorts of prisoners, and they are made openly and publicly. So far as I know, no steps have been taken by Government to deny those statements. I am referring to the statement lately made by the Mulshipetta Satyagraha Mandal. It contained the statements made by several persons coming out of prison and specially the bad treatment given to political offenders....

The Honourable Mr. M. H. W. HAYWARD : I deny it at once. (Hear, hear.)

(The Honourable the President at this stage resumed the Chair.)

Sardar V. N. MUTALIK : The Honourable the Home Member denies it, but he does so now. As far as I know pamphlets were published.....

The Honourable the PRESIDENT : If honourable members make a statement on the basis of newspaper reports, or what somebody has stated, then the debate will take a turn which may land us into irrelevant discussion. Unless the honourable member makes himself responsible for the statement he makes, it is not in order to refer to it.

Dr. K. E. DADACHANJI : The Honourable the Home Member made a statement denying the matter.

The Honourable the PRESIDENT : That is another matter. I have nothing to do with the denial. If you take the responsibility, instead of proceeding on newspaper reports, I will not come in your way. If you merely state to the House that such and such a thing has appeared in a newspaper, and if any debate arises on it, then the newspaper editor is not represented here to answer. You are here, and there is the Government to answer you. Are you prepared to make the statement on your own responsibility ?

Sardar V. N. MUTALIK : The difficulty.....

The Honourable the PRESIDENT : Yes ; I know what the difficulty is. One way to get out of the difficulty is to say " I have made enquiries as far as possible, and I think there is a *prima facie* case, and I call upon the Home Member to reply ".

Sardar V. N. MUTALIK : It is exactly.....

The Honourable the PRESIDENT : Because the newspaper editor is not here to answer, if we raise a debate on the articles appearing in his paper, you are doing it behind his back. You are here to hit the Government and there is the Government to hit you. Play the game fairly and squarely.

Sardar V. N. MUTALIK : From private enquiries I have come to the conclusion.....

The Honourable Mr. M. H. W. HAYWARD : I deny it most emphatically.

Sardar V. N. MUTALIK : I am leaving that question now. That does not concern us here.

The Honourable the PRESIDENT : There you are right. The question whether they are treated fairly or unfairly is a subordinate question.

Sardar V. N. MUTALIK : My principle is that such prisoners ought to be based on a special basis and should be given a fair treatment.

Apart from the question whether they are treated according to the present jail rules, I think all political prisoners ought to be treated in a different way and in a sort of way in which civil prisoners are treated. That is an accepted principle in all countries. I think the Government of India has made a certain declaration in this respect and has accepted the principle.

Mr. J. CRERAR : It is not a fact.

The Honourable the PRESIDENT : I hope the honourable member will be allowed to proceed, and the Government will have an opportunity of replying to his arguments *seriatim*, instead of by these interjections.

Sardar V. N. MUTALIK : If I can express the views expressed by the Under Secretary of State for India on a question which was put to him, there is the statement. He expressed the principle that political prisoners should be given a special treatment, because I say, whatever may have been the definition of political prisoners.....

The Honourable Mr. M. H. W. HAYWARD : Statement of what date ?

Sardar V. N. MUTALIK : Of March 19, 1922. In reply to Colonel Yate, he said :

"The general principle underlying the distinctions made is that while a person who deliberately incited to violent crime deserves no less severe treatment than the person who actually commits such crime, there is a large class of cases in which a man who, presumably from honest motives expresses political views, the public expression of which is an offence under the law, should not be subjected to humiliating treatment or classed with criminals whose offences show moral obliquity."

[Sardar V. N. Mutalik]

That is the reply given by the Right Honourable Earl Winterton.

So, the principle was accepted from above, and it is left to us only to give effect to that principle, so far as this Government is concerned. Sir, the Bombay Presidency is the leading Presidency in the Indian Empire, and we ought to give the lead. Instead of giving the lead, the lead has come to us from the United Provinces and Bihar and Orissa, where the Governments have accepted that principle, and special treatment is being given in those countries to political prisoners. I am sorry that the Jail Committee did not think it right to recommend special treatment, but when I went through the pages of the evidence I found that there were only two views expressed, one by officials and one by non-officials, and the view of the non-officials was that political prisoners should be accorded special treatment.

Sir, the further point I want to place before this House is that the present treatment accorded to political prisoners is bad in various ways, that treatment was intended only for ordinary prisoners, and in making rules for that treatment, I think Government was very kind so far as the ordinary mode of life of those ordinary prisoners who form a very large majority of jail population was concerned. In fact I should say that that treatment is much better than the actual mode of their ordinary life. In this House it has been often stated that we were not giving a living wage to persons, so much so that we were not able to pay sufficiently to enable Government servants to maintain that standard of life which was being given to prisoners in jails. From that point of view, that treatment in jail was fixed and settled upon. Now, the question is, are we going to deny a fair treatment to political prisoners who are not in any way involved in moral turpitude or about whose motives there can be no doubt? It is a question of principle, and I hope this House will accept the principle. I say this in the interest of humanity, in the interest of civilisation and in the interest of the good name of this Presidency.

I might point out to Honourable Members of Government that this Government has already accepted the principle in some cases and are giving a fair treatment to some political prisoners, particularly in the case of the late Lokmanya Tilak when he was given special treatment, and as a result of that special treatment, we have the results in two valuable volumes which are presented to the whole world. I recommend this resolution without the slightest hesitation for the acceptance of this House, and I hope Government would be pleased to consider it favourably. One part of my resolution is that political prisoners should be given a treatment similar to that given in England, and for that treatment I may refer Government to the Irish Government press note of April 20th, 1920, in which all the details are given, and I think the details of treatment accorded to English first class misdemeanants are given on page 86 of the Jail Committee's Report, paragraph 124. With these few words, I commend this resolution to the acceptance of this House.

Mr. G. B. TRIVEDI (Thana District) : Mr. President, I rise to support the resolution moved by my honourable friend, Sardar Mutalik. In doing so I congratulate the Bombay Government on the coolness and the high statesmanship it showed up to the end of last year in dealing with the political situation of the Presidency.

The Honourable the PRESIDENT : Order, order. The question is not about the political situation but of the political prisoners and their treatment in jail.



Mr. G. B. TRIVEDI : Fortunately for this Presidency a situation had not arisen as it had in other Presidencies, when persons politically-minded with intention to get certain changes in the political rights of the people, had no occasion or were not forced to seek imprisonment, but later on, specially in the beginning of this year in this Presidency, a situation arose when a high souled leader of the opposition in this country saw it fit to write and speak certain things for which Government had to take certain action. I do not want to raise any question about the steps that Government had to take in this matter, but what I want to say is that a situation arose when persons of education, persons of high standing in society, out of conscientious motives, believing that there was no other alternative but to write and speak in a way that, though it might go against the law of the land, would satisfy their conscience, and Government took certain steps. I have no quarrel with that. But a situation arose afterwards and it is this that when people who were politically-minded in this way were sent to jail, and questions were put in this Council, the Honourable the Home Member refused to believe that there was any distinction between ordinary criminals and political prisoners. He said that there was no distinction in the present law. I accept it, but then I put it to the Honourable the Home Member, whether it would not be possible for him to see how to meet this new situation and to find out how it was met in other countries where this political situation arrived and whether he could not copy what was done in other countries, specially in Ireland where the political opponents of Government created a situation which was far more serious and which later on led to disastrous results, and still when that situation arose the Irish Government thought that those people had risen and were seeking jail for their political views and therefore they deserved a different sort of treatment in jail than what was given to ordinary criminals. These persons are persons of education and high standing in society, they are not ashamed of what they do, they are on the contrary glad that they had an opportunity of drawing the attention of Government in a certain way which will solve the problem much earlier than otherwise. That was the position, but the Government in Ireland at once recognised that those people were different from ordinary criminals and that they were, morally speaking, on quite a different pedestal from the ordinary type of criminals. Thus, Sir, when this situation arose here, the Honourable the Home Member had before him the good precedent of the Irish Government. Why should we go outside the country ? He had good precedents from other provinces of India. What was done in the United Provinces and in Bihar and Orissa ? In both these provinces, when the situation arose, the Governments of those provinces also rose to the occasion, understood their duty and at once made a difference between political prisoners and ordinary criminals, but I am sorry to see that our Government refuses to recognise the difference between the two classes and refuses to follow the lead given by other provinces ? We claim that it is the Bombay Presidency which leads in all matters, as the Honourable the Home Member very aptly said this morning. If we are leading the country, should we not also be ready to follow the good lead that is given by other provinces ? In Orissa particularly, the Inspector General of Jails issued an order to the jailors to treat these people differently from ordinary criminals. So, I say that the Bombay Government had a very good precedent not only outside this country, but in the country itself. These two Governments had given differential treatment, but still our Government refuses to do so. Furthermore, when the question was raised in the House of Commons, as the honourable mover of the proposal observed, the Under Secretary of State

[Mr. G. B. Trivedi]

recognised the difference between the two sorts of criminals, and later on he also made a statement in the House of Commons that the Government of India were considering how to meet the situation in all provinces on an equal basis. But even then the Bombay Government refused to move in the matter. We had, in the last session of the Council, five resolutions on this very subject on the agenda paper. The Government had before it the mind of this Council from the fact that five resolutions on this subject were going to be moved. Even then the Government was slow to move in this matter, but at least now when this resolution is well discussed, I hope the Honourable the Home Member will see his way to accept the resolution, and not prolong the debate. The Government of India lately, I understand, issued a recommendation to all the provincial Governments that political offenders should be treated differentially in the matter of diet, clothing, labour, etc. I am glad that the situation in Bombay Presidency has not arisen to the same extent as in other provinces, and therefore it behoves our Government to meet the situation on the same level more easily. But I would urge that this resolution should be accepted also on another ground, namely that of expediency. Is it not to the interest of the Government itself that people who are politically minded, if they go to jail, should come out with a good opinion about the Government, about their treatment in jail, so that the bitterness that they had before going to jail might be softened down? They will tell people of the good and kind treatment that they received at the hands of their opponents, although they were put in jail. It is in the interest of the Government itself that it should not add to the already existing bitterness by the stories that will spread, when people who have been sent to jail, come out and give these stories to their relations and friends. That will increase the bitterness, whereas, if you treat them differentially, it will create a better feeling. And what is the differential treatment that we ask? We do not say, treat them like princes in the jail; we say, treat them as such prisoners are treated in England and other countries. Are we asking for something that is beyond the power and capacity of the Government to do? We say, give them their own bedding, their own books, and newspapers. Now, the Council must have seen from the accounts that have come out about the treatment of some of these political prisoners, that Government is not willing to give them newspapers to read. Now, I ask, in all seriousness, whether you have put their body in jail or whether you have put their minds in jails as well. If you give them physical food, if you give them bread and milk, why are you denying them their mental food. Why should they be prevented from knowing what is going on outside. Do you want to keep them ignorant of everything. Do you want that they should lead a creature's life in the jail. Would you only attend to their physical and not to their mental wants? Would you deny them even harmless newspapers? Give them newspapers of your own selection. Why do you deny them all knowledge of the world outside. Are they going to create trouble by reading newspapers? They may do so when they come out, but that is another matter. You are checking their correspondence and interviews, and with these things in your hands, why are you afraid that by reading newspapers, these people will add to your difficulties? That is a point which will show that Government are doing something that leads people outside to believe that Government are doing it with a spirit of vindictiveness. I want that this suspicion should be removed from the public mind that Government having caught a certain person in their hands is now treating him with a spirit of vindictiveness. I feel for the honour of the Government, and therefore

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in the interest of Government's good name, I say "let us rise to the occasion, and let us prove to the world and to the people outside that the Bombay Government is not at all vindictive in the treatment of the prisoners that have come into their hands." That is one thing.

The other thing is that you deny them interviews. You give them one interview in three months. Now, is that right? Their wives, their relations and friends may like to see them. You may deny them any political discussion. But why should you deny them interviews with their relatives and friends once a week, which is given in England and Ireland? You are denying the men everything that constitutes a civilised life. So, in the matter of interviews also, Government ought to make some relaxation. Then, I understand that Government, against the jail rules, are prescribing that persons, who come to interview these people, shall not give out anything of the interview, even such things as that the man is all right or he has suffered or did this and that. The latest story that is given out is that the Superintendent of Yeravda jail asked those persons who went to interview Mr. Gandhi that they should not publish anything about the interview. I can understand if you exclude politics. You may take an undertaking from them, but is it in your jail rules that the Superintendent should ask them not to say anything about a man about whom the public wants to know how he is faring in the jail? Government practically want to say that the man is dead to the public till the time he is out of the jail. I ask, is this becoming of a civilized Government like ours? For their own honour, we hope, the Government will do something in the matter and will not go on adding to the bitterness that is already existing in this Council and outside.

As to the political offences I am prepared to make a difference between political offences and political offences and if Government say that they are not going to treat persons whose speeches or whose writings directly incite riots or rebellion or criminality, then I am prepared to understand the distinction. But if a man whose writings or whose speeches have been non-violent, who has been preaching non-violence, whom Government also have given credit for non-violence, if such people are to be treated like common prisoners in jails, then is it to the interests of the public, is it to the interests of Government that such treatment should continue in this Presidency? I again appeal to the Honourable the Home Member to consider the question whether this resolution, which is very harmless, had not better be accepted and the discussion cut short at this stage. With these words, I heartily support the resolution that has been moved by my honourable friend Sardar Mutalik.

Mr. IBRAHIM S. HAJI (Bombay City): Mr. President, the resolution as it is worded only requires an academic discussion over it. It is not intended in the body of the resolution to ventilate the grievances of the people of this Presidency which are prevailing outside or certain grievances which some of the members or particularly the honourable member who has moved this resolution has got in his mind. We have to discuss this resolution with a clear slate, with a view to see whether there is any distinction between a prisoner who has been sent to prison on certain offences and the persons who are sent to the prison because they are differently politically minded, and therefore they had been convicted under certain sections of the Indian Penal Code, or under certain Acts, which penalize certain political opinions. I beg to submit, Sir, to this House that looking at the theoretical merits of this resolution, it brings

[Mr. Ibrahim S. Haji]

us to one conclusion that this distinction between prisoners must be maintained. The prison-house is not to be regarded either by the Government or by this House as a house of correction for the political prisoners. If the Government did so regard it, the prison as the house of correction, I beg to submit that the political prisoners, the prisoners who have been sent there on political crime, can never alter their political views however badly or however nicely they are treated in the prison. The treatment which has been accorded to such political prisoners at present is for us a mystery. Honourable members of this House, I do not know how many of them, have personally attempted to study this question in the four walls of the prison, either as visitors or as special deputies on behalf of Government to serve to us as eyes and ears to assure us how far these rumours, which are prevailing outside in the papers and in the air, are true. I think the force of this resolution is this, that the Government should be forced upon, particularly if this resolution is carried in this House with a majority, the appointment of a committee, or that similar steps should be taken by the Government to investigate whether the treatment has been bad to political prisoners. Therefore the question at once comes to us whether political prisoners require a special treatment as compared with other prisoners. If the House decides so, then there is no difference and there is nothing to debate upon this resolution but to accept it *in toto*, and particularly to force Government to at once bring forth a legislation or executive orders or rules particularly in the jail manual of this Presidency in order to accord a different treatment to political prisoners. Now what should decide that the political prisoners should be given different treatment? The political prisoner's only offence is this that according to the existing laws of the country the people who hold certain political opinion derogatory to the existing laws of the country are punished under such laws, and therefore they are sent to jail and they may be termed as political prisoners. Now is it not fair, Sir, with this new spirit in this country, and is it not fair, Sir, with this new goal that this Government and the British Parliament have for this country to arrive at, there will be a likelihood (and rightly too) that a certain section of my countrymen will view certain criminal laws as the laws to be obstructive laws and halting in our onward march to the goal which the Parliament has fixed for us. If such persons commit the breach of that law, they must not be considered as doing it maliciously and doing it with a view to excite the country to uproot the existing form of Government, and therefore the House must ask the Government that in the treatment of political prisoners some leniency must be shown.

The Honourable the PRESIDENT: I think it will be convenient if we stop at this stage of your argument so that you may carry it on to-morrow.

A majority of non-official members having expressed their desire to accept the invitation of the Committee and Stewards of the Western India Turf Club to attend the opening day of the Poona Racing Season, we shall meet to-morrow at 12 noon instead of 2 p.m. and sit till half past four without the usual tea hour. Council adjourned to Monday, the 31st July accordingly.

*Saturday, the 29th July 1922.*

The Council re-assembled at the Council Hall, Poona, on Saturday, the 29th of July 1922, at 12 noon, the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

*Present :*

ADDYMAN, Mr. J.  
 ADHAV, Mr. P. N.  
 BATLIWALA, Dr. S. S.  
 BENNETT, Colonel V. B.  
 BHATE, Mr. G. C.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Mr. S. K.  
 BULLOCKE, Mr. A. GREVILLE.  
 CHIKODI, Mr. P. R.  
 CHITALE, Rao Bahadur G. K.  
 CLAYTON, Mr. F.  
 COOPER, Khan Bahadur D. B.  
 CRERAR, Mr. J.  
 DADACHANJI, Dr. K. E.  
 DALAL, Sardar Khan Bahadur ADARJI M.  
 DALAL, Mr. D. B.  
 DESAI, Rao Saheb HARILAL D.  
 DESAI, Rao Saheb DADUBHAI P.  
 DESHMUKH, Mr. ANANDRAO SHRIPATRAO.  
 DRAKHAN, WADERO MAHOMED PANAH.  
 DUBHASHE, Mr. SHANKAR BALKRISHNA.  
 DWARKADAS, Mr. KANJI.  
 FERNANDES, Major C.  
 GANDHI, Mr. C. M.  
 GARUD, Rao Bahadur S. D.  
 GHOLAP, Mr. D. D.  
 GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH.  
 GODAD, Khan Saheb ABDULLA AVJAL.  
 GODBOLE, Dewan Bahadur K. R.  
 GRIFFITH, Mr. F. C.  
 HAJI, Mr. IBRAHIM S.  
 HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA.  
 HAVELIVALA, Mr. M. A.  
 HAYWARD, The Hon'ble Mr. M. H. W.  
 HOOD, Mr. ALBAN JOHN FRANKLAND.  
 HULKOTI, Mr. CHANAPPA CHANVIRAPPA.

JADHAV, Mr. B. V.  
KALBHOR, Mr. G. M.  
KALE, Rao Bahadur R. R.  
KAMBLI, Mr. S. T.  
KER, Mr. J. C.  
LAGHARI, Khan Bahadur KHAIR BAKSH.  
LAHORI, Khan Bahadur HAJI AMIRALI.  
LAWRENCE, The Hon'ble Mr. H. S.  
LORY, Mr. F. B. P.  
MANSURI, Khan Saheb A. M.  
MEAD, Mr. P. J.  
MEHTA, The Hon'ble Mr. C. V.  
MODI, Sardar Davar TEMURAS K.  
MOHOMED SALAHUDDIN K., Mr.  
MONIE, Mr. P. W.  
MOUNTFORD, Mr. L. J.  
MUTALIK, Sardar V. N.  
NILKANTH, Rao Bahadur R. M.  
NELSON, Mr. F.  
NIMBALKAR, Mr. K. B.  
PAHALAJANI, Mr. B. G.  
PAINTER, Mr. H. L.  
PARANJPYE, The Hon'ble Mr. R. P.  
PATEL, Mr. B. P.  
PAWAR, Shrimant J. A.  
PETIT, Mr. JEHANGIR B.  
PRADHAN, Mr. M. W.  
PROES, Mr. E. M.  
RAHIMTOOLA, The Hon'ble Sir IBRAHIM.  
SALGAR, Mr. R. G.  
SATHE, Rao Bahadur G. K.  
SAYED NABI BAKSH SHAH.  
SAYED, SHAHJADE SAHEB HAIDAR SAHEB.  
SETALVAD, The Hon'ble Sir CHIMANLAL H.  
SHIRRAS, Mr. G. FINDLAY.  
SINDORE, Mr. H. N.  
SURVE, Mr. A. N.  
THAKURDAS, Mr. PURSHOTAMDAS.  
THOMAS, Mr. G. A.  
TRIVEDI, Mr. G. B.  
VICHARE, Rao Bahadur. D. A.

The Honourable the PRESIDENT: Order, order. Questions.

I should have informed the Council that the fourth list of questions is taken up to-day as the third list has not yet come and my office is making enquiry. It is unfortunate the members were not informed that the fourth list would be placed before them to-day. If any honourable member is not present here to ask his questions, they will be taken up either when he comes during this question hour or on Monday.

#### FILLING UP VACANCIES IN PRIMARY SCHOOLS.

Mr. P. N. ADHAV (Satara District): Will Government be pleased to state whether during the last year (1921-1922) a circular has been issued to fill up 75 per cent. of the vacancies in primary schools from candidates of the non-Brahmin classes. If so, will the Government be pleased to give the following information :—

(a) The number of posts that fell vacant from 1st September 1921 to end of March 1922 in Satara district;

(b) Number of applicants (i) Non-Brahmins, (ii) Brahmins;

(c) Number of vacancies filled in by (1) Non-Brahmins and (2) Brahmins, during the above period?

The Honourable Mr. R. P. PARANJPYE: No such circular was issued; the figures, however, are :—

(a) 39.

(b) (i) Non-Brahmins, 105.

(ii) Brahmins, 135.

(c) (1) Non-Brahmins, 33.

(2) Brahmins, 6.

#### TEMPORARY ASSISTANT SURGEONS.

Mr. P. N. ADHAV (Satara District): (a) Will Government be pleased to state the number of temporary assistant surgeons in this Presidency (in service)?

(b) Are Government aware that there are some who have put in nearly 8 years' service and are awaiting confirmation?

(c) Will the whole period of temporary service be counted towards pension and promotion especially in the case of temporary assistant surgeons who volunteered for military general service?

(d) Will the temporary assistant surgeons who volunteered for *general service* be given preference over those who volunteered for Indian service at the time of being made permanent?

The Honourable Mr. R. P. PARANJPYE: (a) There are at present 30 temporary provincial medical officers in the Bombay Medical Service.

(b) Yes.

(c) Their confirmation will be antedated to the time when the vacancy occurred. Any temporary service remaining over will be considered when they go on pension.

(d) No; but the point will be considered at the time of confirming a temporary officer.

## BOMBAY CITY POLICE.

Dr. S. S. BATLIWALA (Bombay City, North): (a) Will Government be pleased to state whether the deficiency of 224 policemen and 8 officers which existed in the Bombay City Police force has been replenished during the current year? If not, will Government be pleased to state the reason for the delay?

The Honourable Mr. M. H. W. HAYWARD: The deficiency has been reduced practically to 3 officers and 114 men on the previous sanctioned strength but increases of 4 officers and 100 men were sanctioned only this May and July for training recruits and for the armed branch and the deficiency including these increases stands at 7 officers and 214 men on the present sanctioned strength.

Dr. S. S. BATLIWALA: May I know the reason for the delay in increasing the force?

The Honourable Mr. M. H. W. HAYWARD: It takes time to recruit new men.

Dr. S. S. BATLIWALA: We have not had sufficient strength in spite of the sanction of the House.

The Honourable Mr. M. H. W. HAYWARD: If the honourable member will carefully scrutinise my answer, he will find that the deficiency has been reduced to three officers and 114 men. That is a very satisfactory reduction, and could hardly be better. The extra 4 officers and 100 men were sanctioned only last May and July. We are doing the very best we can to recruit up to full strength and shall probably ask for even more men from the Legislative Council.

Dr. S. S. BATLIWALA: In view of the recent dacoities, what protection Government propose to give to the public?

The Honourable the PRESIDENT: Another member has given notice of that question and you should not anticipate it.

## COMMISSIONER, BOMBAY SUBURBAN DIVISION.

Mr. G. C. BHATE (Kolaba District): Will Government be pleased to state—

(a) whether the post of the Commissioner, Bombay Suburban Division, is permanent or temporary?

(b) What is the exact date of his appointment?

(c) Whether the approval, to the sanctioning of this appointment, of the Government of India and the Secretary of State was obtained before or after the actual appointment?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) Temporary.

(b) 1st December 1920.

(c) Before.

## NIDI BANDAR.

Mr. G. C. BHATE (Kolaba District): (a) Will Government be pleased to state whether there is any approach road to the Nidi bandar from the Dharamtar-Mahableshwar road?

(b) Is there any permanent shed at the bandar?



(c) Is the bridge now repaired ?

(d) Does the Wharfage Committee intend to remove the inconvenience to hundreds of passengers going through that bandar ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) No. The District Local Board, Kolaba, contemplates the construction of a road from the bandar to join the provincial road—a distance of about 300 yards—at an estimated cost of Rs. 4,000. The Landing and Wharfage Fees Fund Committee has agreed to make a contribution of Rs. 2,000, and provision has been made for the purpose in the fund budget. The board has not begun the work yet.

(b) It is proposed to construct a waiting shed at Nidi bandar as soon as the district local board constructs the road referred to in the reply to clause (a). There is already a dharamsala at a short distance from the bandar. A temporary waiting shed is also constructed every year near the landing place for the convenience of passengers. The one constructed this year cost Rs. 150.

(c) There is no bridge at Nidi. There is a small landing stage. It is proposed to replace it by a larger one.

(d) The following provisions have been made for Nidi bandar in the current year's budget of the Landing and Wharfage Fees Fund for the convenience of passengers :—

	Rs.
(i) Repairs to dharamsala .. .. .	68
(ii) Dharamsala keeper's pay .. .. .	48
(iii) Lighting charges .. .. .	28
(iv) Contribution towards the construction of a bandar road .. .. .	2,000
Total ..	2,144

#### BOARD OF THE BOMBAY-PORT TRUST.

Mr. S. K. BOLE (Bombay City, North) : Will the Government be pleased to state the reasons that actuated them to do away with the long standing practice of nominating the Municipal Commissioner of Bombay on the board of the Bombay Port Trust at a time when an Indian gentleman is appointed a Municipal Commissioner ?

The Honourable Mr. H. S. LAWRENCE : A copy\* of Government letter No. S-20 (4)-M, dated the 11th July 1922, to the President, Municipal Corporation, is laid on the table.

#### TRADE UNIONS, ETC.

Mr. S. K. BOLE (Bombay City, North) : Will the Government be pleased to state if a reply containing the views of the Governor in Council has been forwarded to the Government of India on the following references :—

(a) Registration and protection of trade unions,

(b) The Workmen's Breach of Contract Act ?

\* Vide Appendix P.

If the answer to (a) and (b) is the affirmative, what is the approximate date on which the reply was sent ?

The Honourable Mr. M. H. W. HAYWARD : The reply to (a) was sent on the 25th February 1922 and that to (b) on the 8th June 1922.

#### FACTORY ACT.

Mr. S. K. BOLE (Bombay City, North) : In view of the introduction of the new Factory Act in July of this year and the importance of better inspection, will Government be pleased to state—

(a) how many inspectors will be devoted entirely to this work ?

(b) how many women inspectors it is proposed to appoint ?

(c) and how many of (a) and (b) will be Indians ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The whole question of factory inspection is under the consideration of Government.

#### TEMPORARY ESTABLISHMENT IN THE PUBLIC WORKS DEPARTMENT.

Mr. S. K. BOLE (Bombay City, North) : Will Government be pleased to state (a) the number of retired officers and subordinates employed in the Public Works Department on the temporary establishment in the Presidency with the salary and age of each person as well as the amount of pension drawn by each of them, (b) and the necessity of their employment ?

The Honourable Mr. H. S. LAWRENCE : The information relating to officers has been embodied in the accompanying statement.\* That relating to subordinates is being collected.

#### INSPECTORS IN EXCISE DEPARTMENT.

Mr. S. K. BOLE (Bombay City, North) : Will the Government be pleased to furnish a statement giving the names of all the inspectors in the Excise Department in Bombay city and stating against the names of each one how long they are in Bombay during their present term of office here ?

The Honourable Mr. C. V. MEHTA : A statement† furnishing the information required is laid on the Council table.

#### SUKKUR BARRAGE.

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state what contribution the Government of India have promised in pursuance of the resolution of this Council towards the cost of Sukkur Barrage ?

The Honourable Mr. H. S. LAWRENCE : The Government of India have not promised any contribution towards the cost of the Sukkur Barrage scheme.

Rao Saheb D. P. DESAI : In view of the reply of the Government of India, what steps do Government propose to take ?

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

#### DISTRICT COURT AT NADIAD.

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state how far the proposal of establishing a district court at Nadiad has progressed ?

Whether there are any reasons for such a long delay ? If so, please to state them.

The Honourable Mr. M. H. W. HAYWARD : There is no immediate prospect of proceeding with the scheme in the existing financial situation.

Rao Saheb D. P. DESAI : Will Government be pleased to make provision in the budget next year ?

The Honourable Mr. M. H. W. HAYWARD : I will endeavour to make it, but it depends upon the Finance Department and the Legislative Council.

#### PUBLIC WORKS DEPARTMENT SUB-DIVISIONS AND ASSISTANT ENGINEERS AND UPPER SUBORDINATES.

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

(a) a list showing the number of sub-divisions and posts or charges graded as sub-divisions in the Public Works Department (including Irrigation Department) ; and

(b) a list showing the number of Assistant Engineers (both Provincial and Imperial) and the number of upper subordinates in the same departments with their present pay, length of service and university or other qualifications, if any ?

The Honourable Mr. H. S. LAWRENCE : (a) The list\* is appended.

(b) The member is referred to the lists of Assistant Executive Engineers of the Indian Service of Engineers and Assistant Engineers of the Bombay Engineering Service printed at pages 400—403-B and 408—412-A—E, respectively, of the Bombay Civil List corrected up to 1st January 1922. A list of Upper and Lower Subordinates with their present pay, etc., is under preparation and will be laid on the table when ready.

#### TENDERS, PUBLIC WORKS DEPARTMENT.

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state the extent of powers in respect of sanctioning of estimates and acceptance of tenders, exercised by sub-divisional officers, Executive Engineers, Superintending Engineers and Chief Engineers, respectively, at present and in the years previous to 1906 ?

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\* Kept in Secretary's office.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : The information required is as follows :—

Powers prior to 1906 for sanctioning estimates.				Powers at present for sanctioning estimates.			
Sub-divisional Officer.	Executive Engineer.	Superintending Engineer.	Chief Engineer.	Sub-divisional Officer.	Executive Engineer.	Superintending Engineer.	Chief Engineer.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Nil.	2,500	10,000	50,000	Nil.	10,000	50,000	50,000

  

Powers prior to 1906 for the acceptance of Tenders.				Powers at present for the acceptance of Tenders.			
	Rs.	Rs.		Rs.			
Nil.	5,000	10,000	Up to the limit of sanctioned estimate.	Superintending Engineer may authorise a Sub-divisional Officer to accept tender up to a maximum limit of Rs. 5,000, vide Government Resolution No. 16646* dated 3rd November 1921.	1,00,000	Up to the limit of the sanctioned estimate plus such excess as he is competent to sanction, paragraph 461, Public Works Department Code.	Cases in which the Superintending Engineer is not competent to deal.

#### RECRUITMENT OF EXECUTIVE ENGINEERS.

Rao Sahab D. P. DESAI (Kaira District): Will Government be pleased to state whether recruitment for the posts of Executive Engineers is made from the cadre of Provincial Assistant Engineers; if so, how many Executive Engineers are appointed therefrom up to now?

The Honourable Mr. H. S. LAWRENCE: No recruitment for the posts of Executive Engineers is made from the Provincial Assistant Engineers.

#### APPOINTMENTS OF EXECUTIVE ENGINEERS.

Rao Sahab D. P. DESAI (Kaira District): Will Government be pleased to state whether Executive Engineers were appointed from the upper subordinates some time back and whether this practice is still followed; if not, will Government be pleased to state reasons for it?

The Honourable Mr. H. S. LAWRENCE: The answer is in the negative.

#### TEMPORARY ENGINEERS, PUBLIC WORKS DEPARTMENT.

Rao Sahab D. P. DESAI (Kaira District): Will Government be pleased to place on table a list of Temporary Engineers with their University and other qualifications showing also the period for which they are appointed and stating the reasons for preferring them to either the Assistant Engineers or upper subordinates?

The Honourable Mr. H. S. LAWRENCE: A list† containing the information required is placed on the table.

The Temporary Engineers therein referred to have been appointed to supplement the permanent establishments of Assistant Engineers and upper subordinates which are insufficient to meet the requirements of the department. The appointments are therefore not made in preference to these services.

\* Kept in Secretary's office.

† Vide Appendix S.

### INDIANIZATION OF BOILER AND FACTORY INSPECTORS' DEPARTMENT.

Mr. C. M. GANDHI (Surat City): Will Government be pleased to state what steps have been taken by them to indianise the Boiler and Factory Inspectors' Department, as was undertaken to be done by the Honourable the Revenue Member at the last session of the Council? If no steps have been taken up till now, will Government be pleased to state when they propose to do so?

The Honourable Sir IBRAHIM RAHIMTOOLA: The whole question of the revision of Factory and Boiler Inspection staff including the appointment of Indians is at present under the consideration of Government. Meanwhile endeavours are made to fill in any acting or temporary vacancy by appointing suitable Indians whenever available.

Mr. C. M. GANDHI: Have any such appointments been made up till now?

The Honourable Sir IBRAHIM RAHIMTOOLA: Only one more appointment has been made.

### SCHOLARS SENT ABROAD.

Mr. IBRAHIM S. HAJI (Bombay City): Will the Government be pleased to lay on the table of the Council a list of scholars sent abroad by the Government during the last ten years in the following form?

Name.	Caste.	For what study.	Amount of scholarship and for what period.
1	2	3	4

The Honourable Mr. R. P. PARANJPYE: A statement\* is laid on the table.

### ANGLO-URDU HIGH SCHOOLS AND URDU TRAINING CLASSES.

Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to fill in the following comparative statement for the head masters of the Anglo-Urdu high schools at Poona and Hubli and Urdu training classes at Poona and Ahmedabad and state the individual pay and services under which they are classed at present?

Name of post.	Service B. E. S. or S. E. S. cadre.	Pay.	Course of Instruction followed.		Staff and pay for each member.		Number of students.	
			Number of classes taught in Urdu High school or training class.	Number of classes taught in Government Practising school.	Urdu High school or training class.	Government Urdu Practising school.	Urdu training class or High school.	Government Urdu Practising school.

\* Vide Appendix T.

The Honourable Mr. R. P. PARANJPYE: Attention is invited to the reply given to a similar question put by Khan Saheb H. H. Mohidinkhan at the present session of the Council.

#### ADMISSIONS OF MAHOMEDANS TO THE TRAINING COLLEGES.

Mr. IBRAHIM S. HAJI (Bombay City): (a) Is Government aware of limitation against admission of Mahomedans to the training colleges at Poona and Ahmedabad?

(b) Will Government explain why such limitation is enforced when there is obviously a great demand for Mahomedan trained teachers?

(c) Do Government intend to remove that limitation?

(d) If so, when? If not, why?

The Honourable Mr. R. P. PARANJPYE: Enquiries are being made.

#### TRAINED AND UNTRAINED TEACHERS IN THANA AND RATNAGIRI DISTRICTS.

Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to state the following:—

(a) number of qualified and trained teachers in Thana and Ratnagiri districts;

(b) number of Urdu schools in Thana, Ratnagiri and Kolaba districts;

(c) the names of villages in Thana, Ratnagiri and Kolaba districts which demand new Urdu schools?

The Honourable Mr. R. P. PARANJPYE: The information has been called for.

#### ADMISSIONS TO GUJARATI AND MARATHI TRAINING COLLEGES.

Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to state whether Mahomedans—not knowing Urdu—are not admitted to the Gujarati and Marathi training colleges? If so, why, and how many were refused admission?

The Honourable Mr. R. P. PARANJPYE: The information has been called for.

#### PRESERVATION OF SANSKRIT AND PERSIAN AND ARABIC MANUSCRIPTS.

Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to state what amount they spent last year on the collection and preservation of—

(a) Sanskrit manuscripts,

(b) Persian and Arabic manuscripts?

The Honourable Mr. R. P. PARANJPYE: The information has been called for.

## SECURITY UNDER PRESS ACT.

Mr. IBRAHIM S. HAJI (Bombay City): Is Government aware of the repeal of the Press Act? If so, will Government be pleased to state whether the Chief Presidency Magistrate, Bombay, has been directed to return the amounts taken as security from different presses in Bombay? If not, why?

The Honourable Mr. M. H. W. HAYWARD: The Chief Presidency Magistrate has been presumed to have the necessary jurisdiction in the matter.

## SECURITY UNDER PRESS ACT.

Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to state the names of presses which have been asked to deposit security and in what amount?

The Honourable Mr. M. H. W. HAYWARD: It is not evident what useful purpose would be served by the statement in view of the repeal of the Press Act.

## RACE COURSES AT KIRKEE AND KARACHI.

Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to state the following about the race courses situated at Kirkee and Karachi:—

(a) whether races are allowed to run on them under a license? If so, what are the names of their licensees and the terms under their license;

(b) what action have Government taken to remove the book-makers from these race courses, under the Bombay Race Course Licensing Act (Act III of 1912) and the Bombay Prevention of Gambling Act, 1887 (as amended by Act V of 1922)?

The Honourable Mr. M. H. W. HAYWARD: (a) The answer is in the negative.

(b) The race courses mentioned have not been brought under the Bombay Race Course Licensing Act.

Mr. IBRAHIM S. HAJI: Do the Government intend not to apply the Bombay Race Course Licensing Act to the Kirkee and Karachi race courses?

The Honourable Mr. M. H. W. HAYWARD: There is no proposal at present to that effect.

## SECONDARY TEACHERS' TRAINING COLLEGE.

Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to state:—

(a) the total number of students in the Secondary Teachers' Training College?

(b) the total number of students that drew higher salary than the teachers in this College during the last five years, e.g., 1917 to 1921?

(c) what these teachers drew before they were admitted in the Bombay Educational Service?

The Honourable Mr. R. P. PARANJPYE: (a) The information has been called for.

(b) One.

(c) The posts only of these lecturers have been included in the Bombay Educational Service, and in view of the improved prospects the Director of Public Instruction has been requested to invite applications for these posts by advertisement, the present incumbents also being allowed to apply.

#### VISHRAMBAG PALACE, POONA.

Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to state why the Vishrambag Palace in Poona was not requisitioned for the purpose of the development of the Urdu training class, Poona, into a full training college?

The Honourable Mr. R. P. PARANJPYE: Attention is invited to the reply to a similar question put by Khan Saheb Mohidinkhan.

#### REVISION OF SUBORDINATE EDUCATIONAL SERVICE.

Mr. IBRAHIM S. HAJI (Bombay City): (a) Is it a fact that under revision of the subordinate educational service all the head masters of the training schools and classes were treated on par with the general cadre of the assistant masters and given the increment due to them in accordance with the revision scheme?

(b) If so, why were all the head masters of the Urdu training classes not given the benefit under this scale?

(c) Can Government state what pay each of these had on 28th February 1921 and what increment was due to them in accordance with the scale fixed by Government Resolution, Educational Department, No. 737 of 13th March 1922, and what was actually given to them from 1st March 1921?

(d) If so, what action has Government taken?

The Honourable Mr. R. P. PARANJPYE: (a) to (d) Attention is invited to the reply given to a similar question by Khan Saheb Mohidinkhan.

#### MAHOMEDAN DEPUTY INSPECTOR OF SCHOOLS.

Mr. IBRAHIM S. HAJI (Bombay City): Is Government aware that there is no Mahomedan in the Presidency proper employed as a district deputy inspector of schools?

The Honourable Mr. R. P. PARANJPYE: The statement is incorrect. There are two Mahomedan Deputies in addition to the special Mahomedan Deputies for Urdu Schools.

#### TEACHING OF URDU.

Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to state whether a teacher has been appointed in Elphinstone High School and a Professor in Elphinstone College to teach Urdu? If not, why?

The Honourable Mr. R. P. PARANJPYE: In view of the need for economy and the very small number of students desirous of taking up Urdu, Government have decided that the appointment of a separate Professor to teach Urdu would not be justified. Enquiries are being made with regard to the teaching of Urdu at the Elphinstone High School, Bombay.



## RENT COMMITTEE'S REPORT.

Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to state why the publication of the report of the Rent Committee has been delayed?

The Honourable Sir CHIMANLAL SETALVAD: Attention is invited to the reply given to Mr. G. H. Kassim on the same subject.

## MATHERAN HILL.

Mr. M. A. HAVELIVALA (Bombay City): Will Government be pleased to state whether they have received any representation from the residents and visitors of Matheran with regard to the general improvement and development of the hill and, if so, what action Government propose to take and with reference to the representation and the suggestion and recommendations of Mr. Mirams, Consulting Surveyor to Government, made some time ago with the same object?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: The suggestions made in the representation are being considered by Government. The Consulting Surveyor's scheme will be examined on the spot by the Collector of Kolaba and the Commissioner, S. D., and will then be considered by Government.

## TELEPHONE AT MATHERAN.

Mr. M. A. HAVELIVALA (Bombay City): Will Government please state whether it is proposed to introduce a telephone service at Matheran and, if so, when?

The Honourable Sir CHIMANLAL SETALVAD: Yes; the date however has not yet been settled.

## MOCHIWADA AND COOLIES' HUTS AT MATHERAN.

Mr. M. A. HAVELIVALA (Bombay City): Are Government aware of the insanitary condition of Mochiwada and the coolies' huts at Matheran quite close to the provincial road and, if so, do they propose to remove the wada and huts to another locality and when?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Yes. The removal of the Mochiwada and coolies' huts has been under the consideration of Government, but it cannot at present be stated when they will be removed as the question of their location has not yet been decided.

## CHARLOTTE LAKE AT MATHERAN.

Mr. M. A. HAVELIVALA (Bombay City): Will Government please state, whether their attention has been drawn to the necessity for increasing water stored in Charlotte lake at Matheran?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Yes.

## SPRINGS AT MATHERAN.

Mr. M. A. HAVELIVALA (Bombay City): Are Government aware of the unsatisfactory condition of the several springs at Matheran owing to their not having been cleaned for years?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: The statement made in the question is roughly correct except with regard to the Malet Spring.

## WATER SUPPLY AT MATHERAN.

Mr. M. A. HAVELIVALA (Bombay City): Will Government say whether measures are being taken to carry out the scheme sanctioned by Government some time ago for supplying water through water pipes to the residents of Matheran?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: The Matheran water supply project which was sanctioned in 1915 and delayed on account of the difficulty of obtaining pipes and machinery during the war, is at present being revised by the Sanitary Engineer to Government in the light of certain suggestions made by the Superintendent of Matheran, and the Collector of Kolaba.

## PLOTS OF LAND AT MATHERAN.

Mr. M. A. HAVELIVALA (Bombay City): (a) Will Government please state whether they have leased out any plots of land at Matheran on the Rugby plateau and in Mary Lane during the last two years? If so, how many and to whom and at what price?

(b) Whether there were other applicants for these plots and, if so, how many and whether their applications were considered and, if so, with what result?

The Honourable Sir IBRAHIM RAHIMTOOLA: Information has been called for.

## ADMISSIONS IN GRANT MEDICAL COLLEGE.

Mr. M. A. HAVELIVALA (Bombay City): Are Government aware that out of the total number of students who passed the Preliminary Scientific Examination in May 1922 and sought admission in the Grant Medical College as 2nd year students about 40 of them were refused admission and thus stranded in midway?

If so, what do Government propose to do for the admission of these students in the Grant Medical College?

The Honourable Mr. R. P. PARANJPYE: Yes. The question is under consideration.

Mr. M. A. HAVELIVALA: Will the Government be pleased to state how long it will still take to consider the matter? The matter is rather urgent, the students are stranded and the earlier the Government take it into consideration and give a definite decision, the better.

The Honourable Mr. R. P. PARANJPYE: I cannot say at present.

Mr. M. A. HAVELIVALA: Will it take six months or a year? Any definite idea at all?

The Honourable the PRESIDENT: When the Honourable Minister says that he cannot say, you have got to accept that answer.

Mr. M. A. HAVELIVALA: Will it take six months or two or three or four months?

The Honourable Mr. R. P. PARANJPYE: I cannot say.

Mr. M. A. HAVELIVALA: Two months?

The Honourable the PRESIDENT: That way of questioning may be permitted in a court of law but not in the Legislative Council.

Mr. M. A. HAVELIVALA: Surely the Honourable Minister ought to reply.

The Honourable the PRESIDENT: Whether he ought to or not is a question over which I have no power. If you are not satisfied, you can move an adjournment of the House.

#### APPOINTMENTS OF SCHOOL MASTERS IN SATARA DISTRICT.

Mr. B. V. JADHAV: (a) Will Government be pleased to state how many new appointments of school masters were made in the Satara district since January 1st, 1921?

(b) How many of these were Brahmins, and

(c) What was the number of applications from Brahmins and from others?

The Honourable Mr. R. P. PARANJPYE: The information has been called for.

#### PRIMARY EDUCATION IN SATARA DISTRICT.

Rao Bahadur R. R. KALE (Satara): Is it true that the Educational Inspector, C. D., had issued instructions for reducing the expenditure on primary education in the Satara district in framing the budget for the year 1922-23?

The Honourable Mr. R. P. PARANJPYE: No. The Educational Inspector pointed out an error in the draft budget and instructed the Deputy Educational Inspector to submit a fresh draft curtailing some of the expenditure so as to keep the recurring expenditure within the recurring income.

Rao Bahadur R. R. KALE: Will the Honourable Minister say what the error was?

The Honourable Mr. R. P. PARANJPYE: I require notice of the question.

Rao Bahadur R. R. KALE: If expenditure was not to be reduced, why was there a curtailment of expenditure?

The Honourable Mr. R. P. PARANJPYE: The answer gives it all right, I think. The answer says that no instructions were given to reduce the expenditure. Then it was found out that there was an error in the draft budget, which was pointed out by the Educational Inspector.

#### MINOR SANITARY GRANTS TO HUBLI MUNICIPALITY.

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

(a) Whether it is a fact that the Hubli Municipality has been applying for minor sanitary grants in the years 1918-19, 1919-20 and 1920-21?

(b) Is any grant paid to the said municipality since 1918-19?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : (a) Yes.

(b) No. These grants are intended mainly to help smaller municipalities.

#### DEPUTY INSPECTOR-GENERALS OF POLICE.

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City) : Have Government accepted the recommendation of the Retrenchment Committee regarding the abolition of the range Deputy Inspector-Generals of Police in the Presidency proper ? If so, what is the reason for continuing the Deputy Inspector-General of Police in Sind ? Why does not the Government place the Police Administration in Sind on the same footing as in the Presidency ?

The Honourable Mr. M. H. W. HAYWARD : The subject is under the consideration of Government.

#### TRANSFERS OF POLICE OFFICERS IN SIND.

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City) : (a) Have the Government issued any orders regarding the avoiding of too frequent and unnecessary transfers of officers on the score of economy ?

(b) If so, were these orders communicated to the Deputy Inspector General of Police, Sind ?

(c) How many transfers of (1) Inspectors and (2) Sub-Inspectors have been made by the Deputy Inspector-General since the issue of these orders up to date, and

(d) What has been the total cost of these transfers to Government ?

The Honourable Mr. M. H. W. HAYWARD : Government gave directions for strict economy in the grants for travelling and the Inspector-General of Police issued orders *inter alia* reducing transfers to the minimum. Copies of these orders were forwarded to Sind.

Government have no information but have no reason to suppose that the need for economy in the grants for travelling has been overlooked by the Deputy Inspector General of Police for Sind.

#### REVISION OF PAY OF EXCISE INSPECTORS.

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City) : (a) Was the pay of the excise inspectors in Bombay Presidency revised and given retrospective effect to from March 1920 ?

(b) Has the pay of the excise inspectors in Sind not been revised since 1908 ?

(c) If so, why ?

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

(b) No.

(c) The revision is under consideration.

## INDUS RIVER COMMISSION.

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City):  
Will Government be pleased to state—

(a) Is Indus River Commission still in existence?

(b) If yes, what are its activities?

(c) The number of cases during the last two years in which the advice of the Secretary, Indus River Commission, was sought and whether it has resulted in any saving to Government?

The Honourable Sir CHIMANLAL SETALVAD: (a) Yes.

(b) The Commission acts as an advisory board to the Government of Bombay in all matters relating to the River Indus within the boundaries of Sind and its duties are as follows:—

(1) To take and record scientific observations of the river regarding velocity, discharge, matter held in suspension, etc., and to arrange for surveys, whether topographical or hydrographical, for record of changes in bed and water level, alluvion and diluvion and the formation of 'Kachas' (new lands formed by the river).

(2) To have charge of all river gauges and be responsible for their maintenance and for the systematic registration of readings.

(3) To keep up to date the survey of the river and embankment lines, recording on suitable maps all changes noted by its own Engineer or reported from the various districts.

(4) To investigate the relations between the rise of level at Sukkur and Kotri, paying particular attention to the discharge, at each place and to the changes taking place in the delta and channels through it.

(5) To decide upon and approve the designs and specifications in connection with the mouths and head-works of all new canals and improvements to existing ones, new river embankments and sluices, new loops, extensions and improvements and maintenance of old embankments.

(6) To sanction plans and estimates, allotments and re-appropriations of funds and to accept tenders in connection with loops and embankments, etc., subject to certain conditions.

(7) Finally, to carry out, as a rule, all works connected with the conservation of the banks and improvement of the channels of the Indus, especially those which feed irrigation canals, including the clearing of snags and other obstructions.

(c) It is not possible to specify the number of such cases and to estimate the resulting saving to Government.

## RENT COMMITTEE'S REPORT.

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City):  
(a) Will Government be pleased to state if the Rent Committee has submitted its report?

(b) If yes, on what date?

(c) Will it be placed before the Council for its consideration?

(d) If yes, when ?

(e) Have the Government considered it and passed any orders thereon ?

(f) When it is likely to be published ?

The Honourable Sir CHIMANLAL SETALVAD : (a) Yes.

(b) 23rd November 1921. The report of the Committee is under the consideration of Government.

Mr. KANJI DWARKADAS : Will that report kindly be placed on the Council table ?

The Honourable Sir CHIMANLAL SETALVAD : In proper time.

#### POLICE DEPARTMENT IN SIND.

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City) : Will Government be pleased to state if the executive and clerical branches of the Police Department in Sind are separate and independent of each other so far as promotion and appointment are concerned ?

The Honourable Mr. M. H. W. HAYWARD : They are graded separately.

#### PROMOTION IN POLICE DEPARTMENT.

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City) : (a) Will Government be pleased to state if any appeals have been made to them by the members of the Police Department in Sind in regard to the promotions granted pursuant to the Government orders of June 1920 ?

(b) If the reply be in the affirmative, to lay on the Council table a statement showing the names of the appellants and how their applications have been disposed of ?

The Honourable Mr. M. H. W. HAYWARD : It is not understood what orders are in the mind of the member.

#### OFFICIAL CORRESPONDENCE WITH GOVERNMENT BY SUPERINTENDING ENGINEERS IN SIND.

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City) : Is it a fact that in most cases Superintending Engineers in Sind carry on correspondence with Government through the Chief Engineer in Sind and that this procedure causes considerable delay ?

The Honourable Sir CHIMANLAL SETALVAD : In certain matters, the Superintending Engineers address Government through the Chief Engineer in Sind, and in others, direct ; and this procedure does not cause considerable delay. It is in fact most helpful to Government as obtaining a co-ordination of opinion.

#### POWERS OF SUPERINTENDING ENGINEERS.

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City) : Is it a fact that the Superintending Engineers in the Presidency proper have more powers than those in Sind ?

The Honourable Sir CHIMANLAL SETALVAD : No.

**APPOINTMENT OF MR. GRANT AS EXECUTIVE ENGINEER,  
BEGARI CANALS.**

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City): (a) Will Government be pleased to state whether it is a fact that the zamindars of Upper Sind have petitioned Government against the re-appointment of Mr. Grant as Executive Engineer, Begari Canals, on account of his unpopularity?

(b) Is it a fact that Mr. Grant has served in Upper Sind before and that on account of certain circumstances he was on return from leave posted to Western Nara District?

(c) Will Government be pleased to state the special circumstances under which he has been, contrary to the usual practice, transferred to the Begari Canal District for the second time?

(d) Will Government be pleased to state what is the total service of Mr. Grant in the Begari Canal District and the period for which an Executive Engineer is expected to serve in one district?

(e) Is there anything on the record to show that Mr. Grant should not be posted to the Begari Canal District?

The Honourable Sir CHIMANLAL SETALVAD: (a) No. On the contrary, the zamindars were reported to have been keen on Mr. Grant's return to the Begari Canals District.

(b) to (e) The postings of officers are always, as in this case, controlled by the interests of the public service.

**CASE OF MAHOMED KARIM.**

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City): (a) Is it a fact that newspaper reporters were not allowed to be present in the Hyderabad Jail while the case of Mahomed Karim, a convict, was being conducted by the City Magistrate, Hyderabad, on the complaint of the Superintendent, Hyderabad Central Jail?

(b) If not, why not?

The Honourable Mr. M. H. W. HAYWARD: (a) and (b) There was no room for spectators other than the friends of the prisoner but reports of the proceedings were published in the local press.

**RAILWAY SALOON FOR DEPUTY INSPECTOR-GENERAL OF POLICE.**

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City): (a) Are Government aware that the Deputy Inspector-General of Police in Sind is provided with a saloon for railway journey in his jurisdiction?

(b) If yes, to lay on the Council table the orders under which this concession was extended to the Deputy Inspector-General?

(c) If the family and children of the Deputy Inspector-General, Sind Police, performing the journey with the latter in the same saloon have been extended the concession of exemption from the payment of railway fares?

The Honourable Mr. M. H. W. HAYWARD: Enquiries are being made.

## ENGINEERING COLLEGE AT KARACHI.

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City): (a) Will Government be pleased to state when candidates who have passed out of the D. J. Sind Engineering College at Karachi this year, will get orders for joining their guaranteed appointments?

(b) If the candidates who passed from the above College in 1921 have been given the guaranteed appointments?

(c) If so, have the candidates resumed their duty?

(d) If not, why?

The Honourable Sir CHIMANLAL SETALVAD: (a) The orders will issue in due course.

(b) Yes.

(c) and (d) This information is still awaited from the local officers.

## FAMINE EXPENDITURE IN PAST YEARS.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Will Government be pleased to state the works undertaken during the last 15 years and the expenditure incurred on each of them, for the purpose of preventing famines, or as a relief measure, the works that have been completed, the works that are under construction, and the works abandoned?

The Honourable Sir IBRAHIM RAHIMTOOLA: The following three protective irrigation projects were commenced during the period 1906—21, of which the first has been completed and the remaining two are under construction. The total capital outlay up to end of 1921 is shown against each of the works:—

	Rs.
Godavari Canals .. ..	1,01,60,670
Pravara Canals .. ..	1,05,04,369
Nira Right Bank Canal .. ..	1,97,23,439

The labour involved in collecting the rest of the information asked for would be incommensurate with its value.

## MUSHAHIRA OF PATELS AND KULKARNIS.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Is the attention of the Government drawn to the resolutions passed at the second Sholapur Watandars' Conference and the Patels' Conference at Poona requesting for an increase in the scale of Mushahira to the village officers and servants and if so, what steps do Government intend to take in the matter?

The Honourable Sir IBRAHIM RAHIMTOOLA: Yes. Government have the question under consideration.

## SUPPLY OF COPIES OF OFFICIAL DOCUMENTS TO PRIVATE BODIES.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): (a) Are Government aware that under the Standing Orders of the Government requests by public bodies for the supply to them of copies of Government resolutions on public questions in which they take interest are being refused?



(b) Are Government aware that such refusals often make it difficult for public bodies to offer correct and reasoned criticism on the actions of Government?

The Honourable Sir CHIMANLAL SETALVAD : (a) Some Government resolutions are communicated to public bodies, and some are not. Government do not know to what specific refusal the question refers.

(b) This must be a matter of opinion.

Mr. JEHangIR B. PETIT : Are Government aware that Resolution No. 6414 of the Revenue Department, dated 11th September 1897, relating to the management of the Frere Hall and Library at Mahableshwar was refused to a public body?

The Honourable Sir CHIMANLAL SETALVAD : I ask for notice of the question.

Mr. JEHangIR B. PETIT : This request was made, and Government refused to send a copy of the resolution.

The Honourable Sir CHIMANLAL SETALVAD : I have not got the papers here to determine whether a particular resolution was asked for and refused.

Mr. JEHangIR B. PETIT : My subsequent question makes it clear, and still Government have taken it upon themselves to say that they do not know to what specific refusal the question refers.

I would like to ask the Government how they expect public bodies to offer reasoned opinion on public questions, unless they are supplied with the information asked for.

The Honourable Sir CHIMANLAL SETALVAD : That is a matter entirely for the public bodies, as to how they will form their opinion.

Mr. JEHangIR B. PETIT : Still Government always expect public bodies....

The Honourable the PRESIDENT : May I again repeat, and I hope I shall not have to repeat it, that if you find that any answer is not satisfactory, you have every right to move an adjournment of the House and put the Government upon the defence? Why don't you exercise that power, instead of converting the question hour into a debate? You are now trying to get a satisfactory reply from Government, and if they will not do so, then there is the weapon of the adjournment of the House. I do not say that I shall allow the motion in every case. Provided it is within the Standing Orders and Rules, I will certainly allow it. There is no case without a remedy. Of course, Government can answer in any way they like. If it is not satisfactory to the member asking or to the House, then there is the remedy in your hands to move an adjournment of the House, and put Government upon the defence.

Mr. JEHangIR B. PETIT (Bombay Millowners' Association) : Will Government be pleased to lay on the table the Standing Orders of the Government relating to the supply of copies of Government resolutions on public questions to public men and public bodies interested in them?

The Honourable Sir CHIMANLAL SETALVAD : There are no Standing Orders on the subject. The decisions of Government on matters of public interest are generally communicated to the parties interested and to the Press.

Mr. JEHangIR B. PETIT: There was another question requesting Government to lay this resolution on the table; it has not been answered. May I know when it is likely to be answered? Unfortunately, it was separately marked, and did not form part of this question.

The Honourable the PRESIDENT: I must say that some honourable members are unfair to themselves, unfair to me and unfair to the Council by sending their questions on rags of paper.

Mr. JEHangIR B. PETIT: I have not done so.

The Honourable the PRESIDENT: But I am afraid it may have been that the paper was of very small size. I have seen questions sent in on a bit of paper. It may be you or somebody else.

Mr. JEHangIR B. PETIT: I have always done that on decent paper, properly typed.

The Honourable the PRESIDENT: I only question their size. Hereafter, I am going to make a rule that if any honourable member will not send in questions written in a legible hand and on decent paper, then they will be rejected as an insult to the House.

Mr. JEHangIR B. PETIT: Now that the Government have known what it is that I require, will Government be pleased to say that this resolution will be placed on the table of the House, or supplied to me at their convenience?

The Honourable Sir CHIMANLAL SETALVAD: I have already told the honourable member that I require notice of the question. If it is put in proper form, he will get it.

Mr. JEHangIR B. PETIT: The question forms one of the main questions that I have asked, that a copy of resolution No. 6414, dated 11th September 1897, be placed on the table, and it has not been answered.

The Honourable the PRESIDENT: I am making enquiries about it. You may repeat it on Monday, and the Government Member will take notice that intimation has been given of the question already.

Mr. JEHangIR B. PETIT: Thank you, Sir.

The Honourable the PRESIDENT: I am told that your question is in the fifth list.

#### TREATMENT OF POLITICAL PRISONERS IN JAIL.

Mr. JEHangIR B. PETIT (Bombay Millowners' Association): Will Government be pleased to state whether they have taken any steps, or intend to take steps, as regards the better treatment of political prisoners as defined by the Under Secretary of State for India in his reply to a question in the House of Commons?

The Honourable Mr. M. H. W. HAYWARD: A reference is requested to the reply to Mr. G. B. Trivedi.

#### LENDAKI NALA, SHOLAPUR.

Mr. R. G. SALGAR (Sholapur City): Are Government aware that a small rivulet called Lendaki nala flows through the heart and thickly populated portion of Sholapur city and is harmful to the health of the people living in the vicinity? What measures do the Government desire to adopt?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: The matter is one primarily for the municipality to deal with.

## COMMUTATION OF KULKARNI WATANS.

Mr. R. G. SALGAR (Sholapur City): Are Government aware that most of the kulkarnis whose watans have been commuted are complaining that their consent is either obtained by misrepresentation or force by the Government officers concerned?

The Honourable Sir IBRAHIM RAHIMTOOLA: No. Some complaints were made but were unsubstantiated.

## SHET-SANADIS.

Mr. R. G. SALGAR (Sholapur City): (a) Is Government aware that it has been held by the High Court of Judicature at Bombay that shet-sanadis are watandars and the lands assigned to them are watan lands?

(b) How many lands of the shet-sanadis have been taken back by the Government under the resolution that the shet-sanadis are not watandars during last ten years?

The Honourable Sir IBRAHIM RAHIMTOOLA: Inquiry is being made.

## PHOTOGRAPHY IN REGISTRATION DEPARTMENT.

Rao Bahadur G. K. SATHE: (a) Is the method of having registered documents copied by photography tried in Sind, and Northern and Southern Divisions?

(b) Is it not true that the Inspector-General of Registration has made a recommendation that this method be introduced everywhere at least in the Central Division?

(c) If the answer to (b) be in the affirmative, will Government be pleased to place all the correspondence that passed between the Inspector-General of Registration and Government on the subject?

The Honourable Mr. O. V. MEHTA: (a) The system has been tried in a few selected offices in the Central and Northern Divisions only.

(b) No.

(c) Does not arise.

## SPRINGS OF MINERAL WATERS.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to lay on the table a list of springs of mineral waters—hot as well as cold—in the Presidency together with information as to their locations, composition and medicinal or other properties?

The Honourable Sir IBRAHIM RAHIMTOOLA: Two publications\* containing a large amount of information on the subject are laid on the table.

## TREATMENT OF MR. M. K. GANDHI IN JAIL.

Mr. G. B. TRIVEDI (Thana District): Will the Government be pleased to state—

(a) On what exact date the following things were supplied to Mr. M. K. Gandhi after his removal to Yeravda Jail:—

- (1) raisins,
- (2) a pillow,
- (3) a commode?

(b) Since what exact date was his cell not locked at night?

(c) Were his own religious books disallowed to him?

\* Kept in Secretary's office.

(d) Were copies of *Nayivān* and *Young India* intended for him received at the jail after his admission?

(e) Were they refused?

(f) Have they issued instructions that on the occasion of future interviews he be offered a seat?

(g) Will Government be pleased to state if he is kept in jail as a solitary prisoner?

(h) If not, what are the reasons for not allowing him to mix with other prisoners in the same jail undergoing simple imprisonment?

The Honourable Mr. M. H. W. HAYWARD:

(a) As soon as requested.

(b) As soon as orders were received on his request.

(c) No.

(d) and (e) Yes.

(f) Chairs were provided at the last interview. No special instructions have been issued.

(g) and (h) He is not kept as a solitary prisoner.

Mr. G. B. TRIVEDI: Are not Government in a position to give me the exact dates for (a) and (b) of my question? I have asked the exact date.

The Honourable Mr. M. H. W. HAYWARD: I cannot undertake to give the date and hours of supply of every article to Mr. Gandhi. It is not material. The important point is that his reasonable requirements have been met promptly on his request.

Mr. G. B. TRIVEDI: I wanted the exact date, and I have put it in my question. I say, are not Government in a position to give me the exact date?

The Honourable Mr. M. H. W. HAYWARD: I can say this, that he had his raisins, his bedding and his books all along, and even now he has his cashmere blankets rolled up neatly in a white bag to make a spare pillow, which he showed me only the other day. But I really think that these detailed questions are an impertinence to Mr. Gandhi who has repeatedly stated that all his requirements have been met and that he does not desire his private affairs in jail to be discussed in public.

Mr. G. B. TRIVEDI: He may not require it, but I want it.

The Honourable the PRESIDENT: Order, order. I say that it is not proper on the part of any honourable member to merely say that he is asking a question about a particular individual. It is necessary that the purpose should be indicated, and it is only fair to yourself and to Government to say why you want it.

Mr. G. B. TRIVEDI: My purpose was....

The Honourable the PRESIDENT: You seem to be in the habit of converting the question hour into a debate. You ought to learn to confine yourself to questions.

Mr. G. B. TRIVEDI: I want to say.....

The Honourable the PRESIDENT: I do not want you to say anything. What is the question?

Mr. G. B. TRIVEDI: I want to know whether this date is in the record of Government or not.

The Honourable the PRESIDENT: The answer is "As soon as requested". That is, the articles were supplied on the date on which the request was made. The answer has already been given.

Mr. G. B. TRIVEDI: It is not difficult to answer my question.

The Honourable the PRESIDENT: If you will not listen to my rulings, and if you will not obey them, then I shall have to call upon other members to ask their questions. If you are not satisfied with the answer, I have already pointed out the remedy.

Mr. G. B. TRIVEDI: Will Government be pleased to state when the request was made?

The Honourable the PRESIDENT: That is exactly repeating the question.

Mr. G. B. TRIVEDI: My question (h) has not been answered.

The Honourable the PRESIDENT: Again, I have already pointed out that it is for Government to answer a question or not, and if the answer is unsatisfactory, I have already informed honourable members what their remedy is.

Mr. G. B. TRIVEDI: I want to know whether it is an intentional omission. There is no reply to part (h) of my question. Really speaking, the reply is to (g) and not to (h). If he is not treated as a solitary prisoner, then what are the reasons for—

The Honourable the PRESIDENT: I am afraid you are getting into a debate.

Mr. G. B. TRIVEDI: But, Sir—

The Honourable the PRESIDENT: It is very disrespectful to the House not to listen to the Chair. I am appealing to you.

Mr. G. B. TRIVEDI: I bow to your decision, Sir.

The Honourable the PRESIDENT: The question is, Will Government be pleased to state if he is kept in jail as a solitary prisoner? The answer is that he is not so kept. That being the answer (h) falls to the ground. A solitary prisoner is one who is kept apart from others. Surely, Mr. Trivedi, that is commonsense.

Mr. KANJI DWARKADAS: Is it a fact that Mr. Gandhi has written to the Government to say that all his needs are satisfied?

The Honourable Mr. M. H. W. HAYWARD: It is a fact.

Mr. JEHangIR B. PETIT: Has that letter been published? Otherwise how does my honourable friend Mr. Kanji Dwarkadas know of it?

The Honourable Mr. M. H. W. HAYWARD: I believe it was shown to one or two members.

Mr. M. A. HAVELIVALA: Was that letter addressed to Government as a confidential letter or as a letter of an ordinary character?

The Honourable Mr. M. H. W. HAYWARD: It was an ordinary letter by Mr. Gandhi to the superintendent of the prison.

Mr. JEHangIR B. PETIT: Will Government lay on the table the names of such honourable members who enjoy the confidence of Government?

The Honourable Mr. M. H. W. HAYWARD: I believe my honourable friend Mr. Petit was one of them.

Rao Saheb D. P. DESAI : Will the letter be placed on the table ?

The Honourable Mr. M. H. W. HAYWARD : I do not think there would be any objection, but I would have to look at it to judge whether it would be fair to Mr. Gandhi.

Mr. M. A. HAVELIVALA : I should like to know whether there was any communication with Mr. Gandhi and whether that letter was a reply.

The Honourable Mr. M. H. W. HAYWARD : I think it was a spontaneous letter to the superintendent of the prison.

Mr. C. M. GANDHI : If it was not confidential to few honourable members of this House, how was it confidential to others ?

The Honourable the PRESIDENT : That is an argumentative question. It is in the power of honourable members to raise a debate in proper time if they are not satisfied with the answer, but not now.

Mr. KANJI DWARKADAS : Sir, May I give a personal explanation ? I have not been told of this letter by any Government Member. I have not seen the letter myself.

The Honourable the PRESIDENT : Who has asked you to give the explanation ? Does the cap fit you ?

Mr. KANJI DWARKADAS : No, Sir.

The Honourable the PRESIDENT : Then there is no personal explanation in the matter.

Mr. G. B. TRIVEDI : Is Mr. Gandhi supplied with newspapers or not ?

The Honourable Mr. M. H. W. HAYWARD : No, Sir, he is not. We follow in this, as in other matters, the recommendations of the Indian Jails Committee's Report, a committee which included both official and non-official Europeans and Indians and reported their recommendations for the guidance in these matters of the local Governments.

Mr. G. B. TRIVEDI : Is it not a fact that a Government Member publicly said that Mr. Gandhi was supplied with newspapers ?

The Honourable Mr. M. H. W. HAYWARD : It is not a fact to the best of my recollection.

Mr. G. B. TRIVEDI : Did not the Honourable the General Member make a statement in a political conference to that effect ?

The Honourable the PRESIDENT : You are supplying the information. Will you ask a mere question ?

Mr. G. B. TRIVEDI : The Honourable the Home Member told me that he is not aware of the fact to the best of his recollection. I ask, Sir, is it not a fact that the Honourable the General Member said at a political conference that newspapers are being supplied to Mr. Gandhi ?

The Honourable Mr. M. H. W. HAYWARD : I can explain, Sir, that there was no official speech to that effect by any Member of Government but that there was a statement by the Director of Information to the effect that newspapers had not been asked for, and it is possible that the statement was misunderstood to mean that they would be supplied if asked for ; but the statement was no more than that no newspapers so far had been asked for by Mr. Gandhi.

The Honourable the PRESIDENT : The question is that the Honourable the General Member at a political conference said that newspapers were supplied

to Mr. Gandhi. . . that correct or incorrect? I do not know that a question of that kind about any statements which are made by Members of Government outside can be asked because outside when Members of Government appear on platforms they become free lances. But it is for the Honourable the Home Member or the General Member to answer the question. Now the answer given is that newspapers were not supplied. You may ask why then a statement to the contrary came to be made by the Honourable the General Member at a political conference.

Mr. M. A. HAVELIVALA : May I know under what circumstances the Honourable the General Member came to make that statement at that conference?

The Honourable the PRESIDENT : If you are prepared to give an explanation, you may. Otherwise.....

The Honourable Sir CHIMANLAL SETALVAD : I am quite prepared to explain, Sir. It is not a fact that I made any statement about newspapers being supplied or not being supplied, at the conference referred to. I never made any statement at an open meeting of the conference. But the matter was mentioned at a meeting which was not open to the public, being a committee of that conference, and all that I stated, Sir, at that meeting, when the question of supply of newspapers was mentioned, was this, that I believed there would be no difficulty in the way of supplying newspapers if they were asked for, and I had then in mind the communiqué that had been issued by the Director of Information.

Mr. JEHangIR B. PETIT (Bombay Millowners' Association) : Has Mr. Gandhi ever asked for newspapers?

The Honourable Mr. M. H. W. HAYWARD : I do not think he has made any application for any newspaper.

Mr. COWASJI JEHangIR : Might I ask the Honourable the General Member one supplementary question? Was the subjects committee of the conference a confidential proceeding?

The Honourable the PRESIDENT : Order, order. That is not a matter for which the Honourable the General Member is responsible and it is not within his special cognizance. It is something which occurred at a political conference, for which no Government Member can be held responsible. I think the honourable questioner was himself a member of that committee; so it is as much within his cognizance as of the Honourable the General Member.

#### DHAMAPUR TANK, MALWAN TALUKA.

Rao Bahadur D. A. VICHARE (Ratnagiri District) : (a) Will Government be pleased to say whether the tank at Dhamapur, Malwan taluka, was constructed and repaired by Government?

(b) Is it a fact that the people are neither compensated nor given any compensation to the use of water so freely enjoyed by them?

The Honourable Sir CHIMANLAL SETALVAD : (a) There is no record as to when and by whom the tank was constructed. The bed of the tank is shown as unassessed Government land in the survey records.

(b) It is not a fact that the villagers have a right to the use of water without charge, because the assessment of the area irrigated by the tank includes a share for water (Rs. 914 out of a consolidated assessment of Rs. 3,565).

The Honourable the PRESIDENT: I again propose the question, the resolution moved by Sardar Mutalik regarding the treatment of political prisoners.

Mr. IBRAHIM S. HAJI (Bombay City): Mr. President, last night when we rose, I was just telling this House the importance of the difference which ought to be made between the treatment of the prisoners who are politically minded and the prisoners who have got moral turpitude and commit the various offences which come under the Indian Penal Code. Sir, the various weapons, which strike against the political agitators in this country, if we analyse them, we find, are very few in number, but looking to the words in the sections applicable to the political offenders, we find that the only offence they commit is that of declaring certain opinions either by writing in a newspaper or by expressing those opinions in a public meeting. Sometimes the political offenders are charged even for such words and opinions as are not expressed, namely, under section 108 and section 144 of the Criminal Procedure Code, when such political leaders are called upon to abstain from certain acts, namely, the act of making any speeches or convening any public meetings. Sir, it thereby becomes very obvious for this House to realise what a difference there is between the mentality of political offenders and the mentality of the prisoners who commit thefts, who cause fraudulent breaches of trust and certain grievous hurts and murders and other criminal offences. The class to which this resolution refers is a class of the intelligentia of this country, and the class of other offenders under the Indian Penal Code are a class separate by themselves. They imbibe all the moral turpitude and moral obliquity caused by illiteracy and by a low standard of living. It is, therefore, quite essential that these two classes of persons in jail should be kept separate, not only that the treatment in jail should also be differentiated. The other day, Sir, you are aware, you read of how a person of the name of Horatio Bottomley in England who was placed before a judicial tribunal for having committed certain frauds and who was no less an important person than a member of the House of Commons, was convicted and sentenced, spends his time in the prison. How he is treated in the prison also appeared in the papers. If such persons who had defrauded thousands of persons with respect to thousands of pounds have better treatment, one cannot fail to see the absolute reasonableness of the demand for better treatment of political prisoners in this Presidency. If the argument is advanced that if differential treatment is given, political agitators will increase like mushrooms in this Presidency, and therefore the political offenders as well as the other prisoners should be treated alike, I submit, Sir, there is one simple argument to refute that. It is a recognised fact that the prison is a failure, and it is no more a deterrent to a criminal, nor is it a sort of correction to the habitual offender. Therefore we at once see how much the prison would fail to correct and subside the spirit amongst the political offenders, and therefore I submit that the prison has not become a sanatorium in order to cure a disease of the heart, which beats every moment with the craving for self-government in this country. In conclusion, Sir, I would appeal in three forms to this House. One, appeal to the Government, particularly to the Honourable the Home Member who is in charge of this department and who has the judicial experience of several years and in whom statesmanship is also combined. I have no doubt that he will realise the urgency and the importance of the differential treatment between criminals and criminals. My first appeal will not fall on deaf ears as I have every hope that the head of the department will not fail to come to the assistance



[Mr. Ibrahim S. Haji]

of this House, when we have got such a liberal minded and liberal of liberals as the head of the Government. My second appeal is to my non-official Indian members of this House that they must not mix the issues together, they must not bring for a moment any consideration of the fact that this resolution implies or suggests to give comforts to the non-co-operators. That is not so. However, most of us differ from them. The resolution is not intended for the comforts and benefits of such people. This is above all such expectations. It is meant in an absolutely theoretical manner, a practical suggestion to accord preferential treatment to all political prisoners whether he is a co-operator or a non-co-operator, or whether he is a moderate or extremist. The third appeal is to my European members of this House that they must not look to what has occurred as the result of certain misdoings and misconceptions of non-co-operators. They have to keep those considerations aside, and they must consider this matter as a subject by itself. (An Honourable Member : Why ?) Because it is humanity that expects from them, it is the civilisation that Europeans have based their progress upon that demands from them that the distinction must be made between the treatment of the intelligentsia and the treatment of those first class miscreants.

Lastly, I may ask this House to realise that this resolution does not bind us to hastily and at once lay down in what manner we should legislate or we should ask the Government to propose rules. We ask the Government to consider in a very judicious manner because there is no law in this Presidency, there is no section in any of the criminal Acts where such distinction is mentioned. At the same time, there are no sections either in the Indian Penal Code or Criminal Procedure Code where we can find the definition of the words 'political offender.' Therefore, it is incumbent upon the Government to define in a satisfactory manner these words and do the needful by means of a strong committee. Then on their decision we must decide the differential treatment that should be accorded to political offenders. I will lastly appeal to the Home Member to accept the resolution.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I really welcome this opportunity to discuss this most important matter, and to remove the misunderstandings which have arisen, and which are not altogether unnatural on this somewhat intricate and interesting question. I welcome this opportunity of stating our position in this matter, particularly in view of the many misleading statements and reports which have been published from time to time recently outside this House.

Now, Sir, if the discussion is to have any useful result, surely the essential thing is that we should know what we are talking about. Now, Sir, what are we talking about when we use this term 'political prisoners' ? The honourable mover, Sardar Mutalik, put a question to me about political prisoners, and my reply was that I should be delighted to give him the information he sought if only he would state what he meant by 'political prisoners.' That was a great many months ago. No explanation, no word, has since been vouchsafed to me by the honourable mover. He preferred to let me suffer, for my abysmal ignorance, the shocked reproofs of the omniscient local press. Was it studied unkindness on the part of the honourable mover or could it be that he himself had doubts as to the real meaning of the words he had used ? I am quite sure from my acquaintance with the honourable member it was not unkindness.

[Mr. M. H. W. Hayward]

I fear that it could only have been that he himself had doubts as to the meaning ; and that has been proved by what he has now said in this House. He has spoken to us in general terms of status, mode of life, moral turpitude and other phrases which would apply to any offender. He also has spoken to us about breaches of orders, patriotism and violence which apparently he connected particularly with political offenders. He ended by saying that he was not going to specify any particular offences for our special consideration, but that he included all offences which might be urged by the offenders as perpetrated for political motives. Not only that, he went further. He said the question to decide was not only the motive of the offender but also the motive of the prosecutor. I ask, Sir, was the honourable member serious or was he laughing at us ? Does he seriously propose that in future trials should include evidence not only of the motives of the offenders but also of the motives of those against whom the offences have been committed, the motives of the prosecutors ? I submit the honourable mover has failed to give us any lead whatever in the direction of ascertaining what we are to understand by the term 'political prisoner.' My honourable friend Mr. Trivedi was astute enough not to approach the difficult problem. I congratulate him on not touching it. Another honourable friend of mine, Mr. Haji, who followed him, has also admitted that he does not know what it means—he has admitted that he is unable to determine it and he has had to propose a committee of experts to sit and solemnly decide what we are to understand by the term 'political prisoners.' I will now refer to the effort that was made by my honourable friend Rao Saheb Dadubhai Desai to help me in understanding that term during the debate on the budget. He desired to discuss the deeds of certain rioters—he was asked whether they were in his opinion political prisoners. He said he would rather think they were. It was therefore ruled that he would have to keep his remarks for the discussion of this resolution which was then pending. He thereupon said he would rather think they were not political prisoners, but in view of his doubts his further remarks about them were disallowed by the Honourable the President. My honourable friend Mr. Pahalajani rose next, full of hope to help me, and referred to Chapter VI of the Indian Penal Code. I was again disappointed because I found that that Chapter included offences by public officers ; surely the honourable member did not mean to include public officers among political offenders.

Mr. B. G. PAHALAJANI : I never said that, I said 'offences against the State,' not 'public officers.' I never said that.

The Honourable Mr. M. H. W. HAYWARD : I am obliged to the honourable member for his explanation. Chapter VI also includes high treason against His Majesty the King. Did the honourable member mean (I am sure he did not mean) that special consideration and leniency ought to be shown to offenders guilty of high treason against His Majesty the King-Emperor ? No, Sir, certainly not. My reply therefore still must be the reply given to the honourable member at the time that we share the difficulties felt by Rao Saheb Dadubhai Desai and that other eminent statesman who only recently had proclaimed 'political prisoners' to be a vague expression in reply to a question in the House of Commons, the late Secretary of State, Mr. Montagu.

It is in fact, Sir, not a practical proposition to make special rules founded on such a vague expression as 'political prisoners.' It would involve distinguishing between persons guilty of wrongful deeds for ordinary motives

[Mr. M. H. W. Hayward]

and those guilty of them for political motives. It would involve substituting "motive" for "intention" as the important element in the definition of offences, contrary to the generally accepted principles of the criminal law. "An unlawful act cannot in law be excused on the ground that it was committed from good motives", says Lord Halsbury in his 'Laws of England.' It is not mere theory, Sir, it is a practical difficulty. It has rightly been said that it is impossible to fathom what is in the mind of man. It is an impractical problem to require proof of the human motive before our tribunals. But intention, that is altogether a different matter. That is far more easily gathered, and it is a generally sound and practical rule that has been laid down that a man is presumed to have intended the natural results of his deeds. It is only possible to guess what is the motive in the mind of man, but the intention can be easily judged by his deeds which can be seen and actually proved. Was it political patriotism or disorder and loot in the minds of the rioters who beat, robbed and killed the peaceful citizens returning from the loyal welcome to His Royal Highness in Bombay? Was it political patriotism or bloodthirsty murder which moved the rioters to establish for a short space their swaraj and cruelly to murder the sub-inspector of police and to burn his body in the flames of a Hindu temple in Malegaon.

It would, Sir, moreover lead to a manifest absurdity if pressed to its logical conclusion—this proposed exemption of political prisoners. It would result in this, that offenders whose object was the destruction of all law and order would not be liable to punishment because their motive was political, their object being political, the very destruction of the State. Some years ago an opinion on this point was received from the High Court. This is what their Lordships said :

"It would be a grave mistake in the opinion of their Lordships to encourage the idea that offences were unimportant and perhaps permissible if imagined against the public tranquillity and the orderly government of the State by mitigating the punishment prescribed for them by the Indian Penal Code."

I submit those are weighty words deserving careful attention of this House. To grant the proposed exemption to political prisoners would mean giving an undertaking on the part of those responsible for law and order, namely, the duly established Government, not to interfere with or punish those whose direct objects were the very destruction of that Government. It is therefore, Sir, patent that this expression is no more than a vague expression—this term "political prisoners". It is never used in a definite sense, where precision is required, in England. It is nowhere recognized as a precise expression at Home. If it can at all be properly used, then it ought to be reserved for persons imprisoned without trial such as State prisoners under the Defence of the Realm Act in England or prisoners of war and 'political prisoners' in Ireland. So here too the only correct use of the expression 'political prisoners' is that which you will find in paragraph 604 of the Jail Manual where it is applied definitely to state prisoners, that is prisoners without trial under the Bombay Regulation of 1827, or under the recent Defence of India Act. It is otherwise no more than a useful phrase for party platforms or irresponsible newspaper writers. But it is, I submit, not worthy of the attention of serious legislators like the honourable members of this Legislative Council of Bombay who share with us the heavy responsibility for law and order and for the good government of this important Presidency.

[Mr. M. H. W. Hayward]

Let us, therefore, leave aside this shadowy expression and seek whether there is not below it some real substance. Surely the substance is this—the genuine feelings of regret, which we all share, that some of our best educated and otherwise respectable members of our society have been led astray by impracticable idealism and have been guilty of serious seditious offences against the State. It is not unnatural that a question should therefore arise whether such offenders ought not to be treated more leniently like those guilty of seditious libel in the first division of offenders in England. Such feelings of regret are shared by no one more sincerely than myself (Honourable Members : Hear, hear) who would never have resigned the placid paths of the law to join in the stirring work of political progress, had it not been for my firm and full faith in the efficacy and eventual success of the reformed scheme of Government. It has therefore given me all the greater satisfaction to be able to point out a rule in our Jail Manual under which the discipline and treatment ordinarily observed can be relaxed where it is likely to injuriously affect the mental or physical welfare of the prisoners, a rule to which full practical effect has been given to meet the requirements recently of more than one particular prisoner. It is rule 254 of our Jail Manual which was noted with special approval in paragraph 131 of the Jail Committee's recent report. We have, for some time past, had under discussion the question of extending the general principle underlying that rule, since the receipt, last year, of the Jail Committee's Report and it would, in my opinion, and, I believe, in the opinion of most members of this House, be a grave mistake to limit that proposed extension merely to those who have been guilty of seditious offences against the State. We have been particularly fortunate in this Presidency. There have been notorious instances, but never a large number, of offenders convicted for seditious offences against the state. It has been due to the good sense of the great majority of our people that it has never been necessary to extend to this Presidency such special enactments as the Seditious Meetings Act, or to proscribe any particular volunteers under the Criminal Law Amendment Act, and the result has been that there have been remarkably few of the particular class of prisoners for seditious offences against the State. At the present time we have under 150 of them, even including the remaining of those foolish young men who deliberately disobeyed the orders of the magistrate at Mulshi Petha. We have, at the present moment, less than 150—I should not be surprised if it were to-day less than 100—of such prisoners in all the Presidency proper and Sind.

Now, Sir, there has been no such limitation of this particular rule for special treatment to seditious prisoners in England. It is true that there, sedition, though punishable with unlimited imprisonment, has also this attached to it that the prisoners shall all be treated in the first division. But the first division in England is not a division merely for seditious prisoners. It is a general division for all offenders who are of the required status. Broadly the first division is very similar in treatment to civil prisoners here. The second division is very similar in treatment to simple imprisonment prisoners, and the third division (light labour prisoners) to our rigorous imprisonment prisoners. These three divisions are divisions of the punishment of imprisonment without labour, so called though, as a matter of fact, all have to labour in the third division. It is the imprisonment prescribed for misdemeanours by the Common law of England. The other forms of imprisonments, imprisonment with hard labour and penal servitude—the latter corresponding to our

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transportation—are provided by statute for felonies and treason in England. Well, it may be asked, why should not all seditious offenders here similarly be placed in the first division? The answer seems to me to be this, that there are extraordinarily few such cases in England—there were no such cases at all for the years 1911 to 1914—and such cases there do not lead to the serious results that they do in India. The people there can all read and write, and seditious lies, if published on one side, are treated with ridicule and scorn by a strong opposition press on the other. But the situation here is a very different matter. The wickedest and wildest lies are readily believed, whether spread from printed papers or by speeches at public meetings by mischievous and unscrupulous persons amongst a highly susceptible and illiterate people, easily excited over either private or religious matters—a people only too quickly misled and easily plunged by such mischievous and unscrupulous persons for their own selfish ends unto the unspeakable horrors of such riots as those of Malegaon and Bombay, or of Chauri Chaura in Northern India, or of the rebellion in Malabar in the South. It is impossible, Sir, to prescribe a general rule here for specially lenient treatment for all seditious offenders including those responsible for such dire results to the peace and prosperity of the peoples of India.

Let me return for a few moments to our proposed extension of rule 254 of the Jail Manual. The existence of that rule in itself proves the reasonableness of our jail system. We are proposing to form a special division with special privileges beyond those of the present simple imprisonment prisoners. It is proposed to select prisoners for this special division not narrowly from a special or vague class called political or seditious offenders, but generally from all prisoners. They will be selected on account of their general status, their character and education, and having regard to the nature of their particular offence. These tests, Sir, are similar to the tests for first division offenders at Home. I should have very much liked to have been able to go fully into the details of our proposals, but I cannot unfortunately at this stage enter into the details of the privileged treatment proposed to be made by rules under section 60 of the Prisons Act, as the making of those rules is by law under the control of the Government of India, and the matter is at present under consideration of the local Government in consultation with the Government of India. But I must ask for a few minutes' indulgence from the House while I express my very great regret that there have been not a few instances recently of deliberate lies and wicked mis-statements spread by mischievous persons to prejudice the public against this question of the treatment of prisoners in our jails. I must express my particular regret that those wicked and mischievous mis-statements should have even misled so fair-minded and intelligent a gentleman as the honourable mover of this resolution. Wherever specific mis-statements have been made, and not of a vague general character, enquiry has promptly been instituted and has resulted in every instance in proof that the statements were malicious and stupid inventions devoid of all foundation. It is hardly necessary for me to refer specifically to them. It will be enough to mention one or two as samples, such as the deliberately false statements as to ill-treatment at the Visapur Deccan Jail, the mischievous lies as to the ill-treatment of political prisoners in the Hyderabad Central Prison and the rumour as to the ill-treatment of the Ali Brothers in the Karachi Prison which were definitely disproved in the law courts in Karachi, and finally that most ridiculous story, which was

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being circulated not long ago in Bombay, of the flogging of Mr. Gandhi in the Yeravda Prison. The fact is, Sir, that there has been no departure whatever from the high standard of habitual good treatment of our prisoners, which has been so generously acknowledged by the honourable mover of this resolution. We do not, on the other hand, pretend to keep our prisoners like the residents of a first class family hotel. Discipline has to be maintained to prevent such serious outbreaks as those which occurred in Calcutta and Lahore. We have indeed to discourage the return of our guests, though we still frequently recognize the familiar faces of habitual visitors. We maintain at the same time a very strict supervision over the health and welfare of our prisoners. We have elaborate rules prescribed for their clothing, diet, employment and for sanitation in our Jail Manual. We have recently provided for the increase of the number of non-official visitors to visit weekly and quarterly our prisoners. Any members of this House who are interested in the subject will be welcomed as members of the committees of visitors of the prisons within the districts they represent, and if there are any members who wish to study in detail our jail rules and regulations, let me refer them to the copies of our Jail Manual which have been placed in the Council Library.

An Honourable MEMBER : There is only one copy.

The Honourable Mr. M. H. W. HAYWARD : In view of the number of members who seem ready to study these rules another five copies have just been placed in the library. That makes six copies altogether for the study of members. The question will be laid before the library committee as to the conditions under which these copies will be available for issue to members wishing to study the Jail Manual. We have no secrets to hide. Everything is quite open. When you visit our jails, you will not find any dark dungeons deep down in the bowels of the earth ; you will not find filthy pits with snakes and slime and rotting prisoners ; no torture chambers with sound-proof walls to deaden the shrieks of the victims ; but just ordinary open spaces, yard, workshops and sleeping barracks built on the latest and most approved standard plan beloved of the Public Works Department. The Jail Committee was appointed in 1919 with non-official members including both Europeans and Indians to consider the whole question of jail administration in India. They toured in Great Britain, America, the United States, Japan and finally all over India. They submitted a report embodying the conclusions arrived at for the improvement of our jail administration in 1921. We hope to introduce, as finances permit, many of their recommendations which have for a number of months past been under the careful consideration of the local Governments under the direction of the Government of India.

Now, Sir, let me briefly summarize my remarks. In the first place, it is not a practicable proposition to make rules for such a vague body of people as "political prisoners". It is not practicable. Secondly, it is not politically possible, if it were practicable, to grant special encouragement and facilities for spreading sedition against the established Government. Thirdly, there is no need for the recommendation contained in this resolution, because we are already preparing proposals for a special division for all prisoners of the required status. While, therefore, Sir, it is my obvious duty to oppose this resolution, my reasons for doing so are because the resolution is too limited, it is too narrow. It applies only to a vague, limited class said to be included in the term

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"political prisoners", while what is required is a special division open to all prisoners of the required status. I have particularly welcomed this opportunity therefore to lay the facts and our position before the House. I regret it has not been possible for me to deal with the full details of our proposals pending the discussion between the local Government and the Government of India. I think it is very likely that, in view of my statement, the honourable mover will withdraw his resolution. But if not, it will be my duty earnestly to urge members unanimously to reject this narrow resolution relating to a special class vaguely termed "political prisoners", a class which would include men responsible for the blood-thirsty murders at Malegaon, men responsible for the establishment for a brief period of a swaraj which stank in the nostrils of Mr. Gandhi in Bombay. Do not forget the bitter experiences and the orgies of the rebellion in Malabar which led to the overwhelming rejection of a similar resolution by the Madras Legislative Council. Devote your attention to the generous, more liberal and wider proposals which have been here laid before you for the special treatment of all offenders of the required status, and join us by your unanimous vote in taking the lead in a satisfactory settlement of this important matter, the lead which has been taken in so many other matters by the premier Presidency of Bombay.

Mr. PURSHOTAMDAS THAKURDAS : Mr. President, the resolution moved by the honourable member appears to me to be a plain and simple one couched in absolutely unambiguous terms. I may say at the very outset that the reply given by the Honourable Home Member, though full of great rhetoric and full of all the abstruse matter connected with legal quibbling of the definition of "political prisoners", it appears to me to be absolutely wanting in touch upon the main subject-matter concerning the resolution. If the Honourable the Home Member had been in touch with the Indian public, whether co-operators or non-co-operators, belonging to one political school or another, I am sure he would not have urged one of his reasons, for the rejection of the resolution. The one reason urged by him appeals to me, when he said to the Council that there was under the consideration of Government this question of special treatment of political offenders, and that is why they should not accept this resolution. But towards the end of his speech he also said that he would not accept the resolution, because it was too limited. This latter reason appears to me to be rather like playing with the Council if not an effort at incorrectly leading the Council. I and all members of this Council have little in common with the creed or the convictions or the methods of those, who unfortunately for the country—I deliberately use the words 'unfortunately for the country', for, if they take up constructive work, many of them are capable of doing useful work—are working hard in certain directions, which none in this House sympathises with. But that fact makes me all the more bold, and more persistent in urging this Council to accept this resolution, for, after all, there are methods available to the Honourable the Home Member, available to the Government of Bombay, available to every member of this House, of fighting with these countrymen of ours a clean, straight and honest battle regarding the political convictions of their own and ours. But I do not think this House would wish, I say with all deference to the Honourable the Home Member, I do not think any one here would wish to tolerate the Government of Bombay enforcing such measures as may make physical wrecks and imbeciles of those sentenced to imprisonment, simple though it may be, for their honest political convictions and aspirations.

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The Honourable the Home Member tried to quibble about the words "political prisoners". I should have expected, knowing as I do that the Honourable the Home Member adorned the seat of the High Court with great lustre, that he would have given this Council a practical solution of the whole question, instead of trying to drag us in this quibbling and re-quibbling of the words "political prisoners" and "political offenders". I am merely a layman, and am hardly a person to supply a correct definition of the words "political prisoner" when the Honourable the Home Member, who was a Judge of the High Court, cannot do so. That however hardly would prevent this House from wanting or demanding, and I would go further and say, insisting that Government ought to accept this resolution.

I venture to make this House a practical suggestion which the Honourable the Home Member may find useful to him. I understand that the Deccan Sabha, which has got a good record behind it, has submitted to the Government of Bombay a memorial on the same subject as this resolution deals with. Appended to that representation or petition, there is an appendix, which gives the following :—

"The Irish Government on April 20, 1920, issued a statement to the press, defining the status of, and the treatment to be accorded to, the Sinn Fein prisoners" and so on.

I wonder whether the Honourable the Home Member has seriously thought about it. I wonder if what has been good enough for the Irish Government has not been found good enough for the Government of Bombay and the Honourable Home Member. After all, that is a peculiar coincidence. The happenings in India and Ireland are simultaneous, but those in Ireland are much more grave than those in the Bombay Presidency. The Honourable the Home Member tells us that the Irish Government have found a definite meaning for the words 'political prisoners', and the Honourable the Home Member still finds it difficult to do so in Bombay. May I put it to the House that "if there is a will there always is a way". If the Honourable Member and the Government really want to respect the public opinion of India, irrespective of political creed or political theories, if they want to respect the feelings of the people of this country, at any rate of this Presidency, the Honourable Member would not have tried to confuse the Council by asking for a definition of the word 'political prisoner'.

Sir, the demand that this Council is making to-day is common where Government is foreign, or where Government is unpopular, temporarily though it may be, as it is here, where there is a material difference of opinion regarding certain methods employed by Government one way or the other. Whenever there is any such unpopularity, what happens is, there are agitations and there are agitators and seditious meetings and political offenders. The Honourable the Home Member has not told us how such people are treated in Ireland, America, France or in any part of the civilised world under the sun. I understand, and say subject to correction, in every civilised part of the world whenever such difference of opinion (insanity, as the Honourable the Home Member would call it) prevails, the Government in power, who do not like the political creed of such other party, aim at one thing, and see that the preachers of such undesirable view are locked up and kept away from the masses. Nobody in this House has contended that the Government of Bombay should not lock up such people. All that this House and this resolution want and demand is that once Government lock up such people Government will treat them with humanity



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and will take care to see that when these agitators come out from the jails after serving their terms of imprisonment they be not physical wrecks or mental imbeciles as a result of their treatment in jail. I was surprised at the rhetoric used by the Honourable the Home Member. Why this rhetorical reference to Malegaon and Malabar, to Chauri Chaura and Bombay riots? Does anything that anybody here has said in this hall to-day or since yesterday, even by inference, lead the Honourable the Home Member to the conclusion that any protection is asked for or is recommended for these? I submit, Sir, that in using that rhetoric and mentioning the names of Malegaon, Chauri Chaura, Bombay and Malabar (I do not think he used the word "Malabar" this time), the Honourable the Home Member has tried to prejudice the minds of the honourable members of this House in a manner which is not justified and which is not necessary for the purpose of this resolution. The methods of stifling freedom of speech and action, methods like those that have been used now, are out of date and the sooner they stop, the better. There is a distinct feeling in the country that there ought to be a quick change in the methods of Government; there is another side—a very solid part of the country according to my information and according to my lights, which says a change will come on, but it should come much slower, and the methods to be employed by the people in the meantime should be much milder. Everyone in this House belongs to at least the latter school and not to the former. Now, if any stifling of the other party has to be done, it cannot be done by any of those methods that have been complained of or complained against in this House. Let the Government fight these people clean, straight and from the front and let no effort be made—in fact I am very jealous, Sir, for the good name of this Council and this Presidency that there should not be the slightest charge nor even the suspicion that those who are being locked up are not to be given what ordinarily would be available to them if they were citizens of any other part of the world but India.

The Honourable the Home Member again spoke of destruction of Government. I really wonder, Sir, if he is not exaggerating the movement. It is quite possible that the Honourable the Home Member has information which very few in this House have—I at any rate have not—that the words that he used, namely, the destruction of Government, may be justified. But I submit, Sir, that if in Ireland, where wanton destruction of Government is intended and is being steadily pushed forward, the treatment of political prisoners is such as is to be found in this printed paper (showing it to the House), what greater danger to the Government of India and to the Government of Bombay is incurred by making something on similar lines available to political prisoners in this Presidency? I submit, Sir, that the very high sounding terms and the great dangers that the Honourable the Home Member has tried to portray before this Council are a bit on the exaggerated side and should not have been brought in for the purpose of this very simple resolution now before the Council. For, after all, everybody in this House will agree with me that in the case of these political prisoners all that is demanded is, that people, who in the words of Mr. Frederick Harrison "though they may be distrusted by their political opponents, they certainly are not considered by them dishonourable," are convicted for their political opinions, shall receive a special treatment in jail as distinguished from that given to prisoners convicted for moral turpitude of any kind. In fact, it is an open problem whether some of these people will not, I won't say ten years or 25 years or half a century

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hence, be looked upon as people with foresight and as people who saw much ahead of anybody else. It is not that what is recommended in this resolution is demanded for everybody guilty of political crimes. I would like to refer here to the treatment accorded to Mr. Gandhi at Ahmedabad at the time of his trial. The treatment given to him and the manner in which Mr. Gandhi was addressed there by the trying judge were the most statesmanlike and called for a tribute of appreciation for British *raj* and for British justice in India. I only ask that the same mentality that prevailed in the mind of the trying judge at Ahmedabad at the time of the Gandhi trial may be continued, and in asking that, is anybody asking this House to do anything which will encourage a Chauri Chaura or a Malegaon or Bombay riots? Though we differ from political prisoners in their various political convictions, I ask this House whether they dare deny to these citizens of this Presidency the bare rights of citizenship, the bare rights of patriotism and of working according to their honest beliefs as far as political convictions go, whether they dare deny them that and say "if you do that, you do that at your peril and at your risk. If you are imprisoned, you will not be given the same treatment which is available to such prisoners in any other part of the civilised world but that the treatment that will be available to you will be something quite different from that available in civilized parts of the world." I put this question to the honourable House and I ask them, whether whilst we claim equal citizenship rights all over the world, we are prepared to say that those of our citizens—those of our fellow-citizens—who happen to differ from us in political matters, when they go to prison, must be treated in a manner for which there is no parallel anywhere in the civilised world? If this House refuses to pass this resolution, I at any rate would say that we would be undermining our own sense of self-respect and we would lose the right of claiming rights of equal citizenship in the British Empire, for we would deny them to our own fellow-citizens when they happened to differ from us in political views.....

The Honourable the PRESIDENT: Although the Rule says that no speech shall be more than fifteen minutes in the case of all except the mover and the Government Member, I have the power to make an exception.

Mr. PURSHOTAMDAS THAKURDAS: I am much obliged to the Chair for this concession and will conclude my speech shortly. We have been told that the subject-matter of this resolution is under consideration of Government although the Honourable the Home Member rejects this resolution as being too limited in scope; this practically means that he holds out to us hopes of something on a more liberal basis later. If that is so, I really wonder that the Honourable the Home Member can persuade himself to accept this restricted (according to him) resolution. May we then tell him that we cannot afford to wait for a year or two, for Government wheels move very slowly, for the big bun that is in promise for us? We are told that the whole subject is under the control of the Government of India and that the whole subject would be considered and settled by them. I do not know what fate this resolution will meet with in this House, but I should be sincerely sorry if this resolution was rejected by this House. In case this resolution is rejected by this House, I would, Sir, request the Honourable the Home Member to send a copy of this debate to the Government of India when the Bombay Government's views are forwarded to the Government of India on this subject. That is the least that is due to members of this House like me who differ from the Honourable the Home Member.

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One word, more, and I have done. The Honourable the Home Member referred to some very wicked rumours regarding the flogging of Mr. Gandhi. That rumour was as stupid and as unbelievable as it could be, and should hardly have merited even mention by such a Member of the Government as the Honourable the Home Member. But if he thinks that every rumour in connection with Mr. Gandhi must be refuted by Government, and if he thinks that he is called upon to give a vehement denial of all such rumours, what is the lesson of it? The lesson of it is this, that the Indian public of all shades of opinion are insistent that, whatever the Government may do to their fellow-citizens who differ from the views of the Government, they shall at least be treated humanely and as similar prisoners are treated in any other part of the world, and if these exaggerations in connection with Mr. Gandhi deserve consideration and mention in this House, I put it to the Honourable the Home Member whether this very simple and sensible resolution does not merit acceptance by the Government of Bombay.

Rao Bahadur G. K. SATHE : I do not know whether the Honourable the General Member would like to speak first.

The Honourable the PRESIDENT : If non-official members think that Government Members must be heard, I will call upon the Honourable the General Member to speak.

The Honourable Sir CHIMANLAL SETALVAD : Mr. President, my honourable friend the last speaker, Mr. Purshotamdas.....

The Honourable the PRESIDENT : I am now going to enforce the limit of fifteen minutes. I have allowed latitude to speakers so far, because I did not want to check arguments, but I think now the subject is fairly spread out, and every speaker from henceforth ought to finish his speech within fifteen minutes, and I shall have my eye upon the clock and upon the speaker.

The Honourable Sir CHIMANLAL SETALVAD : Sir, my honourable friend, the last speaker, Mr. Purshotamdas Thakurdas charged the Honourable the Home Member with having indulged in rhetoric, and of having failed to offer any practical solution of the question. I am afraid my friend Mr. Purshotamdas Thakurdas was so far carried away by his enthusiasm in the matter that he also used rhetoric.....

Mr. PURSHOTAMDAS THAKURDAS : I was only imitating the Honourable the Home Member, which is the best form of flattery.

The Honourable Sir CHIMANLAL SETALVAD : Mr. Purshotamdas Thakurdas only a minute before charged the Honourable the Home Member with having used empty rhetoric and failing to offer a practical solution, and it is amusing to find Mr. Purshotamdas Thakurdas doing exactly the same thing—using rhetoric, big words and phrases, and offering no practical solution.....

Mr. PURSHOTAMDAS THAKURDAS : I have nothing to give. We have come to take from you.

The Honourable the PRESIDENT : Order, order. You were listened to very quietly, and I am sure the same courtesy will be extended to the Honourable the General Member.

The Honourable Sir CHIMANLAL SETALVAD : He did not even care to listen to the practical solution that the Honourable the Home Member had offered, and which, I am afraid, again in his enthusiasm on the subject,

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he failed to follow. Mr. Purshotamdas Thakurdas repeatedly said "You must not make physical wrecks and mental imbeciles of these prisoners, and you must treat them with common humanity" and so on. But why did he wax so eloquent over these phrases? Has it ever been suggested by any member of this Council, has it ever been charged that Government have attempted to make physical wrecks or mental imbeciles of these people?

Mr. B. G. PAHALAJANI : I shall do so in the case of one prisoner.

The Honourable Sir CHIMANLAL SETALVAD : Mr. President, when Mr. Pahalajani brings forward facts in support of his allegations, there will be time enough to deal with them. But I do repeat what I was saying that all this on the part of Mr. Purshotamdas about physical wrecks and mental imbeciles, and what not, really had no place, in view of what had gone before, or what had been alleged either in this Council or outside. I repeat that nobody has charged Government yet—we will wait and see what Mr. Pahalajani's charges are—of having attempted to make physical wrecks or mental imbeciles of these prisoners, and not having treated them with common humanity. On the contrary, honourable members will remember what was stated only this morning in answer to various questions put about the treatment of some of these prisoners—how they were treated, how all requirements, and wants of theirs, within reason, were met. And, could it be said after that, that Government have any intention of treating these prisoners in anything but a human manner?

Mr. Purshotamdas Thakurdas again tried to find fault with the Honourable the Home Member for what he called quibbling with regard to the definition of the words 'political prisoners'. According to Mr. Purshotamdas, I believe it is a very simple expression, about the meaning of which there is no doubt. And, here again, Mr. Purshotamdas left us in the dark, and never told us what that simple expression, according to him, meant. I repeat that the expressions 'political prisoners' and 'political offences' are expressions which are incapable of any precise definition. If what is meant by 'political offence' is an offence for which the motive is political, then you see at once in what you are landed. Take the instance of a person who commits political assassination. Surely, his motive, from his point of view is political, and may be highly patriotic. Is he not to be called a political prisoner, if you adopt that expression as the guide in the treatment of prisoners? Take the case of a man who incites people to wage war against the King or who suborns the loyalty of the troops or the police. He too is doing it, according to his own lights, from political motives. Why is he not to be called a political prisoner, if that expression is to be the governing guide in the treatment of prisoners? This makes it clear, therefore, into what confusion of thought, into what practical difficulties you will be led, if you were to lay down rules about the treatment of political prisoners and political offences. And I may tell the House that, although that expression has been used by many people on many occasions, it is not an expression recognised in law, either in England or anywhere else. I submit that the Honourable the Home Member was perfectly right in what he said with regard to the indefiniteness of this expression and to the endless difficulties into which both Government and everybody else will be landed, if that expression were adopted as the test of treatment of prisoners. But what he suggested as a practical solution goes even much further than the resolution and avoids its difficulties and he is perfectly right in saying so. What did he suggest? He

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suggested that we were considering the creation of a special class of prisoners, not limited to what are called political prisoners, but to embrace prisoners who have been convicted for any offence whatever. If they are people of education, if they are people of certain social status, if they are people who have been in the past accustomed to a particular standard of living, in their case certain rules may be framed for giving them special treatment. And, Mr. President, if you examine that proposition, it is perfectly consistent and it is a perfectly defensible proposition, because if a person of education, of a certain social status and accustomed to a certain standard of living is sent to prison, the hardship of imprisonment and prison-life work much more harshly in his case than in the case of the ordinary jail population. Therefore it is only right and proper that in such cases, it does not matter what the offence may be and what the motive for it may be, if such a person comes to prison he must be so treated as to equalise his punishment and to reduce his hardship under circumstances under which he finds himself. Here I may tell the House very shortly what the state of law in England is. I must repeat that there is no distinction there made with regard to political prisoners as is now advocated by this resolution. There the position is this :—with regard to all prisoners, it does not matter for what offences they are convicted, who are sentenced to simple imprisonment, there are three classes of prisoners, first, second and third. A court awarding simple imprisonment is given discretion to direct in what class a particular prisoner shall be put. With regard to those sentenced to hard labour or penal servitude, there is no discrimination. It is only with regard to simple imprisonment cases where it is assumed that the offence is not of a very grave character that the law gives discretion to the court to classify into what class the prisoner shall be put, whether the first, second or third class, and, as I said, the discrimination is not with regard to the motives of the offender but with regard to his antecedents. Therefore, what the Honourable the Home Member proposes is to do what the English law allows. As I have pointed out, under the English Law there is no discrimination with regard to the hard labour or penal servitude, and what the Honourable the Home Member proposes is that with regard to all prisoners sentenced to simple imprisonment, whether their motive be political or not, their previous history, social status, and education be taken into account and their prison-life be so regulated as to treat them in such manner as not to make the hardship of prison-life very hard on them. Therefore the position is this that the proposal of Government goes even far beyond what the resolution demands.

My honourable friend Mr. Purshotamdas made repeated reference to Ireland, to what has been done to Irish prisoners there. I do not know whether Mr. Purshotamdas has taken care to acquaint himself with the real facts about the law there. I do not know if he told us to what class of Irish prisoners he refers; but if he had in mind those Irish prisoners who had committed arson, who had committed murder, assassination, then I may tell him that these prisoners are not treated as first class misdemeanants in Ireland at all. Those who have committed murders of police and military have been captured, shot and hanged, and I do not think anybody.....

Sardar V. N. MUTALIK : I may tell the Honourable the General Member that I was quite clear on the point.

The Honourable Sir CHIMANLAL SETALVAD : I was not referring to my friend Sardar Mutalik but to Mr. Purshotamdas Thakurdas.

Mr. PURSHOTAMDAS THAKURDAS : There were exceptions in what I referred to.

The Honourable Sir CHIMANLAL SETALVAD : The Honourable member did not refer to any exceptions at all. I do not think he has followed me as he was away during part of my speech.

Mr. PURSHOTAMDAS THAKURDAS : I have been attentively following the Honourable the General Member.

The Honourable Sir CHIMANLAL SETALVAD : What I was referring to is his statement about recent Irish offenders. If he is under the belief that all these Irish prisoners guilty of all sorts of offences are treated as first class misdemeanants, he is very much mistaken.

Then Mr. President, the position is this. What you are asked to do by the resolution is to consider motives in the place of intention for determining the criminality of a prisoner. As I have pointed out, it would be a most dangerous thing to do. No law in any country has attempted to do anything of the kind at all. It is only intention which is the criterion of criminal liability. If you attempt to substitute motive, I do not know where you will land. Because in committing an offence the prisoner may have in his mind a particular motive which it is difficult to fathom and it will not do to substitute motive for intention as an element of criminal liability. Now, under the English law, as I have pointed out, the prisoners are liable to be classified when they are sentenced to simple imprisonment. It happens in England that the punishment for seditious libel is simple imprisonment, and you have no rigorous imprisonment or transportation provided for sedition. Now the law in India is entirely different. Under the Penal Code, under section 124A the punishment provided is transportation for life or imprisonment of either description which might extend to a certain number of years and fine or fine. So that under the Indian law it is recognised that sedition may be of so grave a character in itself as to merit the punishment of transportation for life or of so innocuous a character as may be sufficiently punished by mere fine; therefore it would not do to suggest that.....

The Honourable the PRESIDENT : Order, order, I think the Honourable the General Member will remember that the resolution says that Government should take steps for the better treatment of political prisoners by rules, regulations or legislation, so that it is not merely a question of existing legislation but any fresh legislation if necessary. If that had not been in the resolution I would not have admitted the resolution, and I would have stopped the discussion that has been going on. I have been very careful in admitting this resolution. It is as much within the discretion of the honourable mover or Mr. Purshotamdas Thakurdas to bring in a bill as for the Government. Here it is a recommendation to Government, and therefore the question of existing legislation ought to be very economically dealt with.

The Honourable Sir CHIMANLAL SETALVAD : I wanted to point out that as the Penal Code stands at present.....

The Honourable the PRESIDENT : I do not want to interfere provided you take my hint, or else it will be a great temptation to subsequent speakers. I know you will be relevant but all may not be.

The Honourable Sir CHIMANLAL SETALVAD : What I was trying to point out is this, that as the Penal Code stands at present you have these various punishments provided for sedition. If you want the Penal Code to

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be altered, it certainly is not in the hands of this Council or this Government. And, so long as the law is as it is and does recognise the various stages of gravity with regard to the offence of sedition in this country, it would not do to say that all prisoners convicted of that offence should be treated in a similar manner. For, surely, as I have pointed out, the House does not mean to suggest that any person who has been sentenced to rigorous imprisonment or to transportation for life, for sedition or who has been so sentenced for being guilty of waging war or inciting the army or the police to rebellion, although dictated by a political motive should be treated as a first class misdemeanant. I do not think any member of the Council suggests that for a moment. Therefore, Mr. President, the position is this. All that is sought—and about that there is really no difference between the members of this Council and Government—and what the honourable mover wants is, that people of education, people of culture, people of social status, who have been sentenced to simple imprisonment and have been sent to prison on account of their having infringed the law of sedition or any other law, should not be treated as ordinary criminals who form the bulk of the jail population. With regard to that, the Honourable the Home Member has offered a solution which I submit, sir, is a complete solution. He says we are now considering a proposal for the purpose of creating a special class of prisoners, the test of which is not to be the motive, political or otherwise but the status, the education and the antecedent life of the prisoner, which will cover the class of prisoners the honourable mover has in view, and also cover many others answering the same description. If that is so, and if these proposals are under the consideration of the local Government and the Government of India with a view to formulate a uniform policy throughout the country, I submit, Sir, that no useful purpose will be served by pressing this resolution, and I would certainly join the Honourable the Home Member, under those circumstances, in asking the honourable mover to rest content with the discussion he has invited on this subject and withdraw the resolution. From the discussion that has taken place on this resolution in this Council, he has obtained the views and intentions of Government on the subject, and Government will have before them the views of the various honourable members who have spoken in the debate.

Mr. PURSHOTAMDAS THAKURDAS: May I rise to a personal explanation? The Honourable the General Member in trying to put into my mouth words that I wanted this resolution to apply to everybody, even to those who might have committed arson, murder, assassination, has done me an injustice. I did not read the main part of this Irish Government's publication for fear that I might weary this Council. I want to merely read now a few words .....

The Honourable the PRESIDENT: That is not a personal explanation. You say he put in words in your mouth from something which has been said by somebody else.

Mr. PURSHOTAMDAS THAKURDAS: I referred to it myself.

The Honourable the PRESIDENT: Yes; but you did not use those words.

Mr. PURSHOTAMDAS THAKURDAS: I say I could have read this paragraph in the course of my speech, but did not do so as I took it, as this was a copy of the petition to Government, the Honourable the General Member or any Member of Government would, before criticising or putting words

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in anybody's mouth, have taken care to read the whole of the printed statement. Now he has not taken that precaution and has done me an injustice by the words which he has tried to put into my mouth. I will read with your permission only a few words. It will not take more than two minutes.

The Honourable the PRESIDENT: Let somebody else deal with that point.

Rao Bahadur G. K. SATHE: Mr. President, I stand to give my articulate support to this resolution. When I say "articulate," I do not wish to repeat the arguments which have been put forward by the previous speakers, particularly by my honourable friend Mr. Purshotamdas. I feel relief to find great solicitude on the part of Government to treat its prisoners comfortably, as much as the merits of each case require, and I was also pleased to hear from the Honourable the Home Member that he is trying to do much more than what my honourable friend on the left desires Government to do. One point strikes me most in this debate and it is this. If the Honourable the Home Member is going further than what the honourable mover, Sardar Mutalik, wants, what difficulty should there be before Government to adopt a resolution of the kind which has been put forward by the mover of this resolution? The adoption of a resolution, Sir, does not mean that every part of it has to be acted upon by Government, but Government has full power to offer an explanation if it is not in a position to carry out the wording of the resolution in its entirety.

The Honourable the PRESIDENT: I do not like to fetter the freedom of arguments, whether they are subtle, metaphysical or special pleading. But I put it to you as one of the accredited leaders of the House whether this argument does not rather do injustice to the real meaning and language employed by the Honourable the Home Member. What the honourable member, I understand, said was "I am going further than the honourable mover of this resolution has gone, in that he confines it to political prisoners only, whereas my proposal brings in all members of the intelligentsia whether they commit political offences or not. I think that is how I understood it. Is that not so?"

The Honourable Mr. M. H. W. HAYWARD: Yes.

The Honourable the PRESIDENT: That being so, I expect a fair representation of it, especially from one upon whom the whole House looks with reverence.

Rao Bahadur G. K. SATHE: Sir, I understood the Honourable the Home Member exactly in the same sense in which it was said.

The Honourable the PRESIDENT: Very well, I merely put it to you. You can proceed now.

Rao Bahadur G. K. SATHE: My point was this. Does not the greater include the smaller? That was my point.

The Honourable the PRESIDENT: No. I see from political prisoners you eliminate a class which does not belong to the intelligentsia. However, it is quite within your power to make any arguments you like. Only I want the arguments put forward by any member fairly represented. That is all.

Rao Bahadur G. K. SATHE: It is not my wish to misrepresent anybody's arguments.



The Honourable the PRESIDENT: I do not say you are misrepresenting at all. Far from it. It is my duty to warn each member against any other member being misrepresented or misapprehended, so far as it lies in my power, so that the debate may not run into irrelevant lines.

Rao Bahadur G. K. SATHE: Now, Sir, taking the hint which you have dropped, I will rather curtail my remarks and come to my points. The objection that was raised for the adoption of this resolution was based on four grounds. First, its impracticability on account of the fact that the expression "political offender" is nowhere defined, either in the English law or here. Secondly, if it be the intention of the mover of this resolution or if the effect of it would be to give facility and encouragement for this kind of prisoners to carry on their propaganda, then it will not be in the interests of the country to encourage them; and thirdly, that the resolution moved is too narrow and limited, and that what is being given or promised at least is much more than what the resolution aims at. Now, I for one, Sir, really fail to understand what difficulty should there be in putting a reasonable construction on the words "political offenders."

If the Honourable the Home Member had in his hand, he must have, I am quite sure, the reply given on March 27th, 1922, by the Under Secretary of State for India we find there the general principle underlying the definition, and he says:

"A person who deliberately incited to violent crimes deserves no less severe treatment than the person who actually commits such crime; there is a large class of cases in which a man, who, presumably from honest motives, expresses political views the public expression of which is an offence under the law, should not be subjected to humiliating treatment or classed with criminals whose offences show moral obliquity."

Perhaps, the mover of the resolution was not able to give any definition nor am I going to give any definition.....

The Honourable the PRESIDENT: It is permissible for anyone, but it is for the legislature to define the term "a political prisoner". You will be perfectly justified in asking the Honourable the Home Member what difficulty should there be for this Government to ask the Government of India to undertake legislation and define political offences and then take further steps. That will be a relevant argument.

Rao Bahadur G. K. SATHE: When you particularly drew the attention of the Honourable the General Member to the wording of the resolution "executive order or legislation" my next sentence was this: Why we should not take the light on this question from the reply given in the House of Commons.....

The Honourable the PRESIDENT: That is right.

Rao Bahadur G. K. SATHE: If we proceed two lines more we find there it has been stated by the Honourable Sir William Vincent:—

"Persons recently sentenced to rigorous imprisonment under Act XIV of 1908 or under the Seditious Meetings Act should receive differential treatment in jail in the matter of diet, clothing, labour, etc."

Is not that a definition to a certain extent? It may not be a full or complete definition. But at any rate, there is something to go upon. If a fear is entertained that by adopting a vague definition of the word 'political offenders' Government will be required to show lenient treatment or differential treatment in case of other prisoners who do not deserve it, certainly the Government of India and the Government in this Presidency are so resourceful, that I cannot for a moment believe, that brains at Simla and Delhi

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would not be able to find out a definition to meet the case. Then, Sir, the principle has once been accepted, and the principle is this : that there is nothing wrong in according a differential treatment to one kind of offenders, from those whose offences are of a different kind. When that principle is once accepted, then the question is on what basis to make that distinction ? How to differentiate the two kinds of offences ? That is not a matter of great difficulty and if Government means to do it, I think it will surely find the way.

Then, Sir, the Honourable the Home Member and the Honourable the General Member referred to certain offences that have taken place in this Presidency in the year 1921. May I assure them that it is not in the minds of any one, not a single member of this House, that offences which are accompanied by violence, offences which result in assassinations, and offences which affect public tranquillity and peace should be classed in the first division, and that such offenders should be treated differentially from others ? The only point in moving the resolution was to narrow the gulf which is now between the leaders of particular political thought on the one side and Government on the other. Whatever may be the differences between the two parties, let not the fair name of good Government be impaired by not laying down certain rules either executive, legislative or otherwise, by which the people would be convinced, or by which the people would know that prisoners of a particular kind are given a treatment different from those who have gone into jails for offences involving moral turpitude. The Honourable the Home Member referred to the mischievous, vindictive and false reports that have appeared in newspapers from time to time. Would not this be a remedy to put a stop to those reports ? If people outside once know that Government have taken steps in a particular direction, would it not naturally bring about harmonious working between those who now are charged with having circulated mischievous and false reports, and Government ? I, therefore, appeal to Members of Government that it is in the interest of Government itself that they should prescribe certain rules, and this will put a stop to the circulation of false and wicked rumours which naturally and rightly upset Government and its officers.

Mr. JEHANGIR B. PETIT : Mr. President.....

The Honourable the PRESIDENT : The honourable member, Rao Bahadur Sathe, has not yet finished his speech.

Rao Bahadur G. K. SATHE : Sir, as the other part of my argument would be a mere repetition, and as other members seem anxious to speak....

The Honourable the PRESIDENT : You may repeat without showing you are repeating.

Rao Bahadur G. K. SATHE : I refer to another small point that if something could be done in this direction in the sister provinces of Bihar and Orissa and in the United Provinces, certainly this Government would be able to do it, and in Bihar and Orissa I find that it is not the action of Government but the Inspector General of Prisons has issued certain orders. In the United Provinces they have made certain rules of which I am not aware. But in any case the point is this, that as the Honourable the Home Member has told the House, that Government is very anxious to frame some rules on this point which would affect all kinds of prisoners ; and he made an appeal to the honourable mover of this resolution to withdraw it for the time being. That may be a very good argument, Sir, for those who are in a mood of hesitancy, but we know that this

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correspondence sometimes is endless and we might probably have to vacate our seats in this Council before we know what has happened to this correspondence between the Government of Bombay and the Government of India. And it is on that account I say that if Government accepts this resolution, it will strengthen the hands of Government, and the Government of Bombay will be in a position to request the Government of India to expedite its orders on this point and thus pacify the public mind. With these few words, I beg to support the resolution.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, we have the resolution before us as moved by my honourable friend Sardar Mutalik asking for certain preferential treatment of political prisoners, while the Honourable the Home Member does not seem to be in a mood to accept it.

Sir, I wish to make certain remarks in this connection, as a visitor and lecturer in moral precepts to the convicts at Sabarmati Jail. At the suggestion of the convict, Maulana Hussein Ahmed, one of the prisoners in the Karachi trial, I requested Government to supply the Maulana with a *lungi* and trousers in place of shorts that he was supplied with because the shorts came in the way of his offering the *nemaz*, and Government were very kind to grant it at a very early date. Further, at the suggestion of the very same gentleman, Maulana Hussein Ahmed, I requested Government to see that orders were issued by the Inspector-General of Prisons for allowing the Mahomedan convicts to offer the *nemaz*, to observe their *roza*, i.e. fast, to allow them to wear their beards (those who liked to do so) and that no *post-mortem* examinations should be performed of any Hindu or Mahomedan unless it was indispensable. Immediate orders were received, within the course of a month from Government. Orders were issued that those Mahomedan convicts who wanted to offer their *nemaz* and those Mahomedan convicts who wanted to observe their *roza* and those who wanted to wear their beards should be allowed to do so and that no *post-mortem* examination of any dead body in the jail be performed unless it was essentially necessary in the interests of justice and where it was open to doubt that the death was not natural but something else.

Sir, there are big political convicts like Maulana Hasrat Mohani. I remember that Maulana Hasrat Mohani was given every assistance at the time that he had to appear before the High Court to make his defence, and he was given every assistance by the authorities in the jail of a typist, typewriter and type-writing papers and books that he required. So, this gives us an idea that Government are not at all indifferent to our political prisoners, but much of it depends upon the jail superintendent and he is the officer who is immediately concerned.

It would not be difficult for us here to bring to the notice of this Council the name of Major Jones, the then jail superintendent who was kind enough to give out all this latitude and all these deserving desirabilities to the convicts there. But, Sir, there are instances here and there in which proper attention is not given to these political convicts. A case has been lately reported in the press in which the mother of Ali Brothers, the martyrs to the cause of Khilafat, was not given interview on the ground that she did not know English. She could not talk English and therefore she was refused an interview. Such are stray instances which create very bad impressions in the minds of the public against Government, and it is to the interest of Government that this proposition is

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brought before this Council and it should have the entire support of this House. I need not remind this House that these political prisoners commit such offences not for the sake of their private and personal ends but they think that it is their patriotic duty to their mother-country.

In supporting this resolution, we do not want to encourage these political offenders to commit offences against the State, but we wish to respect public opinion, and out of humanity to these political offenders who for the sake of their motherland are fighting with the Government, and not to encourage riots or disturbances like those at Malegaon or Chauri Chaura of which the Honourable the Home Member took pains to remind this House.

In conclusion, I have to accord my congratulations on behalf of this Council, if it will allow me to do so, to the Honourable the Home Member for the liberal treatment Government have given to these political prisoners at Ahmedabad, and it should not be out of place for me to remind the Government that so long as they are strict in their justice and they do not interfere with religion, their domination over the whole British Empire will last longer than it otherwise would, and its roots will not be shaken, and it is for their own sake that they should accept this resolution which has been so ably and beautifully worded by my honourable friend Sardar Mutalik, and I do not see any reason why it will come in the way of Government. With these words, Sir, I have the pleasure to support the resolution and beg to resume my seat.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Mr. President, I rise to support this resolution. The wording of the resolution is so simple and so clear, so definite and so pointed, that I fail to understand why the Government should be unwilling to accept it. I have very carefully followed the speeches of my honourable friend the Home Member and my honourable friend the General Member and have searched for arguments justifying the attitude which we now see Government are bent upon adopting with regard to this resolution; but I confess, Mr. President, that I fail to find a single cogent argument in them, justifying the position which Government are taking up. The resolution asks that special treatment be given to political prisoners in the Presidency on a line with the treatment given to similar prisoners in England; and it makes it also clear that if owing to legal technicalities the Government find it difficult if not impossible to translate this resolution into action, they may give effect to it either by rules or by executive orders or, as the last resort, even by fresh legislation. The manner in which they can give effect to this resolution is thus so wide and affords them so comprehensive a scope for doing so, that I am unable to understand why they cannot accept it, even if the law at the present moment makes it impossible for them to give continuous effect to it without fresh legislation. To my mind, Mr. President, the Government.....

The Honourable the PRESIDENT: You say that even if the law makes it impossible, Government ought to take some steps.

Mr. JEHANGIR B. PETIT: They can take action by executive orders or by framing rules.

The Honourable the PRESIDENT: Your argument is that even if the law makes it impossible for them, they must do so.

Mr. JEHANGIR B. PETIT: Makes it difficult or impossible for them to do so.

The Honourable the PRESIDENT: Makes it difficult and impossible. I think you used the word "impossible". If the law makes it impossible, then do you want Government to do something illegal? You have to steer clear of that. I have ruled it as not only irrelevant but illegal.

Mr. JEHangIR B. PETIT: What I meant to convey to the House was that the Act, as it existed at the present moment, in spite of legal difficulties, gave enough latitude both to the judges and the Government to give effect to the spirit of the resolution, if they wished to do so and cared to respect the wishes of the Council, if this resolution were accepted.

The Honourable the PRESIDENT: Mr. Petit, will you kindly take a hint from me, so that your argument may be relevant? The law says that a particular class of offences shall be dealt with, or a particular class of prisoners who commit certain offences, shall be dealt with in a particular manner when they are in prison. That is the whole class. All that the law does allow is that in particular individual cases, the executive Government may depart from the kind of treatment prescribed by the law for the whole class. The resolution now says that the whole class should be dealt with in a particular manner. Therefore, for that purpose, it may be that legislation is necessary. That is the thing. The law now allows the Government to deal leniently and humanely with particular individual cases. That is the position. But the resolution requires that the whole class should be treated in that way. Therefore, it is no use referring to that matter.

Mr. JEHangIR B. PETIT: The resolution speaks of political prisoners, and I submit, Sir, with all respect and deference to you, that it would be for the Government to make individual exceptions in the case of political prisoners from time to time, as they might think proper, and thereby give effect to the wishes of the Council.

The Honourable the PRESIDENT: Do you propose a new resolution altogether?

Mr. JEHangIR B. PETIT: I am trying to explain the present proposition.

The Honourable the PRESIDENT: With all respect to you, just as you have shown respect to me, Sardar Mutalik's resolution deals with a class; you are now dealing with individuals. That is a different resolution altogether.

Mr. JEHangIR B. PETIT: I submit that "class" includes individuals.

The Honourable the PRESIDENT: I hope you will accept my ruling, and speak what is relevant.

Mr. JEHangIR B. PETIT: Members of this Council can only develop their arguments in their own way, Sir, if you will pardon me for saying so.

The Honourable the PRESIDENT: But only so long as the arguments are relevant.

Mr. JEHangIR B. PETIT: It is for you to determine whether the arguments are relevant or not. But I hope you will leave me enough latitude to develop my arguments in my own way. I am not a lawyer, and I do not know the exact technicalities of the law.

The Honourable the PRESIDENT: There you have an advantage over me.

Mr. JEHangIR B. PETIT: I submit, Sir, that even if the law makes it difficult for the Government to translate this resolution into action for a whole

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class of prisoners, the law gives them enough power to make exceptions in the case of individuals. If the Government therefore care to respect the desire and wish of this Council and the wish of the Presidency, as publicly expressed from time to time, and as has been so very clearly manifested here to-day, it is quite open to them to accept this resolution, and then to go on making exceptions from time to time in the cases of different individuals in such manner as they may think proper. I leave it entirely to them to determine in whose cases and to what extent they should make exceptions. All that I want is that they should come forward readily to respect the wishes of this House and those of a very much larger body of men outside this House, by accepting it and by giving effect to it as far as possible, even within the limitations of the existing law.

But, Sir, it has been made plentifully clear to us in the course of the debate and particularly by the speeches of the two Members of the Government who have already spoken, that whilst the Government are willing to give preferential treatment to prisoners on the basis of their status they are unwilling to do so, merely because they happen to be political prisoners, or, to put it in their own phraseology, out of regard to the motives that impelled the different prisoners to commit the offences for which they may happen to be impeached and convicted. That, to my mind, appears to be the main difference between the Government view and the view of the public of this Presidency; and I put it to the Government whether they should not accept this resolution, having regard to the desire of the people and the wish of this Council in that behalf. I do not understand, Sir, why the Government should be more ready to make exceptions or to show preferential treatment in the case of prisoners, merely on the ground of their social status, their previous history or their antecedents and ways of living, as the Honourable the General Member put it, than on the basis of their motives, or the intentions with which they carried on their propaganda, for which they may for the moment happen to be made prisoners. To my mind, layman though I am, it appears that if there is any proper and equitable method of dealing with prisoners, it is, or at least, ought to be on the basis of their motives, and not merely on the basis of their social status or previous history; for, Sir, I maintain that a man who commits a murder, even though he may happen to be a man of very good social status, should be treated in the same way as an ordinary criminal. To my mind, he does not deserve any preferential treatment, and ought not to get it. But, a man who boldly comes forward to give expression to views which, even though right and honest, may not be in accordance with the views of the party or the Government in power for the moment, stands on an entirely different footing. It is for such people that we plead; and it is for such people that this resolution is intended. That is the main difference between the view of this Council and that of the Government; and I do not think that the Government are right in insisting that a distinction should be made only on the basis agreeable to them and not on the basis on which the Council and the public wish the difference and distinction to be made.

The various difficulties to which my honourable friend the Home Member alluded, appear to me to be very trifling compared to the very important and comprehensive issues involved in this resolution. He spoke of the resolution as being impracticable; he spoke of its being too vague of definition and of its being exceedingly narrow; and said that it should be rejected, because the whole matter was now being comprehensively considered by the Government of

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India. I entirely agree with my honourable friend Mr. Purshotamdas in thinking that, after all, if there was the will to accept and give effect to this resolution, it would not be impossible for the Government, consisting as they do of some of the best brains in the Presidency, to do so, by finding a solution of this difficulty, and framing a suitable definition of the term "political prisoners." I refuse to believe, that if an honest and straightforward endeavour was made in this behalf, the Government would be unable to do so. If the Government have some reason or other for saying that they want to make a distinction only on the ground of status and not on the ground of motive, then let them come forward and say so clearly in so many words. Let them not burke the issue. Let them say that they are willing to make a distinction, but only on this basis; and that they will not make a difference on any other basis. Then we shall know where we are. If the fear is that as the result of this difference and of the facilities and consideration that will be shown to the prisoners in consequence, political offenders will deliberately come forward to break the law regardless of consequences; that is some ground and we are quite prepared to consider it on its own merits. But, let Government come forward, take us into their confidence and tell us exactly what it is that is at the back of their head, instead of merely asking the Council to believe that these are difficulties which are insuperable and that therefore this resolution cannot be accepted. My honourable friend, the General Member, also gave some instances to show that if this expression "political prisoner" were to be accepted by the Government, it would land them into complications, as it would be difficult to differentiate between a political offence *per se* and an offence of an ordinary kind which may be due to certain political views and the commission of which may still be called a political offence such as the assassination of a person or any other similar offence of that grave character which might be the indirect result of the holding or expression of political views. But, Mr. President, if my honourable friend had paid a little thought to it, he would have found that the Council does not want to give special treatment to such cases. The councillors who have spoken before me, have made it abundantly clear that what is wanted is preferential treatment for political prisoners whose offence does not imply moral turpitude or moral obliquity; and I venture to think that the example which my honourable friend the General Member gave has absolutely no application to the resolution before us. For, such offences as he quoted, assassinations, murders, incitements to riots and mutiny, or even high treason which the Honourable the Home Member alluded to, all imply moral obliquity and therefore cannot be brought within the purview of this resolution. If the resolution is squarely handled and fairly examined, it will be found that all that is wanted by the Council is preferential, reasonable and considerate treatment to political prisoners of the type of Mr. Gandhi. That is all that is wanted, and that is all that we want the Government to undertake and bear in mind when considering this resolution.

I do not think it is, therefore, fair to the Council to burke the issue merely by telling it that if the resolution were accepted, it would be impossible to differentiate between these different cases of guilt; that it would cause complications; that it would land the Government into such tremendous difficulties that it would be difficult to extricate them from them. The Under Secretary of State has definitely laid down his opinion as to what a political prisoner is. He has also definitely laid down, if not in so many clear words, at least inferentially, what he means by "political offence." That paragraph from his

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speech has already been read out. I would have been glad to read it again, but I do not wish to take the time and tire the patience of the House by doing so. I however wish to invite the attention of honourable members on the opposite benches to that paragraph, which makes it abundantly clear what it is that he means by the expressions "political offence" and "political prisoners," what it is that he means by "prisoners" whose offences show "moral obliquity." From this definition I am sure a Government of the status, position and intelligence of the Government of Bombay can, or at least, ought certainly to be able to find some solution of the difficulty. My honourable friend the General Member referred to the law of seditious libel in England and told us that the laws in the two countries for the same class of offences were differently worded; that whilst in England for an offence of this kind under the English Act, merely simple imprisonment was given and offenders would be liable to imprisonment in a simple prison under those three classes to which he referred and to which also the Honourable the Home Member referred, in India the law for the same kind of offences was different and ranged from a mere fine, simple imprisonment, rigorous imprisonment, right up to transportation for life; and that, therefore, it would be difficult to accept this resolution. That is exactly our point or rather, our grievance, that the law to-day, for essentially the same offence, stands on different footings in the two countries. Now that we are advancing and making strides in all directions, we wish and desire that this country shall be placed on a par with other civilised countries (Hear, hear) or, to put it at the mildest, shall not be left behind the mother-country, in such an important matter. I have not heard of a single civilised country mentioned here to-day in which political offenders are placed together in the same cell or in the same prison side by side with ordinary offenders, or with criminals, whose offences, to quote the Under Secretary of State's words, imply moral obliquity. It is all that this resolution wants; and it is only that which we want the Council to accept. I hope, Sir, therefore, the Council will accept this resolution and enable the Government to have an opportunity of using their ingenuity in finding a solution even out of the difficult situation which they themselves presented to us. To my mind, it is by no means incapable of solution. If they earnestly wish to find a solution of it, they will be able to do so. If, on the other hand, they wish to make a distinction between prisoners on the basis of their status, and not on the basis of their motive, then let them come forward and say so. This is my reading of the speeches made by members of the Government benches. But if they wish to make such a distinction as I think they are endeavouring to do, although they have not deliberately and clearly said so in so many words, then it is due to us that they should come forward and say so in clear terms. We shall then know exactly where we are, and shall be able to consider the matter on its own merits. Until that point is thus deliberately placed before us, I refuse to believe that it is impossible for the Government to accept this resolution, merely because of the difficulties already mentioned by them. I refuse to believe that, if accepted, it will be impossible to translate it into action. With these words, Mr. President, I have great pleasure in supporting this resolution.

Rao Bahadur R. R. KALE (Satara District): Mr. President, the principle underlying this resolution is simply this that the treatment to be accorded to persons convicted of seditious offences in this country should be the same as is accorded to similar prisoners in England. The honourable mover has made what he wants quite clear. He wants an equality of treatment and he has



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distinctly stated that the treatment be the same as is accorded to political prisoners in England. Now, Sir, this principle appears to have been approved and has been advocated by all the parties in this country and in this Presidency. The representations made by public bodies, such as the Deccan Sabha of Poona or the Presidency Association of Bombay, or the progressive party in Bombay, all these public bodies belonging to different shades of political thought and opinions have been unanimous in advocating this reform. If that is so, it seems to me, Sir, that the Honourable the Home Member should have rather encouraged the resolution brought forward by a private member in that respect. He welcomed the opportunity only as it gave him an occasion to make a speech on the subject, but he should have gone on, really speaking, and tried in fact to accept the resolution. The difficulty of which he complained in accepting it was that the honourable mover had not given the definition of what a "political prisoner" is. I should think, Sir, that he should have rather welcomed the non-definition of that word, because the resolution leaves it open to Government to define it in the most proper way. When they are asked to give effect to the resolution in which the words "political offender" occur, the resolution leaves it to Government to decide for their own purposes what that means. It is not a bill which is going to be enacted as a law, so that the words should be defined in the resolution. If it were a law, no doubt the mover of a bill would be expected to give definition, be precise and be accurate, and all that kind of thing. But here is a mere resolution. The effect of a resolution is also such that it does not become at once an enactment which the Government has got to execute. It is, after all, a resolution which recommends something. What is recommendatory is not mandatory at all. That means it leaves ample scope to the Members of Government to take it, to shape it in accordance with the principle underlying it and then give effect to it. It seems to me, Sir, therefore, that I must say that the attempt here made to discourage this resolution by asking the honourable mover to withdraw it, really speaking, shows a tendency on the part of the Members of Government to show a want of confidence in this House or the members of this House. They should rather take the members of this House into their confidence. Supposing for instance in this case the honourable mover had been taken into confidence and had been asked, perhaps before the resolution was moved, he might have accepted a certain change in the resolution. But it seems to me that the resolution is moved and it is elastic and the only complaint made is that it refers to only one class of people. My submission is that in the report of the Jail Committee they have dealt with this question of political offenders and better class of offenders, well-to-do criminals, in paragraphs 131 and 132. In the first instance with regard to the Jail Committee it is said that it is a report made by the committee consisting of officials and non-officials, Indians and Europeans. But if you read the names of the committee it would be obvious that the members of the Government should welcome a co-operation of opinion from non-official members of this Council also. The Committee consisted of Sir Alexander Cardew, Sir James H. DuBoulay, Colonel James Jackson, Lieutenant-Colonel Walter J. Buchanan, Khan Bahadur Khalif Syed Hamid Husain, D. N. Dorai Raja of Pudukotah and Mr. Norman G. Mitchell-Innes.

These are the members who constituted that committee. I submit, Sir, that this report was before the reformed councils came into existence. There was no proper or adequate representation of Indians on this Committee and it seems to me that when the Government of Bombay or the Government of

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India for the matter of that are going to make rules, it behoves them to take the assistance of other bodies and also the assistance of the opinion that may be expressed in a Council like this in order to supplement the recommendations made by this report. I quite admit (and the representations that have been made also admit) that there is no desire on the part of the members of this house to accord the same treatment to prisoners or convicts who have been guilty of acts of violence to property or person. The representation of the Deccan Sabha specifically refers to that aspect of the case. It excludes all those crimes which are accompanied by violence to person or property. I think the issue has been mixed in this case by bringing to the notice of this House the offences that resulted in arson and riots, and I think the whole House is unanimous on the point that those offenders who have been convicted of offences of violence may not be classified as coming within the category of persons who deserve special treatment. Hence it appears to me that it would be quite competent to the Honourable the Home Member to do what this resolution asks him to do, provided he secures his point by defining political offences to mean exactly what he wants them to mean. It was stated, Sir, that the law in England with regard to the seditious libel is different because there persons who are convicted of seditious libel are sentenced to simple imprisonment and treated as of the first division. Very well. My submission is that the law under the section which is quoted, 124-A, no doubt lays down two kinds of punishments. But in the case of persons who are sentenced to simple imprisonment under the section they are certainly entitled to be treated as first class misdemeanants within the meaning of this resolution. If these offenders who have been sentenced to rigorous imprisonment are incapable of being treated on the same footing as English offenders, the law might be changed or a recommendation might go for changing the law, but until that is done, nothing further could be done. The executive can confine itself to what it can do in its executive capacity. Hence the resolution, as it is, is in a general form. But that supplies the outline on which the rules and the orders of the executive may very properly be based, and, as I have pointed out, that being a resolution and nothing more, not a bill or an Act, I think, it is quite open to the Government to adopt it and to give effect to the general wish of the Council. By doing so, it will be doing with grace what it has proposed to do by itself. I think the tendency of Government officials to show that they are doing something themselves without any initiative or without any motion from the non-official members of this Council, that tendency, I certainly submit, one has to regret, because if they take the initiative from the non-official members and work upon it, it will be more in consonance with the trend of the public opinion, and certainly Government will be more popular and will be showing some confidence in its members. For these reasons I heartily support this resolution.

The Honourable the PRESIDENT: It seems to me that some honourable members wish to move amendments. I think it is now time to move amendments so that Government may reply all at once. First of all Mr. Kambli wants to move an amendment but he will have to take the consent of the Honourable the Home Member. If there are any other honourable members who wish to move amendments they can give intimation of their amendments to the Honourable the Home Member and take his consent. In the meantime we will go on with the debate.

Mr. J. CRERAR: Mr. President, speaking as an official member opposing this resolution I desire in the first instance to acknowledge the temper and

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moderation which have for the most part been displayed by the honourable members who have spoken in support of it. The question is not only a difficult and delicate one itself but it has, it is well known, in recent times very much exercised the mind of the general public. That sentiment has naturally enough been reflected in this House. After making that acknowledgment, Sir, I have one complaint to make and it is this. While the Honourable mover and his friends urge Government to take action in a matter which is exceedingly difficult they have given us very little assistance—in fact, they have given us no assistance whatsoever—as to the practical measures to be taken to give effect to the sentiments they have expressed. I must apologise, Mr. President, for reverting to what was just emphasised by the Honourable the Home Member, and subsequently repeated by the Honourable the General Member. It is, however, so important and so fundamental a point that I must reiterate it. When Government is called upon to issue orders or rules which must necessarily be of a general character, or still more to undertake legislation, it is obvious that the subject matter must be precisely and specifically defined. That, Sir, is the preliminary objection, and it is one, I say, of fundamental import. Government have been told by various honourable gentlemen that where there is a will there is a way and that Government would find no serious difficulty in propounding a definition. Sir, many honourable gentlemen who spoke on this question are lawyers of very great acumen and of very great experience but not one of them has made good the preliminary difficulty.

However, two general lines were somewhat vaguely suggested. The first suggestion of the honourable mover was that the line of demarcation should be made on the basis of motive. This, I am sure, all those who are specially versed and experienced in the administration of law will admit, is an impossible basis. It has been pointed out by the Honourable the General Member that there is no system of criminal jurisprudence in the world which has ever attempted to base a criminal enactment, the criterion of criminal liability, on motive as distinct from intention. My honourable friends Mr. Petit and Mr. Purshotamdas accused Government of quibbling, because they pointed out the essential difference between motive and intention. I appeal to every member of this House who is a lawyer, who has studied the general principle of jurisprudence, who has experience of the administration of criminal law whether what I have said is or is not an incontrovertible legal principle.

Well, Sir, another line was suggested, among others, by my honourable and learned friend from Thana and my honourable and learned friend Mr. Haji that the basis should be particular sections or enactments of the criminal law. The line they indicated was approved by my honourable and learned friend from Sholapur. He suggested that persons who are offenders under the Seditious Meetings Act or under the second part of the Criminal Law Amendment Act, without further discrimination might be included in this vague phrase "political offenders." May I invite my honourable and learned friend to scrutinise the sections? The definition in section 15 of the Act is as follows:—

"(2) 'Unlawful association' means an association—

(a) which encourages or aids persons to commit acts of violence or intimidation, etc."

Now, I think it is generally agreed even by those who take the strongest exception to the attitude of Government in opposing the resolution that persons guilty of violence or of incitement to violence should be specifically excluded.

Rao Bahadur G. K. SATHE: I quoted Sir William Vincent's reply.

Mr. J. CRERAR : He suggested this as, at any rate, an approximation to a good definition. He suggested that offenders under the second part of the Criminal Law Amendment Act could be taken as typical specimens of the class of prisoners to whom special concessions should be allowed. The inconsistency which follows illustrates the dangers which arise when a general and vague principle is accepted without close scrutiny as a basis for legislation or statutory rules. The result which would ensue in this instance is entirely contrary to the view which has been expressed by the majority of the honourable members of this House. It will be observed that the Government have been invited to take action on the lines very inadequately indicated by the resolution by way either of order or rules or of legislation. I will not refer further to legislation except to say that either of the alternatives proposed by the supporters of the resolution would import a very vicious principle and moreover legislation of so comprehensive a character would not be within the competence of this Council.

If we proceed by issuing a rule, how is it to be done ? If, on the basis of motive or on the other basis, viz., the exemption of a certain class of offenders from the penalties prescribed by law, if, on that basis, we proceed by means of an executive order or a rule of executive government, we shall be usurping the legitimate province of legislation ; and we should invade the province of the judiciary by systematically stepping in and over-ruling their decisions. I venture to say if the executive in any other matter proceeded in a manner as prejudicial to prerogatives of the legislature and the independence of the judiciary, there would not be a single member of this House who would not denounce the procedure as in the highest degree unconstitutional, unlawful and arbitrary.

I do not propose to deal in detail with some of the minor points which were urged in support of this resolution, because in view of later developments in this debate I believe some of the honourable members might desire to withdraw them. I must, however, take strong exception to one of the arguments of my honourable friend, the mover, in which he imputed to Government the policy of the vindictive treatment of prisoners in jail with the object of breaking their spirit. I do not think the honourable member was quite sure of his facts when he said that, but that allegation having been made in this Council, I deem it my duty to give it a most emphatic negative—I deny that that is the policy of Government—I deny that Government have permitted it to be practised.

Now, Sir, I want to deal, before I sit down, with one point which was raised by my honourable friend Mr. Petit. He apparently agreed with the suggestion of my honourable friend Mr. Purshotamdas Thakurdas, that Government had quibbled in the matter, that they had quibbled in the discussion of the phrase "political prisoner," that they had quibbled in the matter of the question of motive and intention in its relation to criminal liability. I think that complaint has already been sufficiently answered. He went further when he asked why did Government not explain clearly what their intentions were? Sir, I am afraid that my honourable friend from Bombay did not listen with attention to the important and significant statement made by the Honourable the Home Member. If he had listened to that statement attentively, he would have discovered that a very important and a very concrete and a very definite proposal had been advanced by the Honourable the Home Member. It was nothing less than this, that Government had under their immediate consideration, in consultation with the Government of India, the institution of a special division corresponding to

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the first division in English law and so far as possible conforming to the English law in the matter. That surely was a very specific and a very definite proposition and I entirely fail to understand why my honourable friend from Bombay should complain of anything indefinite in the Honourable the Home Member's attitude in the matter.

There is one other point, to which I wish to reply before I resume my seat. It is a point raised by my learned and honourable friend from Sholapur. He said that if the Honourable the Home Member regards this resolution as being of too restricted a nature, why did he not promptly accept it and expand it? I should like to point out that the Honourable the Home Member did say that this resolution in one respect was too restricted while in another he complained that it was too comprehensive, and I think that so acute a logician as my honourable and learned friend from Sholapur, Rao Bahadur Sathe, will have little difficulty in perceiving that a too wide comprehensiveness in one part of the resolution might coexist with a too great restriction in another and thereby render the resolution as a whole an impracticable proposition.

There is one argument of a general nature which I wish to use before I conclude, and it is this; I do not think there is any single member of this House who supposes for a moment that the institution of prosecutions for sedition or other offences and the incarceration of the persons who have committed those offences is a matter of any satisfaction to Government. It is a matter the necessity for which Government deplore as sincerely and as genuinely as any honourable member who has spoken this afternoon. This Government, constituted as it now is, is a custodian not only of the interests of the people of this Presidency but they are the custodian of the interests and the authority of their successors in the office of Government. If by any ill-advised action, if by any malfeasance or misfeasance in regard to the powers exercised by them, they permitted a breach to be made of the conditions essential to the maintenance of law and order and that respect for constitutional authority on which all stable civil society must depend, they would be guilty not only of a serious dereliction of their duty towards the public, but of a gross fraud upon their prospective successors in the heavy and responsible task of administration.

Mr. S. T. KAMBLI (Dharwar District): Mr. President, I wish to move an amendment if you will permit it.

The Honourable the PRESIDENT: I will allow it with the consent of the Honourable the Home Member only so far as the time bar is concerned, but whether it is in order or not, I must bestow my judgment upon it.

Mr. S. T. KAMBLI: I beg to move an amendment

"After the word 'legislation' in line 3, add the following words: 'and form a separate division of prisoners to be selected according to the status, education, character and the nature of their particular offence for special treatment similar to that given to the first division prisoners of England'."

The Honourable the PRESIDENT: I am afraid it is beyond the scope of the resolution. The term "political prisoners" may be very difficult to define, it is not defined up to now but it is a term which may be as easily understood as the terms "non-Brahmins," "backward communities," "depressed classes" and so on. It means persons concerned with politics and convicted in that connection. In your present amendment, you have included other offenders with reference to status, education, character and the nature of their particular offence and not politics only. That goes beyond the scope of the original resolution. I rule the amendment as out of order.

The Honourable Mr. M. H. W. HAYWARD : I have no objection to accept that amendment, Sir,.....

The Honourable the PRESIDENT : I have nothing to do with any Government objections to acceptances of amendments. Standing Orders are Standing Orders and I am bound by them. I find the wording of this amendment extends beyond the scope of the resolution and therefore rule it out of order.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, this Presidency is always known for its sanity, and the honourable members here, at the first sitting of the Council, were asked to preserve that virtue as long as possible. Now, on such a matter of vital importance, it is no wonder that the educated opinion and that of the official apologists for the retention of the present state of things should so much differ. But may I not suggest, Sir, that if they have a genuine will, surely the present Executive Councillors.....

The Honourable the PRESIDENT : If you want to move any amendment which is within the scope of the resolution and which will—I am not quite sure whether it will—meet with the wishes of the honourable member who has already spoken, defining the word political prisoners as prisoners who have been convicted of political offences and whose motives are of such a character as may not bring them in for the offences of assassination or cognate offences or something like that, that may be of use, and I will admit it. But if you go beyond that, I cannot do it.

The Honourable Mr. M. H. W. HAYWARD : I am afraid that would not meet my arguments at all.

The Honourable the PRESIDENT : I am merely indicating the lines on which an amendment may be in order.

Rao Bahadur G. K. CHITALE : I was merely suggesting that if the Government is really anxious to satisfy the aspirations and the intentions which have been voiced here, a way will be found out by Government. But I am not sure whether the mental attitude which ought to be brought in requisition is there. There are two points of view, which I will put quite plainly and quite squarely before the Council. Certain official apologists and officers believe, honestly believe, that Asiatics as a race, and Indians in particular, can only understand, and be governed on the ground of force. It is only from that point of view that the present rigours of prison life are sought to be maintained. That is one attitude of mind which we honourable members will have to consider. I find that some of the officials are shaking their heads, showing that they do not have that in mind. I am glad to know it. If, however, that mental attitude is changed, and if it is understood that the rigours of prison for a man say of my station in life ought not to be more than those for an ordinary prisoner, I think the educated classes have a very good case, in spite of the various ingenious arguments either about the lack of requisite legal powers, or the executive will to mend matters. I want to make it perfectly clear that all of us feel that we may be seditionists in embryo. Who has not been so in all civilised countries ? May I put it to my honourable friends here who have read even the history of their own United Kingdom, let alone the present history of Ireland, France, or any other country, that those histories show that what they called sedition, what they called offences of a political nature at one time were followed up, after some time, as a very high degree of patriotism, and their experience was afterwards enthralled in the further move of the constitution ? May I remind my friend that even in England the

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aristocrats, the nobility and others have not only sometimes laid down their liberties but their lives for their principles ? Therefore, I cannot understand the present attitude of Government when they fight shy of the words " political prisoner " or " political offender ". The Honourable the Home Member, I know, has the ripe experience both of administration and of administering law and justice for over 30 years. If it has not unfortunately enabled Government to understand what we mean, then there is no hope for the amendment of any act or law. I do know that my friends the Honourable the Home Member and the Honourable the General Member, who has been a brilliant advocate and judge, do understand what we want, and it is no doubt true then that it is simply the difficulty of defending the particular position which they want to take up. Also, Sir, there are no fears of transgressing the present law. What is done in other countries ? There are laws there. A simple amendment in the Prisons Act in 1877 was moved by no less a person than Mr. Parnell, and you would find that the change came there. The Honourable the Home Member is nodding his head. I speak subject to correction. But, after all, the judiciary and judicial laws are meant only for punishment. You have to remember one position which I want to put before the Council and which has not been so far presented to it. You say that the ordinary criminal law does not take notice of any motives, but it always deals with intentions. Now I put it to you in a straightforward manner, when a person refuses to plead, does not want to cross-examine the witnesses, does not as a matter of fact, from his point of view, take any part, and I want to ask you from what judicial standard you are testing his intentions. The evidence may be one-sided, and it may be risky to convict the man. That is the position, Sir, which has arisen in our country and which has not arisen in any other country in the civilised world. May I say, with all the experience of judicial training, either at the bar, or on the bench, when persons refuse to plead, have no defence to make, do not cross-examine the witnesses, that it is just possible that justice is not only likely to be evaded, but justice would be administered in a very bad manner ? Rightly or wrongly, that position has arisen in our country, which has not arisen in any other country, and I do say, Sir, with due respect to what has been said before, that that alters the whole situation. The punishments are prescribed. But after all that is done nobody thought, Sir, of our patriotic young enthusiastic men who are coming forward in appreciable numbers. They might be perhaps not perfectly right, might be perhaps guided by the best of motives, but still the fact remains that they prefer prison life without meeting the evidence of prosecution. Under these circumstances, also it is true that from the point of view of administration, practical administration, a situation arises wherein even ordinary laws are to be strained a bit. I am not at all exaggerating the picture. Ordinary laws which are meant for good behaviour of say robbers or thieves are sometimes brought under that amendment of 108 and 124-A and as a matter of fact young and enthusiastic men are kept in prison not for preserving order as or a punishment for a particular crime. May I point out whether there is any section in any code of any civilized country wherein such offenders are punished with rigorous imprisonment ? An offence which is not proved, which is in embryo, which from your administration point you think it proper to nip in the bud, and then as a matter of fact take all precautions, put him in prison and give him a year's rigorous imprisonment ; mostly in such cases, may I know, Sir, what intention is proved ? You have not got that particular intention which you ought to prove because if that was so, you

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could prosecute him for a substantive offence. As a precautionary measure it is a very good measure but what as a matter of fact justifies you in imposing a harsh punishment upon such a man, especially when he makes no defence. Is there any justice, is there any fairness, is there anything, which you can justify except on political and administrative grounds? But I know, Sir, that the law or similar laws have to be administered in a crisis. When that crisis arises, Government very often lose, well, the balance which it usually maintains, and then it is just possible there, Sir, that this panicky legislation of administrative and existing laws comes into operation when the whole power is given into the hands of a few police constables or other officials, who think—rightly think—perhaps that the only way in which the law can be vindicated is in the manner of locking them up. I am putting it to you quite fairly whether there is not a case in which they should be treated as under-trial prisoners. You might say, perhaps rightly, and perhaps you might be perfectly, legally right, that they come within the four corners of that particular section and that therefore they have to take the consequences. No body quarrels with that view. Then again if we set aside these little incidents which have led to rioting in Bombay and Malegaon, I fail to believe—and which I am very unwilling to attribute to anything deliberate, it might be the result, in many cases it might be the result, of perhaps suddenness of the impulse—but if you, Sir, take that into consideration, this Presidency at least has kept its head cool or comparatively cooler and has acted in a manner which does not merit harsh punishments. On the other hand what is your remedy? You say and it is also true—that we were told that in our manual of jail rules you find already a section under which this really could be mitigated. I am glad to know, Sir, that there has been that change of attitude now in the last two years. But it is also common knowledge, it has also been a common comment that if that section has been at all used, has been improvised in mitigating punishment of certain class of prisoners on racial grounds. I am putting it quite plainly, may I not know that that particular section in the case of Europeans who were committed to prisons for such acts for which we are not at all pleading here, that rigour of prison was mitigated under that rule more often than in the case of other prisoners? I am asking you, Sir, seriously, indeed, whether that was not so when this particular section 124-A was used in the year 1897 or 1907 irrespective of the application and irrespective of the rule which has been standing there. Everybody saw, everybody understood that a man of that culture or of particular situation in his life, of sound education, was used as a common prisoner while all the facilities that could be given in the matter of dress, food or in any other way were given to others on racial grounds. I have myself seen with my own eyes and I was particularly struck with one fact not long ago that in my part of the district a particular prisoner was sent to a lock-up and I found.....

The Honourable the PRESIDENT: May I remind Rao Bahadur Chitale that he has exceeded his 15 minutes, and I am very sorry, in his case, I would have allowed the latitude that he deserves, but time is speeding fast and I have to rigorously exercise my power.

Rao Bahadur G. K. CHITALE: I will take only a few minutes more. I was just illustrating that a cot with mosquito curtain was being sent to the jail. I was rather curious to know—of course that jail was not intended for Europeans, it was an ordinary lock-up, but those were also days when



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we had a large number of prisoners perhaps of foreign origin and had to be sent up to these ordinary lock-ups sometimes. What I am pointing out is this that do you dream that supposing a man of my status was to come to that lock-up, that a cot and curtain would precede him on his arrival in the jail ! That point, however, will impress us most. And it is this that no doubt, the section is there, the law is there, but that it has been administered so far on racial grounds. Under these circumstances I am only pleading for fairness for what would suit us. I am only pleading that in the matter of the amendment to meet the case which is arising and partly facing Government in this particular problem, it is but right that with all the negotiations that may be going on between this Government and the Government of India, that they should give us a graceful concession which all the educated classes ask for, and I am absolutely sure the Council will meet them and will be ever glad to see that these rigours as far as possible consistently with the nature of the crime shall be done away with as far as possible.

Mr. C. M. GANDHI (Surat City) : Sir, after all, this resolution must be narrowed down to a very small point, for the Members of Government and we on the other side are both agreed that differential treatment ought to be given to offenders of a certain class. We are agreed on the question whether such treatment should be given to men of certain status, men of certain education, of certain culture, men who are charged not with the ordinary criminal offences. The only difficulty which Government find is this, that they are not able to find out a scientifically accurate definition of the words "political prisoner". That may be so ; it may be very difficult to find out a definition which may be scientifically accurate and exhaustive, but in order to find out a practical solution, we need not wait for a scientifically accurate definition. If we can find out a fair working rule, I think it ought to be enough, and that could be easily found out if we read the appendix which has been appended to the representation of the Deccan Sabha. The Irish Government found out a working rule, which I think our Government can reasonably adopt here. They say :

"The general principle which has been adopted, and which is now enunciated in detail, is that persons arrested and imprisoned for political offences, shall be treated as political prisoners and shall be entitled to be differently treated, both as regards the place of confinement and treatment therein, to persons arrested and imprisoned for ordinary criminal offences."

Then they go on to say :

"It is also thought desirable, in order to avoid possible future misconception, to state that the following offences shall not be deemed to be political offences, even though the motive for such offences may be, or may be alleged to be, a political motive."

Then they go on, Sir, to give three classes, (a), (b) and (c) as follows :

"(a) Homicide, assaults, or similar offences, against the person.

"(b) Burglary, house-breaking, larceny, malicious damage, cattle-driving, or similar offences against property.

"(c) Riot ; carrying, keeping or having firearms, ammunition or explosive substances ; unlawful assembly (as defined by Common Law or by Statute, but not an assembly rendered unlawful merely because it is a meeting of a political or suppressed association) : speaking or writing words inciting or encouraging persons to commit any of the offences set out at (a), (b), or (c)."

So that, it is not difficult to define or to describe political offenders in some such way as the Government of Ireland did, and if Government adopt that rule, I think it would be very easy to find out persons to whom a differential treatment should be given. Now, sir, the Honourable the Home Member, when he spoke about the number of prisoners of that character which were in our

[Rao Bahadur G. K. Chitale]

jails said he was happy to announce that it was not beyond 150. Surely, when he calculated that the number of political prisoners in our jails was not beyond 150, he had in his mind's eye a certain classification by which he thought this number came to 150; so that, the Honourable the Home Member, though he tried to say that it was difficult to define who "political prisoners" were, had in his mind's eye a working rule by which those people could be classified, and I think if he honestly tries to find it out, we shall have no difficulty in meeting this rather delicate and difficult situation. Sir, in England seditious libel is visited with merely simple imprisonment. No doubt, in India, the Penal Code having been made so late as 1860, and the later amendments having been made long ago by a foreign Government at a time when the political conscience of the country was not roused to this extent, it was quite possible for Government to rule that sedition shall be punished with transportation for life or with rigorous imprisonment for a number of years. But when the political conscience of the country is aroused as it has been now, when people are politically minded in large numbers, when they demand certain rights for the political regeneration of the country, surely, Sir, the time has come when the legislation ought to be amended in such a way that people who are guilty of only giving expression to political views ought not to be severely punished like that. And, if the punishment could be reduced to simple imprisonment, they will certainly come under the category of those who in England are called first class misdemeanants and not be treated as they are treated now.

Then, we were told, Sir, that it is difficult to base and award punishments on motives. We were told the law takes cognizance only of intentions and not motive. May I ask, sir, if it is not true that, in awarding punishments in all cases, the magistrate has to find out the motive with which the offence is committed and that the punishment is more or less severe according to the motive which impelled the commission of that offence? If motive has to be taken into consideration in awarding punishment, I really fail to understand why it cannot be taken into consideration in finding out what sort of treatment should be given to the prisoners who are political offenders. No doubt, sir, I agree at times it is difficult to find out what the motive is. Sometimes the motive may be mixed, but if the magistrate, or the court, or, for the matter of that, the jail authorities are inclined honestly to try to ascertain what the motive is, there should be no difficulty. I therefore think, Sir, that if an honest endeavour is made to classify what political prisoners are and try to find out what the real motive is, there should be no difficulty in so amending the law as to meet the wishes of the educated classes. If, however, it is not done, what will be the result? Everyone must now recognise the political conscience of the country is roused. Everyone now feels that Government is treating educated Indians unfairly in trying to repress their political aspirations, and if this attitude is persisted in, Government may find that a situation may be developed which will not be for law and order, and those who are for law and order—and I say all members of this Council stand for that—will find themselves helpless. On the other hand, Government will certainly strengthen the hands of those who are for law and order by accepting this resolution.

Mr. A. N. SURVE (Bombay City, North): Mr. President, the question which has led the honourable mover of this resolution to move it in this House is not that there have been some persons who have been convicted of political offences and they have been ill-treated—as the newspaper reports say—but I think the etiology of this resolution is the new spirit that has been introduced

[Mr. A. N. Surve]

in India. The memorable announcement made by Mr. Montagu in the House of Parliament promising self-government to India has effected a revolutionary change in her status. India was a conquered country and its people were a subjugated race. Under such attitude of mind the Indian Penal Code was enacted, later the idea was about Imperialism.

The Honourable the PRESIDENT : This is very instructive, but we all know it, and I think it does not come within the ambit of the resolution. If we bring in Imperialism, His Majesty's Government's proclamation and all that, we shall be drifting into a very, very wide discussion from China to Peru.

Mr. A. N. SURVE : I simply wanted to say that the political aspirations of the people have increased and it is the reason why this resolution has been brought, and I am endeavouring to press that argument further. The treatment of prisoners is a matter to which the public never attached any importance even in England and other western countries till the beginning of the last century. From that time the ideas of humanity began to advance and people began to take interest in it. The question about giving better treatment to political prisoners is not a very ancient one. It was Mr. Parnell somewhere in the eighties moved an amendment.....

The Honourable the PRESIDENT : I am very sorry to interfere. All this historical research may be very good, but I do not see how it has any bearing upon the question before the House,. Let us confine ourselves to the merits of the resolution.

Mr. A. N. SURVE : I simply wanted to say that the better treatment of prisoners was not given in a day but it was the outcome of several years' legislation. It began about the year 1880 and it is not yet complete. That is what I wanted to bring to the notice of the Council. Our laws are based upon English Acts and if the English Acts have been undergoing change in the direction of giving political prisoners better treatment, I think it is our duty to follow the example which England has set to herself. Now, let me briefly describe the humane way in which even criminal prisoners<sup>e</sup> are treated in England. Prisoners of the first division are allowed to have their own clothing, their own food, their own bedding and other necessities of life. They are allowed to receive letters and visits from friends at the rate of not more than 3 friends in a fortnight. Additional visits are allowed at the discretion of the commissioner. They are permitted to read books, and newspapers and pursue their own occupations in jail if they are not objectionable. Under section 40 of the English Prisons Act, persons who are guilty of sedition or seditious libel are treated in the way which I have stated just now. Now, let us consider the treatment which the political prisoners get here. First, as to the food, the prisoners have no choice. The Jail Manual has fixed scales and the prisoner gets his food according to the scale, whether he likes it or not, or whether it agrees with his health or not. If he refuses to eat his food he becomes guilty of prison discipline and exposes himself to liability for additional punishment. About clothing the prisoner is compelled to wear the jail uniform.....

The Honourable the PRESIDENT : Mr. Surve, may I appeal to you again ? Everybody who has spoken in support of this resolution, and I believe all that opposed it, know what is the kind of treatment political and

[Mr. A. N. Surve]

ordinary prisoners receive. This is only a question relating to political prisoners. You are giving history. The time of the Council is valuable. Time is speeding fast and therefore you must be relevant.

Mr. A. N. SURVE: I have nearly finished. The only thing I wanted to say is that the treatment of even ordinary prisoners is bad enough but when it is given to political prisoners, it becomes worse and very unjust. I will draw the attention of this House to section 60 of the Indian Prisons Act. That section runs thus :

"The local government may, subject to the control of the Governor General, make rules consistent with this Act."

Clause (d) deals with the clothing of prisoners, clause (e) relates to employment within or without prison, clause (c) prescribes the form of labour. As regards this section, I wish to bring to the notice of this Council that there is a difficulty raised that if a person who is convicted under section 124A, he is compelled to undergo the sentence of rigorous imprisonment. I want to bring to the notice of this Council that simply because a person is punished to undergo rigorous imprisonment, it does not follow that he must be given arduous work. Under this section Government have the power of regulating what kind of work should be given to a prisoner. The resolution which has been moved, does not ask much. It asks for certain concessions about food and clothing and work. So, this resolution does not come in conflict with any provision of law, and under section 60 of the Act the local Government have power of making such changes as they deem fit, and as everybody from the Secretary of State downwards.....

The Honourable the PRESIDENT: You have exceeded your time by five minutes, which I allowed for interruptions.

Mr. A. N. SURVE: Very well, Sir, in that case I will resume my seat.

Mr. B. G. PAHALAJANI (Western Sind): Sir, after so much discussion and after the various expressions of opinion from the Government Members and from other members, I think we are agreed on many points, and the amendment that I propose will answer many of the points that have been raised by either side. I would only beg of the House to consider the point carefully, and, for the proper understanding of political prisoners, to accept my amendment, namely:—

"Add after the words 'political prisoners' the following:—

'such as are not charged with and convicted of offences against the State accompanied by violence to person or destruction of property, or incitement to such offences'."

This is the amendment that I propose, which will meet with many of the objections that have been raised to this point by the Honourable the General Member and the Home Member, who played upon our imagination, more or less, by trying to show that political offences include all these destructive offences. Therefore, I would be perfectly justified in telling the House, that the resolution as it now reads, defines in a considerable degree what political offenders are. It will remove once for all the great confusion and the abysmal—this is the word used by Government—ignorance of the Government as regards the definition of political offenders. Though at the last session the Honourable the Home Member in reply told us that the definition of political offenders was not understood by him, I submit that though it is indisputable that everybody including himself understands the import of the words "political prisoners" and I think we have now alighted upon more definite ground.

[Mr. B. G. Pahalajani]

In moving this, I am accepting the challenge thrown by the Honourable the General Member as regards the treatment of political prisoners, convicted under section 124A or section 108 of the Criminal Procedure Code. I think it is my duty, as member from Sind, to place before the Council specific instances for the consideration of the Government, instances, one of which I have already brought, if not to the notice of the Honourable the Home Member, at least to the notice of the highest authority that can interfere in these matters. But I am not going to touch all those matters. I may say, Sir, that the instances of Mr. Jairamdas Doulatram and Mahomed Karim, about whom questions are asked by my honourable friend Mr. Kassim, are the two instances which require considerable attention and enquiry on the part of the Government. I am making these statements that have been disclosed at the trial of criminal cases in a court of law at Hyderabad. I am therefore strengthened in my assertion by the statements on oath which have been animadverted or commented upon by the local papers so much so that a local paper has challenged the Superintendent of the Central Jail to prosecute the editor.

The Honourable the PRESIDENT: You are entitled to make a speech on the original motion for the purposes of your amendment.

Mr. B. G. PAHALAJANI: Sir, I fully recognise the value of time today and in spite of some of the European members not consenting to it, I am going to accept the challenge simply because the challenge was thrown to honourable members by the Government. They are convicted under sections 124A of the Indian Penal Code, and 108 of the Criminal Procedure Code, offences involving no moral turpitude but based on different expression of opinion as regards the duties and constitution of Government. In the case of the latter in the jail special fetters are used and double punishments are inflicted even against the spirit of jail rules by the superintendent and if in the course of a week a multitude of jail punishment are inflicted on Mahomed Karim, I submit that it is high time that the treatment of prisoners ought not to be in the hands of the.....

The Honourable Mr. M. H. W. HAYWARD: The honourable member has asked a question on the same subject and I may tell him that his statements are inaccurate.

Mr. B. G. PAHALAJANI: As the Honourable the Home Member challenges my statement, I refer him to an authoritative document by the Commissioner in Sind who has issued a communique. The Commissioner in Sind has stated the facts in that communique. I accept his statement for the purpose of this House not for the purpose of any criminal case and there these different punishments have been mentioned. So far as Mr. Jairamdas is concerned, he is a person who stands convicted of 124A, who occupies a position in life next to none of the Indian Members of this Council. He is the nephew of the founder of the Dayaram Jethmal Sind College. A man of that position receives treatment the same as the meanest prisoners—these are facts which have been brought to the notice of the Government of Bombay. He is now in the Sabarmati Jail. If a European or a Eurasian prisoner receives large concessions or receives a different treatment, better food, better clothing, am I not entitled to ask on behalf of my countrymen, Indian prisoners, that men of this social status simply because they are convicted of these offences under these sections like 124A and 108, should be treated in a way inferior to that in which the lowest European or Eurasian is treated in these jails.

Khan Saheb A. M. MANSURI : I beg to make a statement, Sir.

The Honourable the PRESIDENT : Order, order. You must not interrupt a speaker who is in possession of the House. It is quite out of order.

Mr. B. G. PAHALAJANI : I have placed two instances before the Government. This instance of Jairamdas is before the Government already, I am sure, because I have moved Government on that point. Now, Sir, without going into detailed instances—and these are the two, I can quote more,—I will only say, is this Government of Bombay, a Government which was only declared yesterday as the most forward Government, is it going to be a party to this treatment of prisoners convicted under these political offences, to the treatment that is given to the ordinary prisoners ? The claim made by my honourable friend Sardar Mutalik is that they be treated as first class misdemeanants. Now up to this time we have not learnt from any member what the words first class misdemeanants imply ; the exact treatment that is given to first class misdemeanants consists of having no labour, consists in wearing their own clothes, consists in having the privilege of writing and receiving letters every week, consists in having somebody else to clean their rooms and consists in also having their own food,—they have of course to pay for it, and to have the newspapers, books that they want except those which are objectionable. If this is the treatment, which the honourable mover wants for the political prisoners, is it asking too much ? These are prisoners whose remaining outside the precincts of the jail is considered by the Government to be a danger to society and Government or on some ground. But are they people of such character or such status as ought to be punished like ordinary criminals ? If, Sir, we here, the members of the same British Empire, do claim and do claim it most emphatically that these people, who in India are of the same status as the first class misdemeanants in England, deserve the same treatment, when similar treatment is given to similar prisoners in all parts of the Empire, are we asking too much of the Government ? I submit that this Government has been backward in its duty, has waited to see that the public opinion grows stronger and bitter, and I must say that the public opinion has been embittered, and I think it has approached a breaking point (hear, hear), especially because in the Punjab (I have got the authority of the honourable Sardar Sundersingh, Member of the Punjab Legislative Council, for saying that even before the discussion in the Punjab Legislative Council in March 1922) the Governor of the Punjab had issued orders to create a separate division of political prisoners, which embody the rules of treatment to be accorded to them—I shall not quote at length the changes made by the Punjab Government in their treatment for want of time. But I may state that the Government of Bihar and Orissa passed a similar resolution under which the new changes place them nearly on the same level as first class misdemeanants. To the honourable members of this Council the reply of the Honourable Mr. Joshi, Home Member of the Central Provinces Government, is no secret, where a differential and better treatment is already given. If the Government in the north and east of this Presidency is trying its level best to improve and ameliorate the lot of the prisoners who have only chosen to differ from the Government in the opinion as to the form of the Government, I submit why a similar course cannot be taken here. There is no law necessary to enable the Inspector-General of Prisons to issue orders to that effect ; if the Lieut.-Governor of a Province can issue orders for a different class being created of political prisoners, I cannot understand why this House cannot express and cannot impress its opinion upon the Government for a similar order being issued under its authority.

[Mr. B. G. Pahalajani]

I submit, Sir, that so far as the framing of the Jail Manual is concerned, it is entirely within the executive power of this Government—not the Indian Government—to make rules. The very Jail Manual which has been placed in the Council Library contains rules passed by this very Government of Bombay, and if any change in the Government rules is necessary, any change or creation of a division which relates to the internal management of the jails, it lies entirely in the power, in the executive power, of the Government—not the judicial or the legislative—to create or give all the facilities which we do not request but demand for people of the same position that have been imprisoned elsewhere in the British Empire on similar grounds. I think, Sir, our claim is insistent. It is simple humanity which demands that persons of this kind should not be placed in the third division. We are certain, as well certain as the Honourable the Home Member, as well certain as the Honourable the General Member, that men of the type of Mahatma Gandhi in India or men of the type of Pundit Motilal Nehru—who has certainly been treated better because he happened to be in another province—and men of the type who have from time to time been imprisoned in certain other provinces are entitled to receive at least far better treatment than the lowest Eurasian that is confined in an Indian jail who however is treated far better at present. Should we not expect that the same kind of good food (and even better) be given to the Indian political prisoners as is given even to the lowest Eurasian in our jails? At present a very low kind of food is given, 4 oz. of bajri for all days except one, or so much amount of jowari for all the seven days except one, on which wheat is allowed to the Indian prisoner. Are we not entitled to ask, Sir, that the regimen, the dietary, should be certainly far more suitable to the Indian prisoners, as suitable as is supplied to political prisoners in other parts of the Empire? Nothing of this kind is done here. The dietary and the dress and clothing that are given to the political prisoners to-day are as bad or worse than what are given to the third or fourth division prisoners in England. I therefore submit, Sir, that what we demand is—the present amendment is a very simple amendment—exclude the people who are guilty of violence, exclude the people who are guilty of assassination, but we are at one, and the Honourable the Home Member is at one and the Honourable the General Member is at one with me that, so far as the other people are concerned, the political prisoners, whose intelligence is as good as the intelligence of any one of us here, should receive a differential treatment of remaining inside—away from society—as first class misdemeanants. I therefore submit, Sir, that by this proviso or amendment which I have suggested, all those exceptions have been provided for, and by this provision all the arguments and all the grounds advanced by the Honourable the Home Member and by the Honourable the General Member have fallen to the ground. Sir, we stand on admitted ground that the political prisoners do deserve better treatment. I therefore propose the amendment.

The Honourable the PRESIDENT (after some noise from honourable members): Honourable members will give me some time and not hustle me like that. May I ask Mr. Pahalajani to move his amendment formally? You say “Add at the end of Sardar Mutalik’s resolution” and so on. That does not read grammatically. Therefore, I want you to be careful in drafting your amendments. The words must be added after the word “prisoners.”

Mr. B. G. PAHALAJANI: Yes, Sir. That makes it more grammatical.

The Honourable the PRESIDENT : Not only more grammatical, but it will make it better English and more clear. Another thing is, you say "such as were not charged with." It ought to be "such as are not charged with."

Mr. B. G. PAHALAJANI : With your permission, I will change the word "were" into "are." I will thank the Chair for doing it.

The Honourable the PRESIDENT : Very well. The question proposed is that

"After the word 'prisoners' in line 4 of the resolution, add the words 'such as are not charged with and convicted of offences against the State accompanied by violence to person or destruction of property or incitement to such offences'."

The resolution will then read as follows :

"This Council recommends to His Excellency the Governor in Council to be pleased to take steps, as early as possible, either by necessary changes in the rules, or by executive orders, or by legislation, to accord to all 'political prisoners' such as are not charged with and convicted of offences against the State accompanied by violence to person or destruction of property or incitement to such offences a treatment similar to that given to political prisoners or first class misdemeanants in England."

The Honourable the PRESIDENT : Now, before the discussion takes place, I wish to mention to the House that under the orders of His Excellency three days next following the Government business are allowed for non-official business. Non-official business began yesterday. To-day it makes two days ; so non-official business is entitled to one more day, Monday. Monday is fixed for Government business—a motion for the third reading of the Municipal Bill. That cannot be taken up under the orders of His Excellency, because non-official business is to be taken up on the three days next following after the conclusion of the Government business. Now, if we take up the Municipal Bill on Monday, then non-official business has the right to go on on Tuesday. On the other hand, if we take up non-official business on Monday, then we shall have to go on with Government business on Tuesday.

The Honourable Sir IBRAHIM RAHIMTOOLA : There is this alternative, Sir, for you to consider. As far as we can judge, the third reading of the Municipal Bill will not take more than about half an hour. If honourable members desire to conclude the session as early as possible, the best course would be to sit a little earlier on Monday and give the full day for the non-official business. The Municipal Bill can be taken up during the first half hour and.....

The Honourable the PRESIDENT : Provided Government will assure me that the Municipal Bill will not take more than half an hour, there is no objection.

The Honourable Sir IBRAHIM RAHIMTOOLA : It is on that understanding, Sir, that I have made the suggestion. If it is found that it takes up more time, you can regulate the procedure accordingly.

The Honourable the PRESIDENT : That being the case, we will take up the Municipal Bill on Monday and then go on with this resolution and make up for lost time on account of the Municipal Bill. Well, is that arrangement agreed to ?

Mr. C. M. GANDHI : Can we not sit a little earlier on Monday ?

The Honourable the PRESIDENT : We can sit earlier. We can sit on Monday from 1 to 7. Now, therefore, the question arises, does the House wish to go on with the discussion of the resolution or vote ?

Honourable MEMBERS : Vote, vote,



The Honourable the PRESIDENT : Mr. Pahalajani has every right to speak on the amendment and also on the resolution, but now his amendment is put before the House and discussion will be confined to that.

Rao Saheb D. P. DESAI (Kaira District) : Sardar Mutalik has accepted the amendment.

The Honourable the PRESIDENT : The acceptance of the amendment means that he and all others may vote in favour of him. As no one wants to address the House, now I will call upon the Honourable the Home Member to reply.

The Honourable Mr. H. M. W. HAYWARD : Sir, what is the procedure after voting on the amendment ? Have I a right of reply after that ?

The Honourable the PRESIDENT : I am asking you to speak on the amendment.

The Honourable Mr. M. H. W. HAYWARD : I have nothing to speak on the amendment.

Mr. B. G. PAHALAJANI : I have nothing to say.

Question put and agreed to.

The Honourable the PRESIDENT : Now, the original resolution as amended is open for discussion.

Mr. C. M. GANDHI : I move the closure.

The Honourable the PRESIDENT : I call upon the Honourable the Home Member to reply.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I have listened to the speeches very carefully, but have found to my regret that not a single speaker ventured to put forward any practical suggestion for carrying into effect the resolution dealing with so vague a body as "political prisoners". No speaker has seriously questioned the impracticability of carrying out any amendment of our rules on the basis of such an expression as "political prisoners". Therefore on this point there is nothing for me to answer to the supporters of the resolution.

Nor has any one seriously questioned that our present practice in the treatment of prisoners is humane and generally satisfactory. It has been suggested by the last speaker that instances have occurred in Sind. I deny them. He will be specifically answered on the proper occasion in reply to his question about Mahomed Karim. He has not mentioned the facts about Jairamdas. We will await his precise statement as to what is alleged in the case of Jairamdas. No speaker has seriously impugned the humane and generally satisfactory treatment of prisoners in our jails. No speaker has ventured to say that we have not, wherever necessary, given special treatment to prisoners under rule 254 of the Jail Manual. No one has questioned, moreover, the soundness of the proposals now put forward that there should be a special division selected according to the status, education, character and nature of the particular offence of the prisoners as in England.

It has been suggested that special rules similar to those recommended in the resolution have been made in other Presidencies. The Criminal Law Amendment Act and the Seditious Meetings Act have been applied in those other Presidencies. No such rules were required here, as those Acts have never been applied to this Presidency. The proposals of the honourable mover of this resolution are impracticable for ordinary use and would introduce here

[Mr. M. H. W. Hayward]

an absolutely impossible system into our ordinary law which is in force nowhere else in the whole world. What is the use supporting him in the introduction of an impossible system? We have on the other hand made proposals which will give honourable members practically all that they have required. Why insist upon this particular form of resolution which is impracticable? I ask honourable members to be reasonable in this matter. We offer them something sound and practical and followed in other parts of the world and in England.

We cannot accept modifications of this resolution while our proposals are under the consideration of the Government of India. We are doing our best, we cannot do more, to give the practical relief that all of you require. Our proposals are good practical proposals. Why not accept them and why not trust us? I put it to the honourable mover to withdraw the resolution and leave it to us to give him all that he really wants, and perhaps even more, in consultation with the Government of India.

Question put. Council divided : Ayes 31 ; Noes 30. Motion carried.

#### Division No. 4.

#### Ayes.

BHATE, Mr. G. C.  
CHITALE, Rao Bahadur G. K.  
DADACHANJI, Dr. K. E.  
DESAI, Rao Saheb HABILAL D.  
DESAI, Rao Saheb DADUBHAI P.  
DUBHASHI, Mr. SHANKAR BALKRISHNA.  
DWARKADAS, Mr. KANJI.  
FERNANDES, Major C.  
GANDHI, Mr. C. M.  
GARUD, Rao Bahadur S. D.  
GHOLAP, Mr. D. D.  
GODAD, Khan Saheb ABDULLA AYJAL.  
GODBOLE, Dewan Bahadur K. R.  
HAJI, Mr. IBRAHIM S.  
HALKATTI, Rao Saheb PHAKIRAPPA  
GURUBASAPPA.

HAVELIVALA, Mr. M. A.  
KALE, Rao Bahadur R. R.  
MANSURI, Khan Saheb A. M.  
MODI, Sardar DAVAR T. K.  
MOHOMED SALAHUDDIN K., Mr.  
MUTALIK, Sardar V. N.  
NILKANTH, Rao Bahadur R. M.  
PAHALAJANI, Mr. B. G.  
PARULKAR, Rao Saheb L. V.  
PATEL, Mr. B. P.  
PETIT, Mr. JEHANGIR B.  
SALCAR, Mr. R. G.  
SATHI, Rao Bahadur G. K.  
SURVE, Mr. A. N.  
THAKURDAS, Mr. PURSHOTAMDAS  
TRIVEDI, Mr. G. B.

Tellers for the Ayes : Mr. PURSHOTAMDAS THAKURDAS and Mr. KANJI DWARKADAS.

#### Noes.

ADDYMAN, Mr. J.  
ADHAY, Mr. P. N.  
BENNETT, Colonel V. B.  
CHIKODI, Mr. P. R.  
COOPER, Khan Bahadur D. B.  
CREER, Mr. J.  
DESHMUKH, Mr. ANANDEAO SHRIPATRAO.  
GHULAM HUSSAIN, The Hon'ble Khan  
Bahadur SHAIKH.  
GRIFFITH, Mr. F. C.  
HAYWARD, The Hon'ble Mr. M. H. W.  
HULKOTI, Mr. CHANNAPPA CHANNIRAPPA.  
JADHAV, Mr. B. V.  
KER, Mr. J. C.  
LAWRENCE, The Hon'ble Mr. H. S.  
LOBY, Mr. F. B. P.

MEAD, Mr. P. J.  
MEHTA, The Hon'ble Mr. C. V.  
MONIE, Mr. P. W.  
MOUNTFORD, Mr. L. J.  
NELSON, Mr. F.  
PAINTER, Mr. H. L.  
PARANJPE, The Hon'ble Mr. R. P.  
PRADHAN, Mr. M. W.  
PROES, Mr. E. M.  
RAHIMTOOLA, The Hon'ble Sir IBRAHIM.  
SETALVAD, The Hon'ble Sir CHIMANLAL H.  
SHIRRAS, Mr. G. FINDLAY.  
SINDORE, Mr. H. N.  
THOMAS, Mr. G. A.  
VICHARE, Rao Bahadur D. A.

Tellers for the Noes : Mr. J. CREER and Mr. G. FINDLAY SHIRRAS.

The Honourable the PRESIDENT : The Council is adjourned to 1 p.m. on Monday.

*Monday, the 31st July 1922.*

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The Council re-assembled at the Council Hall, Poona, on Monday the 31st July 1922, at 1 p.m., the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

*Present :*

ADDYMAN, Mr. J.  
 ADHAV, Mr. P. N.  
 BATLIWALA, Dr. S. S.  
 BEDREKAR, Khan Bahadur ISMAIL SAHIB M.  
 BENNETT, Colonel V. B.  
 BHATE, Mr. G. C.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Mr. S. K.  
 BULLOCKE, Mr. A. GREVILLE.  
 CHIKODI, Mr. PANDIT RAYAPA.  
 CHITALE, Rao Bahadur G. K.  
 CRERAR, Mr. J.  
 DADACHANJI, Dr. K. E.  
 DALAL, Sardar Khan Bahadur ADARJI M.  
 DALAL, Mr. D. B.  
 DESAI, Rao Saheb HARILAL D.  
 DESAI, Rao Saheb DADUBHAI P.  
 DESHMUKH, Mr. ANANDRAO SHRIPATRAO.  
 DRAKHAN, WADERO MAHOMED PANAH.  
 DUBHASHE, Mr. SHANKAR BALKRISHNA  
 DWARKADAS, Mr. KANJI.  
 FERNANDES, Major C.  
 GANDHI, Mr. C. M.  
 GHOLAP, Mr. D. D.  
 GHULAM HUSSAIN, The Honourable Khan Bahadur SHA KH.  
 GODAD, Khan Saheb ABDULLA AVJAL.  
 GODBOLE, Dewan Bahadur K. R.  
 GRIFFITH, Mr. F. C.  
 HAJI, Mr. IBRAHIM S.  
 HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA.  
 HAVELIVALA, Mr. M. A.  
 HAYWARD, The Honourable Mr. M. H. W.  
 HOOD, Mr. ALBERT JOHN FRANKLAND.  
 JADHAV, Mr. B. V.

JEHANGIR, Mr. COWASJI.  
KALBHOR, Mr. G. M.  
KALE, Rao Bahadur R. R.  
KAMBLI, Mr. S. T.  
KER, Mr. J. C.  
LAGHARI, Khan Bahadur KHAIR BAKSH.  
LAHORI, Khan Bahadur HAJI AMIRALI.  
LAWRENCE, The Honourable Mr. H. S.  
LORY, Mr. F. B. P.  
MEAD, Mr. P. J.  
MEHTA, The Honourable Mr. C. V.  
MODI, Sardar Davar TEMURAS K.  
MOHOMED SALAHUDDIN K., Mr.  
MONIE, Mr. P. W.  
MOUNTFORD, Mr. L. J.  
MUTALIK, Sardar V. N.  
NILKANTH, Rao Bahadur R. M.  
NELSON, Mr. F.  
NIMBALKAR, Mr. K. B.  
PAHALAJANI, Mr. B. G.  
PAINTER, Mr. H. L.  
PARANJPYE, The Honourable Mr. R. P.  
PATEL, Mr. B. P.  
PAWAR, Shrimant J. A.  
PETIT, Mr. JEKANGIR B.  
PRADHAN, Mr. M. W.  
PROES, Mr. E. M.  
RAHIMTOOLA, The Honourable Sir IBRAHIM.  
SALGAR, Mr. R. G.  
SAYED NABI BAKSH SHAH.  
SAYED, SHAHJADE SAHEB HAIDAR SAHEB.  
SETALVAD, The Honourable Sir CHIMANLAL H.  
SHIRRAS, Mr. G. FINDLAY.  
SINDORE, Mr. H. N.  
SUFİ, Mr. KALANDARBAKSH.  
SURVE, Mr. A. N.  
THAKURDAS, Mr. PURSHOTAMDAS.  
THOMAS, Mr. G. A.  
TRIVEDI, Mr. G. B.  
VICHARE, Rao Bahadur D. A.

The Honourable the PRESIDENT : Questions.

POLICE ARRANGEMENTS IN NORTH OF BOMBAY.

Dr. S. S. BATLIWALA (Bombay City, North): Are Government aware of the sense of insecurity felt by the people residing in the north of the city of Bombay, such as Parel, Dadar, Matoonga, Mahim, Sion and Sewri, on account of paucity of policemen in the above districts? If so, what steps do Government propose to take to remedy the same?

The Honourable Mr. M. H. W. HAYWARD: The question is under the consideration of Government.

Dr. S. S. BATLIWALA: Do I understand that early steps will be taken in view of the latest dacoities in Matoonga, that consideration may not last for a year or two?

The Honourable Mr. M. H. W. HAYWARD: We are considering the matter at present and will take as early steps as possible.

MATERNITY BENEFITS AMONGST INDUSTRIAL WOMEN WORKERS.

Mr. S. K. BOLE (Bombay City, North): Will the Government be pleased to state (a) what progress has been made regarding the enquiry conducted by the lady doctor in connection with maternity benefits amongst industrial women workers in Bombay?

The Honourable Mr. M. H. W. HAYWARD: The lady doctor has submitted a report and her services have been replaced at the disposal of the Dufferin Fund. It is hoped to place the report on the table at the next session.

Mr. KANJI DWARKADAS: Is it the intention of Government to have another lady doctor in her place for the remaining part of the year?

The Honourable Mr. M. H. W. HAYWARD: I cannot say and must ask for notice in the absence of the Honourable Sir Ibrahim.

SCALE OF INCREASE IN THE PAY OF SUBORDINATE EDUCATIONAL SERVICE.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state (a) what scale of increase in the pay of subordinate educational service was fixed in the Government Circular, Finance Department, No. 438 of 25th June 1920?

(b) Whether the scheme has been followed in the latest Government Resolution, Educational Department, No. 737, dated the 15th November 1921?

(c) If not, what were the reasons for not adopting the said scheme?

(d) Whether it is a fact that the consolidated pay of the teachers of 10 to 12 years' standing is not equal to the pay and the temporary and provisional allowances granted during the war?

(e) Whether it is a fact that the pay of these teachers as finally decided according to the 1921 scheme is or will be actually less than their pay according to the 1920 scheme?

The Honourable Mr. R. P. PARANJPYE: (a), (b) and (c) These parts have already been answered.

(e) No; teachers have been started on the pay they were actually drawing in cases where they were found to be due for less pay under the revised scale.

#### COURT-FEES AND STAMP ACTS.

Rao Saheb D. P. DESAI (Kaira District): Are Government aware that the new Court-fees and Stamp Acts were to come in force from 1st April 1922,

(a) that on suits admitted before that date higher fees (i.e., fees under the new Act) are charged in the mofussil courts and specially in Nadiad, and

(b) that on the documents presented before that date higher stamps have been charged?

If the reply to the above be in the affirmative will Government be pleased to state whether any orders have been issued to refund the additional amount; if not, will Government be pleased to state reasons for it?

The Honourable Mr. H. S. LAWRENCE: The Acts came into force from 1st April 1922. The information regarding clauses (a) and (b) of the question has been called for.

#### RETRENCHMENT COMMITTEE.

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

(a) the number of meetings held by the Retrenchment Committee,

(b) the number of witnesses examined by the committee,

(c) whether the committee have made any proposals for reduction; if so, in which departments and for what amount,

(d) whether the committee's report will be published or supplied to the members, and

(e) whether non-official witnesses have been examined by the committee; if not, will Government be pleased to state reasons?

The Honourable Mr. H. S. LAWRENCE: (a) The number of meetings held by the committee is 17.

*Note.*—Since its last meeting at the beginning of May, the committee has remained adjourned owing to the arrangement by which the Secretary of the committee is working under direct instructions from the Finance Department until the reductions to be departmentally effected are decided.

(b) The number of witnesses examined by the committee is 8.

*Note.*—These were examined in connection with the Police and Revenue Departments only.

(c) The committee has made proposals for retrenchment in the Judicial, Educational, Police and Revenue Departments and the Bombay Secretariat. It has also made proposals for effecting economies in travelling allowance and allowances of other kinds and in a number of other miscellaneous matters. In the case of travelling and other allowances the amount of retrenchment likely to result from the proposals of the committee cannot at present be ascertained especially as some matters are still under correspondence. The effect of the proposals regarding the Judicial and Educational Departments has not yet been worked out. Further proposals regarding the Educational Department have also been made by an officer specially appointed for the purpose on the recommendation of the committee and his report has recently been received

and is awaiting consideration by the committee. The retrenchment recommended in the Police Department was Rs. 27,48,828 and in the Revenue Department about Rs. 11,38,000. In the Secretariat the economies already effected or anticipated amount to about Rs. 1,10,000 and further proposals are pending which are estimated to involve an annual saving of about 4 lakhs. In addition to the above departments, the Excise Department is now under consideration and it is estimated that savings of 3 or 4 lakhs will be recommended.

*Note.*—The further proposals regarding the Secretariat referred to above are those relating to its transfer to Poona. The committee has still to consider the number of higher officers in the Secretariat in connexion with further decentralisation.

(d) The committee has so far submitted a separate report on each department or other matter dealt with. On the conclusion of its work, the committee proposes to issue a short summary of its recommendations which will be laid on the Council Table.

(e) No non-official witnesses have been examined by the committee since the committee consists entirely of non-official gentlemen who keep themselves in touch with non-official opinion and it has so far not been found necessary to summon non-official witnesses. Any proposals received by the chairman from non-official gentlemen have however been duly investigated.

Rao Saheb D. P. DESAI : May I ask what proposal there is for the transfer of the Secretariat from Bombay to Poona as mentioned in the note, and what is that proposal if there is one ?

The Honourable Mr. H. S. LAWRENCE : That is a matter which is under the consideration of the Retrenchment Committee and I regret I cannot give any information.

Rao Saheb D. P. DESAI : Has it not passed out of the Retrenchment Committee ?

The Honourable the PRESIDENT : Honourable members will please note that while a committee is sitting and until the committee has reported, it is not regular to put questions as to its work. I did not know whether the Retrenchment Committee had submitted its report, and therefore allowed this question, but now I see from the answer that the Retrenchment Committee is still sitting and has not finished its labours. Therefore all questions about it are out of order. The honourable member may ask "when is it going to report ?," but he cannot ask "whether it has considered any question ?"

Rao Saheb D. P. DESAI : As regards this question, the Retrenchment Committee has finally reported to Government as appears from the statement.

The Honourable the PRESIDENT : That I do not know. If it has submitted its report, then you may ask any questions as to that report.

Rao Saheb D. P. DESAI : That is why I asked whether the Retrenchment Committee has not reported for the transfer of the Secretariat from Bombay to Poona so far as this particular phase of the question is concerned.

The Honourable the PRESIDENT : That would require notice, I think ; it is a question as to which the Honourable the Finance Member would like to look into the report, is it not so ?

The Honourable Mr. H. S. LAWRENCE : I must ask for notice, Sir, as this information that I have given here has been obtained from the Retrenchment Committee and I regret I cannot add to it.

Mr. KANJI DWARKADAS: Is it the intention of Government, with regard to this proposal of transfer of the Secretariat from Bombay to Poona, to give sufficient time to the public to discuss the *pros* and *cons* of the question?

The Honourable the PRESIDENT: That question does not arise out of the Retrenchment Committee. It arises as an independent question and therefore it must be put on paper and due notice should be given.

#### TIME-SCALE OF PAY IN THE JUDICIAL DEPARTMENT.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state—

(a) Why effect has not as yet been given to time-scale as regards the salaries of the subordinate staff of the Judicial Department?

(b) The time that will be taken in giving effect thereto?

The Honourable Mr. M. H. W. HAYWARD: A reference is requested to the reply to be given to Mr. C. M. Gandhi.

#### SECLUSION OF PERSONS UNDERGOING SIMPLE IMPRISONMENT.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state whether, and if so, which of the jail regulations in force in this Presidency authorise either the jail authorities or the local Government to seclude a person undergoing simple imprisonment from communication with or the sight of or association at meal time with other prisoners even when he has not made himself liable to either separate, cellular or solitary confinement?

The Honourable Mr. M. H. W. HAYWARD: A reference is invited to section 28 of the Prisons Act, IX of 1894.

#### JAIL MANUAL.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state why Jail Manuals containing rules regulating prisons and the treatment of prisoners therein, framed under enactments, are not available to the public and particularly to members of the Legislative Council?

The Honourable Mr. M. H. W. HAYWARD: A reference is requested to the reply given on the same subject to Mr. C. M. Gandhi.

#### SOLITARY CONFINEMENT.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state the period allowed by prison rules for which separate, cellular or solitary confinement could be inflicted at a time?

The Honourable Mr. M. H. W. HAYWARD: A reference is requested to section 46 of the Prisons Act IX of 1894.

#### TREATMENT OF MESSRS. GANDHI AND BANKER IN JAIL.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state whether it is a fact that Mr. Gandhi and Mr. Banke,



have been secluded from communication with or the sight of and association at meal time with other prisoners while undergoing simple imprisonment only ?

The Honourable Mr. M. H. W. HAYWARD : They are provided with separate accommodation where they eat their own food at their own times.

#### ALLEGATIONS AGAINST POLICE IN SIND.

Mr. KANJI DWARKADAS : (a) \* \* \*

(b) What action have the Government taken in the matter ?

(c) If the allegations made in the *Bombay Chronicle* are untrue, is it the intention of Government to take any action against the paper ?

The Honourable Mr. M. H. W. HAYWARD : The Commissioner in Sind had already initiated enquiries upon similar allegations made in the *Hindu* dated the 23rd January 1922. The District Magistrate, Nawabshah, intimated that a criminal complaint was already under preliminary enquiry before the Deputy Collector, Kandiaro. The result of the preliminary enquiry was submitted to the sub-divisional magistrate, who considered that the case would not stand for want of sufficient evidence in a court of law and accordingly dismissed it under section 203 of the Criminal Procedure Code. The case was therefore dealt with departmentally and sub-inspector Ali Akbarshah was dismissed from the service by the District Superintendent of Police, Nawabshah.

#### POWERS OF THE COMMISSIONER IN SIND.

Mr. KANJI DWARKADAS : (a) Is it a fact that the Commissioner of Sind enjoys certain extra powers of Local Government over and above the ordinary powers of a Commissioner of a Division ?

(b) What are these extra powers ? —

(c) If the answer to (a) be in the affirmative, is it the intention of Government to curtail these powers and, if so, in what direction ?

The Honourable Mr. H. S. LAWRENCE : (a) and (b). A reference is requested to pages 7 and 10 of Part I and to pages 13 to 22 of Part II of Volume II of the Local Rules and Orders under enactments applying to Bombay.

(c) The question of revising the powers under the Indian Forest Act, 1878, the Bombay Local Boards Act, 1884, and the Bombay District Municipal Act, 1901, is under consideration.

#### RETRENCHMENT.

Rao Saheb HARILAL D. DESAI on behalf of Mr. C. M. GANDHI (Surat City) : (a) Will Government be pleased to state the total amount of retrenchment effected up to the date of this session of the Council in each department separately out of the total retrenchment of 60 lakhs promised to be made at the first session of the Council this year ?

(b) Will they further be pleased to state how many and which of the appointments over Rs. 200 per month have been cut out ?

The Honourable Mr. H. S. LAWRENCE : (a) Reference is requested to the reply given to question asked by Mr. G. B. Trivedi.

(b) Information will be collected.

## SONAR CASE.

Rao Saheb HARILAL D. DESAI on behalf of Mr. C. M. GANDHI (Surat City): (a) Have Government looked into the facts of the Sonar case, in which the trying magistrate was reported to have made certain remarks against Mr. Cauty.

(b) Is it not a fact that the said Mr. Cauty was promoted to act as Deputy Inspector General of Police after this case and was granted several allowances?

The Honourable Mr. M. H. W. HAYWARD: I carefully examined the case with the help of our law officer and came to the conclusion that the remarks had been made under a misapprehension. The crime report prepared only for the use of the police under sections 71 and 72 of the City Police Act was evidently confused in the proceedings with the statements of witnesses which if recorded in writing in the course of an investigation have to be produced upon requisition before the magistrate under section 63 of the Act. Mr. Cauty in declining to produce the crime report was merely obeying Standing Orders and had no intention of withholding statements of witnesses recorded in writing in the course of an investigation. Neither he nor any other police officer intended disrespect thereby to the magistrate and this no doubt has now been realized by the magistrate. It is to be noted that while section 63 of the City Police Act is substantially the same as section 162 of the Criminal Procedure Code, sections 71 and 72 of the Act are distinct from section 172 of that Code.

## MALEGAON RIOTS.

Rao Saheb HARILAL D. DESAI on behalf of Mr. C. M. GANDHI (Surat City): Have any steps been taken by Government to recover from the Malegaon rioters the amount which they paid as compensation and what they have been able to recover so far?

The Honourable Mr. M. H. W. HAYWARD: Yes, and Rs. 88,000 odd have been recovered.

## RASHTRIYA PRIMARY SCHOOLS IN SURAT DISTRICT.

Rao Saheb HARILAL D. DESAI on behalf of Mr. C. M. GANDHI (Surat City): Will Government be pleased to state the number of Rashtriya primary schools closed during the last 12 months in Surat district, and the present number of such schools existing therein?

The Honourable Mr. R. P. PARANJPYE: The information has been called for.

## BOMBAY PRESIDENCY SUB-REGISTRARS' ASSOCIATION.

Rao Saheb HARILAL D. DESAI on behalf of Mr. C. M. GANDHI (Surat City): Have Government received a representation from the Bombay Presidency Sub-Registrars' Association on or about the 10th of January 1922? If so, what actions do Government propose to take in regard to the prayers therein?

The Honourable Mr. C. V. MEHTA: The representation has been received. Detailed consideration of the prayers therein has been postponed pending recognition of the association by Government. An application for recognition has been recently received from the association.

## ORDER UNDER FUNDAMENTAL RULES.

Rao Saheb HARILAL D. DESAI on behalf of Mr. C. M. GANDHI (Surat City): Will Government be pleased to lay on the table of the House the copy of the order which His Excellency the Governor of Bombay was stated to have passed under the fundamental rules as regards allowances?

The Honourable Mr. H. S. LAWRENCE: The attention of the Member is drawn to the reply given to his question next following.

## SALARIES.

Rao Saheb HARILAL D. DESAI on behalf of Mr. C. M. GANDHI (Surat City): Will Government be pleased to lay on the table of the House a copy of the order of His Excellency the Governor declaring that all allowances are included in the term 'salaries'?

The Honourable Mr. H. S. LAWRENCE: A copy of Government Resolution No. 586,\* dated 8th May 1922, is placed on the Council table.

## DR. KAPADIA'S CASE.

Rao Saheb HARILAL D. DESAI on behalf of Mr. C. M. GANDHI (Surat City): Will Government be pleased to state what action, if any, have they been pleased to take against the police officer connected with what is known as "Dr. S. B. Kapadia's case" in the Court of the Chief Presidency Magistrate, Bombay?

The Honourable Mr. M. H. W. HAYWARD: A copy of the reply to a letter† on the subject from Dr. Kapadia is laid on the table.

Dr. S. S. BATLIWALA: Are Government aware of the strictures passed by the Presidency Magistrate on the question? The learned magistrate has said:

"That he had no other alternative but to say that Superintendent Carter, and he alone, was responsible for the humiliation, the trouble, the anxiety and expense to which a respectable citizen like the accused had been put to. The result of Superintendent Carter's conduct had been that an innocent, respectable citizen had been kept in custody for nearly 12 hours, had been put to the humiliation of going and attending his patients in custody of a police officer in uniform, and a further humiliation of a trial in a criminal court."

I am simply giving the points to the honourable members.

The Honourable the PRESIDENT: You may do so in your own words, and hang your question on it. You cannot read quotations, because it would amount to giving information instead of asking for it.

Dr. S. S. BATLIWALA: May I inquire whether the judgment of the Presidency Magistrate has been read by Government?

The Honourable Mr. M. H. W. HAYWARD: I have read the judgment. But I think myself that a person who is so ill-advised as to purchase for Rs. 12 from a strolling hawker a brand new mechanism worth Rs. 200 has only himself to blame if, when the property has been proved to have been stolen, his purchase is regarded with some suspicion by the police. I am afraid further replies would

\*Vide Appendix U.

† Vide Appendix V.

practically involve revising the judgment of the Chief Presidency Magistrate, and I must remind the honourable member that though there are sitting here two ex-judges, this is not a Revision Bench of the High Court.

Mr. JEHangIR B. PETIT : I should like to know what the nature of the enquiry Government made was.

The Honourable Mr. M. H. W. HAYWARD : A full departmental enquiry which was submitted for examination in full detail to the Home Member.

Mr. JEHangIR B. PETIT : Will Government be pleased to say who it was that made the enquiry ?

The Honourable Mr. M. H. W. HAYWARD : I regret that no further details can be given by Government.

Mr. JEHangIR B. PETIT : Will Government be pleased to place on the table the detailed report of the enquiry ?

The Honourable Mr. M. H. W. HAYWARD : Confidential correspondence cannot, with due regard to the public interest, be placed on the table.

Mr. JEHangIR B. PETIT : Are Government aware of the fact that scales similar to the pair of scales bought by the doctor in question are being sold in the market for Rs. 16 ?

The Honourable the PRESIDENT : That is raising a debate on it.

Mr. JEHangIR B. PETIT : The Honourable the Home Member stated that it was worth over Rs. 200. I am asking whether the fact has been pointed out to the Honourable the Home Member that scales similar to the pair bought by the doctor can be had in the market for Rs. 16.

The Honourable Mr. M. H. W. HAYWARD : I must remind the honourable member that this is not a Revision Bench of the High Court.

#### TIME SCALES OF PAY IN THE JUDICIAL DEPARTMENT.

Rao Saheb HARILAL D. DESAI on behalf of Mr. C. M. GANDHI (Surat City) : Are the Government aware that time-scale pay of the clerical establishments is sanctioned for the other departments and that they have already drawn the first increment under those scales, while in the Judicial Department the revised scales of pay are not even sanctioned as yet, nor are the clerical vacancies filled up in that department ?

If so, will Government be pleased to say when are the revised time-scales of pay likely to be introduced in the Judicial Department ?

The Honourable Mr. M. H. W. HAYWARD : The complete information required for the revision and reorganization of mofussil Judicial establishments has only recently been received from the District Judges. It is under consideration in consultation with the High Court, and orders will be issued thereon as soon as possible by Government.

#### SALARIES IN THE EDUCATIONAL DEPARTMENT.

Rao Saheb P. G. HALKATTI (Bijapur District) : Will Government be pleased to inform :—

(a) If any rules have been framed, as contemplated in paragraph 4 of Government Resolution No. 737 of 15th November 1921, Educational Department ?

(b) If so, what are they ?

(c) Whether any additional increments in pay have been given to the specially qualified persons, as stated in the said paragraph ?

(d) If so, what are those increments and the principles governing them ?

(e) Whether all those increments due to a person have been given in all cases ?

(f) If not, why not ?

The Honourable Mr. R. P. PARANJPYE : (a) to (f) The matter is under consideration.

#### BOMBAY BACK BAY RECLAMATION SCHEME.

Mr. M. A. HAVELIVALA (Bombay City) : Will Government please state whether they have revised the estimate of the cost of the Bombay Back Bay Reclamation Scheme and, if so, to what extent ?

The Honourable Mr. H. S. LAWRENCE : A detailed estimate has been prepared and is under the consideration of Government. The amount of the estimate is as nearly as possible the same as that underlying the figures published last year in Press Note No. S.A.—3709, Development Department, dated the 20th September 1921. It is proposed to communicate the figures to members of the Legislative Council when Government have passed orders on the estimate.

#### NEW SCHOOLS IN DHARWAR DISTRICT.

Mr. C. C. HULKOTI (Dharwar District) : Will the Government be pleased to state how many new schools have been built in the Dharwar District during the last three years ?

The Honourable Mr. R. P. PARANJPYE : The information has been called for.

#### NAVALGUND MUNICIPALITY.

Mr. C. C. HULKOTI (Dharwar District) : (a) Is it a fact that the municipality of Yamanur on 20th March 1922 passed some resolutions as regards the conduct of the sub-inspector, and, if so, what are those resolutions ?

(b) Is it a fact that a representation by the president of the Navalgund municipality was made to the District Superintendent of Police as regards the transfer of the sub-inspector from Navalgund, and no action was taken by the District Superintendent of Police in the matter ?

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

#### BOMBAY PRESIDENCY SUB-REGISTRARS' ASSOCIATION.

Mr. C. C. HULKOTI (Dharwar District) : Have Government taken any steps in regard to the detailed representation by the Bombay Presidency Sub-Registrars' Association to the Inspector-General and the Revenue Member on 10th January 1922 to consider its inadequacy as compared with other departments and Sub-Registrars of other provinces of India ?

The Honourable Mr. C. V. MEHTA : The attention of the member is invited to the answer to question on the same subject by Mr. C. M. Gandhi in the present session.

## CRIMINAL TRIBES IN SATARA DISTRICT.

Mr. B. V. JADHAV : (a) Will Government be pleased to place on the Council Table all the rules framed under and all the notifications issued under the Criminal Tribes Act ?

(b) Will Government give the names of the tribes affected by the Act in the district of Satara ?

(c) Will Government place on the Council Table the opinion of Mr. Moysey, the late Collector, on this question ?

The Honourable Mr. M. H. W. HAYWARD : Government are not prepared to undertake the labour and expense involved in searching out and printing all the notifications and rules issued under that Act unless the member satisfies them that it will serve some really useful purpose.

The Bhamptas otherwise known as Uchalias, Mangs, Ramoshis and Sansias otherwise known as Gujarathi Bhuts or Kanjars or Nata are the tribes notified in the Satara district.

Several of the recommendations but no general report on the question were received from Mr. Moysey during the 2½ years he held the office of the District Magistrate of Satara.

Mr. B. V. JADHAV : Will Government be pleased to give the names of the publications and the pages in which this information can be obtained ?

The Honourable Mr. M. H. W. HAYWARD : I do not think the notifications are all gazetted, but that some are gazetted, and some are not. Many of them are merely notifications of long lists of names of people sent to the settlement. I do not know exactly what information the honourable member wishes to have. If he would come and see me and let me know exactly what it is that he wants, I will do my best to provide him with the required information.

Mr. B. V. JADHAV : Thank you.

## ADMISSIONS TO TRAINING COLLEGES AND TRAINING CLASSES.

Mr. B. V. JADHAV : Will Government be pleased to state the number of students belonging to the advanced communities and those from the backward communities including the Marathas admitted into the training colleges and the training classes in the Central and Southern Divisions during the last three years ? And what proportion do these numbers bear to the respective strengths of these communities ?

The Honourable Mr. R. P. PARANJPYE : The information is being obtained.

DEPUTY COLLECTORS AND MAMLATDARS OF BACKWARD CLASSES  
IN C. D. AND S. D.

Mr. B. V. JADHAV : Will Government be pleased to state the number of deputy collectors and mamlatdars belonging to the Maratha and other backward communities in the Central and Southern Divisions ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information will be called for.

### MAHOMEDAN MUKHTYARKARS IN SIND.

Mr. B. V. JADHAV: Will Government be pleased to state what special steps were taken to advance the Mahomedans of Sind in the line of mukhtyarkars?

The Honourable Sir IBRAHIM RAHIMTOOLA: In order to redress the balance between Mahomedans and Hindus among mukhtyarkars Government have for the last few years taken steps to appoint four Mahomedan probationary mukhtyarkars every year.

### REORGANISATION OF SUBORDINATE JUDICIAL ESTABLISHMENT.

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

(a) Why the revision and reorganization of the subordinate judicial establishment in the Presidency has been delayed when the clerical establishments of other departments have undergone it?

(b) And when final orders on the subject are likely to be issued?

The Honourable Mr. M. H. W. HAYWARD: A reference is requested to the reply given to Mr. C. M. Gandhi.

Rao Bahadur R. R. KALE: Will Government be pleased to give any approximate idea of the time they will require in order to dispose of the case?

The Honourable Mr. M. H. W. HAYWARD: I hope within a month. The papers are at present on my table.

### PROVINCIAL INDUSTRIAL BANK.

Rao Bahadur R. R. KALE (Satara District): (a) Has the Government received from the Department of Industries any proposal for the establishment of a Provincial Industrial Bank under Government auspices?

(b) If so, will Government be pleased to state what action, if any, has been taken thereon?

The Honourable Mr. R. P. PARANJPYE: Attention is invited to the reply to the question by Mr. Ibrahim S. Haji given at the meeting of the Legislative Council held on 13th March 1922.

### STUDENTS SENT ABROAD FOR EDUCATION.

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to lay on the Council table a list of candidates sent abroad during the last 10 years on Government scholarship, stating the subject each student took and also mentioning what these men are doing after their return?

The Honourable Mr. R. P. PARANJPYE: The information is being collected.

### SALARIES OF PERSONS IN JAIL DEPARTMENT.

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to lay on the Council table a list of persons drawing Rs. 100 and more per mensem in the Presidency Jail Department?

The Honourable Mr. M. H. W. HAYWARD: The clerical establishment includes a head accountant on 200-10-250, a deputy accountant and a steward.

on 150-5-200, 2 head clerks on 100-3-160, 2 head clerks and 2 other clerks on 105-5-140, and 4 head clerks on 85—<sup>5</sup>/<sub>2</sub>—100. A reference is requested for the remainder of the superior establishment of the Jail Department to pages 273 to 276 of the last Bombay Civil List.

#### INDIAN POLICE OFFICERS.

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to furnish a list of Indian police officers of and above the rank of sub-inspectors who have passed the matriculation or school final examination together with their present appointment and the various districts in which they hold their posts?

The Honourable Mr. M. H. W. HAYWARD: A list will be prepared.

#### OUTPUT OF DISTRICT AND CENTRAL JAILS.

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state the different kinds of output of each district and central Jail?

The Honourable Mr. M. H. W. HAYWARD: A reference is requested to pages 11 to 21 and Statements XI, XII and XII-A of the Administration Report for 1921 of the Bombay Jail Department.

#### POSTS OF DEPUTY SUPERINTENDENTS OF POLICE.

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

(a) the total number of deputy superintendents of police in the Presidency of Bombay;

(b) the year or years when these posts were created;

(c) the total pay and allowance for the years 1920-21 and 1921-22 of these officers;

(d) when were separate establishments given to these officers;

(e) what is the annual amount of expenditure for the establishments created or given to these officers;

(f) does the Superintendent of Police do any criminal investigation work in those districts where there are deputy superintendents of police;

(g) if not, since when has the Superintendent of Police ceased to do any criminal work in such districts?

The Honourable Mr. M. H. W. HAYWARD:

(a) 37.

(b) 35 appointments in 1906 and 2 in 1921.

(c) Information will be obtained.

(d) and (e) No separate establishments are sanctioned for deputy superintendents of police and whatever establishment is required by them is obtained from the establishments of District Superintendents of Police.

(f) and (g) Superintendents of Police continue to do criminal investigation work.



### REVISION OF THE PAY OF SUBORDINATE CLERICAL STAFF OF THE JUDICIAL DEPARTMENT.

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

(a) Whether the revised scale of pay is being given to the subordinate (clerical) staff of the Judicial Department?

(b) If not, are they drawing advance increments and increments due to them for a period of nearly two years?

(c) Whether the pay of the bailiffs is revised?

(d) If so, when will it be brought into force?

The Honourable Mr. M. H. W. HAYWARD: (a) Provisional increases only have been given.

(b) Increments cannot be calculated until the revised grades of pay are sanctioned.

(c) and (d) Orders for the revision of pay of bailiffs will be passed as early as possible after receipt of proposals from the High Court.

### RECRUIT AND WAR FUNDS IN DHARWAR.

Mr. S. T. KAMBLI (Dharwar District): (a) Is it a fact that a large amount out of (a) recruit funds and (b) war funds remains unspent in Dharwar district?

(b) If so, what are the said amounts and where are they invested? Or with whom are the unspent balances lying now and for what purpose does the Government intend to use or utilize the said amount or amounts?

The Honourable Sir IBRAHIM RAHIMTOOLA: Information has been called for.

### ASSISTANT CONSULTING ARCHITECT TO GOVERNMENT.

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City): (a) Will Government be please to state the circumstances under which an assistant consulting architect to Government was posted to Karachi?

(b) How many designs of architectural interest have been prepared by that officer since his being posted to Karachi and how many have been approved of by Government?

(c) Is the work of designing the new buildings on the Artillery maidan at Karachi entrusted to Messrs. Hoare and Company?

(d) If yes, has any payment been made to them on this account?

(e) If yes, how much?

(f) Were any competitive designs for buildings on the Artillery maidan called before entrusting the work to Messrs. Hoare and Company?

(g) If there are any instances on the record of Government in which the work of designing Government buildings other than contribution and grant-in-aid buildings have been entrusted to private architects?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : (a) Owing to large building works being projected, a qualified architect was considered necessary.

(b) Information has been called for and will be furnished when received.

(c) Yes, to Mr. E. B. Hoare.

(d) Yes.

(e) Information has been called for and will be furnished when received.

(f) No.

(g) Yes, in the case of the proposed central offices at Ahmedabad the work of designing was entrusted to private architects.

#### TREATMENT OF EDITORS OF *Hindu* IN JAIL.

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City) : (a) Will Government be pleased to state if Messrs. Jairamdas Ghanshamdas and Dr. Choithram and two other editors of *Hindu* of Hyderabad lately convicted under sections 124-A and 153-A of the Indian Penal Code are treated as first class misdemeanants or as ordinary criminals ?

(b) Is there any provision in the jail rules for according better treatment to persons convicted under section 124-A or 153-A of the Indian Penal Code ?

(c) Is it a fact that European criminals in Bombay Presidency are accorded better treatment than respectable Indians convicted under above sections ?

The Honourable Mr. M. H. W. HAYWARD : (a) and (b) There is no distinction but reference is invited to rule 254 of the Jail Manual and paragraph 131 of the Jail Committee's report.

(c) It is not a fact. Reference is requested to the reply given in the last sessions to Mr. Surve.

#### RESTRICTIONS ON LEAVE.

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City) : Will Government be pleased to state if it is a fact that on account of financial stringency and with a view to economy leave on full pay and furlough leave in case of (a) gazetted officers would be restricted on medical certificates and (b) of other officers would be decided by a competent medical board ?

The Honourable Mr. H. S. LAWRENCE : No, no such orders have been issued.

The Honourable the PRESIDENT : I am sorry Mr. Kassim is not here but I hope you will be good enough to convey to him my intimation that thereafter I shall have to be very careful as to questions which he asks making statements as if they are facts but which turn out to be fictions. If I find that an honourable member is asking questions merely on speculation just for the purpose of fishing for information, then I shall have to be very careful with regard to his questions.

#### GIRLS' HIGH SCHOOLS IN SIND.

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City) : (a) Will Government be pleased to state if it is a fact that Government intend reducing the grants to aided girls' high schools in Sind from this year ?

(b) Are Government aware that if this is done, the Indian Girls' High School at Karachi, the only school open to girls of all castes and creeds in Karachi, will have to be closed down?

(c) Are Government aware that if this school is closed, there is no other recognised school open to all girls where they can be educated?

The Honourable Mr. R. P. PARANJPYE: (a) The matter is still under consideration.

(b) Enquiries are being made.

(c) Yes.

#### LOCAL ALLOWANCES.

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City): Is it a fact that sanction to local allowance in the case of low paid establishment has been withheld pending the receipt of sanction to house rent to Imperial and provincial officers?

The Honourable Mr. H. S. LAWRENCE: No.

#### CONDUCT OF MUKHTYARKAR OF JAM SHORO.

Mr. IBRAHIM S. HAJI on behalf of Mr. G. H. KASSIM (Karachi City): (a) Is it a fact that all the residents of the village "Jam Shoro" in the Hyderabad district were forcibly expelled from their homes under orders of the mukhtyarkar of the place?

(b) If so, what steps, if any, have Government taken or propose taking in the matter?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) and (b) Enquiry will be made.

#### FIREWORKS ACCIDENTS IN AHMEDABAD.

Rao Saheb HARILAL D. DESAI on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): (a) Will Government be pleased to state how many accidents to persons and property occurred in Ahmedabad in the years 1920, 1921 and 1922 owing to sparks rising from fireworks known as 'Golas' discharged in marriage processions?

(b) Are any licenses issued for such fireworks?

(c) Is any notice taken by the police of such accidents?

(d) What steps do Government propose to take in the matter?

The Honourable Mr. M. H. W. HAYWARD: Government have no information but will enquire.

#### NOONDAY PRAYERS OF MAHOMEDANS.

Rao Saheb HARILAL D. DESAI on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state whether Mahomedans are allowed facilities for their noonday prayers in the civil and criminal courts in this Presidency? If not, what steps Government proposes to take in the matter?

The Honourable Mr. M. H. W. HAYWARD: Government are not aware of any difficulties experienced in this matter by Mahomedans, but if there are difficulties, would recommend a reference to the High Court.

## DAKOR MUNICIPALITY.

Rao Saheb HARILAL D. DESAI on behalf of Khan Saheb A. M. MAN-SURI (Ahmedabad and Surat Cities): Will Government be pleased to state whether there is any elected Mahomedan councillor in the Dakor municipality?

If there is no such elected councillor, will Government be pleased to state why no Mahomedan councillor was nominated?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: No.

There are 15 councillors of Dakor municipality out of whom 3 are nominated. The Mahomedan population is less than one-twentieth of the total population of Dakor. Owing to the small number of nominations available the Commissioner did not find it possible to nominate a Mahomedan on this occasion.

## GOVERNMENT PLEADERS AND PUBLIC PROSECUTORS.

Rao Saheb HARILAL D. DESAI on behalf of Khan Saheb A. M. MAN-SURI (Ahmedabad and Surat Cities): Will Government be pleased to state how many Government pleaders and public prosecutors there are in the Bombay Presidency, and how many of them are Mahomedans?

The Honourable Sir CHIMANLAL H. SETALVAD: The information required by the honourable member will be found in the current Bombay Civil List, pp. 224 to 228.

## BOMBAY EDUCATIONAL SERVICE.

Rao Saheb HARILAL D. DESAI on behalf of Khan Saheb A. M. MAN-SURI (Ahmedabad and Surat Cities): (a) Will Government be pleased to state whether the posts of the heads of the vernacular training institutions teaching the full three years' course are considered superior to the posts of the district deputy educational inspectors by the Educational Department?

(b) If so, then why the same principle is not applied in the case of the head master, Urdu Training Class, Ahmedabad, and the divisional deputy inspectors for the Urdu schools who are all now classed in the Bombay Educational Service?

The Honourable Mr. R. P. PARANJPYE: (a) No.

(b) The post of head master, Urdu Training Classes, Ahmedabad, is not of sufficient importance and responsibility to justify its inclusion in the Bombay Educational Service; the head master is subordinate to the principal of the Training College for Men, Ahmedabad.

## SURVEY SETTLEMENTS IN ALIENATED VILLAGES.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): (a) Will Government be pleased to state the number of alienated villages in each district or in each division, which are due for the first or second revision settlement, but in which such settlements have not been introduced, although the talukas in which they are situated are settled?

(b) Will Government be pleased to state the number of alienated villages in each district or in each division, the holders of which have applied for such introduction of the survey settlements, but in which the settlement is not yet introduced?

(c) Will Government be pleased to state when they intend to take up the work of survey settlements in alienated villages stated in questions (a) and (b), which is due for a long time?

The Honourable Sir IBRAHIM RAHIMTOOLA: Information has been called for.

#### PUBLIC MOVEMENTS AND INAMS.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Will Government be pleased to state if they have been pleased to declare the whole or any part of any of the public movements to be so disloyal as to make inams or any other personal property liable to forfeiture for taking part in it?

The Honourable Sir IBRAHIM RAHIMTOOLA: No.

#### JAIL TICKETS.

Sardar V. N. MUTALIK: Will Government be pleased to state:—

(a) Whether it is a fact that jail tickets of some of the prisoners bear some distinctive mark or colour and the words *political prisoner*?

(b) If so, on what ground Government have been pleased to make this distinction between ordinary and political prisoners?

(c) Whether it is a fact that persons bearing such special tickets are specially marked for harsh words and harsh treatment?

(d) Whether the attention of Government is drawn to the fact that such charges [stated in (c)] are made against the jail treatment?

(e) Whether there are any special instructions on the point, and, if so, a copy of such instructions?

The Honourable Mr. M. H. W. HAYWARD: (a) It is not a fact.

(b) to (e) No reply therefore is required.

The Honourable the PRESIDENT: I would give Sardar V. N. Mutalik the same intimation that I gave to Mr. Kassim.

Sardar V. N. MUTALIK: I must say, Sir, in this respect that it was openly stated in public lectures and it was reported. ....

The Honourable the PRESIDENT: That is just what I deprecate. If honourable members will rely upon public lectures and newspaper reports without taking any care to make themselves responsible for the statements, then that is violation of the standing orders. You should make some inquiry so as to take the responsibility upon your own shoulders.

Sardar V. N. MUTALIK: I have made personal inquiries with the persons who made the statement but so far as possible I do not think I had any access to any prison.

The Honourable the PRESIDENT: You did make personal inquiries?

Sardar V. N. MUTALIK: Yes.

The Honourable the PRESIDENT: The House will accept that statement.

## PRIMARY SCHOOLS IN SIND.

Mr. B. G. PAHALAJANI (Western Sind): Will the Government state (a) Whether any vernacular local board primary schools have been closed in Sind after the last session of the Council?

(b) How many in each district?

(c) How many masters have been thus discharged?

(d) What is Government's policy on the point of reduction of primary education schools?

The Honourable Mr. R. P. PARANJPYE: (a) to (c) The information has been called for.

(d) Matters of policy are too wide to be disposed of in answer to a question.

## RETRENCHMENT.

Mr. B. G. PAHALAJANI (Western Sind): Will the Government be pleased to place on the table, the details of the reductions made in each department in pursuance of the undertaking given by the Government at the budget session of the Council?

The Honourable Mr. H. S. LAWRENCE: Reference is requested to the reply given to question asked by Mr. G. B. Trivedi.

## TREATMENT OF MOHAMED KARIM IN JAIL.

Mr. B. G. PAHALAJANI: (a) Has the attention of Government been drawn to the judgment of the magistrate in the case of Mohamed Karim, prisoner, Hyderabad Jail? If so, has the Government taken any action against the superintendent Mr. Clubwala with regard to the infliction of punishments beyond the authorised number by him on the prisoner Mohamed Karim?

(b) Has the attention of Government has drawn to the evidence as regards the inhuman treatment given by the said superintendent to the prisoner Mohamed Karim?

The Honourable Mr. M. H. W. HAYWARD: (a) and (b) Government have read the judgment. There is nothing whatever in it to justify the suggestion made in the question that unauthorised punishments were inflicted on the prisoner Mahomed Karim; nor does there appear to have been any evidence at the trial that he was subjected to inhuman treatment by the superintendent of the prison.

Government have on the other hand received a detailed report from the Commissioner in Sind showing that gross misrepresentations of the matter were published in the local press which have since been publicly refuted and that the superintendent Mr. Clubwala acted throughout in strict accordance with the instructions laid down for his guidance in the Jail Manual and praiseworthy endeavoured to maintain the discipline of his prison.

Mr. B. G. PAHALAJANI: Is Government aware that in one day two punishments have been inflicted on the prisoner on the same day with fetters?

The Honourable Mr. M. H. W. HAYWARD: I have no further statement to make.

## LOCAL BOARD SCHOOLS IN SIND.

Mr. B. G. PAHALAJANI (Western Sind): (a) Has the Government issued any orders for reduction of local board schools in Sind?

(b) Will the Government be pleased to place them on the table?

The Honourable Mr. R. P. PARANJPYE: (a) and (b) Government have not issued any such orders: enquiries are being made of the Director of Public Instruction.

## BOMBAY PRESIDENCY SUB-REGISTRARS' ASSOCIATION.

Mr. B. G. PAHALAJANI (Western Sind): (a) Have the Government taken any steps with regard to the detailed representation by the Bombay Presidency Sub-registrars' Association to the Inspector General and the Member in charge on 10th January 1920?

(b) If so, what?

(c) Does the scale proposed by Mr. Anderson fall short of the scale passed by the Government? Have any steps been taken to put the Government scheme into force?

The Honourable Mr. C. V. MEHTA replied: The attention of the Member is invited to the answer to questions by him in the February\* Session of the Council.

Detailed consideration of the representation of 10th January 1922 has been postponed pending recognition of the Association by Government. An application for recognition has been recently received from the association.

## MUNICIPAL LEGISLATION.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Will Government be pleased to state when they intend to undertake legislation dealing with municipal self-government in the mofussil?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: A bill for major municipalities has been drafted and approved by Government and is being referred to the municipalities concerned for criticism. Legislation for minor municipalities will be taken up after that for the major municipalities has been enacted.

## LOCAL BOARDS BILL.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Will Government be pleased to say when it is intended to take up legislation for the reconstruction of the local boards of the Presidency?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: Government propose to introduce the new Local Boards Bill in the September sessions of the Legislative Council.

## PATHANS TERRORISM IN BOMBAY.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): (a) Has the attention of the Government been drawn to the terrorism regularly exercised by Pathans in Bombay during the last two or three years?

(b) Are Government aware that numbers of them have given themselves up to careers of lawlessness and intimidation, and are in the habit of visiting

respectable localities at odd hours of the day and night, and committing or threatening to commit all sorts of crimes against the persons and properties of inhabitants in different places in Bombay and its suburbs, where police assistance is not readily available ?

(c) Are Government aware that continued thefts, burglaries and dacoities in and around Bombay mostly committed by them are making life in the town and suburbs unsafe and hindering the people from spreading out into the out-lying district of the town and its suburbs ?

(d) Do Government intend to take prompt measures against the criminal propensities and activities of such of them as have no settled profession and no known place of residence ?

The Honourable Mr. M. H. W. HAYWARD : The Commissioner of Police has reported an unusually large number of unemployed Pathans and Punjabis in the city and the conviction during the six months ending the 28th February 1922 of no less than 189 Pathans and 8 Punjabis of serious offences against the person and property before the magistrates. Certain localities had been worked up into a state of semi-panic which was hardly justified by the facts and this has largely been removed by a system of patrols of mounted police. The real remedy however lies in the strengthening of the overworked investigation staff and proposals for this purpose are under preparation. Meanwhile orders have been issued for a freer use of the provisions of Section 27 of the City Police Act and of the Foreigners Act.

Mr. JEHangIR B. PETIT : Are the Government aware of the fact that continued terrorism is being exercised by the Pathans in the localities like Grant Road and Tardeo ?

The Honourable Mr. M. H. W. HAYWARD : I have noticed reports recently in the press of further outrages and also that some 200 Pathans have been put by the police before the magistrates.

Mr. JEHangIR B. PETIT : Are Government aware of the fact that Pathans continually committed burglaries even in such localities as Woodhouse Road and even congregated in the neighbouring garden managed by the Improvement Trust to divide the booty ?

The Honourable Mr. M. H. W. HAYWARD : I do not think I can give any further details. But I can assure the House that the Commissioner of Police has the matter in hand and that it is also receiving the serious consideration of Government.

Mr. JEHangIR B. PETIT : Will Government be pleased to say if in view of this fact Government still consider they are justified in the view expressed by them in lines 5 and 6 of the answer that "Certain localities had been worked up into a state of semi-panic which was hardly justified by the facts ?"

The Honourable Mr. M. H. W. HAYWARD : I do not think any further remarks can be usefully added by Government.

Mr. KANJI DWARKADAS : With regard to the last sentence of the answer of the Honourable the Home Member, will Government be pleased to say if the Foreigners Act has been applied to any one and, if so, to how many ?

The Honourable Mr. M. H. W. HAYWARD : I cannot give details without notice.



## TRAVELLERS AND INSPECTION BUNGALOWS.

Mr. JEHangIR B. PETIT (Bombay Millowners' Association): Are Government aware that Travellers' and Inspection Bungalows, one after another, are often used by Government servants on leave, for different periods, thus enabling individual officers on leave to enjoy a continuous holiday in Government properties without paying for them, often to the exclusion of the public in the case of travellers' bungalows and to the inconvenience of Government officers on duty in the case of inspection bungalows?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: The information has been called for.

## DR. KAPADIA'S CASE.

Mr. JEHangIR B. PETIT (Bombay Millowners' Association): Will Government be pleased to say whether the conduct of Superintendent Carter in case No. 12—P of 1922 (King Emperor vs. Dr. Sorab Phirozsha Kapadia) has been dealt with by Government in any manner?

(b) Will Government be pleased to lay on the table the report, if any, of the Commissioner of Police, Bombay, on the conduct of Superintendent Carter, as revealed and commented upon by the Acting Chief Presidency Magistrate in the said case?

(c) Will Government be pleased to say whether Superintendent Carter is expected to return to duty, and if so, when?

The Honourable Mr. M. H. W. HAYWARD: (a) and (b) A reference is requested to the reply given to Mr. C. M. Gandhi.

(c) Superintendent Carter is expected to return to duty on the 13th September 1922.

Mr. JEHangIR B. PETIT: Are Government aware of the fact that the decision of Government has caused considerable dissatisfaction in the public mind?

The Honourable Mr. M. H. W. HAYWARD: No, Sir.

Mr. JEHangIR B. PETIT: Will they kindly take note of it, now that they know of it?

The Honourable the PRESIDENT: Order, order. That is not in order.

## TRAVELLERS' AND INSPECTION BUNGALOWS: RULES AND REGULATIONS.

Mr. JEHangIR B. PETIT (Bombay Millowners' Association): (a) Will Government be pleased to lay on the table the Rules and Regulations under which Government servants are entitled to use travellers' and inspection bungalows?

(b) Will Government be pleased to say if such bungalows are available for use only by the staff of the department to which the bungalows may happen to belong or promiscuously by all Government servants?

(c) Will Government be pleased to say if Government servants on leave are at liberty to make use of Government Inspection bungalows, free of charge; and if so, for what periods and on what terms?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: (a) A copy of the rules and regulations\* under which Government servants are entitled to use travellers' and inspection bungalows is laid on the Council Table.

(b) Travellers' bungalows are not reserved for the staff of any particular department but are open to Government servants of all departments. In the case of inspection bungalows, when such a bungalow is reserved for the use of a certain department, the officers of other departments may use the bungalow if it is not required for the use of the officers of that department for which it is reserved.

(c) No.

#### JAIL RULES.

Mr. JEHangIR B. PETIT (Bombay Millowners' Association): Will Government be pleased to lay a copy of the existing Jail Rules on the table of the House?

The Honourable Mr. M. H. W. HAYWARD: Six copies of the Jail Manual corrected up to date by the insertion of slips have been placed in the Council Library.

Mr. JEHangIR B. PETIT: Will Government be pleased to make copies of the Jail Manual available for sale to the public?

The Honourable Mr. M. H. W. HAYWARD: I cannot say without carefully enquiring into the number of copies that are available, because the edition was only printed for departmental purposes.

Mr. KANJI DWARKADAS: Is it not a fact that Mr. C. M. Gandhi has now intimated to the Honourable the Home Member that there are several copies available in the Government Central Press?

The Honourable the PRESIDENT: That is giving information and not asking for it.

#### JAIL MANUAL.

Mr. JEHangIR B. PETIT (Bombay Millowners' Association): Are Government aware that a public body in Bombay had applied to the Publicity Bureau for a copy of the Jail Manual and that it was refused on the ground that it was only meant for the administration and not for the public?

The Honourable Mr. M. H. W. HAYWARD: Government are not aware of any application from the Bombay Millowners' Association but a reference is requested to the reply to Mr. C. M. Gandhi.

Mr. JEHangIR B. PETIT: Are Government aware that an application was made by a public body in Bombay, the Bombay Progressives Association, for a copy of the Jail Manual and that it was refused on the ground that it was meant only for the administration and not for the public?

The Honourable Mr. M. H. W. HAYWARD: I am sorry. I misinterpreted the question. I understand the honourable questioner is himself a distinguished member of that association. He is at liberty to peruse any of the six copies of the manual now in the Council library.

Mr. JEHangIR B. PETIT: No Sir. My question was whether it is a fact that a request for copies of the Jail Manual was received from a public body, namely, the Bombay Progressives Association, and that it was refused

\* Kept in Secretary's office.

on the ground that the Jail Manual was meant only for the administration and not for the public.

The Honourable Mr. M. H. W. HAYWARD : I think it very likely was, because a limited edition only was printed for departmental purposes and it was never intended to sell copies to the public.

#### INCREASE OF OFFENCES IN SHOLAPUR CITY.

Mr. R. G. SALGAR (Sholapur City) : Is Government aware that the number of offences increased in the city of Sholapur since the Criminal Tribes Settlement shifted here in jail compound and near Nagoo Narayan's Wadi? Will Government be pleased to give the number of offences registered since the date of their shifting and in how many cases these persons were found guilty?

The Honourable Mr. M. H. W. HAYWARD : The statement\* placed on the table does not show any increase of offences since 1914 and 1917 when the two settlements were respectively established in Sholapur.

#### BORING WELLS.

Mr. R. G. SALGAR (Sholapur City) : Will Government be pleased to state—

(a) how many boring wells have been tried in this Presidency during last three years for the benefit of the agriculturists and with what results?

(b) What is the average expense of one well of this sort and what is the acreage of land watered by each well?

The Honourable Mr. C. V. MEHTA : (a) The information is available in the annual reports of the Department of Agriculture.

(b) The expense varies with the depths and diameters of the bores and other factors. The cost per foot of bore is given in the annual reports above referred to. It is not possible to state the acreage of land watered by each well.

#### PROSECUTIONS AGAINST TONGA DRIVERS IN SHOLAPUR.

Mr. R. G. SALGAR (Sholapur City) : Will Government be pleased to state how many proceedings were launched against the licensed tonga drivers in the Sholapur city for having allowed more passengers to sit than they are authorised by their license in the year 1921-22?

The Honourable Mr. M. H. W. HAYWARD : The information is being called for.

#### PROVINCIAL CIVIL SERVICE: EXECUTIVE BRANCH.

Mr. R. G. SALGAR (Sholapur City) : Will Government be pleased to state how many posts of the probationers to be selected in the executive branch of the provincial service were sanctioned in the budget and how many of them were filled up during last ten years; if so, from what castes?

The Honourable Sir IBRAHIM RAHIMTOOLA : Till 1920, 4 appointments used to be provided but that since then this number was increased to 5.

Eighteen appointments were made since 1912; they are of the following castes :—

5 <i>Hindus</i> :	6 <i>Mahomedans</i> .
(1) Lingayat.	3 <i>Parsis</i> .
(1) Raddi.	1 <i>Bene Israel</i> .
(1) Kayastha Prabhu.	1 <i>Anglo-Indian</i> .
(1) Gaud Saraswat.	1 <i>Indian Christian</i> .
(1) Anvil Brahmin.	1 <i>Eurasian</i> .

#### MULSHI PETHA LANDS.

Mr. R. G. SALGAR (Sholapur City): Will Government be pleased to state :—

(a) the number of *khatedars* of Mulshi Petha lands and how many of them have mortgaged their lands with the *savkars* ?

(b) to what caste do the creditors belong ?

(c) how many *khatedars* have accepted the compensation from the company and what is their caste ?

(d) to what caste the *khatedars* belong who have not accepted the compensation ?

The Honourable Sir IBRAHIM RAHIMTOOLA: Information has been called for.

#### CONVICTION IN CONNECTION WITH MULSHI PETHA SCHEME.

Mr. R. G. SALGAR (Sholapur City): What is the number of persons that are convicted for different number of offences in April and May 1922 at Mulshi petha ? How many of them are Mavlas (male and female) and what was the number of *khatedars* if there be any and how many of the company's servants were in them ?

The Honourable Mr. M. H. W. HAYWARD: Information is being obtained.

#### TODDY IN SHOLAPUR.

Mr. R. G. SALGAR (Sholapur City): Will Government be pleased to state :—

(a) Since how many years Messrs. Boyce and Co. have been working as toddy contractors in Sholapur city ?

(b) How many toddy trees within a short distance from the Sholapur city have been purchased by the said company or taken on lease from the owners and for what period ?

(c) Is it a fact that no bidder dares to bid for want of trees ?

(d) How many toddy trees were tapped in 1920-21 and 1921-22 for Sholapur in each month and what income did the Government derive from the license fee and tree tax for the above period by month ?

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

#### EKRUK TANK.

Mr. R. G. SALGAR (Sholapur City): Will Government state whether they contemplate reducing the length of the big canal of the Ekruk tank, Sholapur ? If so, why and to what length ?

The Honourable Sir CHIMANLAL H. SETALVAD : The matter is under consideration.

#### RETRENCHMENT COMMITTEE.

Mr. R. G. SALGAR (Sholapur City) : Will Government be pleased to place on the Council Table the detailed report of the Retrenchment Committee ?

The Honourable Mr. H. S. LAWRENCE : The Retrenchment Committee has not sent a detailed general report to Government. Reports to various departments are under consideration in those departments.

#### SHORTAGE OF LIQUOR.

Mr. R. G. SALGAR (Sholapur City) : Will Government be pleased to state whether the country liquor shop-keepers in this Presidency have to close their shops for some days in the month owing to the shortage of liquor by new system ? If so, for how many days in April, May and June 1922 were the shops closed ?

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

#### PROSECUTION OF RAILWAY SERVANTS.

Mr. R. G. SALGAR (Sholapur City) : Will Government be pleased to state whether any responsible railway servants have been prosecuted during the last ten years in this Presidency for allowing more passengers in railway compartments than the fixed number authorised ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information has been called for.

#### SALE OF LIQUOR.

Mr. R. G. SALGAR (Sholapur City) : Will Government be pleased to give the figures of sale of country liquor and English liquor in 1920-21 and 1921-22 ?

The Honourable Mr. C. V. MEHTA : The figures of sales of country and foreign liquor for the year 1920-21 are given in the Excise Administration Report for that year. The figures for 1921-22 will be called for.

#### SALE OF COUNTRY LIQUOR IN POONA.

Mr. R. G. SALGAR (Sholapur City) : Will Government be pleased to state whether the sale of country liquor in Poona city has decreased and the sale of foreign liquor increased ? If so, can Government give any reason for it ? What are the sales of country and foreign liquor in April, May and June 1922 in Poona city ?

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

#### GUN LICENSES.

Sardar V. N. MUTALIK on behalf of Rao Bahadur G. K. SATHE : (a) Has the District Magistrate of Bijapur, Mr. Henderson, issued an order No. 425, dated 22nd July 1921 in the matter of granting new gun license or renewing an old one ?

(b) Does the said order state that such licenses can be given or renewed only to one who declares on oath that he is not a member of the Congress or Khilafat Committee, that he is not a non-co-operator and that he or any relation of his has not contributed subscription to any of the above movements?

(c) Would Government be pleased to place on the table the order referred to in clause (b) with translation in English thereof?

(d) Will the Government be pleased to state whether the license for arms of Mr. Govind H. Belgal, Pleader, Bagalkot, was not renewed by the Collector and District Magistrate, Bijapur, by his order of 12th January 1922, because the said pleader was a non-co-operator?

The Honourable Mr. M. H. W. HAYWARD: The information has been called for.

#### BOMBAY RENT ACTS.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state if the report of committee appointed under Government order No. 666-G. D., dated the 19th January 1921, to consider amendments of Bombay Rent Acts is submitted to Government, and if so, what action Government have taken upon it?

The Honourable Sir CHIMANLAL H. SETALVAD: The report of the committee is under the consideration of Government.

#### REPORT OF THE PROSTITUTION COMMITTEE.

Mr. G. B. TRIVEDI (Thana District): Will the Government be pleased to lay on the Council table a copy of the report of the Prostitution Committee with the minutes of evidence?

The Honourable Mr. M. H. W. HAYWARD: A copy of the report\* which has already been printed is laid upon the table. A copy of the minutes of evidence will also as soon as printed be laid on the table.

#### REPORT OF THE INDUSTRIAL DISPUTES COMMITTEE.

Mr. G. B. TRIVEDI (Thana District): Will the Government be pleased to lay on the Council table a copy of the report of the Industrial Disputes Committee with the minutes of evidence?

The Honourable Mr. M. H. W. HAYWARD: A copy of the report\* and of the minutes are placed on the Council Table.

Mr. S. K. BOLE (Bombay City, North): Is it the intention of Government to introduce a bill in the next session of the Council on the lines suggested by the majority?

The Honourable Mr. M. H. W. HAYWARD: I cannot give a reply at present. The matter is under the consideration of Government.

#### Mr. B. G. HORNIMAN'S RETURN TO INDIA.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state whether they have now removed their objection to the return of Mr. B. G. Horniman?

\* Kept in Secretary's office.

(b) If not, what are their reasons for continuing the objection after the repeal of the Defence of India Act ?

The Honourable Mr. M. H. W. HAYWARD: (a) and (b) It is considered undesirable for Mr. Horniman to return to India.

Mr. JEHANGIR B. PETIT: On what grounds is it considered undesirable for Mr. Horniman to return to India ?

The Honourable Mr. M. H. W. HAYWARD: Government have nothing to add to the reply.

Mr. JEHANGIR B. PETIT: Then, the Government have no grounds, I take it.

The Honourable the PRESIDENT: Order, order. Once an answer is given, I think I have said that comments are not to be made on it. If anybody wishes to raise a question about it, there are other remedies. I hope Mr. Petit understands it.

Mr. JEHANGIR B. PETIT: Yes, Sir. I bow to your decision.

#### RENT ACT.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state what steps they are taking to extend the duration of and amend the Rent Act ?

The Honourable Sir CHIMANLAL SETALVAD: The matter is under consideration.

#### TOLLS.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state whether they have received a representation from the President, District Local Board, Thana, dated the 26th June 1922 ?

(b) Has the board prayed for a subsidy for one month during which collection of tolls was suspended ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: (a) Yes.

(b) The collection of tolls was not suspended by Government.

Mr. G. B. TRIVEDI: Is it not a fact that the tolls were collected by the local board in April ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: I want notice.

Mr. G. B. TRIVEDI: The representation is there, and you still want notice.

The Honourable the PRESIDENT: Now, Mr. Trivedi, I have again to point out that, if you think the answer given is not satisfactory, you cannot comment upon it now, but you may use the remedies which I have already pointed out. Why exhaust me and exhaust yourself in asking questions raising a debate after that ?

## NOTIFIED AREA, MALAD.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state if they received a petition dated the 21st August 1920, from Mr. M. N. Pandit and other inhabitants of the town of Malad in Thana district regarding the affairs of the notified area?

(b) Will Government be pleased to state what decision has been arrived at in the matter by the local authorities or by them?

(c) Have they considered the desirability of giving Malad a municipality or a village panchayat as prayed for in the petition?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: (a) Yes.

(b) All the points raised in the petition were disposed of by the Chairman, Notified Area Committee.

(c) No proposals for the conversion of the notified area at Malad into a municipality or a village panchayat have been received.

Mr. G. B. TRIVEDI: Have Mr. Pandit and other inhabitants of Malad been replied to?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH: I think a reply has been sent to them.

## TREATMENT OF MR. GANDHI IN JAIL.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state—

(a) How many letters were written by Mr. M. K. Gandhi from the jail to his relations and friends and how many of these were censored and detained?

(b) Did he desire to send a manuscript of a model vernacular textbook to his friends for opinion?

(c) Was this request disallowed? If so, for what reasons?

The Honourable Mr. M. H. W. HAYWARD: (a) He has written two letters. They were returned with the intimation that while it was our wish to grant facilities for correspondence on personal and private matters, it was necessary to exclude matter likely to become the subject of political propaganda.

(b) and (c) He desired to publish a vernacular primer but it was intimated that prisoners were not permitted to publish books from prison.

Mr. G. B. TRIVEDI: Is it not a fact that prison rules in England allow prisoners to publish newspapers and book from jails?

The Honourable the PRESIDENT: Our Standing Order says that questions must be asked with reference to matters relating to the provincial department with which the Member in charge is officially connected, which is within his special cognisance and for which he is responsible. The Honourable the Home Member is not responsible for what takes place in England.

Mr. G. B. TRIVEDI: Is there any objection to the manuscript going out of the jail to Mr. Gandhi's friends not for publication, but for opinion?

The Honourable Mr. M. H. W. HAYWARD: I do not think a reply is necessary from me. I leave it to the honourable member's own judgment.



## ELECTRIFICATION IN THE SUBURBAN DISTRICT.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state whether they have any scheme for electrification in the Suburban district?

(b) Have they received applications for different suburbs separately?

(c) Has any such application been refused? If so, for what reasons?

The Honourable Mr. H. S. LAWRENCE: (a) The Bandra municipality recently resigned the electric license formerly granted to them, on the understanding that Government would take steps "to secure the early introduction of electric supply in Bandra" and that Bandra would be "the first local area in Salsette in which the public supply of electricity would be introduced." Government, a few days ago, invited by advertisement applications for the supply of electricity in Salsette. The conditions lay down that the successful applicants will be required to supply electric energy in the Bandra municipal area within two years from the date of the license. Further, they provide that Government may declare any part of a larger area in Salsette, extending north of Andheri on the west and north of Ghatkopar on the east to be a compulsory area and the successful applicants will be required to supply electric energy in any area declared to be a compulsory area within three years from the date of the declaration.

(b) and (c) Applications are to be received up to the 1st October next. No applications had been received up to the date on which this answer was written. Applications for licenses to supply electricity to Ghatkopar and Borivli were refused in 1920, on the ground that Government considered that the question of the supply of electricity to Salsette should be considered as a whole.

## RETRENCHMENT.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to lay a statement on the Council table showing how retrenchment of 60 lakhs of rupees undertaken by them at the last session is carried out?

The Honourable Mr. H. S. LAWRENCE: A statement\* giving the required information is laid on the table.

Mr. G. B. TRIVEDI: With regard to this statement, may I ask the Honourable Minister in charge of Education whether charges in connection with the establishment of hostels for the depressed classes boys at Poona has actually been omitted?

The Honourable Mr. R. P. PARANJPYE: According to a later revision of these proposals, that item has not been retrenched.

## PRINCIPALS OF COLLEGES IN UNIVERSITY SENATE.

Rao Bahadur D. A. VICHARE (Ratnagiri District): Will Government be pleased to say whether the principals of several colleges have seats in the University Senate to watch the interest of their colleges?

The Honourable Mr. R. P. PARANJPYE: The principals of all except three colleges are either elected or nominated as ordinary Fellows of the University. No principal is a Fellow *ex-officio*.

\* Vide Appendix Z.

## NON-BRAHMIN GRADUATE ON SENATE BOARD.

Rao Bahadur D. A. VICHARE (Ratnagiri District): Will Government be pleased to say whether any non-Brahmin graduate is on the Senate Board?

The Honourable Mr. R. P. PARANJPYE: The names of the members of the Senate are published in the Bombay University Calendar.

## PURCHASE OF SAFES FROM MESSRS. GODREJ AND BOYCE.

The Honourable Mr. H. S. LAWRENCE: Sir, I wish to make a statement with regard to the question of safes from Messrs. Godrej and Boyce:

A safe had been on order from this firm for a long time. Reminders were sent asking for delivery. The safe was not delivered and no notice was taken of the reminders.

Meanwhile Government were informed that the head of this firm had shown his sympathy with non-co-operation movement by placing a large sum of money at the disposal of the promoters. The danger of entrusting the confidential records of the State to safes and boxes manufactured by persons hostile to the State is obvious; and in May last, Government issued an order prohibiting all dealings with the firm.

In matters of this nature it will be obvious that the primary consideration of Government must be the safe custody of valuable public records.

Mr. G. B. TRIVEDI: Is it not a fact that contribution towards the Tilak Swaraj Fund.....

The Honourable the PRESIDENT: What is that you want?

Mr. G. B. TRIVEDI: I want to ask a supplementary question.

The Honourable the PRESIDENT: You might ask it after the 5th list is over.

## COMMITTEE OF WORKMEN'S COMPENSATION.

Mr. S. K. BOLE (Bombay City, North): Will the Government be pleased to state whether the Government of Bombay was represented on the committee of workmen's compensation which met on the 20th of June last to frame legislation on workmen's compensation?

The Honourable Sir IBRAHIM RAHIMTOOLA: No.

## TRADE UNIONS, ETC.

Mr. S. K. BOLE (Bombay City, North): Will the Government be pleased to state if a reply containing the views of the Governor in Council has been forwarded to the Government of India on the following references:

(a) \* \* \*

(b) \* \* \*

(c) Unemployment agencies.

(d) Workmen's compensation.

If the answer to (a), (b), (c) and (d) is in the affirmative, what is the approximate date on which the reply was sent.

The Honourable Sir IBRAHIM RAHIMTOOLA: (c) Yes. On the 16th June 1922.

(d) Yes. On the 28th June 1922.

## UNEMPLOYMENT AGENCIES.

Mr. S. K. BOLE (Bombay City, North): Will the Government be pleased to state whether any steps have been taken by the Labour Office of this Government to enquire into the feasibility of providing unemployment agencies for the large number of industrial workers belonging to the backward classes who come to Bombay to seek employment and to provide as far as possible housing accommodation in the city and outside?

The Honourable Sir IBRAHIM RAHIMTOOLA: The question of unemployment agencies has been considered by Government but no evidence of the existence of unemployment in Bombay has been placed before it. As the honourable member is aware the housing of the industrial classes is receiving attention.

## CONSTRUCTION OF CHAWLS.

Mr. S. K. BOLE (Bombay City, North): Will the Government be pleased to state the number of chawls built by the Improvement Trust and Development Directorate up to date and the approximate number of chawls to be built within the next three years in the city and island of Bombay? Are any reliable data available of chawls built by millowners during the last three years and the number likely to be built by private agency, mainly millowners, within the next three years?

The Honourable Mr. H. S. LAWRENCE: None of the chawls being constructed by the Development Directorate has yet been completed. The work done to date is equivalent to the construction of 19 complete chawls. According to the programme to which the Development Directorate is endeavouring to work, 60 chawls are to be completed by the 31st March 1923, another 75 by the 31st March 1924 and another 90 in the following year—making in all 225 chawls or 18,000 rooms by the 31st March 1925. The Improvement Trust have built to date 8,861 rooms in permanent chawls and they propose to build 3,900 rooms within the next three years. They have also provided 4,575 rooms in semi-permanent chawls.

The number of chawls built by the millowners in Bombay city including those under construction is 26, while the number of chawls likely to be built by them in the near future is, so far as is known, 18.

## FAMILY BUDGETS.

Mr. S. K. BOLE (Bombay City, North): Will the Government be pleased to state when copies of the report of family budgets collected by the Labour Office will be available?

The Honourable Mr. M. H. W. HAYWARD: I cannot say, but the report is expected in September.

## REPORT ON WAGES IN THE COTTON MILL INDUSTRY.

Will the Government be pleased to state whether the report on wages paid in the cotton mill industry is published by Government. If not, when is it likely to be in the hands of the general public.

The Honourable Mr. M. H. W. HAYWARD: The report has not yet been received. It is expected in September.

## ADVERTISEMENTS IN "LABOUR GAZETTE."

Mr. S. K. BOLE (Bombay City, North): Will the Government be pleased to state the approximate revenue monthly received by Government for advertisement in the *Labour Gazette*? Is it a fact that the paper is produced locally in Bombay paper mills?

The Honourable Mr. M. H. W. HAYWARD: April Rs. 553, May Rs. 776 and June Rs. 952 during the current financial year. The paper is produced in the Mundhwa Paper Mills, Poona.

## PRICES OF FOOD-GRAINS.

Mr. S. K. BOLE (Bombay City, North): Will Government be pleased to state the fall in the prices of food-grains in the following places, as compared with April 1921:—

(1) Bombay, (2) Ahmedabad, (3) Sholapur, (4) Karachi.

The Honourable Sir IBRAHIM RAHIMTOOLA: In the following table the wholesale prices per maund of the principal food-grains at the end of April 1921 and 1922 at the four stations mentioned are compared:—

Food-grains.	Bombay.		Ahmedabad.		Sholapur.		Karachi.	
	1921.	1922.	1921.	1922.	1921.	1922.	1921.	1922.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Rice ..	5 14 3	6 8 9	9 8 0	7 8 0	6 3 3	7 7 1	7 3 0	8 2 0
Wheat ..	7 3 2	7 15 10	6 12 0	7 8 0	7 4 1	6 15 7	7 0 0	7 4 0
Jowari ..	5 8 1	4 13 11	*	5 8 0	7 1 0	3 12 1	6 2 0	4 8 0
Bajri ..	7 6 6	6 5 7	7 8 0	6 8 0	6 11 1	4 10 4	7 0 6	5 13 6
							Gram.	
Tur dal ..	8 6 7	9 9 10	12 8 0	9 8 0	8 3 3	6 15 1	6 7 0	6 0 0
			* Not available.				(Tur dal not sold.)	

## STRIKE OF CULTIVATORS.

Mr. S. K. BOLE (Bombay City, North): Will the Government be pleased to state the present progress of the strike of cultivators in the Kolaba district and the causes which have led to the *impasse*?

The Honourable Sir IBRAHIM RAHIMTOOLA: The Agri tenants who form the bulk of the cultivating population in the Pen taluka formed a very close organisation last year against their landlords making various demands including reduction of rent, fixed system of remission of rent in bad years, entry of these remissions in the *kabulayat*, abolition of forced labour, responsibility of landlords for repairing of outer *bandhs* in salt rice lands, adoption of the Government measure for weighing rice and a new form of *kabulayat* in accordance with these conditions. The landlords refused to accede to these demands *in toto* with the result that the tenants of an area amounting to over 5,000 acres refused to cultivate the lands and it therefore remained waste. The Collector has been making constant efforts to getting the matter settled by conferences between both parties in his presence and by other ways, but without any definite result up to date.

## FISHING TRAWLER "WILLIAM CARRICK".

1. Khan Bahadur D. B. COOPER (Satara District): Will Government be pleased to put on the Council Table the original report on the recommendation of which Government were induced to purchase the fishing trawler *William Carrick* and the report which ultimately caused the discontinuance of its working owing to the failure of the scheme?

The Honourable Mr. C. V. MEHTA: Government Order No. 15608,\* dated 23rd December 1919, and Government Order No. 3206\*, dated 20th November 1920, dealing with the purchase of the Steam Trawler *William Carrick* are placed on the Council table.

Government decided to discontinue the working of the trawler as it was found to result in financial loss.

A report dealing with the commercial as well as scientific aspects of trawling in Western India is expected from the Marine Biologist towards the end of the year and will be placed on the Council table when received.

## WANT OF WAITING SHEDS ON BROACH-JAMBUSAR RAILWAY.

1. Sardar Khan Bahadur ADARJEE M. DALAL (Broach District): Are Government aware that on the Broach-Jambusar Railway the passengers are put to great hardship for want of accommodation of waiting sheds on all the stations on the line and especially at Vejalpore, Amod and Jambusar stations on which there is a large rush of passengers and passenger traffic is very considerable?

The Honourable Sir IBRAHIM RAHIMTOOLA: Information has been called for.

## RAILWAY ACCIDENTS.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state—

(a) the regulation distance which a broad gauge railway is bound to maintain between two railway lines in order to prevent accidents during the crossing of trains?

(b) whether the distance between the double lines between Ahmedabad and Barejdi is according to the regulation or less? If less, by how much?

(c) whether there are other sections of the B. B. & C. I. Railway which offend against this regulation? If so, which?

(d) whether they are aware that very serious accidents to human life have occurred lately between Ahmedabad and Barejdi during the crossing of trains at night?

(e) whether any steps have been taken to enforce the regulation about distance between two rail roads on railway administrations in the Presidency wherever there are double lines?

The Honourable Sir IBRAHIM RAHIMTOOLA: Information has been called for.

VICE-PRINCIPALS OF TRAINING COLLEGES AND HEAD MASTERS OF URDU  
TRAINING CLASSES, POONA AND AHMEDABAD.

Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to give in comparative statement the work in detail of the vice-principals of the training colleges for men at Poona and Ahmedabad and the head Masters of the Urdu training classes at Poona and Ahmedabad?

The Honourable Mr. R. P. PARANJPYE: It is not clear what details are required and it is therefore impossible to supply the information.

HEAD MASTERS OF URDU TRAINING CLASSES AND DEPUTY INSPECTOR  
OF VISUAL INSTRUCTION.

Mr. IBRAHIM S HAJI (Bombay City): (a) Will Government be pleased to state the exact years for the creation of the posts of head masters of the Urdu training classes and the deputy inspector of visual instruction?

(b) Is it a fact that the last post has been recently included in the Bombay Educational Service while the first two have been deferred?

The Honourable Mr. R. P. PARANJPYE: (a) and (b) Attention is invited to the reply given to a similar question put by Khan Saheb Mohidinkhan regarding the Urdu training classes, Poona. The present post of head master of the Urdu training classes, Ahmedabad, was sanctioned in 1921 and is not included in the Bombay Educational Service. The post of head master of the former classes is also not included in that service.

MAHOMEDAN HEAD MASTER OF A GOVERNMENT HIGH SCHOOL OR  
MIDDLE SCHOOL.

Mr. IBRAHIM S. HAJI (Bombay City): Is Government aware that there is no Mahomedan employed as a head master of a Government high school or middle school?

The Honourable Mr. R. P. PARANJPYE: There are three Mahomedan head masters of high schools. Of these one is at present employed as Acting Superintendent of the Reformatory School at Yeravda, while the remaining two are head masters of Anglo-Urdu high schools. With regard to middle schools inquiries are being made.

TRAINING SCHOOL FOR MAHOMEDAN GIRLS.

Mr. IBRAHIM S. HAJI (Bombay City): Is Government aware that by closing of the training school at Hubli for Mahomedan girls established only last year, there will be no training school for Mahomedan girls?

The Honourable Mr. R. P. PARANJPYE: Yes; attention is, however, invited to paragraph 3 of Press Note No. 675, dated the 3rd January 1922.

URDU TRAINING CLASSES.

Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to state the reasons why the Urdu training classes at Poona and Ahmedabad are not established as independent Urdu training colleges?

The Honourable Mr. R. P. PARANJPYE: The main reasons are (1) the absence of any need at present for more than one full Urdu training college and (2) financial stringency.

## CENTRAL URDU TRAINING SCHOOL, RATNAGIRI.

Mr. IBRAHIM S. HAJI (Bombay City): (a) Is Government aware that a central training school was sanctioned for training Mahomedans for Urdu vernacular final examination at Ratnagiri?

(b) Do Government intend to start it from next financial year?

(c) If not, why not?

The Honourable Mr. R. P. PARANJPYE: (a) The statement made in this part is not correct. The necessary *provision* only for opening a central primary (not training) school for Mahomedans was made in the current year's budget. Owing to financial stringency, however, it was subsequently omitted.

(b) and (c) No statement can be made at present.

## MAHOMEDAN DEPUTY INSPECTOR FOR URDU SCHOOLS.

Mr. IBRAHIM S. HAJI (Bombay City): Is it a fact that an appointment of a Mahomedan as a deputy inspector for Urdu schools for Bombay Division has been sanctioned? If so, when do Government intend to make the appointment?

The Honourable Mr. R. P. PARANJPYE: The question of creating a post of special deputy educational inspector for Urdu schools in the Bombay Division was considered recently but owing to the imperative need for economy it was decided that the existing arrangements for the inspection of these schools should continue till the financial situation improves.

## LEGISLATION FOR CONTROL OF RENT.

Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to state whether they intend to enact a permanent and substantive law for the control of rent in the Presidency town?

The Honourable Mr. H. S. LAWRENCE: Government have no such proposal under consideration.

## RENT ACT.

Mr. IBRAHIM S. HAJI (Bombay City): (a) Is Government aware of the public demand for the extension of the Rent Act in the city of Ahmedabad?

(b) If so, what steps have been taken to extend the Rent Act there?

The Honourable Mr. H. S. LAWRENCE: Certain sections of the public have demanded the extension of the Act to Ahmedabad.

Government do not propose to extend the Act to Ahmedabad.

## WATER SPECIAL TRAINS.

Mr. C. C. HULKOTI (Dharwar District): Is it a fact that the Madras and Southern Maratha Railway are removing daily a large quantity of water from the river Warada near Karajgi Railway station, in Dharwar district, by running water special trains with the result that great hardship and inconvenience are caused to the people using the river water for drinking and other purposes?

The Honourable Sir IBRAHIM RAHIMTOOLA: Information has been called for.

## MAHOMEDANS IN BOMBAY CIVIL SERVICE.

Khan Saheb A. M. MANSURI: Will Government be pleased to state the number of Mahomedans holding superior appointments in the Bombay Civil Service Executive and Judicial branches?

The Honourable Sir IBRAHIM RAHIMTOOLA: One Mahomedan holds a superior post in the Executive branch of the Bombay Civil Service and none in the Judicial branch.

## FRERE HALL AND LIBRARY AT MAHABLESHWAR.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Will Government be pleased to lay on the table Government Resolution No. 6414, Revenue Department, dated 11th September 1897, relating to the management of the Frere Hall and Library at Mahableshwar?

The Honourable Sir IBRAHIM RAHIMTOOLA: A copy of Government Resolution No. 6814,\* dated 11th September 1897, is placed on the Council Table.

Mr. JEHANGIR B. PETIT: Will Government be pleased to say if the resolution placed on the table is complete or only a portion of it?

The Honourable Sir IBRAHIM RAHIMTOOLA: The answer is quite clear.

Mr. JEHANGIR B. PETIT: The answer is not clear. Will the Government be pleased to say whether it is a fact that certain portions of the Frere Hall are closed to the public at all times?

The Honourable Sir IBRAHIM RAHIMTOOLA: I require notice of that question.

Mr. JEHANGIR B. PETIT: Will Government be pleased to say under what resolution the Club is closed to the public after a certain hour?

The Honourable the PRESIDENT: Order, order. In this question you ask if Government will be pleased to lay on the table a certain document. It is laid on the table, and during the next session you may ask any questions arising out of that. The purpose of laying on the table is either that you may ask questions or raise a debate upon it in proper time.

## DUTIES OF PATELS AND KULKARNIS.

Mr. R. G. SALGAR (Sholapur City): Will the Government be pleased to state—

(a) what duties were assigned to the officiating patels and kulkarnis in this Presidency when Wingate scale was settled?

(b) since that time what more duties were assigned to those persons; if so, is any more remuneration paid to them for those additional duties?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) The patel is the head of the police and of the administration of justice in his village. As an officer of revenue, he performs on a small scale what a mamlatdar does on a larger one. He collects the revenue for Government from all the ryots, conducts all its arrangements with them and exerts himself to promote the cultivation and prosperity of the village. Though originally the agent of Government he is looked upon as equally the representative of the ryots and is not less useful in executing the orders of Government than in asserting the rights of



the ryots or at least in making known the wrongs. His primary duty is the collection of land revenue. Whatever happens in a village of a nature requiring that it should be made known to Government it is the patel who inquires into and makes the report. It is the duty of the patel to render every assistance to travellers, whether official or otherwise, provided payment is duly tendered. As a rule he is required to reside in the village or in the villages to which he stands appointed. He is required to attend all sales of land in execution of decrees that may take place in the village. It is the duty of a patel or a kulkarni remunerated according to scale, to protect trees, as being the property of Government which yields revenue, to preserve with the utmost care all trees growing in Government waste land and trees, the property of Government wherever they grow. The patel (police) is required to keep a register of births and deaths. If he is illiterate, the kulkarni keeps it, though the patel is responsible for the custody of the village form in which such record is kept. Besides, when an epidemic commences, the patel is required to get information not only of the deaths but also of the number of attacks and recoveries. This record is maintained in Village Form XIV-B. He does not keep the village accounts which form part of the duty of the kulkarni, but he is required to assist the latter in many ways. As for instance, the remittance rules require that the cash must be counted by the kulkarni in the presence of the patel. If the village is near the taluka and there is not more than one village servant available, he is required to accompany the latter with the remittance. Besides he is to assist the kulkarni in maintaining the record of rights. He is required to sign every entry in the Mutation register at the time it is made by the kulkarni. His knowledge of the village is considered as a safeguard against false entries. It is his duty to serve all notices or requisitions from kulkarni or circle inspector on the person concerned, to summon people when they are required to assist in the inspection of the record by superior officers. He must see that all transactions which may come to his notice are duly recorded by the kulkarni. Village accountants are required to keep diaries showing from day to day where they had been residing and what work they had been doing.

(b) No new duties have been imposed.

#### REVISION OF SALARIES OF PRIMARY SCHOOL TEACHERS.

1. Sardar V. N. Mutalik on behalf of Rao Bahadur G. K. SATHE: (a) Will Government state whether the question of a permanent revision of the salaries of primary school teachers was left over for consideration by the Minister of Education (*vide* Press Note No. 5150, dated 29th November 1920)?

(b) Has such a permanent revision been considered and decided upon by the Minister for Education?

(c) If not, when it is intended to frame and publish the whole scheme of revision?

The Honourable Mr. R. P. PARANJPYE: (a) Yes.

(b) and (c) The matter is still under consideration.

#### SANSKRIT SHASTRI TEACHERS.

2. Sardar V. N. Mutalik on behalf of Rao Bahadur G. K. SATHE: What are the special reasons that induce Government now to gradually do away with Sanskrit Shastri teachers in high schools?

The Honourable Mr. R. P. PARANJPYE: Experience shows that non-graduate Sanskrit teachers are not so efficient as graduate Sanskrit teachers.

#### GRAZING FEES.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to lay on the Council table a list of villages in the Thana district and Kolaba district which are required to pay grazing fees in the following form :—

Name of the village.	Taluka.	2 annas in the year.	4 annas in the year.	6 annas in the year.	8 annas in the year.

(b) What are the reasons of enhancing the forest grazing fees ?

(c) Were any reasons given when they were increased ?

(d) Were the villagers of the above villages given any opportunity to discuss the question of enhancement of grazing fees with the forest officers ? If not, why not ?

The Honourable Mr. C. V. MEHTA : (a) As regards grazing fees in the Thana district Mr. Trivedi is referred to section 229 of the Standing Orders of the Forest Department. The grazing fees in this district are not in respect of villages by name and people who are liable to pay the fees do so only when they take their cattle into the forest and not otherwise.

Lists\* of villages in the Kolaba district which are required to pay grazing fees are placed on the Council Table.

(b) Grazing fees are enhanced for specific offences such as not rendering help to put out fires or trace offenders, bad tree protection, illicit cutting, illicit grazing, etc. Fees were enhanced in the villages of Belapur and Medhi in the Dahanu taluka for illicit grazing.

Reasons for enhancing grazing fees in the Kolaba district are given in the remarks columns of the statements placed on the Council Table. The increased fees are to be taken for one year only.

(c) Yes.

(d) The people of Belapur and Medhi were given an opportunity to discuss the enhancement and they were given one month's time to pay the fees.

As the fees were not increased generally in case of villages in the Kolaba district no opportunity was given to the villagers as a whole to discuss the question of enhancement. It is open to the villagers to appeal against the enhanced rates, but there has been only one such appeal in the last two years.

#### TOWN HALL, BOMBAY.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state whether there is any objection to the use of Town Hall, Bombay, being given to the public for political meetings conducted on constitutional lines ?

(b) If so, what policy have they laid down in the disposal of applications for its use for such meetings ?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) and (b) Each application is considered on its own merits.

Mr. G. B. TRIVEDI: May I ask if there is any underlying principle or policy in granting or refusing such applications, and, if so, what is that policy or principle?

The Honourable Sir IBRAHIM RAHIMTOOLA: I have nothing to add to the answer. It is quite clear.

#### REFUSAL OF PASSPORT TO SWAMI SATYADEV.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state their reasons for refusing passport to Swami Satyadev to proceed to Germany and Austria for medical treatment?

(b) How many passports for Germany or Austria were issued during the last twelve months, and how many applications for the same were refused during the same period?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) Government do not consider that it would be consonant with the public interest that they should state their reasons.

(b) Altogether 112 passports have been issued for Germany and Austria during the last twelve months. Besides Swami Satyadev, two other persons were refused passports to Germany. No persons were refused passports to Austria during the period.

#### REPORT OF THE TECHNICAL EDUCATION COMMITTEE.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state when the final report of the Technical Education Committee is likely to be published, and what action they propose to take on the same?

The Honourable Dr. R. P. PARANJPYE: The report has been already published and is under consideration.

#### PURCHASE OF SAFES FROM MESSRS. GODREJ AND BOYCE.

Mr. G. B. TRIVEDI: Are Government aware that the contribution of of Messrs. Godrej and Boyce to the Tilak Swaraj Fund was earmarked for work among the depressed classes and the temperance work?

The Honourable the PRESIDENT: What is that supplementary to?

Mr. G. B. TRIVEDI: The Honourable the Finance Member made a statement with regard to the Government's reasons for issuing the resolution in which statement he mentioned that the firm had given a contribution. Therefore I ask whether Government are aware that.....

The Honourable the PRESIDENT: You are raising an argument. That is a debate. I must rule this question out of order. My ruling, I again say for the guidance of the honourable member, should be accepted. You are raising a debate, you want to raise an argument. This is not the proper time for it and it is highly improper on the part of the honourable member to question my rulings which have been repeatedly given.

#### BOMBAY CITY MUNICIPAL BILL.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDA-

YATALLAH: Sir, I beg to move that Bill No. VII of

1922 (a Bill further to amend the City of Bombay  
Municipal Act, 1888) be read the third time.

Third reading.

Rao Bahadur R. R. KALE (Satara District) : Mr. President, in rising to support the third reading of this bill, I wish to congratulate Government and the Honourable the Minister for Local Self-government on, after all, having piloted the bill through the various stages notwithstanding certain vacillations that were evinced during the passage of the bill, and I think the House has to congratulate itself on the ultimate result which is now before the Council.

Of course, the important clauses expanding the franchise have been embodied in the bill and although the principle of co-option was admitted into the Act to an extent larger than was originally intended, it seems, taken as a whole, that the bill marks a considerable advance on the original Act, and as a measure which is the first of its kind in the matter of the expansion of local self-government and relating as it does to the premier city of the Presidency, we have every reason to hope that the expansion of local self-government on more democratic lines in the mofussil will soon be undertaken and provisions relating to the expansion of the franchise as well as other provisions will be incorporated in the District Municipal Act also. On the whole I have great pleasure in supporting the third reading of the bill.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : I have, Sir, a small verbal amendment to move, namely,

"In clause 7A, after '7A' insert the words 'After section 15 of the said Act, the following section shall be added, namely :—15A'."

Amendment carried.

The Honourable the PRESIDENT : May I again remind the Honourable Minister in charge that the word "insert" has a particular parliamentary meaning. You have, I see, an amendment which goes contrary to what I said on the last occasion. "Add" means fresh addition while "insert" means substitute a fresh word for a word taken away. Insertion means subtraction and substitution. Addition means fresh addition. That is the parliamentary language and we had better keep to it.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Sir, I beg to move :

"In clause 16A sub-clause (b) after the word 'roll' insert the word 'or'."

The Honourable the PRESIDENT : The Secretary has looked into the matter, and has informed me that the word 'or' is in the bill as amended at second reading. The Secretary says that it is only a clerical mistake that it is not in the print. The word is there, and you need not move the amendment.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : Sir, I beg to move

"That in clause 34 the following amendment may be made :

In sub-clause (e), leave out the words 'City of Bombay Municipal Act, III of 1888' and insert instead the words 'said Act'."

Amendment carried.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN HIDAYATALLAH : I beg to move :

"In clause 34, sub-clause (e), leave out the word 'nominated' and insert the word 'appointed'."

Amendment carried.

The Honourable the PRESIDENT : I declare that Bill No. VII of 1922, a bill further to amend the City of Bombay Municipal Act, 1888, is read for the third time and passed.

## DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

Dr. K. E. DADACHANJI (Bombay City, South): Mr. President, I beg to move the resolution which stands in my name, reading as follows :—

"This Council recommends to Government that no new scheme involving reclamation of land from the sea should be taken in hand in the city of Bombay till the reclamation schemes already notified are completed and the land so reclaimed is disposed of."

Sir, it will be remembered that for the last four or five years great activities are going on in the city of Bombay in order to extend it northwards and eastwards, and also by various reclamation schemes. When the city is growing and expanding, I admit all this is necessary. The old history of the city of Bombay shows that it was the result of a volcanic eruption. What nature did years ago, we are going to do by artificial means, in order to satisfy our needs. Honourable members are aware that with this object in view the Improvement Trust is working, the municipality is working in the northern direction, the Port Trust in the eastern direction, and the Development Department is carrying on various reclamation and other schemes. The question is whether, taking into consideration the condition of the market and the condition of the trade in the city, it would be beneficial to the taxpayer for Government to go on undertaking schemes after schemes, without waiting to know the result of the schemes already undertaken and the lands sold off. It would be remembered that when the western portion of the Back Bay reclamation was undertaken, several able persons and experts were consulted, and it was thought that it would cost Government only Rs. 10 per square yard. Since then, this was revised, and it came to Rs. 20 per square yard, according to the condition of the market. Now, if it is revised once again, for the third time, I am sure it would come to something like about Rs. 30 per square yard. These are figures given by those who can pronounce an opinion on the subject. That being the case, it is much better, in the interests of all the taxpayers of the whole province concerned, that Government should wait and see the result of the work of the schemes already taken in hand. Soon after the western portion of the Back Bay reclamation scheme, what is known as the Colaba reclamation scheme, was undertaken, I made enquiries, and I understand that for this scheme no expert was consulted, but that the scheme was launched by the department concerned. Nobody knows what the cost per square yard would come to. That being the case, taking into consideration the financial conditions in the province, in India and throughout the world, I think it would be much better that we should wait and see the results of the schemes already being pushed forward. Besides, we will have to take into consideration the effects of the Back Bay reclamation on the various other schemes launched by various other bodies, such as the Improvement Trust, the Port Trust, and the municipality. I understand that people will go in readily for the areas reclaimed on the Back Bay. If that is so, it will be detrimental to the schemes in the east, in the north and other directions. Already, the value of the land in the case of the Worli scheme is falling. As it will also have an effect on the schemes launched by other bodies, I think it is but fair to ask Government to wait and see the result. There is no hurry about it, as there is no demand for the products of all the various schemes. Bombay is not an industrial city in the sense in which people take it. There is only the mill industry, which is the staple industry, and its prosperity too depends on the conditions of the monsoon, on the condition of various markets, and even on speculation in the share bazaar. That is the chief industry, and there is no other big industry to name. For that, I ask myself whether it is necessary to make so much provision of land for the people

[Dr. K. E. Dadachanji]

to reside in there. If there were great industries, great workshops here, and everywhere within the boundary of the city, certainly I would be the last person to object to any schemes, whatever their cost and whatever their nature, because the land would be necessary in that case. But, as far as I can see, there is no such great demand, and I have given an instance of the schemes of the Improvement Trust which are being hung up, because there is not much demand for them. I think the Council will agree with me and ask Government that till the results of the western and eastern portions of the Back Bay reclamation are known, and also what effects they will have on the price of land, they should not launch other schemes. They may have some small schemes here and there, as connecting links and they can undertake them, but as regards these large and costly schemes, my opinion is that Government should pause and see, and watch the result.

I do not want to take any more time of the Council, and with these few words, I move the resolution, and trust that the Council will accept it.

The Honourable the PRESIDENT : All speakers will bear in mind that fifteen minutes are allowed to each speaker except to the Member of Government when he speaks for the first time. He will have half an hour under the standing orders.

Mr. P. W. MONIE : Mr. President, it will perhaps simplify the discussion if I make it clear at the beginning that Government have no intention whatever of embarking on any more reclamation schemes at present, and that no such schemes have been forwarded to Government by the Development Directorate. I can assure the Council that neither Government nor the Development Directorate have any intention either of proposing or recommending any new reclamation scheme either now or in the near future. I suspect that Dr. Dadachanji's resolution was based on a fact which I wish to explain, the fact that a survey has been made recently along the western shores of Malabar Hill and Cumballa Hill. I think that that survey, which has been made at the expense of a few hundreds of rupees, has been in Dr. Dadachanji's mind. The reason for making that survey is very simple. The honourable mover and other honourable members from Bombay know perfectly well that there have been discussions regarding reclamation in this particular area in past years, and that several proposals were put forward in 1919 and 1920. At that time Government were rather embarrassed in dealing with these proposals by the fact that they had insufficient information regarding the possibilities of reclamation in that area and by the fact that they were thinking of establishing a Development Department. They decided to wait and obtain the opinion of the new department and therefore they sent the papers to the Development Director on his appointment and told the Development Department to investigate the possibilities and report. As the Chief Engineer had a man available in the hot weather he had a survey made, and as a result the question was discussed by the Director of Development, the Chief Engineer and myself, and we agreed in recommending to Government that no reclamation scheme in that part of Bombay should be taken up at present. We have made a survey which may be of use in the future and which is of value because it is quite possible that other proposals may be made and we may have to check them and see what action Government would be well advised to take. But at present there is no proposal at all for any new reclamation scheme.

[Mr. P. W. Monie]

As regards the second part of Dr. Dadachanji's resolution, I think he is really perfectly safe. It is quite impossible for Government to embark on any large reclamation scheme without giving the Council full information and ample time to criticise and Dr. Dadachanji will remember that, in the case of the East Colaba scheme, before we asked for a grant we published a press-note in which we explained the approximate cost of the work and the estimated cost of the scheme, and further gave an assurance that unless the detailed estimate approximated to the figures given Government would not proceed with the scheme without coming back to the Council. I cannot commit Government, but I have personally no doubt that in future, if any new reclamation scheme is proposed to be undertaken, Government will take steps to make the Council fully aware of the proposals and to give them time to consider and discuss them.

In view of this statement, which I hope is perfectly clear, that there are no new reclamation schemes in contemplation and that it is perfectly impossible for Government to embark on any new schemes for reclamation without giving the Council full information and without giving them an opportunity to reject them, I suggest that Dr. Dadachanji might save the time of this Council by withdrawing this resolution.

Dr. K. E. DADACHANJI: If Government gives the assurance that they will bring their reclamation schemes before the Council, I would not press the motion.

The Honourable Sir IBRAHIM RAHIMTOOLA: The schemes have to be brought before the Council because that is the constitutional way.

The Honourable the PRESIDENT: Upon the undertaking given on behalf of the Development Department by the honourable member, Mr. Monie, added to the remark of the Honourable the Leader of the House that the matter will be brought before the Council because that is a constitutional way, are you going to withdraw your resolution?

Dr. K. E. DADACHANJI: Yes, I ask for leave to withdraw the resolution on that assurance.

Resolution allowed to be withdrawn and withdrawn accordingly.

Mr. A. S. DESHMUKH (East Khandesh) (Addressed the House in Marathi): Mr. President, I beg to move the following resolution:—

"With a view to give adequate remuneration to the revenue and police patels, this Council recommends to Government that the Wingate scale in force may be revised in the Deccan only as follows:—

Deccan—			
Rs. 9	per cent.	for the first	thousand
" 6	"	" second	"
" 3	"	" third	"

The scale for every thousand further may be revised at 1 per cent.

The scale for Chawary and Potgi expenses—

	Rs.
Population 1 to 100	6

Further Rs 3 per cent. or part of per hundred and the maximum amount should not exceed Rs. 90.

The scale of special Mushahira—

In addition to the above scale for the ordinary remuneration of patels, special remuneration may be granted in all cases as follows:—

Class I—Places such as described under Class II, but the ordinary land revenue of which gives small emoluments to the patel—Special allowance, Rs. 150.

[Mr. A. S. Deshmukh]

Class II—Large centres of traffic and important railway stations—Special allowance, Rs. 90.

Class III—Extraordinary large or troublesome places in the district, being market towns—Special allowance, Rs. 60.

Class IV—Ordinary large places in the district—Special allowance, Rs. 30."

Mr. President, the scale of Patil mushahira sanctioned by Mr. Wingate in the year 1875 and which is still in force in the Deccan is as follows :—

Rs. 3 per cent. for the first thousand, Rs. 2 per cent. for the second thousand and Re. 1 per cent. for the third thousand.

It has been decided to pay Rs. 2 for a village of one hundred population or a part of it to defray the expenses of chavdi and patil's maintenance with a condition that the amount should in no case exceed Rs. 30. It was further decided that Rs. 50 be paid as mushahira for a second class village but with a less revenue Rs. 30; Rs. 20 for a bazaar and pretty big villages and Rs. 10 for ordinary big villages. No revision has been made during the last 46 years.

The Honourable the PRESIDENT: Would the House like Mr. Deshmukh to make his speech or take it as read, because the translations of it were distributed the other day?

Honourable MEMBERS: We got them only just now.

The Honourable the PRESIDENT: They were placed upon the table for each member; nothing more could be done. I had given orders to place them on the table.

Mr. COWASJI JEHangIR: May I rise to a point of order, Sir? In the first place there is a rule that no written speech is allowed. The speeches should be delivered. That is your ruling, Sir, up to now. If this speech is given in writing and the honourable member is clearly reading, and if it is assumed to be or taken as read, we will be setting a bad precedent.

The Honourable the PRESIDENT: I think the honourable member will allow me to take care of precedents. Exceptions prove the rule and I must make exceptions as regards the reading of speeches in the case of a few members whom it is too late to teach. I think the standing rules leave that to my discretion, and I think the honourable member has sufficient confidence in me that I will exercise my discretion economically and wisely. I think the speech may be taken as delivered.

The Honourable Mr. M. H. W. HAYWARD: I should very much like to make a very respectful protest, Sir. I personally have not had an opportunity to read the speech, I have not read the translation, and I should very much like to hear what the honourable member has to say.

The Honourable the PRESIDENT: Then, for the delectation of the Honourable the Home Member, I call upon Mr. Deshmukh to continue his speech.

The Honourable Mr. R. P. PARANJPYE: As the English translation of the speech is there, would it not be possible for somebody to read the English translation in Council on the honourable member's behalf?

The Honourable the PRESIDENT: That the rules do not allow. The honourable member, Mr. Cowasji Jehangir, may raise a point of order, and he will be right. Mr. Deshmukh will now proceed.

Mr. A. S. DESHMUKH: No revision has been made, Sir, in the salaries these officers during the last 46 years.....



The Honourable the PRESIDENT (In Marathi): Mr. Deshmukh, it would be better if you could deliver the speech instead of reading it.

Mr. A. S. DESHMUKH: Very well, Sir. The scale of pay which these patels at present get was fixed 46 years ago and during the last 46 years there has been no revision. Now, we all know, Sir, that on account of the high cost of living and the rise in the prices, which has gone up nearly four times, every department has got an increase in salary and provisional allowance is also being granted to the staff. In the same manner, as these are as much the servants of Government as any others, they also ought to get a revision in their salary. Having regard to the scales allowed to other servants of Government at present, the remuneration of Rs. 12 a year which these officers get now is too small. The present circumstances and conditions are such that you cannot even get a maid-servant to cleanse the household utensils for the remuneration which you pay to these patels. The patel has even greater responsibility than some other servants of Government. He has to collect revenue and to inspect the harvest, and in addition he has to look after the births and deaths, and to help the census work, to assist others in the case of fire, to investigate thefts, to bring into force the civil and criminal orders and to help the officers of Government in the discharge of their duties generally. Is it not ridiculous, in these circumstances, to pay the patel such a meagre sum as Rs. 12 per annum, when he has to work hard and honestly as he is doing, in collecting revenue and in other ways?

Now, I do not say every patel ought to get more *mushahira* (remuneration), but I say that the scale that has been fixed years ago ought to be revised. The revised scale which I propose is as follows:—

Rs. 9 for the first thousand ;

Rs. 6 for the second thousand ;

Rs. 3 for the third thousand ;

Rs. 1 for the fourth thousand and after.

If you revise the scale in this way, it would come to about three times the present remuneration.

With these words, I move my resolution and trust the Council will accept it.

Mr. P. N. ADHAV (Satara District): Sir, I heartily support the resolution put before the House by my honourable friend Mr. Deshmukh. If you will consider the condition of the patels in his district, he has placed before you only the history of a part of his district. If you work an average, you find that in Khandesh, particularly in Chopda taluka, a patel hardly gets Rs. 20 per annum. Now, instead of going into further details of that district, I will just describe the condition existing in my own district. In my district there are 1,764 patels. They get yearly Rs. 16,710. That is, on an average, they get about Rs. 34 per annum or Rs. 2-6-0 per month. Now, if you look at the answer I received to my question in this House this session, you find that about 1,322 patels, that is, more than three-fourths or 75 per cent., hardly get Rs. 50 per annum. Now, from this the House will see that the patels are really under-fed and rather very poorly paid. The next question that will present itself to you is, why this question was not brought forward so far; and many of my honourable friends will be under the impression that the patels are happy and contented. But, Sir, I submit that the patels have submitted to their lot as loyal servants of the Government, but they expected so far that Government sooner or later will take their case into consideration and sooner or later their position will be bettered. So far

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they waited patiently and now they think that all their services have not been considered and their case has not been taken into consideration. Now, they have come forward with the request that their remuneration should be raised. Another question that might be raised is that, if the remuneration is so low, why should they cling to the post so tenaciously? I shall now inform the Council why they have been doing so. The patels have been doing this work, and have been rendering service to Government from generation to generation and look upon this as watan, and as some charm, nay *jadu*, is attached to that word, they cling to it so tenaciously. They think that watan is remuneration for services they are doing and for the services they have rendered in the past. They look upon this as a sacred inheritance and inviolable. Under Indian rule, patelship was never liable to forfeiture except for special circumstances such as treason or rebellion. Times have changed and the condition of patel is also changed. He is now made to serve more than one master. What a mamlatdar is to a taluka, a patel is to a village. He has to attend from three to four dozens of officers, besides his multifarious duties, visiting his village while on tour. So, you will see that his claim should be considered very sympathetically. There is another question which some of my honourable friends will bring forward, namely, they have got lands. But in my district, so far as my information goes, the patels' lands are fully assessed. There may be some exception in some alienated villages, but this is not a general rule. As a patel has to attend to all officers that visit his village on duty, he is required to leave off his field work so long as the officers stay in the village in order to attend upon them. He is not able to properly attend to his agricultural work. He has either to send a substitute or suffer the loss. Now, you will see the high rate of wages in the harvest time we have to pay more, about Re. 1 to a cooly and in ordinary times it is 8 annas. I think the patels have a very strong case and I hope the House will consider it sympathetically and give their hearty support.

Khan Saheb A. V. GODAD (Northern Division) (Addressed the House in Gujarati): Sir, I submit that patels are the same everywhere whether it is Gujarat or Southern Division. In Gujarat these patels act as agents of mamlatdars, circle inspectors, and talatis. In the name of those superior officers, the patels get a lot of things such as ghee, milk, rice and so on, spend half of it for the supply of the officers and keep the other half for themselves. Practically they exercise all the authorities of the mamlatdar. Under these circumstances, I do not think they deserve any consideration at the hands of this House.

Mr. S. T. KAMBLI (Dharwar District): Mr. President, I rise to support this resolution. The case of patels certainly demands a very careful consideration at the hands of the Government. Looking to the services they have been rendering to the state, it is simply a wonder how they have been clinging to their service with so small and inadequate a remuneration which they receive from Government. The patel is certainly not only a servant of the Government, but is also regarded as a representative of the village to which he belongs. He is responsible for the collection of revenue and for the safety of Government lands and Government property. He has also to look to the convenience of the various officers that go to his village and is to keep a record of births and deaths and to report to Government in serious matters that require the consideration of Government. He is an officer entrusted with various executive duties. Looking to the very small remuneration he receives and looking to the fact that the remuneration has not been revised from a very remote time, it is

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but natural that patels should demand more remuneration than they have hitherto been receiving. The cost of living has increased, and I think it is fair and just that Government should revise their pay. Otherwise these patels in order to do their work satisfactorily and in order that they might win the high praises of their superior officers who go to their villages, may get and be forced into the undesirable habit of levying some illegal contribution from villagers by illegal means. It is quite natural that a patel who is required to supply various things to various officers cannot do so without extorting something from the villagers. I support the resolution and request the Council to accept it.

Mr. C. C. HULKOTI (Dharwar District): Mr. President, though I am not prepared to support the resolution in so far as the scale that is suggested in the resolution is concerned, I agree with the honourable mover that the Wingate Scale ought to be revised.

The scale that is now in force was fixed, as stated by the honourable mover of this resolution, as far back as 1875. The patels have a real grievance and that grievance deserves to be very carefully considered by this House. In order to understand the position of the patel—of this ancient institution—it is necessary to look a bit into the past history of this institution for a moment and realise the obligations, duties and responsibilities attached to this institution since a very long time.

Before the advent of British rule in this country, each village, as we all know, was a sort of a commonwealth which was held together by the common interests of the residents of that village; each village had its own organization so far as its police, judicial and revenue administration was concerned; it had its own officers to carry on the work of administration and there was a special class of servants and artisans to assist in the administration. The head of such an organisation was formerly called the patel and he had a number of assistants who were called the *Bara Balutedars*, twelve in number, to assist him in the administration of the village. The patel was both the head of the revenue as well as the police administration. This House will, therefore, realise that the patel was a functionary of great importance in the olden times. His remuneration formerly consisted, as you will be able to gather from old records in the form of a grant of some land and certain fees and allowances that were attached to the office of patel. The patel was chiefly responsible for the peace and order of the village as police officer; he was also a judge with power to dispose of minor criminal and civil disputes; he had the power of fixing the rent which each cultivator had to pay and collecting the revenue for Government. In short, he was interested in the peace, order and good government of his own village. He also acted as the chief executive on behalf of Government to carry out all possible orders from Government.

In process of time, this House is aware, the system of farming revenue was introduced. He gradually came to be unpopular because, owing to the pressure from the higher authorities, he had to collect as much revenue as possible. The next stage in the vicissitudes of this ancient institution is this, that, after the introduction of British rule, this system of farming out revenue was held to be quite pernicious and was discontinued and the present system of collecting revenue through their own officers in different departments was established for the first time. Thus the most important part of the duties of the patel was taken away and he was gradually divested of all his plenary powers to a great

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extent, his position being thus largely reduced to that of a superior servant, assisting in the collection of revenue for the Government.

After the Inam Commission, the patel was virtually reduced to the position of a superior village servant and steps were taken to remunerate him according to a certain scale then called "the Wingate Scale." The first Act that was passed to regulate his services was passed in 1843. This was in operation for a very long time—nearly 30 years—and under British rule, these watan families, as peace and order was established, expanded with the result that steps were taken to select proper candidates to officiate as patels and a system was adopted whereby the best men possible were selected to act as patels. To a certain extent in this manner, the importance of the patel was substantially curtailed.

Now, if you look to the disabilities or liabilities to which the office of patel is subjected under different Acts, this House will realise how onerous his duties are and the House will be in a position to consider whether he deserves the revision that is asked for in this resolution. I shall first refer to the stringent restrictions embodied in the Watan Act as regards alienation of watan property. Section 5 of the Watan Act will make it quite clear to the House that, without the sanction of Government, a watandar cannot alienate in any form his watan beyond his life-time. So his credit in the market is very low. This is one of the disadvantages under which the patels labour.

Looking also to the other provisions of the Watan Act—I refer to section 43—you find that the Collector has the power to determine the number of officers required for the proper performance of the duties and the Collector is empowered under section 45 to refuse to accept the service of a representative watandar or deputy nominated by the patel. In section 57 and section 61, penalties for misconduct or neglect of duty are provided for. Under section 60 Government may forfeit his watan on the conviction of either himself or any deputy or anybody appointed by him. These are all the restrictions under which the patel has to work, under the Watan Act.

The patel has a certain number of other obligatory duties such as those under the Criminal Procedure Code; under section 45, he is bound to give information regarding criminal offences in his village; he has to report all cases of suspicious and unnatural deaths. Further, the police patel is expected by the superior police officers to help in investigations of almost all cognizable crimes. All this shows that the police patel is vested with important powers.

Under the Village Police Act also he has some important duties. He has to look after revenue collection punctually, he has to submit a number of returns and information as to the state of crime, the health and general condition of the community in his village. Further, he is called upon to help every touring Government officer.

Those are in short the duties and the liabilities attached to the office of patel and I think that the House will agree with me in saying that the remuneration paid to these useful and hard-worked set of officers is most inadequate and that the revision that is proposed in this resolution deserves a most sympathetic consideration of the Council and Government. How far the financial aspect of the scale proposed in the resolution can be given effect to is a matter which rests in the hands of the Honourable the Finance Member. I know that there is financial stringency in every department and retrenchment is the order of the day, but all the same, I hope that the Honourable the Finance Member will give

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due consideration to the matter of the revision of the remuneration to be paid to these patels.

With these words I beg to support the resolution moved by my honourable friend, Mr. Deshmukh.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : Sir, I regret that I cannot recommend this resolution to the House in the form in which it stands. It is, I think, too extravagant a demand on the revenues of the Presidency, strained as they are at present. But I agree with the principle underlying the resolution, that the scale, particularly that which is given to persons at the lower rung of the ladder, deserves consideration at the hands of the Government, and, from a reply given to my question yesterday, I understand that the matter is under the consideration of the Government. Speaking for the interests of my constituency, I must say that the scale proposed would be too extravagant, and should not be accepted. I think the matter be better left to the discretion of Government, and the Council will do well, at this stage, to entrust the matter to Government, if the Government is prepared to give an assurance that the matter will be considered, as it has given an assurance in reply to my question. With that view, Sir, I wish to move an amendment to this resolution, as follows :—

“Leave out the words ‘revenue and police patels’ and insert instead ‘village officers’; and leave out the whole of the resolution after the word ‘revised’ in line 2.”

The resolution, as amended, will read as follows :—

“With a view to give adequate remuneration to the village officers, this Council recommends to Government that the Wingate scale in force may be revised.”

My amendment will leave the consideration of the whole question to Government, and from a financial point of view, Government will do well to accept it.

The Honourable Sir IBRAHIM RAHIMTOOLA : Mr. President, I am not prepared to accept the amendment, and it will be necessary to postpone the consideration of the matter if the House wants to consider it. I would explain to honourable members the views of Government, and I hope....

The Honourable the PRESIDENT : We must proceed in an orderly manner. Unless I propose the amendment it is not before the House.

The original resolution was as I read out. Since then an amendment has been proposed to leave out the words ‘revenue and police patils’, to insert instead the words ‘village officers’ and to leave out all the words after ‘revised’. Now the amendment is before the Council, and the Council will address itself not to the resolution but to the amendment.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I rise to a point of order, and that is why I wanted you to hear me, in order that the Chair may decide whether the amendment is in order or not. It is necessary to put before the House the fact that the resolution deals with patels only, while the amendment deals with all village officers. Patels are not the only village officers.

The Honourable the PRESIDENT : Then I rule the amendment out of order.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, now that the amendment is ruled out of order, I think a few words explaining the position of Government in regard to this matter may bring this discussion to a close, and save the time of the Council. The position is this. When I looked into this question it appeared to me to be a

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problem involving an economic conundrum. We have been told, and it is a fact, that the remuneration of the patels is very small, in some cases it is insignificant. A few annas a month, or one or two rupees a month will obviously appear to honourable members as too insignificant a remuneration for an officer of such responsibilities as the Patel, but the wonder is that in spite of that fact all the patels that Government require are readily forthcoming, and there is keen competition to get the posts. I do not know whether the position which the post carries is regarded as sufficient remuneration compensating for the small monthly payment, but the fact remains that there is keen competition for the posts.

The issue before the House, however, is whether the remuneration which was fixed about 35 years ago, known as the Wingate scale, is adequate, in view of the altered conditions. The pay and emoluments of all Government servants have been revised, and it is for consideration whether, in the interests of efficiency, it is not necessary to increase the pay of the patels. As a matter of fact, the attention of Government has been drawn to the fact that there is a widespread feeling as regards the inadequacy of the remuneration, and they therefore called upon the Commissioners to submit a joint report on the subject. That report has been received, and is now under the consideration of Government. There are various difficulties which have been pointed out, which complicate an early decision of the question. These patels are remunerated, in some cases purely by monetary payments; in many cases they have been given land. In cases where the patels hold land, the assessment varies in different parts of the Presidency on different principles, and in some cases I am told that full assessment is levied. All these complications require to be put right, and it is not an easy matter. The question has, however, been very ably tackled by the Commissioners, and a very illuminating report has been received. That report, as I said, is under the consideration of Government. But one fundamental issue, which is common to all revisions, must arise before any definite decision can be arrived at, and that involves a question of finance. There is such a large number of patels that any increase in their emoluments will cost several lakhs of rupees per annum. I can only say at present that the matter is being carefully considered by Government on the report from the Commissioners and as soon as they arrive at any decision they will place it before the House. If Government decide to recommend any increased emoluments to the patels—and I may at once tell the House that this resolution deals with the patels of the Deccan only while Government have under their consideration the question of the patels generally of the Presidency proper—they will place the whole scheme with estimates of the increased cost before the House, and if the House is prepared to sanction the necessary funds, Government will be very glad to carry out that scheme. After all, the responsibility must rest with this House in finding the money for giving additional remuneration. In conclusion I will only add that Government view the question with sympathy and propose to deal with it in a manner which may be regarded as reasonably satisfactory.

Mr. A. S. DESHMUKH: Sir, I ask for leave to withdraw the resolution. Resolution allowed to be withdrawn and withdrawn accordingly.

Mr. IBRAHIM S. HAJI (Bombay City): Mr. President, the resolution, which I am moving to-day is the resolution which will get support from all the members of this House. The purport of the resolution is this, Sir, that I ask

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for the appointment of a committee with a majority of non-official members to consider how the Bombay city police force should be re-organized. The resolution runs as follows :

"This Council recommends the Government to appoint a committee of officials and non-officials with a majority of non-officials to consider and suggest the requisite legislation for the reorganization of the Bombay city police force in order to increase the number of the Indians in the responsible posts of the inspectors, superintendents, and other high posts in the administrative department."

The other high posts may also be expressed as those of the Deputy Commissioner, the Assistant to the Commissioner of Police and if possible the Commissioner of Police himself. Sir, the reason why I ask for the appointment of a committee is very simple, namely that under the Bombay City Police Act the Commissioner of Police has got certain powers to make appointments. For example, under section 7 the Commissioner of Police has got the power to appoint inspectors, sub-inspectors and other members of the city police force, namely, deputy inspectors and sergeants. The other appointments for example of the Deputy Commissioner or the Assistant Commissioner and Superintendents are vested in the hands of the Governor in Council. The other necessity of the committee is this that as the city police force is an important body for the purpose of maintaining peace and order the committee must have an opportunity to investigate in the manner that the indianization does not impair the efficiency of the city police force. Why I ask for the indianization of the city police force will become very obvious when I lay before this House the facts and figures about the present position of the Indians in the Bombay city police force. In July of last year, on the 25th, the Government were pleased to give a reply to my honourable friend from Bombay as to the number of officers, Europeans and Indians, in each grade of the Bombay city police force including the Criminal Investigation Department and their salaries. The Honourable the Home Member was very much pleased to state that there were 10 superintendents who were drawing salaries of Rs. 500 per month and out of them nine were Europeans and one was an Indian, and I think similar is the position at present and, so far as my knowledge goes, no alteration has taken place. Then the commandant of the mounted police who draws Rs. 400 is also a European. Of the 39 inspectors drawing over Rs. 300, 29 are Europeans and only 10 Indians. Of the 19 deputy inspectors all of them are Europeans drawing over Rs. 275. I understand, Sir, under the regime of my honourable friend the Home Member the present Commissioner of Police has seen his way to make the appointment of Indians eligible as deputy inspectors. I congratulate him for having opened a responsible office for the Indians to be eligible. The sub-inspectors, Sir, who began to be recruited since 1910 have almost remained in majority to be Indians though the Europeans and Anglo-Indians are eligible for the appointment as sub-inspectors. The sub-inspectors in the force are 57 in number and 55 of them are Indians, one European and one Anglo-Indian and there are 59 sergeants who draw salaries over Rs. 200 and they are all Europeans. Now, Sir, these are the officers who are at the head of the Bombay city police force. It is quite evident from this reply that Government gave, that the share the Indians have in the administration of the Bombay city police force is absolutely inadequate and regrettably small. The strength of my argument will be felt by the Honourable the Home Member and this House as well when they will see how is it that the Government, particularly the Parliament, did not give my countrymen home rule at once ; because it was said and it is still maintained that the people of this country are not sufficiently trained to maintain peace and order.

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I submit to this House that to maintain peace and order a strong police force is required and a police with a strong discipline is also required, and if the Government are really earnest to see this country having self-government very early and also with legitimate steps as they have been promised to us, I think, the Government will take immediate steps to give Indians an opportunity to handle that serious problem of maintaining peace and order, and I submit to this House the city police force is the proper organization to begin with, that Indians should have that right of handling that problem of maintaining peace and order. The other object also which is implied in this resolution is this that indianization of the city police force will be helpful also to the Government, as the Government would show that they have got the heart to co-operate with the people of the country. And the third point, Sir, which I want to impress very emphatically before this House is this, that the Indian members of the police force know the language, know the customs, and that would facilitate the work of investigation of crimes in the different parts of the city. I am sure the Honourable the Home Member will not contradict what I have stated and will see the urgency of increasing the number of Indians in the Bombay city police force. The question then arises, how it should be increased; whether by legislation or by a mere assurance to this House from the Honourable the Home Member. Personally I am not going to be satisfied by a mere assurance to this House from the Honourable the Home Member that the city police force will be indianised in due course of time. I am asking for the appointment of a committee, because it is in the interests of the citizens of Bombay as well as in the interests of Government, who take the burden and responsibility of maintaining peace and order in Bombay, that the indianisation should not impair efficiency and discipline of the police force but it should be enforced after adequate deliberation and enquiry. I am asking for a committee of non-officials, because they will be unbiassed—I am not suggesting that the officers will be perfectly biassed—but I may submit to this House, Sir, that the vision of the non-officials will see clearly the demand that is made in this resolution and see how far the right of the public to have a larger number of Indians in the city police force is justifiable. Now in concluding my speech on this resolution, I beg to submit with great apology and appeal to the European members of this House, and particularly to the Honourable the Home Member, that this resolution should not be considered as meaning that I have no confidence or faith in the present European police staff. They have done very onerous service in strenuous times and they have participated like the Indian members in carrying out their duties very honestly. I have got already a strong instance to show how the European members of the Bombay city police force have rendered services to this Presidency. That instance is that of the dacoities committed in different parts of Gujarat and different parts of Bombay city and suburbs of Bombay. In the investigation of that case, Sir, and in bringing the culprits to book, the European members, particularly inspector Fern, and Deputy Commissioner Cauty, with Indian inspectors Wagle and Gole had run the risk of their own lives while they were investigating these dacoities and they were arresting the dacoits. Similarly there are daily occurrences in the city of Bombay where the European members of the service have done their duties to the satisfaction of all the members of this House as well as of the citizens of Bombay. But what I am asking in this resolution is this, Sir, that the European members and the Honourable the Home Member will see that it is high time that a sufficient number



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of Indians should be increased in the city police force to give that appearance that Government is earnest to give to the people of this country experience in handling local problems of government in maintaining peace and order and the city police force plays a very important part in maintaining peace and order. I therefore ask this House to accept this resolution as it is.

Mr. B. V. JADHAV : I rise, Sir, to support this resolution. After the speech made by my honourable friend Mr. Haji in moving the resolution, I think I need not take the time of this House by adding more facts. The Bombay City police force has done very creditable service and the major part of that credit belongs to the European portion of the personnel. They have acquitted themselves very well and we are all much obliged to them for it. But at the same time we know that at least one superintendent of police has generally been recruited from among the Indian population, and that officer, too, has all along done meritorious service. So now the time has come when more Indian element should be introduced into that force. The Indian element introduced up to this time has shown efficient work and has shown its fitness for more encouragement. The city is growing apace and the criminal portion of it is also on the increase. It is, therefore, necessary that in the investigation department and other branches there should be persons who are very intimately acquainted with the habits and characters of the different communities and different criminal tribes, and therefore, it will be very good if the proportion of the Indian officers—high officers I mean—in the ranks of the superintendents and inspectors, is increased to a larger extent. As Mr. Haji has said and I have repeated, this demand is not a slur upon the European element at all. We all acknowledge their worth and their high qualities, and we do say that they should be also on the staff in a substantial proportion. But I now claim that the time has come that more superintendents' posts should be given to the Indian officers and that there should be a proportionate increase in the lower subordinate staff. With these words, I support the resolution moved by my honourable friend Mr. Haji.

Mr. G. B. TRIVEDI (Thana District) : Sir, I have much pleasure in supporting the resolution moved by my honourable friend Mr. Haji. It was a surprise to me and it must have been a surprise to many members of this House to learn that most of the posts over Rs. 200 were not in the hands of the Indians in the Bombay city police force. It is not a question of Europeans versus Indians, but it is a question of slowly increasing the proportion of Indians in this department, when we see that in other departments Indians are already occupying higher posts. As for example, in the Revenue Department they are rising up to Collectors, and there are many deputy collectors and mamlatdars, and so on. Then similarly in other departments. Is this not the time when this House should insist that Indians should be employed in larger number in the higher grades of the police, and especially in the Bombay city ? I will not repeat the arguments that have already been advanced, but I will confine myself to this. If Indians are to be trained, then this is the time. Times are changing, people are feeling more responsibility for self-government, and this is the best time when Indians ought to be trained and nothing can give them better training than giving those who are qualified, and on whom the department has reported favourably, responsible posts. Recruitment from England in this service should rather be slowed down, and recruitment from Indian element should be increased. This will give a training which will be useful. Without repeating any arguments, of my honourable friends I support the resolution.

Mr. JEHangIR B. PETIT (Bombay Millowners' Association): Mr. President, I am in sympathy with the main idea underlying the resolution, that there should be a larger number of Indians in the responsible lower grades of the police force. I need hardly assure the honourable mover of the resolution that if the resolution had been confined to a request to the Government to give more appointments to Indians in these grades, I would have unhesitatingly voted for it straightway. But, I am afraid, this is hardly a matter for a committee to consider. I am doubtful if the Council realises that if it goes on appointing committees for every possible matter session after session (hear, hear); it is likely to be a very costly procedure, to say nothing of the trouble that all committees invariably entail upon the departments concerned, and also upon the honourable members who are put on them. My purpose will, however, be served if the Honourable Member in charge will tell the Council that the Government are prepared to accept the spirit of the resolution and undertake to make more appointments in the lower grades of the police force from time to time, as opportunities arise. I for one would be quite satisfied and the House also would be satisfied with such an assurance. I was not quite able to follow Mr. Haji's speech. I do not know whether he submitted to the Council in detail the figures of the different posts which compose these lower grades and the different communities occupying them. I hope, however, the Honourable Member in charge will give the Council these details in the course of his remarks, in order to enable the House to come to a decision one way or the other. I assume in the meanwhile that these grades are not at present manned with Indians, in the proportion in which they ought to be; and on this assumption, I am quite prepared to accept the principle underlying the resolution. But, as I have already said, I am unwilling to vote for the resolution in its present form for the appointment of a committee. If the honourable mover will see his way to accept my amendment.....

Mr. IBRAHIM S. HAJI: The percentage of increase should be definite.

Mr. JEHangIR B. PETIT: The amendment is as follows:

"Leave out the words 'to appoint a committee of officials and non-officials, with a majority of non-officials to consider and suggest the requisite legislation for the re-organisation of the Bombay city police force in order to increase the number of Indians in the responsible posts of the inspectors, superintendents and other high posts in the administrative department' and insert the following words 'the introduction of a larger number of Indians in the responsible posts of inspectors, superintendents, and other high posts in the administrative departments in the city police of Bombay'."

If the Honourable the Home Member will accept this.....

The Honourable Mr. M. H. W. HAYWARD: I want notice of it.

The Honourable the PRESIDENT: If you want notice, then all that can be done is to postpone this subject to the next session.

The Honourable Mr. M. H. W. HAYWARD: I have a right to speak on this question. I am quite prepared to accept this amendment and do not want notice of it.

The Honourable the PRESIDENT: The debate will be on the amendment.

Mr. J. CRERAR: In rising, Sir, to speak to this resolution, I desire in the first place to acknowledge the very cordial and friendly terms in which the honourable mover and the honourable member Mr. Jadhav, who succeeded him, have referred to the services rendered to the public by the European members of the Bombay city police force, and I am delighted also to accept the assurance that he is not animated in moving this resolution in any way by a desire to depreciate, or to derogate from, the services rendered by the European section

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of that force. For my own part, I am delighted to supplement my honourable friends' statements by acknowledging on behalf of Government in the very warmest terms possible the admirable services rendered by the Indian section of that very efficient force, not only in the higher ranks of the force, but from the highest to the lowest. During the very disturbed times we have experienced recently in the city of Bombay they have maintained a consistent attitude of loyalty and devotion to duty. I hope, therefore, that in considering this matter we may eliminate any question of racial considerations.

My honourable friend, the mover of this resolution, has addressed himself primarily to the question of efficiency. I entirely agree with him, and it is, I think, largely because the interests which are entrusted to the custody and protection of the police force are so vast, that any decision taken by Government must necessarily have that consideration primarily in view. My honourable friend proposes to proceed by way of legislation. Though he referred to the Bombay City Police Act, he did not point out (I think it is very pertinent to the occasion) that that Act makes no reference whatever to the racial composition of this force, and I think it is, in fact, very undesirable that a restriction of that kind should be made by legislation.

As regards the second expedient to appoint a committee for this purpose, that proposition has been so ably answered by my honourable friend Mr. Petit that I feel it hardly necessary to add anything on that point. It is, as a matter of fact, the compulsory and restrictive character of a legislative enactment in a matter of this kind that renders it really administratively impractical. My honourable friend from Thana very properly observed that for his own part he would never be a party to any insistence on the appointment of a particular class of men unless it was manifestly and definitely proved that they were fit and qualified for the posts. With that proposition I most heartily associate myself. I must point out that if you were, by legislation, to lay down any arithmetical proportion, it might be quite impossible for Government to give effect to the proposition of my honourable friend from Thana.

I do not propose to detain the House very much further in this matter because I feel confident that the alternative propounded by my honourable friend Mr. Petit is the alternative which will commend itself most strongly to the good sense of the House.

I only wish, before I sit down, to correct one or two misapprehensions on points of fact which are entertained by the honourable mover and by some of his supporters. The question of increasing the number of Indians in the higher appointments in the police force of the city of Bombay has, as a matter of fact, been engaging the close attention of Government during the course of the last two or three years, and some very definite progress has been made. The number of Indian inspectors is now thirteen and I may remark that the first Indian divisional inspector was appointed so recently as 1917, but, inclusive of the inspectors employed in the C.I.D. and other administrative departments, the total number of Indians is now thirteen. As regards the superintendents, my honourable friend Mr. Jadhav was under the impression that there was only one Indian superintendent and he strongly pressed on Government the desirability of the early appointment of a second. I am happy to be able to inform my honourable friend that his desire in this matter has already been anticipated and that there are now two Indian superintendents in the force—two out of a total of ten.

[Mr. J. Crerar]

Then, with regard to the very important grade of deputy inspector, Government have very recently directed that this grade, which as the honourable mover pointed out, used to be, up to a very recent time, restricted entirely to the European branch of the force, should now be thrown open to duly qualified Indian sub-inspectors, and the Commissioner of Police has been instructed to take early steps for the promotion of as large a number as possible of duly qualified Indian sub-inspectors in pursuance of these instructions. He has already appointed three Indian deputy inspectors. I think, therefore, I may say that very considerable progress has already been made along the lines indicated by my honourable friend, the mover, and of the amendment which has been proposed by the honourable member Mr. Petit.

Dr. S. S. BATLIWALA (Bombay City, North) : Mr. President, I entirely agree with the view expressed by my honourable friend, the Home Secretary, Mr. Crerar. It is a matter of great satisfaction that Government have anticipated us on this question for the last two or three years and have been making appointments of Indians in these important positions. I am quite sure that my honourable friend Mr. Haji will be satisfied with the explanation.....

The Honourable the PRESIDENT : We are not concerned with Mr. Haji, but with Mr. Petit's amendment.

Dr. S. S. BATLIWALA : I am quite sure that the amendment of my honourable friend Mr. Petit will be accepted by my honourable friend Mr. Haji, because the very object of his proposition is to indianise the Indian police and that object will be amply gained by the method suggested by the amendment of my honourable friend Mr. Petit. The difficulty as regards legislation, as we know, is that one has to make several compartments of Indians of different castes and creeds.

The Honourable the PRESIDENT : If Government is prepared to accept this amendment, why not, Mr. Haji, accept it and shorten discussion and save time ?

Mr. IBRAHIM S. HAJI : Because there is an element of uncertainty, there being no definite number provided for.

The Honourable the PRESIDENT : You want a committee to be appointed, whereas Mr. Petit urges on Government the desirability of appointing an increased number of Indians to the higher posts in the Bombay city police. Whereas the appointment of a committee and the operations of taking evidence and so on, would result in postponing the realisation of your desire, the suggestion made by Mr. Petit seems to be the better one. Why not accept the amendment ? I put it to you, to save the time of the Council, whether, instead of carrying on a discussion which, in my humble opinion, seems to be merely a war of words between you and Mr. Petit, it would not be better for you to withdraw your resolution.

Mr. IBRAHIM S. HAJI : I want to speak on the amendment of Mr. Petit.

Dr. S. S. BATLIWALA (Bombay City, North) : Sir, it is a matter of regret that my honourable friend Mr. Haji does not think it proper to withdraw his proposition and save the time of the Council. On the face of it, his proposition could not be accepted, because it wants a committee to suggest the requisite legislation for the reorganization of the Bombay city police force in order to increase the number of Indians in the responsible posts in the administrative departments. We have not only to consider the efficiency of the police officer

[Dr. S. S. Batliwala]

but his quality, education and various other factors have to be considered before he could be promoted to higher rank. To tie down the hands of Government by legislation and demand that a certain proportion of Indians must be promoted to the higher ranks whether they deserve it or not, is grossly unfair, and does injustice to most deserving men. I do not see why my honourable friend Mr. Haji refuses to accept the words 'larger element of Indians in the police service' in place of his own wording 'increased number of Indians in the responsible posts of the inspectors, superintendents and other high posts'. He also does not mention any fixed proportion of Indians but he only says that the number shall be increased. That is very vague.

Mr. IBRAHIM S. HAJI : What does the amendment say ?

Dr. S. S. BATLIWALA : Your proposition does not say anything except the words 'increase in the number of Indians in the responsible posts of inspectors'. It does not mention any fixed proportion.

The Honourable the PRESIDENT : I hope honourable members will take care to address the Chair and not address one another.

Dr. S. S. BATLIWALA : It is a matter of regret that the valuable time of this Council is wasted on a proposition, the object of which has been met by the amendment of Mr. Petit. Besides that we have so many resolutions yet to discuss and to-day being the last day to go through all our resolutions, I hope Mr. Haji will think twice before he insists on discussing his resolution and withdraw the same. Government have been trying to do justice to Indians. The figures given by the previous speaker show that there are thirteen Indian inspectors, two superintendents, and three deputy inspectors, and I trust that in the near future we shall have an Indian as a Commissioner of Police. It will be the duty of this Council to see that if qualified Indians are existing then they are duly promoted ; it will be our duty to see that no injustice is done to Indians provided they are qualified. Government are at present on the right path, and are doing what we desire them to do. I therefore support the amendment of Mr. Petit, and once more request Mr. Haji to withdraw his proposition.

Mr. IBRAHIM S. HAJI (Bombay City) : Sir, speaking on the amendment of my friend Mr. Petit, I want to submit to this House that he has come to the assistance of Government, along with Dr. Batliwala, who says that the amendment is quite satisfactory. I challenge the statement that the intention of Government is the same as the wording of the amendment. Government have not accepted the amendment in the spirit that they are going to introduce a larger element of Indians in the Bombay city police force at once. What they are satisfied with is this : to see that there should be a larger Indian element. The resolution which is before the Council is quite different from the amendment which has been proposed. The amendment itself is not going to introduce a larger element of Indians in the Bombay city police force at all. Here, the honourable mover of the amendment and the subsequent speaker, Dr. Batliwala, are content to see that the Government have increased by one the number of Indian superintendents, and by three the number of Indian deputy inspectors. They see in that a larger element of Indians introduced. But that is not what I want. The facts and figures that were given in answer to Mr. Havelivala's question have been seen by the mover of the amendment and by Dr. Batliwala. I am asking Government that if they want to introduce a larger Indian element, they should be pleased to make a

[Mr. Ibrahim S. Haji]

definite announcement, saying what the percentage of the Indians will be, whether 25 per cent. or 30 per cent. or any other percentage. If such a definite assurance is given, I have no objection to withdraw my proposition.

Mr. PURSHOTAMDAS THAKURDAS : I move for a closure.

The Honourable the PRESIDENT : I adopt the closure.

Amendment carried.

The Honourable the PRESIDENT : I will now put the resolution as amended :

" This Council recommends the Government to introduce a larger element of Indians in the responsible posts of inspectors, superintendents and the other high posts of the City Police of Bombay."

Question put and agreed to.

Mr. B. V. JADHAV : Mr. President, I beg to move the proposition,

" That this Council recommends to Government to appoint a selection board to recommend candidates for appointment in the various departments in the Central and Southern Divisions for the purpose of recruitment of the backward communities including the Marathas."

Sir, the condition of the backward communities, including the Marathas, in the various services, beginning from the lowest to the highest, is very deplorable. Our numbers are about 90 per cent. of the population, but our proportion in the services, even in the lowest grades of clerks and others, is not even 10 per cent. That is a very great anomaly, and it causes hardship and also great injustice to the whole population of the backward communities. I have particularly confined my resolution to the Central and Southern Divisions of this Presidency, because the conditions of the Northern Division and of Sind are different. In those two Divisions there is not a great deal of difference between the various communities. Almost all, or many of the non-Brahmin communities there are well advanced in education and also well advanced in the services.

The Honourable the PRESIDENT : Where ?

Mr. B. V. JADHAV : In Gujarat and Sind.

The Honourable the PRESIDENT : Please confine yourself to the divisions mentioned in the resolution.

Mr. B. V. JADHAV : I want to confine myself to the Central and Southern Divisions, Sir. I do not want to take into consideration or to make this resolution applicable to the Northern Division and to Sind, because the conditions as I have said in those two divisions are different as regards the position of the non-Brahmin and backward communities. In the Northern Division, that is, in Gujarat, many of the non-Brahmin communities are to the front. They are almost all on a par with the Brahmins there and in certain cases they are even superior to them, and their numbers in the various grades of the services are also adequate. But that is not the condition in the Southern and Central Divisions of this Presidency. Here the distinction between the Brahmins and non-Brahmins is a very strong one. The Brahmins have got every advantage. They are very well educated, they are a compact community and they have been occupying a high position in the services from many, many years, and they are strenuously trying to preserve their supremacy in the services. In spite of 100 years of British rule in the Deccan, Sir, the literacy of the masses has not yet gone above four or five per cent. while the literacy of the male Brahmins is almost cent. per cent. or as high

[Mr. B. V. Jadhav]

as in England. All of the available boys among the Brahmins are able to read and write or are attending schools, while the condition as regards literacy among the other communities is quite the reverse. That is one reason why the other backward communities have remained backward. Spread of education among them was very slow and on account of want of education they remained outside Government service. But now when education is making some little progress among them, these communities have started educational conferences of their own and are trying to push on secondary and higher education. But the number of their members in the services is not increasing as it ought to. There is a slight increase no doubt, but there are many fit candidates from the backward communities eager to enter the service. There are many whose applications are not officially received, therefore are not placed before the superior officers when vacancies are filled. The reason for this is plain. I am sorry to say that the crowd of the forward communities in various offices is the cause of this. The applications of such candidates very rarely reach the hands of the superior officers who are empowered to make the appointments and if they reach at all, they are seen by them after the vacancies have been filled. And the officer has perforce to say that they should be shown on the next occasion, and at that next occasion too, Sir, such applications are generally misplaced. They do not come forward at the proper time and appointments of candidates from other communities are made and this is repeated time after time until the candidate is disgusted and gives up the attempt or gets disqualified on account of over-age and all these circumstances about disqualification are unfailingly brought to the notice of the officers who are empowered to make appointments. That is the condition of services in almost all the branches. I am sorry my resolution is not explicit enough, but I want to say that I am not claiming this board for recommending to the highest positions as I am told there is already a selection board for the deputy collectors. I demand this board to secure larger admission of the backward communities into the services. Whenever there is a vacancy in any of the offices, that vacancy should be given to a candidate from the non-Brahmins and backward communities possessing the requisite minimum qualification in preference to a candidate belonging to the advanced community, although more highly qualified, and for that purpose this selection board should keep the record of all candidates in the offices, and should be empowered to recommend suitable candidates to various Collectors and Commissioners, and Judges and others in whose competence the appointment lies. We do not want this privilege for many years, Sir. Our people are progressing and deserve a helping hand for a limited number of years, and then we shall be able to hold our own. At present we do not get even a footing in the services because we are stopped at the very door. When once we have a number of officers in the lower and upper grades then the selection board might be very well dispensed with. In replies given to questions to-day the special encouragement given to the Sind Mahomedans has been described. In Sind, the Mahomedan community although in a majority numerically was not well represented among the mukhtyarkars and other officers in the revenue service, and Government thought fit to pass a resolution that at least four mukhtyarkars should be recruited from the Mahomedan community direct every year. That was a sort of provision made for their admission, encouragement to them, and I claim that similar treatment should be given to the backward communities of the Central and Southern Divisions and definite steps ought to be taken

[Mr. B. V. Jadhav]

by the Government to push the candidates of these communities forward into the services. One would never ask that inefficient and ill-educated candidates should be preferred to others, but I maintain that the candidates who possess the minimum qualification prescribed should be first of all given a preference if they belong to the backward communities. Now, as regards the number of mamlatdars of the backward communities, I think it is not even five or three per cent. What is the number of munsiffs in the Judicial service ? It is not more than 7, 8 or 10 per cent. ; and such is the condition in other branches of the service also, and unless Government take special care to recruit candidates from non-Brahmin backward communities, I do not think this deplorable condition will improve in a limited number of years and therefore I pray Government to accept this resolution and make some provision for the recruitment of non-Brahmin backward communities into the various services of the Central and Southern Divisions.

The Honourable the PRESIDENT : We will adjourn now for tea for half an hour and resume at half past four.

*After recess.*

The Honourable the PRESIDENT : Order, order.

Mr. S. T. KAMBLI (Dharwar District) : I rise, Sir, to support this resolution. This is indeed a communal question, but a question affecting the interests and welfare of a large mass of the population of the Southern and Central Divisions of this Presidency. It is a question which affects the interests of nearly 95 per cent. of the population of these divisions. There is a tendency, Sir, in the higher circles to be indifferent and apathetic to such questions on the ground that they are communal questions. But, Sir, I request such persons just to take into consideration the well-being and interests of the vast mass of the population whom this question affects. Sir, in the Central and Southern Divisions of this Presidency the state of affairs with regard to public offices is quite unsatisfactory and most deplorable. The public services, especially the Revenue, Judicial and Educational Departments, have been monopolised by one community and one community alone, and that community is no other than the Brahmin community. The Brahmin community, Sir, though they number far less than 5 per cent. of the whole population, has by this monopoly taken care to preserve that monopoly and are preserving that monopoly, and by the power which is vested in them by such monopoly they have taken care to exclude other communities from practically every share in the administration of these divisions. Sir, let us look at the figures of the posts of mamlatdars in the Central and Southern Divisions. The proportion of the Brahmins to the non-Brahmins in the services of the mamlatdars shows how disproportionate the number is. Can it be said that there are no qualified men from the non-Brahmin communities to fill up these posts ? Sir, questions after questions have been put in this Council and answers elicited to those questions have brought out this fact that there are a large number of men among the non-Brahmins who are quite qualified and ready to take up these appointments. But by some means or other, and especially in the name of the bogey of efficiency, these men are shut out. And again, Sir, another reason put forward is the discontent in the services of other communities. Well, Sir, the question now to be considered is whether the discontent of a microscopic minority of the population is to be considered, and given preference to and given weight to, as against the discontent of 95 per cent. of the population. Is it not a fact



[Mr. S. T. Kambli]

that the non-Brahmin communities in the Southern and Central Divisions have been trying their best, and have been beseeching the Government and the various heads of departments to admit their qualified men in the services ? Is it not a fact that they have been replied oftentimes with the stereotyped answers that there are no vacancies at present or, if there are vacancies, there are better men than the candidates put forward by the non-Brahmin communities ? If this state of things continues, I fail to see when this will be remedied at all, and whether there will be a day when Government will admit non-Brahmin members to the responsible posts in the Presidency. Now, Sir, the evils of monopoly are to be considered in this respect. The evils, to say the least of them, have proved to be the most oppressive in the Central and Southern Divisions. For example, take the case of the recent affairs of the Karnatak Training College for men at Dharwar, and see how oppressive the rule there has been. When it was brought to the notice of the superiors, it was remedied and the head of the college was transferred to some other place with some punishment. That is the result of monopoly. The result of this monopoly is this, that the faults of the subordinates if they are Brahmins are overlooked, are concealed and are protected by their superiors, who are also Brahmins in all the departments. Sir, when the subordinate happens to be a non-Brahmin, it happens like this : the smallest fault is magnified into the biggest, while, when the subordinate happens to be a Brahmin, even his biggest fault is concealed, protected and ignored. That is the result of monopoly ; that is the evil of monopoly. Is the Government prepared to tolerate such a state of things ? Is the Government prepared to set at naught the discontent of 95 per cent. of the population in these divisions ? Sir, I may quote one instance of how the efforts of the non-Brahmin communities in the Central and Southern Divisions are discouraged by the heads of the departments. Now, Sir, I do not blame so much the heads of the departments as their subordinates in the services who are entrusted with the power of filling up the appointments. In name, I know, Sir, it is the heads of the departments, who are generally Europeans or Englishmen, who fill the appointments ; but, as a matter of fact, we know that it is the head clerk, or the sheristadar or the chitnis,—call him by whatever name you like—the person immediately serving under the head of the department, who exercises the real power of filling up those appointments. We know, as a matter of fact, how cleverly he manipulates and keeps out the non-Brahmin candidates and says that that candidate has not come in time and so on. The Brahmins keep the vacancies a great secret. In the name of secrecy, no vacancy is made known to the public. As a matter of fact, it is well known that Brahmin subordinates do not let us know that there is a vacancy. Non-Brahmins are not treated in this respect as Indians at all. They say ' It is a secret ; no, we cannot disclose '. Non-Brahmins are as much Indians as the Brahmins, and when they seek service and seek to have a share in the administration of the country they are shut out. Such being the state of affairs, I request the Government to see that this state of things is remedied. I know Government is very solicitous to obtain a fair representation of all communities in the administration of the country. With all its efforts, it has not been successful, because the Brahmin subordinate is entrusted with power practically to appoint. There are resolutions passed by this Government that there must be adequate representation of all communities. If the Government had taken care to see what steps have been taken in order to give effect to their wishes or resolutions, their efforts would have been to some extent successful.

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The monopolists take the best possible care, more than the best possible care, to prevent the head of the department, and even the Government itself from knowing all these details. The masses in the Presidency do not care to go to the heads of departments to represent their grievances. Whenever the heads of the departments are approached, it is a well known fact, that in these days when the departments are pre-occupied with the general administration of the country and with preserving order, they do not think it to be a matter requiring so much attention and consider it of no importance at all. This is a great danger. I raise my little voice of warning. This discontent of the masses, which is gathering strength in the Southern and Central Divisions, may grow to serious dimensions, if not well and timely considered, and it may assume a very serious aspect. It is not good, it is not fair.

Now, Sir, I may depict a small thing, so that the honourable members of this House may know how affairs are going on in these two divisions. Take the case of administration from the village servant to the highest. The village kulkarni is a Brahmin, the mamlatdar is generally a Brahmin, the deputy collector also generally is a Brahmin, and the voice of the villager is drowned. How much apprehension and oppression is caused by this monopoly, it is difficult to describe in words. If a complaint is made, by a cultivator or ryot against a Brahmin, the kulkarni goes to the mamlatdar, the mamlatdar goes to the deputy collector as all of them are generally related to each other. The complaint is not only disregarded, but the man who makes the complaint is brought to book. Thus injustice triumphs, and this goes to swell discontent in the villages.

Now, Sir, direct representation is given to the masses. It is on account of this direct representation that so much voice has been raised in this House on behalf of the masses. Before the Reform Act came into force, there was a voice in this Council, but in a distorted form, and I am sorry to say not in a true form but in the reverse of it. A representative of the Southern Division put a question in pre-reform Council why three non-Brahmins were given the posts of mamlatdars. That gentleman, who came as a representative by the then existing distilled form of voting, thought that Brahmins alone should be appointed mamlatdars, and that it was a sin to give these posts to non-Brahmins. Such was the state of affairs. Since people are directly represented by their own votes, the voices of the masses are now directly heard. It is the voice of the masses that I raise now and it is not my individual or personal voice. I request the Government to take serious notice of what I say. Sir, there are various modes in which this voice of the masses can be attended to and this grievance of theirs remedied, and if the Government take the situation into consideration seriously, this can be remedied in the course of a few years by making direct appointments to responsible posts such as mamlatdars, etc. What can be done in the case of mamlatdars' posts can be done in the educational and other departments. The Brahmins who are in service, somehow or other do away with or lessen the number of the few non-Brahmins that are in service. I shall give an instance. There were two non-Brahmin assistant deputies to the Educational Inspector in the Dharwar district. One of them recently retired. Though the question of filling the post by a non-Brahmin was agitated, somehow or other, either on account of seniority or of efficiency or some other thing,—God only knows,—a Brahmin was appointed in his place. When we ask such questions, our advanced friends say these are communal

[Mr. S. T. Kambli]

questions and ought not to be discussed. It is a question concerning 95 per cent. of the population of the country. If no consideration is given to that question.....

The Honourable the PRESIDENT: Let us not drift into communal questions, we must confine ourselves to the question of a selection board to recommend candidates.

Mr. S. T. KAMBLI: From particular communities.

The Honourable the PRESIDENT: You need not go into the question of the propriety of communal representation. The propriety being as it were admitted, on that footing please discuss the question.

Mr. S. T. KAMBLI: That is a question of the greatest importance. The only way in which this state of things can be remedied is by making direct appointments to responsible posts and by adopting this resolution and by taking steps to remedy the grievances, the redress of which is long overdue. With these words I support the resolution.

Mr. L. J. MOUNTFORD: Mr. President, I would like to say a few words on the present situation, which has been so ably put before you by my honourable friend from Dharwar. In certain places his earnestness outran his discretion.

It has always been the policy of Government to aim at a due admixture of castes, and I may say that that policy has been carried out faithfully on the part of Government officers concerned. The difficulty has always been to find those castes coming forward and assisting us to make the appointments that we would wish to make in order to secure a proper admixture. I may say that as far back as 1914 an association of Lingayats was formed and under Government Order No. 625 of the 23rd January 1914, Government have authorised the Lingayat Educational Association at Dharwar to recommend names of qualified candidates for both gazetted and non-gazetted appointments. That was more than eight years ago. I may say that that association has done very little in the matter, although the Government officers were always willing to receive the association's recommendations and to act upon them. Therefore, the real key of the situation is this—let these various castes take advantage of education and, having taken advantage of education and being educated, they can find proper candidates. Having found proper candidates, let them form their various associations which can put their candidates before the officers who make the appointments. We get hundreds of applications in the year, they are sent by various candidates of various castes of whom we know very little, but if those applications could be sent through some central associations of their own castes who would select the best men, that would really assist us very much indeed. We are told that the condition is most unsatisfactory. It is unsatisfactory and the fault rather lies with those who have not sent their candidates forward to take positions to which they are entitled. I would take an example of the Lingayats in the Southern Division. In the three Karnatic districts I think there are over a million Lingayats, but we get very few candidates coming forward, and where we do get them, we do our best to see that they are treated in the spirit of the government order on the policy of Government. This monopoly was taken advantage of, as it seems, chiefly by Brahmins, because Mahomedans and other communities do not take to education and the community alluded to by the honourable member have got

[Mr. L. J. Mountford]

a very big start, but other communities now are coming forward gradually and will in turn be able, I trust, to assert their numerical superiority and if they can also show sufficient intellectual talent, they will be able to redress the balance. It is not to the interest of Government to be staffed entirely by one community and that is recognised not only by the other communities, but by the Brahmin community also.

If we consider the actual figures, we shall see that the other communities are also coming forward fast, as I shall show. We find in the prant offices in the Southern Division there are 31 Brahmins and 21 non-Brahmins. That does not look as though we have maintained that crushing and disproportionate superiority which my honourable friend from Dharwar would lead one to believe. Let us now have a look at the mamlatdars' and mahalkaris' offices. There we find 587 Brahmins against 307 non-Brahmins. The latter are gradually coming forward. They will come forward if only their associations will be careful to find out the best men and educate them thoroughly by scholarships and push them forward so as to assist them to take their place in the administration of the country. But it is useless to say that we should have a board which will recommend candidates from among the backward classes, unless there are first those actual candidates who can be recommended.

Now, one point alluded to by the honourable member was recruitment by means of direct recruits. It will be found that direct recruits for the Revenue Department are appointed as far as possible in order to redress the balance, but owing to the retrenchment policy direct recruits are not being taken on at the present moment, and therefore that opportunity of helping to redress the balance has been lost.

I would therefore oppose this resolution and would suggest to the honourable mover that he should withdraw it, because it is far more desirable that the various communities should combine together in the manner of the Lingayat Association (of which I have already given an instance) in the Southern Division; such associations should then find the candidates and they should themselves put forward the candidates to the officers who have to appoint them. To appoint a selection committee would be extremely difficult—we have Marathas, Lingayats, we have Mahomedans, and I have received very many memorials from others, such as the Vaishya Chetties. It would be rather a large board as we would have to put one member of each backward community on that board, and I should fancy that most of these members would want to support their own candidates in which case we should not get very much further. Therefore, Sir, I think it would be better if the honourable mover withdrew his resolution and that he should see the wisdom of the various communities organising and putting forward their own candidates rather than that the Government should appoint a selection board to recommend such candidates.

Sardar Khan Bahadur A. M. DALAL (Broach District): Sir, after the speeches just delivered, it appears to me that the proposed resolution should be withdrawn inasmuch as the honourable member, the Commissioner, Southern Division, Mr. Mountford, has proved and proved conclusively that the policy of Government is in this direction. The appointment of a selection board is very cumbrous and it is impracticable. After all, the root of the question is intellectuality; however strict Government might be, intellectual supremacy

[Sardar Khan Bahadur A. M. Dalal]

will prevail. If the other communities will take the lesson and the advice of the honourable member, Mr. Mountford, and set on working to improve the status of their intellectual condition, in course of time they will come forward on account of their numerical superiority. I am, therefore, not prepared to be a party to support this proposition as moved by the honourable member.

The Honourable Mr. H. S. LAWRENCE : Mr. President, it will be in the recollection of this House that we had a somewhat similar discussion—I think it was in the September session last year. At that time the resolution was framed in a very wide spirit including all the divisions of the Presidency, and it was then withdrawn when it was pointed out that it could only apply to the Southern and Central Divisions. This resolution is now brought forward in a restricted form and applies only to the Southern and Central Divisions, but the principles of the resolution.....

The Honourable the PRESIDENT : Was that resolution which was moved and subsequently withdrawn in the last September session substantially the same as this ?

The Honourable Mr. H. S. LAWRENCE : I think it was very nearly the same.

The Honourable the PRESIDENT : I am sorry I forgot all that.

The Honourable Mr. H. S. LAWRENCE : I was saying, Sir, that the principle underlying that resolution was the same as this, namely that there should be some preference given to the non-Brahmins in the Central and Southern Divisions, and I had the honour of pointing out to the honourable mover that Government were entirely in sympathy with his object of securing better representation of the backward classes, of the Lingayats, of the Marathas and of such other classes in the Central and Southern Divisions, but that Government had been handicapped, and their efforts had been frustrated in making any rapid advance in this direction, firstly by the small number of candidates that have been forthcoming in the past, and secondly by the lack of energy on the part of the leaders of those communities in putting forward the names of their candidates to the officers who make the appointments. It has now been pointed out by one speaker that one reason why these leaders have not been able to put forward these applications is because it has been concealed from them that such vacancies were occurring. I have no doubt the gentleman who made that statement must have some ground for doing so. But surely, Sir, it must be well known to the leaders of these communities that vacancies do occur from time to time in each of these departments, and if they really organise themselves, if they put forward a list of qualified candidates to every office in which vacancies must occur, it should be possible for them to defeat the machinations even of the most wily and wicked chitnia.

Seriously, Sir, I do not admit on behalf of Government the charge of apathy of the officials in the higher circles. I think that that apathy may be found in other quarters. I quite admit that it is very difficult work, in any district, for the members of a community to keep full information regarding the young men rising up over a large area. But I thought that since that discussion last September something might have been done in the way of organising these committees of the different communities, but so far the headquarters of Government have certainly no information that the suggestion then thrown out has

[Mr. H. S. Lawrence]

been acted upon, that the different communities have in fact created any committees to look after the interests of the educated youths of their communities in regard to public appointments.

To come to close quarters with this resolution, it recommends Government to appoint a selection board. Now, is the selection board to be one for the whole of the Central and Southern Divisions? If so, it would be a very difficult task, not merely for the whole of the Maratha Deccan, but also for the Kanarese speaking districts in the Southern Division and for the Konkan districts. It would be exceedingly difficult to collect together a board who would be able to keep in touch with these different and large areas, and the business of making appointments refers to so many different offices, that you would require, I submit, continuous labours on the part of a full time secretary to a central board; whereas if the different communities, each in their own district, had some working system — a secretary and some members — who would watch the interests of their community in each district with regard to the different departments in that district, it is my respectful suggestion that very much more progress would be made.

One honourable gentleman enquired whether Government really were interested in this matter so far as to make enquiries as to what the result of the orders had been. I remember seeing the result of enquiries that were made some six or eight months ago. The various officers were called upon to report what progress had been made in the last six years, I think it was, and the actual progress reported on; so that, Sir, we are not entirely unconcerned. We do desire to see progress made in this direction, but we must rely on the continuous efforts, the constant application of local leaders to the offices in their own district. It is impossible from headquarters to watch the minor vacancies, say in a forest officer's office, or an engineer's office, or prant office. We can make enquiries at the end of a period of time, and see what the general result has been, and I submit that the general result as given by the Commissioner of the Southern Division is not so entirely unsatisfactory as this House has been invited to believe. My friend Mr. Mountford has given you the figures as existing now; had he had the figures existing six or eight years ago, I think it would have made clear that very considerable progress had been made in this interval.

While, therefore, Government are entirely in sympathy with the object which has actuated the mover and supporter of this resolution, we do not think that any good purpose would be served by accepting the resolution in its actual form, and therefore I would suggest to the mover that if he is contented with this assurance, that Government are actuated with the same motives and intentions as underlie his resolution, he might withdraw it.

Rao Bahadur R. R. KALE (Satara District): Sir, I am one of those who believe in progress and progress on right lines. I have always been of opinion that unless this distinction between the backward communities and the forward communities is done away with, there is no salvation for our country. In my own humble way, I have endeavoured, throughout my life, to do what little I could to assist and to uplift these backward communities, including the depressed classes. I have felt that those countrymen of mine who only looked up to political progress as the salvation of the country were mistaken, and I have been always of the opinion that there must be uplift and progress all

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along the line. I have been opposed to the caste system, because it is this caste system which has rendered the situation what it is now. I can well say that it is not the fault of anybody. Because certain persons have been, from their birth, and from their environments brought up to think that they can only do a particular thing, they are moving in that same groove and that is due to the caste system. But I am glad to see that people have begun to understand now that unless and until we progress as a whole, and unless and until we get rid of the bogey of caste, we shall not progress. I have the greatest sympathy for my Maratha friends, and the mover of the proposition knows full well my views, and what little I have been doing in this direction. I am in full sympathy with the spirit of the resolution, and I do believe that unless and until we have a levelling up of all the communities, so that we are in a position to get men from all classes to work in the administration of the country, self-Government will not be properly and truly acquired. But, Sir, I am one of those who is not an impatient idealist. I am not one who thinks what Swaraj can be obtained in a day, nor am I a believer in doing away with all our distinctions in a single day. Our country specially suffers under the greatest disadvantages of social and caste distinctions, and it will take time before we can progress. Therefore, I will appeal to my non-Brahmin friends not to be impatient. I am quite willing that they should get into the offices, should begin to take very intelligent part in the administration of the country. We welcome them as brothers. We know they will not be fit for some time to come and that their progress will be slow, but that it must be sure. Unless and until you advance on sound lines, you will not progress and the key to that progress is education alone. The honourable mover of this proposition who has had education, knows full well the benefit of that education which he has received; if there were many more such persons, I am sure we should not have been to-day where we are. I am really proud that the mover of this resolution was my pupil at one time and I know what intelligence he possesses, and I certainly think, and he will agree with me, that if more men like him do try to educate their children just as his father and kinsmen did in the circumstances to enable him to receive his education, if more men from that community would come forward to educate their boys, I am sure the day will not be distant when whatever is desired by all will be achieved. There may be foolish kulkarnis who are people who try to deceive illiterate agriculturists, I do admit that there may be people in the lower classes who are practising frauds, but what is at the root of this? It is ignorance and ignorance. So then the efforts of us all should be directed towards education. "Educate, unite and hope"—that was the message of the King Emperor to the people of India; and if our backward communities will try and our forward communities to whom I appeal to sympathise, encourage, give them facilities for education and try to bring them on a level with us, it is only then that we shall go hand in hand; and until that stage is approached there will never be peace in the country. For these reasons I appeal to my honourable friend the mover to take up the hint thrown out by the Commissioner of the Southern Division and the Honourable the Finance Member and think for himself if his purpose is not served. He has perhaps done a good thing in bringing this motion in the Council because it is discussion which I think sometimes advances the thing which one has at his heart, and therefore I think we have had sufficient discussion on this matter, and with these speeches my honourable friend will do well to withdraw his resolution.

Mr. C. C. HULKOTI (Dharwar District) : Sir, I rise to make one or two observations in answer to the suggestion that has been made from official benches. It was suggested, and perhaps rightly that all the backward communities who are not advanced, should organize themselves and form associations or bodies, or selection boards, consisting of their own members and should try to be in touch with the different departments of Government and suggest whenever vacancies occur the names of qualified candidates from time to time to the different heads of the various departments of the Government. But I can assure the Government Members that the Lingayats of Southern Division have formed an Education Association at Dharwar as far back as the year 1890. And I also assure this House that it is an organization which has already been trying to be in touch with the various departments of Government. His Excellency Lord Willingdon, the Governor of Bombay, when he visited Dharwar in the year 1913 in reply to an address of welcome to His Excellency by this Lingayat Education Association, Dharwar, was pleased to assure this association that his Government would be willing to issue a resolution authorizing the members of this association to recommend candidates from the community, the Lingayat community from time to time, of course, suitable candidates to various departments of Government. Accordingly a resolution was issued. Being a member of that association I do know all the circumstances and I can assure this House that this association has been making recommendations from the year 1913 up till now for the last 10 or 12 years. I know full well that recommendations have been made to various departments, not only the Revenue but Judicial, Police, and other departments of Government, but unfortunately I may tell this House that not a single recommendation has been given effect to by Government for some reason or other. Therefore, during the last September session, I sent an interpellation to Government asking for the reasons why the recommendations were not given effect to. It consisted of two parts; first part "how many recommendations were made by this board to the various departments and secondly, how many recommendations were given effect to". Unfortunately, the answer given by the Honourable Member in charge of the department was this; "the member is referred to the proceedings of the association and he may be able to find out how many recommendations were made and how many were given effect to." This is the answer which I should say is very disappointing, and therefore I do not believe, as my honourable friend Mr. Mountford, Commissioner, Southern Division, does, who, I feel sure, is quite sympathetic with our aspirations, in the efficacy of these associations making recommendations from time to time. Therefore, we must have, as my honourable friend the mover has suggested, the selection board which should be appointed by Government itself and whose decision should be binding on Government, and I think this idea must have actuated my honourable friend Mr. Jadhav in moving this resolution. No doubt, I do feel the resolution as it stands, is not quite good in wording and no doubt it is very difficult to say at this stage how it will work out in practice, because the resolution has not made clear the personnel of the selection board, and other things such as how many members it should consist of, and whether officials or non-officials should form majority, and all these things would have a great effect on the recommendations that are to be made by this selection board. Therefore, looking to the speeches of some of my Brahmin friends in this House, as I feel a good deal of confidence to-day, that they have a real sympathy



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with the aspirations of the backward communities, I would suggest, in view of the imperfect and inappropriate wording of the resolution, the honourable mover would do better to withdraw the resolution, as the result of the present resolution may ultimately turn out to be so advantageous as is desired by the honourable mover. With these words, I beg to support the spirit of the resolution, but I am afraid I ought to appeal to the honourable mover again that he will do well to withdraw the same.

Mr. P. N. ADHAV (Satara District): Sir, I am very much thankful to my honourable friend Rao Bahadur Kale, and I know him personally that he is an honourable gentleman with very liberal ideas. I know he has presided at meetings held for the amelioration of the condition and education of the non-Brahmin communities and he has passed resolutions on certain occasions that their case must always receive support at the hands of Government, and such resolutions, I believe, have been sent by him to Government from time to time. But at the same time, beyond forwarding the resolutions, I think he has not taken further interest in their behalf. He and I are members of a small miniature swaraj. When I asked a certain body, of which body we are (Rao Bahadur Kale and myself) both members, what consideration they had given to the interests of non-Brahmin communities in the matter of appointments, I got a reply "There are at present no vacancies". Then I represented that at least 50 per cent. of the vacancies should be given to the non-Brahmin backward classes. Then I was given an assurance and the chairman in charge of that body was given instructions that my recommendation should be carefully considered. Well, what was the effect? I kept quiet for some time. After three or four months I came to know that in spite of the 31 applicants—I don't care whether they were Brahmins or non-Brahmins—none was considered.

Rao Bahadur R. R. KALE: Who was the chairman?

Mr. P. N. ADHAV: I do not want to name the man.

Rao Bahadur R. R. KALE (in a whisper): To what community did he belong?

The Honourable the PRESIDENT: This is not the question hour. At the same time, a question may be asked occasionally, but not in that whispering manner. I ought to hear what the question is.

Mr. P. N. ADHAV: Then, Sir, I was told that in the vernacular final examination a very high percentage of non-Brahmins, especially Marathas, had passed out and there were two or three candidates who stood within the first 20 and they went to that gentleman, but he said there were no vacancies. Those people were hanging about here and there, and unfortunately they did not come to me. And what happened? Three boys who stood below 100 in the examination were recruited and got into the municipal schools. Now when I asked a question why this was done, I was told "These are temporary appointments, why should you bother? When the permanent men come back, these men will revert." Again after six months I asked for further information, how many vacancies were there, how they were filled, on what days those applications came into the office and on what days those applicants received the appointments, etc. What I found to my great surprise was that men of certain class give their application to-day and get the appointment the next day, while men who had sent applications long before, out of the 31 persons

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were not considered. Men were appointed, but none of the 31 applicants were consulted. If this is the case, we want to press for a selection board only on this ground that such things should not be done again and only men qualified and efficient should be selected. I do not mean that there should be any partiality or special favour. If they are men qualified and efficient, they should be appointed; if they are found unfit and not efficient, they should be kicked out. That is all. Otherwise no good administration can be carried on and there would be no efficiency. Then, there is another thing, why should we insist on this question? There should be an admixture of communities in every service. Without proper admixture no good administration can be carried on. What happens is this. In times of strikes, the Government officers in charge of the offices find it very difficult to cope with the strike. Last time I know for certain that two strikes were being hatched in the Satara district, one of talatis, which was brought into effect, and one of the schoolmasters that was under consideration. The dates were fixed and everything was done. What happened? On the precise dates the talatis gave notice and struck work. As soon as the strike was declared, of course, the Collector and officers in charge had to make arrangements, and then there were difficulties. Well, I think there is one of my honourable friends here who is present in this House, who supplied 200 applications from non-Brahmin classes and some of those people were taken on and they got appointments and there was no effect of the strike as was anticipated, and the result was the schoolmasters' strike was never brought into force, because they knew, if they went on strike, they would lose their appointments and would probably be nowhere. So on these grounds I say that there should be proper admixture of all classes. There should not be only one class represented. This House consists, we know, of various representatives, we are representatives of all communities and classes, and on that principle I think the services should be managed. With these few words I support my honourable friend Mr. Jadhav's resolution.

Dr. S. S. BATLIWALA (Bombay City, North): Sir, I must say at once that I am in entire sympathy with the proposition moved by my honourable friend Mr. Jadhav. Sir, there is no doubt that the depressed and the lower classes have been labouring under certain disadvantages and grievances which are more genuine than appreciated by many of us here. But, at the same time, I cannot make up my mind to say that all the loaves and fishes which go to Brahmins should go to non-Brahmins, irrespective of their merits, qualifications, learning and industry.

Mr. B. V. JADHAV: They care for the loaves, but not for the fishes.

Dr. S. S. BATLIWALA: Sir, it has been argued by the Commissioner of the Southern Division that in the interest of the non-Brahmin communities he would suggest that they should form themselves into an association which in turn should submit the names of those candidates who are eligible for posts for the consideration of Government and superior officers. But I ask my honourable friend the Commissioner what are these people to do until such time that they unite and form associations and organize themselves into a solid unity? Is it not better, Sir, that until such time that they form an association Government should extend a helping hand to them and appoint a selection board? I am going to propose that there should be not one selection board but many, if Government thinks it proper, and I will suggest an amendment to the proposition that this selection board or boards may come into existence

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and may do the work of the associations which Government have suggested. I also think, Sir, that the resolution moved by my friend, Mr. Jadhav, should have at the end of it an addition as follows :—‘ provided they are of equal if not of superior merits and qualifications as compared with candidates from other communities.’ I would prefer giving preference to a non-Brahmin candidate provided his merits are equal to the Brahmin candidate or only a trifle less. It is with that object in view, I would like to add the above-said two lines at the end of the resolution which will read as follows :

“Delete the article ‘a’ before the word selection ; leave out the word ‘board’ and insert instead the word ‘boards’ and add at the end of the resolution the following words ‘provided they are of equal if not of superior merits and qualifications as compared with candidates from other communities’.”

It has been pointed out by the Honourable the Finance Member that the Central and Southern Divisions are very large. I therefore propose not to have one selection board but more than one, the exact number of which I leave to Government to determine. If my amendment is accepted by the honourable mover, I shall have nothing more to say about it and thus it will save the time of the Council.

The Honourable the PRESIDENT : You may move the amendment and leave it to him to accept it or not.

Mr. B. V. JADHAV : Your amendment is very bad for us.

The Honourable the PRESIDENT : Order, order. The discussion will be confined to the amendment.

Mr. B. V. JADHAV : Sir, I am very thankful to the honourable gentleman who spoke last and who intends to support my resolution, but I am very sorry to say that this amendment will be a great obstacle in the path of progress of the communities on whose behalf I moved the resolution. What we claim is that candidates possessing the minimum qualification should be given appointments for which that qualification has been prescribed. My honourable friend proposes that from among the candidates one possessing a higher qualification should be appointed in preference to a non-Brahmin with the minimum qualification for the post. Here the element of preference is almost done away with, except in the rare cases of the two candidates having the same qualification, and the one with higher qualifications would be appointed to the exclusion of the non-Brahmins. Although outwardly he stands up to support my resolution, in reality he wants to stultify it in such a way that, if accepted, it will prove very ruinous to the cause which I have placed before the Council. For these reasons I trust that the House will reject the amendment as it will prove very bad for us. I want to speak on the original resolution after the amendment is disposed of.

The Honourable the PRESIDENT : That is looking ahead. Let us not look like that while this amendment is the question.

Mr. S. T. KAMBLI (Dharwar District) : Sir, of course the honourable member's amendment seems to me to go too far on the question of the qualifications which he wishes to enforce in each case. It is a well known fact that Government for every post have laid down certain conditions and certain minimum qualifications necessary for the candidate for that post. When this is the case, I see no force and no reason why this amendment is considered necessary by the honourable member. Does he mean to say that in case two persons belonging one to the Brahmin community and the other to the non-Brahmin community, one possessing the requisite qualification and

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the other with some more qualifications, apply for a post then the post ought to be given to the man possessing more qualifications? If that is the meaning, I am opposed to the amendment. Government have laid down certain minimum qualification for every post. If a non-Brahmin candidate and a Brahmin candidate chose to apply for a post, and the non-Brahmin candidate has the requisite qualification and the Brahmin candidate happens to possess higher qualification, if the post is to be given to the candidate with higher qualification according to the amendment, then it will defeat the object of the original resolution. The Brahmins would put up a candidate with more than the requisite qualification for a post as a rival to a non-Brahmin candidate, and then withdraw in order to defeat our object. That is the dodge they are likely to adopt. For these reasons, the amendment will make the resolution ineffectual, if accepted.

Mr. KANJI DWARKADAS : Sir, I move a closure.

The Honourable the PRESIDENT : I accept the closure and put the question.

Question put and amendment negatived.

The Honourable the PRESIDENT : Now the discussion on the original resolution is resumed.

Dewan Bahadur K. R. GODBOLE (Poona District) : Mr. President, it is with very great reluctance that I have decided to speak on the present resolution when a racial question is before the House, but I think it is my duty to intervene in the interests of public weal. We here are responsible members of this Council that are entrusted with the public purse. We have to allocate funds and we are always insisting upon our officers to use the funds entrusted to them to the greatest advantage and to get the maximum of work out of the expenditure that they are allowed to incur. What should be the principle on which all the public offices should be filled? The principle should be that the appointments should go to the most capable men available. I would ask Mr. Jadhav if he had an office to run himself and if he had the filling of an accountant's place in his own office and there were capable candidates who had done accountant's work but who had the misfortune to belong to the Brahmin community and he had also other non-Brahmin candidates who could manipulate figures but knew nothing of accounts, whom would he select? Would he select the Brahmin in the interests of his own office or would he select the non-Brahmin who knew only the bare manipulation of figures? I am quite sure that he would select the capable Brahmin, not because he was a Brahmin but because he was the best qualified man available to do his work. Now, what should be our instructions to our public officers? The instructions should be that they should, without any partiality, without showing any preference to one community or another, appoint the best men available, the men that are capable of doing the maximum amount of work for the pay they are going to receive.

Mr. Jadhav wants to initiate the principle that members of backward communities, even though they have the minimum amount of qualifications should be given preference in filling vacancies to other men with higher qualifications when they come forward. I should have very well understood his position if he had said that in the filling of vacancies in a particular office, the officer in charge should call for applications by public notice and, from amongst the applicants, choose the best men available, be they Brahmins, be they

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Marathas, or be they Mahars. The principle should be that the best and the most capable men should be appointed. I think those should be the instructions of the Legislative Council to its own officers.

The other point that Mr. Jadhav made was, that the public officers who have the gift of appointments in their hands, are guided by their head clerks or chitnis and other men that are working under them. However true it might have been in times gone by, say 10 or 15 years ago, it is certainly not true to-day. I know that Collectors and Judges in filling up even ministerial appointments are very careful to see that the Brahmin head clerks or the Brahmin chitnis that they have do not carry things in their own way. They go over the files themselves and in filling up the vacancies they see that due attention is paid to the claims of non-Brahmin communities also. The clannish feeling that he referred to is fast disappearing. In my own case, I may tell him that in a small appointment that I had in my gift, I gave preference to a Mahar applicant in preference to three Brahmin applicants and that man is still doing his work and I do not hesitate to take him in my own carriage occasionally. So, that clannish feeling is certainly not so prominent as it used to be in the old days. In the second place, the superior officers are alive to their duties now and never entrust the appointments to the Brahmin head clerks and chitnis that are working under them. The applicants from all communities are duly considered. Under these circumstances to enunciate in this Council the principle now that a man with bare minimum qualifications should be given preference to a much abler and more qualified man who will give us a greater amount of work, is to enunciate a principle that is wrong and it should never be accepted by this Council. What Mr. Jadhav should have done would be to say that in filling up all appointments in future, public notifications should be given, applications invited and the best men available should be given the posts irrespective of their caste or creed. That should be the guiding principle and I believe that, if that is followed, members of other communities will come in equally along with Brahmins. I may instance here in this Council the instance of my honourable friend, Rao Bahadur Vichare. The Council is aware that he is an engineer of repute, and that he got into the service by open competition, by securing a certain place in the examination list. There was no preference required in his case. The system by which he got in should be insisted upon in the case of all public appointments in future — the appointments to go to the fittest men irrespective of their race or creed.

Then, as regards the selection boards referred to in the resolution, the Honourable Mr. Lawrence has pointed out very well that the proposition is practically impossible—the selection board will be a very expensive machinery to set up; in order that the selection should be properly made, each district will have to be given a board for itself and that board, as was pointed out, will necessarily have a representative on it of each of the different communities in the district. This means that the boards will be inconveniently large, and they will seldom meet. They will also be for doing work which we can safely entrust to our officers to do impartially and efficiently. The other day the Sanitary Commissioner had an appointment in his gift, he invited applications publicly, applications were received and I am quite sure that he will fill the vacancy by giving it to the fittest man out of the applicants that have come forward. If Mr. Jadhav is afraid of any jobbery, he can ask the Legislative Council to pass orders that all appointments in future should be given after

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applications have been invited publicly, and that selections should be made from these applications. For the reasons given I think that the resolution that is put forward by Mr. Jadhav is not in the interests of the Presidency, that it is hardly workable, and that therefore he would do well to withdraw it, on the assurance that has been definitely given to him that every endeavour will be made to find suitable places for members of the backward communities, in case they are qualified.

Mr. D. D. GHOLAP (Addressed the House in Marathi) : Mr. President, I want to draw the attention of the House to a few points that were made by some of my honourable friends with regard to the principle underlying the resolution, and their attitude towards the resolution which has been moved by my honourable friend Mr. Jadhav. Dewan Bahadur Godbole has told this House that on one occasion he selected a Mahar candidate for a post in his office in preference to three Brahmin candidates, and I congratulate him for it. But, at the same time, Dewan Bahadur Godbole said that it is more desirable to appoint one intelligent Brahmin than any non-Brahmins who have not got the qualifications required for the post. May I ask Dewan Bahadur Godbole whether a man can swim in the river who has learnt to swim in a dry room ? How would it be possible for a non-Brahmin candidate to show his ability to conduct any business when he has not got the opportunity of getting himself trained to do so ?

My friend Rao Bahadur Kale said that the non-Brahmins should acquire education first, because only education drives away all the social differences. But, Mr. President, allow me to state here a real fact about the Education Department as to how in that very department the backward and depressed classes are treated by the Brahmin bureaucracy. A student from the depressed classes of the Nasik district, who was selected to prosecute his studies in the Dhulia Training College fell ill there. After great effort, he was certified by the Civil Surgeon, and recommended by the principal of the Dhulia Training College to be admitted at the Nasik training class. But unfortunately he was prevented from getting admission into the training class at Nasik by the Brahmin principal, as he (the student) belonged to the depressed class. If, in this way, the gates of the Educational Department are locked up for the backward and depressed class people, how can they make any progress in their education and uplift themselves ?

The Commissioner of the Southern Division, Mr. Mountford, said that every community should organise its own associations, which should communicate with the Government, recommending their best candidates to fill up vacancies in Government service. But, Sir, when even the school masters of the backward and depressed class communities are prohibited from taking any part in the social movement by the authorities, how can these communities form their own associations to secure the posts in Government service ?

Sir, I am sorry that I cannot associate myself with the wording of the resolution of my honourable friend Mr. Jadhav, and therefore I am not in a position to support it, but neither do I wish to oppose it. I therefore think that he will be well advised in withdrawing the resolution in response to the attitude of Government towards the uplifting of the backward classes in general.

Mr. PURSHOTAMDAS THAKURDAS : Mr. President, of the various resolutions to which I have listened in this Council and in the old Council, the

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one which has just been moved by my honourable friend Mr. Jadhav I have listened to with great pain and with some sense of humiliation. Whilst I heard from the various non-Brahmin members who spoke on the resolution instances of their grievances, I could not help feeling depressed that honourable members of this Council should find it necessary to make such complaints as these before this assembly. I should not have liked to speak on this resolution at all, for it strikes me that the question is one in which my non-Brahmin friends have to plead the cause of their community before this Council, and, with the sympathy that Government have already extended to them, very little further support is necessary. But I feel this will not be the only session in which a resolution of this nature is discussed, and I should not be surprised if, in course of time, we class this resolution as one of the hardy annuals to which we are accustomed in this House.

My immediate reason for rising to address the House on this was what was said by my honourable friend Dewan Bahadur Godbole that the necessities and the stage at which the non-Brahmin section is at present do not need special assistance from the Government, nor that spoon-feeding as far as their community is concerned in order to encourage them in Government service. Whilst I fully agree with Dewan Bahadur Godbole in the proposition that he enunciated that, considering merit, the most deserving should get the first chance, in Government service, I feel that that would hold good for a private concern or firm; but where the whole State is concerned and where, as the honourable mover of the proposition urged, 90 per cent.—that is the figure I heard—of the population consists of non-Brahmin class, I think, there can be an exception to the proposition of my honourable friend Dewan Bahadur Godbole, and I am inclined to feel that this Council must sympathetically consider the case of the non-Brahmins and other backward classes every time that it is brought up. Government have already expressed their sympathy and the Honourable the Finance Member has assured us, and the honourable mover especially, that the case that he is pleading continues to receive the attention of Government. All that I feel, Sir, is this, that where you have to administer, where the Council has to administer and arrange for proper government of various communities and various classes—unfortunately for India and for this Presidency even among the Hindus you have Brahmins and non-Brahmins and lower down the non-Brahmins and the depressed classes—where so many various racial and communal questions crop up, and where inter-communal jealousy is anything like the inferences that we can make from the various speeches made here, I think for the next few years—I hope it will not be decades—for the next few years the Council will have to keep a sympathetic corner in their heart. I only pray and hope that the time will come when honourable members, representatives of the non-Brahmin class, will proclaim that they no longer need this spoon-feeding. As was said by the Honourable the Finance Member, the proposition as moved here is not practical and I hope the honourable mover will see it in that light. I was pleased to see that some of my non-Brahmin friends themselves recommended that the mover may withdraw this resolution. I, Sir, feel and I say that as I belong neither to the Brahmin nor to the non-Brahmin class nor have I the honour to belong to Government benches, I feel that this Council will accord a sympathetic hearing to such grievances of not only the non-Brahmins, but of all the backward classes. I was one of those that opposed the claim of the

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advanced Parsi community for communal representation; but that and this case are quite different. Here is a case of a set of people, numerically very large, that needs assistance special in nature and temporary in duration. I hope that this Council will always listen sympathetically to grievances of such communities and I only venture to throw out a suggestion that honourable representatives of such communities may not exaggerate their grievances at least in this Council and that when they come in power they will not give an opportunity for complaints against themselves for misuse of power that the Brahmins are accused of to-day rightly or wrongly.

Mr. KANJI DWARKADAS: Closure, closure.

The Honourable the PRESIDENT: I accept the closure and call upon the honourable mover to reply.

Mr. B. V. JADHAV: Mr. President, enough has been said on this question on both sides. I am very much obliged to my Brahmin friends for ventilating their inner views on this point. They have been raising the bogey of efficiency and have called upon this House to support efficiency by employing the best candidates. It means in the long run the perpetuation of their domination in the Central and Southern Divisions, questions—(a stir among honourable members).

The Honourable the PRESIDENT: Order, order. I hope the honourable member will be allowed to continue.

Mr. B. V. JADHAV: For a subordinate judgeship, an LL.B. with three years' practical experience as a pleader is required. Even when he is thus qualified the bogey of efficiency may come in to exclude him. When an M.A., LL.B. or an LL.B. with honours, a Brahmin, and a non-Brahmin of the simple LL.B. degree come forward for appointment to the sub-judgeship, then my honourable friend Dewan Bahadur Godbole may claim that that M.A., LL.B. or LL.B. with honours ought to be preferred in exclusion of the fully qualified non-Brahmin. If this goes on, Sir, then this bogey of efficiency would drive us out of the field altogether, and would frighten us out of competition and we shall be left as backward as we are up to this time. My friend Dewan Bahadur Godbole asked me a simple question.....

The Honourable the PRESIDENT: I see that there is a tendency among several members to drop the words "honourable member." It is one of the usual and necessary courtesies of parliamentary debate for one member to speak of another member as "my honourable friend" or as "the honourable member." I hope that will be conformed to.

Mr. B. V. JADHAV: He asked me a simple question whether I would prefer an efficient accountant who is a Brahmin or an inefficient one a non-Brahmin, who knew adding and subtracting only. I may say that on one occasion in my official career I had to dismiss seven hundred efficient village accountants called kulkarnis and they had to be replaced by 200 talatis who were trained within three months. So when the bogey of efficiency is raised, I do not think it appeals to me. Neither do I trust it will appeal to this House. My honourable friend Rao Bahadur Kale has been very sympathetic to the backward communities, no doubt, but at the same time in the back of his mind perhaps he is also obsessed by this bogey of efficiency. I am very much obliged to those who have extended their sympathy to the non-Brahmin class and I



[Mr. B. V. Jadhav]

trust they have come to realise the difficulties which confront us and the hard times which we have to undergo in this land of the Deccan. Especially we suffer from the lack of non-Brahmin teachers. My honourable friend the member for the depressed classes has shown how badly his people are treated in the training colleges and other institutions, and although the members of my community are touchables, I am sorry to say that they do not get more sympathetic treatment at the hands of the higher community. I can name villages in which schools have been established for the last fifty years in which Brahmins have been taught their alphabet and taught how to read and write and have ultimately gone to the university, have become mamlatdars, sub-judges and deputy collectors, but there it will be difficult to find in those villages even half a dozen non-Brahmins able to read and write. That is the condition, Sir, which is very scathing to us. We claim that unless the school department in the Central and Southern Divisions is largely manned by non-Brahmins the education of the masses cannot well advance. A non-Brahmin teacher will not be so very careless about the education of his community as the Brahmin teacher is. There are honourable exceptions among the Brahmin teachers who have tried their best to spread education, but they are only honourable exceptions and only serve the purpose of proving the rule. The number of Brahmin teachers who discourage the education among the masses is very much larger and tries to keep the masses away from being able to read and write.

To remedy this state of affairs we have been so insistently trying and crying. I am very much obliged to the Government benches for the assurance they have given, and I think, in deference to their wishes, I need not press for a division on this resolution and I beg leave of the House to withdraw it.

The Honourable the PRESIDENT: May I intimate to the honourable member that to make a long speech in reply and at last to say "I withdraw" is rather irregular? If he wanted to withdraw the resolution, he ought to have said so at once, because when a member wants to withdraw, he should withdraw after a very short explanation and should not make a speech arguing. You gave a long reply and then say you withdraw the resolution. I hope that will not be repeated and will not be regarded as a precedent.

Mr. B. V. JADHAV: No, Sir.

Resolution allowed to be withdrawn and withdrawn accordingly.

Dr. S. S. BATLIWALA: Mr. President, I beg to ask priority for my resolution on the subject of land revenue assessment. I may say that the Honourable the Leader of the House says he has no objection to priority being given if the House agrees.

The Honourable the PRESIDENT: The honourable member Dr. Batliwala asks priority for his resolution. I have the right to give him priority, but I do not like to go against the general sentiment of the House. May I give him priority?

Honourable MEMBERS: No.

The Honourable Sir IBRAHIM RAHIMTOOLA: Sir, I would like to say a few words in this connection. Dr. Batliwala asked me whether I would agree to priority being given to his resolution. I told him that I personally would have no objection. I feel, however, that the time allotted to non-official members for resolutions is so limited and those who may have

[Sir Ibrahim Rahimtoola]

given notice of resolutions long ago and whose right it is to move them, get that right so sparingly that I thought I would leave it to the House and to you, Sir, to consider whether honourable members who have given notice of resolutions in the proper order should not get precedence; and whether this resolution is of sufficient importance to override the right of other members who have secured it by ballot. I leave it to you, Sir, and to the House to decide whether priority should be given.

The Honourable the PRESIDENT : The general sense seems to be against priority being given. So I now call upon Rao Saheb D. P. Desai to move his resolution.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I beg to move the resolution standing in my name which runs thus :

" This Council recommends to Government to investigate through a committee the causes that have led to the scarcity of capital in rural areas for agricultural operations and to adopt measures to meet the growing demand for cheap capital in those areas."

I had intended, Sir, to move a resolution embracing a vast number of subsidiary issues involved in the many problems affecting the rural areas. But somehow or other, as that resolution was a very wide one, it was naturally disallowed. So I have taken advantage of selecting out of those issues only the chief plank or the fulcrum on which the whole problem of rural economics depends, and so the resolution in its present form is moved. Sir, of late, *i.e.*, for the past many years, we are led to think in terms of industry and commerce and less in terms of agriculture and as a result we have left out of account considerations affecting the economic life in the rural areas. Laws such as Joint Stock Companies Act and a host of other enactments by which big banks and other joint stock companies are started, are passed which encourage the industries that are generally carried on in cities and these vast concerns have led to the concentration of capital in cities and the result is that much of the capital that had been used for the rural occupations has been taken up for the starting of the many industries that we find to-day in big cities. We have also been considering the advisability of introducing a protective tariff into this country which will further encroach upon the slender funds in the same area. While all these things are being done in the cause of industries, I should think that the needs of the agricultural industry also should demand careful attention. I do not mean to say that these considerations for industries should not be given, but I do say that while considering all these matters, the one basic industry, as my honourable friend Mr. Purshotamdas has said, I mean the business of agriculture, should not be neglected. Unfortunately, this has been the case. Coming to the subject I may be pardoned if I say that we have found, and perhaps the members on the opposite bench will agree with me when I say that the agriculturist in this country is suffering from a state of chronic indebtedness and the indebtedness has become proverbial with him. When a man is an agriculturist, it is taken for granted that he must be borrowing capital at a very huge rate of interest and that he must be hopelessly in debt. But no attempt has been made up to now by Government or by the public men of this Presidency to find out the causes of his indebtedness. It has been variously stated in Government reports that he is extravagant, he lacks thrift, he spends a lot of money on social functions, and the result is he finds himself in debt. I rather demur to this view. I ask, if he were extravagant, then on what did he spend? Did he spend on clothes? No;

[Rao Saheb D. P. Desai]

we do not find that he is well-clad. On houses? No; his houses are what they were, if not worse than, 50 years back. Did he spend on his food? No; we find that he still takes the same coarse food which he took 50 or 100 years back. Then, where is his money spent? Did he spend it on social functions? I can say in reply that if a business man—for the agriculturist is a business man—in his life time does not spend about twice or thrice on social functions tolerably well, then it is no credit to Government that their agriculturists are short of funds and cannot spend enough on social functions; in fact he does not appear to spend more than what is absolutely necessary and at times even much less.

Now, Sir, I refer to some of the causes that in my humble view have led to this indebtedness and impoverishment of the agriculturists. The first and foremost is to my view the various land laws that our Government have enacted. There are the Deccan Agriculturists Relief Act, the Restricted Tenure Act, and the Land Revenue Code. All these Acts have somehow or other tended to impoverish him and tended to bring about scarcity of capital for his own occupation; the bankers usually fly from an occupation wholly subject to restrictive laws and to laws conferring at best an insecure title and which are liable to change often.

The Deccan Agriculturist Relief Act in my humble view instead of bringing in sufficient capital has driven out what capital there was from rural areas. The Restricted Tenure Act has, instead of helping him in this direction made his path more difficult for he holds his lands under restriction and cannot raise any loan for his occupation as none would lend him money.

Then comes the Land Revenue Code. The other day the Honourable Mr. Lawrence said that lands in this country had been held by Government and that it was Government property. I do not mean to enter into that discussion, which might assume a very serious and lengthy discussion and so the property in this country was formerly private property giving perfect security of title and it was not Government property as alleged by the Honourable the Finance Member. The Land Revenue Code has, however, changed all the aspect and now we find that Government consider that property their own. They have rather taken advantage of the ignorance of the agriculturists of that time, and constituted themselves as legal trustees and like many trustees have taken liberties with the property of their ward and they are saying therefore in season and out of season that the property is theirs and not of their wards.

The next point I would just refer to is the modern industrialism, by which I mean the creation of big banks and industries, which have something to do with the depletion of capital for rural occupations. I do not mean to say that industries should not exist but they should exist side by side with agricultural industry and not by starving it.

Coming to the ways and means by which Government may come to the aid of the agriculturists, I think that there are vast reserves in the Imperial and other banks, reserves which might be made available for carrying out rural occupations. In France Imperial Bank funds are so used. There are also many insurance companies doing business, the money of which goes to foreign countries, to enrich those countries. If the report is correct the American insurance companies which do business here lend their money to

[Rao Saheb D. P. Desai]

agriculturists there. Now, if the money that actually goes from this country is used for the development of agriculture of that country, why should not that be made available for the development of agricultural industry here? There are again the profits of the development scheme. We know the agriculturists pay about 17 lacs annually for the scheme and if the profit that it is expected to give, as given out by the Honourable the General Member, is realised at least about 30 crores may be made available for carrying out rural banking. I think for my part that no profits will be derived from that scheme, but if it is realized.....

Sardar DAVAR T. K. MODI: How is it relevant, Sir?

Rao Saheb. D. P. DESAI: Because agriculturists pay, I say its profits may be made available for it.

An Honourable MEMBER: 20 years hence.

The Honourable the PRESIDENT: Now that the point of order has been raised, I shall see how you develop your argument to decide whether it is relevant or not.

Rao Saheb D. P. DESAI: I have the authority of Mr. Purshotamdas Thakurdas who in his speech in the Legislative Council on the Development Bill stated that 17 lakhs of rupees that are charged on the cotton that is imported into this city is paid by the agriculturists of this country and that there was no use taxing cotton like that. If, therefore, agriculturists have to give money for the development of Bombay why not the profit derived from it be utilised for the betterment of their condition?

The Honourable the PRESIDENT: You are perfectly relevant.

Rao Saheb D. P. DESAI: Sir, in this discussion, I do not say that Government have not done anything till now. They have striven in their own way to do something in the matter. They have started Co-operative Department to start co-operative societies, and I am glad to say that on the whole they are working properly and satisfactorily. They have got about two thousand co-operative societies with a capital of a crore and 32 lakhs. But if we go on at this rate rural reconstruction may take place in the course of 100 years.

The Honourable the PRESIDENT: If you look to the terms of your resolution, you will see that it recommends to Government to appoint a committee to investigate and then to adopt measures after the committee has reported what measures should be adopted. The adoption of measures is to be the consequence of investigation by and recommendations of the committee. I do not think you can on this resolution go into the question of the measures to be adopted and propound your own view as to what the measures should be.

Rao Saheb D. P. DESAI: I was just saying that Government have adopted some measures but those measures are not adequate.

The Honourable the PRESIDENT: We are not concerned with that.

Rao Saheb D. P. DESAI: But those measures are not quite adequate.

The Honourable the PRESIDENT: You are going into each measure and discussing it on its own merits which is not within the purview of your resolution.

Rao Saheb D. P. DESAI: Need I mention tagavi and other loans?

The Honourable the PRESIDENT : I have given my ruling ; I cannot rule you out unless you say something, and I will see whether it is relevant or not. You cannot put it to me generally like that.

Rao Saheb D. P. DESAI : What I meant to say is that Government have adopted some measures up to now. They have passed an Act for giving loans to agriculturists, they have passed an Act to start co-operative societies, but what I mean to say is that the funds made available to the agriculturists are so small, both combined, they hardly suffice to meet weeding and other charges of three or four districts at the most. At that rate the complete reconstruction of rural areas so far as their credit organisations are concerned would take a number of years. The co-operative capital that is lent to agriculturists works out at 132 lakhs for the rural area, that is, the total working capital of unlimited companies that lend to individual members is quite small and the rate of interest also that is charged is I regret to say so high—about 10 per cent.—that it serves very little useful purpose. This is also not desirable. Co-operative funds should be lent at a rate of interest at which the following of an industry becomes profitable and not merely at a competitive rate of interest, that is, it should not suffice that it is lower than the usurious market rates but should be at a level where the business would be profitable. Everywhere of course in the world co-operative funds are lent at five or even less per cent., while here it is 12 or 10 per cent. That should not be the case.

Regarding the tagavi funds, I would rather say that the mean amount of two crores is lent to the cultivators—the outstanding balance is about two crores as mentioned in the land revenue report. This fund also I should think is so small that it cannot be said to compete fairly well with the local money market as a source of capital and because there is a lot of competition among borrowers from that fund, we hear of so many troubles about the distribution of that loan and about corruption and all that. Tagavi and agricultural loan funds may be given on a very liberal scale.....

The Honourable Mr. H. S. LAWRENCE : How many crores ?

Rao Saheb D. P. DESAI : I should think of course even 30 crores would not be enough. With these remarks I move the resolution for the acceptance of the House.

Mr. B. P. PATEL (Ahmedabad District) : Mr. President, I rise to support the resolution of my honourable friend, Rao Saheb Dadubhai Desai. I know that the drain of money from the districts to the big cities like Bombay actually starves the progress and the local needs of the district. I mean the necessary roads, irrigation, primary education, medical dispensaries and so on, and, therefore, I hope that Government will come forward to see that the progress of the districts is carried out by preserving the money of those districts within the respective districts. Until this is done, I am afraid indigenous industries in this country will not prosper as they ought to prosper. With these words I support the resolution.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I rise to oppose the proposition of my friend Rao Saheb Dadubhai Desai so far as the appointment of a committee is concerned, but the resolution proposed by him is of such vital importance to the country, especially this Presidency which is an agricultural Presidency, that the Government should take ample care of the intentions of the honourable member as contained in the resolution. The chief object of this resolution is to pointedly bring it to the notice of the Government that at present all the capital

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of the Presidency is flying into cities, investing itself in industrial concerns but in no way assists agriculture which is the backbone of this province. He further complains that this Government is not taking sufficient care of securing capital to the agriculturists so that the agriculturists may advance their cultivation and profit the whole Presidency. Now, the way in which he put it did not make much appeal to this Council on that particular phase, but this is amply clear that at present, while the capital is being invested in large cities and industrial and other concerns, very few people are willing to advance monies to poor agriculturists to improve their agricultural prospects. His complaint is (if I rightly understood him to say) that the co-operative societies which are doing excellent work at present, lend money (the capital of which is only 1,30 lakhs not more) at a rate of interest, namely, 10 to 12 per cent., which is too high to be of any use to the present agriculturists. His further complaint also is that so far as the tagavi advances made by Government are concerned, the rate of interest charged is 8 per cent., and therefore these two rates of interest are so high that the net yield to the agriculturists after repayment of loans is not sufficient to enable them to tide over the next year, and, therefore, my honourable friend wishes this Council to investigate through a committee (whether the committee will be able to do it is doubtful but he wishes the Government of Bombay to investigate through a committee) why money is not being invested in the mofussil in the rural areas but is flying into the cities and what inducements can be offered to the private investor or what action the Government should take in order to invest more capital in the rural areas. My honourable friend dwelt—I think rightly—upon the obstructive Acts which make the money-lenders the creditors of the agriculturists unwilling to lend. The Deccan Agriculturists' Relief Act enacted in 1879 may perhaps have served its own purpose of giving some tangible relief to the agriculturists at that time. That Act, introduced in another part of the Presidency, may have served its own purposes, but that very Act, which exempts land from sale in the execution of decrees, contracts at once the borrowing power of the agriculturist. No person, without substantial security of land, or without substantial security on which to fall back upon, will lend, upon the mere possibility of having his money back at crop time, to any agriculturist, and, therefore, the Acts which he complains of—the Restricted Tenure Act, which makes land impossible of alienation, and the Deccan Agriculturists' Relief Act, and the other similar Acts—have contracted the credit of the agriculturist, and therefore he finds difficulty in the open money market to raise loans. Therefore, the honourable member's prayer is—and I think it is a very serious problem which this Government should investigate through its own officers—that steps should be taken either by compelling or inducing the Imperial Bank to lend money at a lower rate of interest, or, as it is done in some European countries, inducing the Government treasury to lend money with no interest, for the benefit of agriculturists, and also moving the agricultural societies, new co-operative societies, and the other Government agencies to lend money on much shorter interest than the one which is at present charged, such as will enable the agriculturist to increase his produce and take advantage of better crops. The burden upon him on account of his debts would be much smaller, and therefore he would be able to go on better in the discharge of his duties as an agriculturist. The whole problem as raised by this resolution is that at present the agriculturist cannot get sufficient money to carry on his operations when bad years press on him. In bad years, there is no security on which he can fall back. The Restrictive Act contracts his credit in the market.

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Therefore, there must be another investor, either Government through its banks, or the agricultural societies through their banks, or the tagavi system of the Government through the Revenue Department, which is also a certain kind of investment, but on much better and much cheaper terms, so as to bring all those within the grasp of the agriculturists. A committee will not be able to investigate the matter. I am strongly against the appointment of a committee. It is a matter for the two combined departments of the Government to investigate, the Land Revenue Department and the Agricultural Department, one in charge of the Minister and the other in charge of the executive Member. So far as this question is concerned, it is of prime importance to this Presidency, and not to be so lightly treated as may be supposed from the wording of the resolution.

Sardar Khan Bahadur A. M. DALAL (Broach District) : Sir, I do not think any useful purpose will be served by agreeing to this proposition, because a committee cannot suggest off-hand any remedies for the grievances of the rural population and for the scarcity of capital. It was more an economic question, and we have voluminous literature on this subject. The root difficulty about it is the scarcity of capital all over the world, and the consequent high rate of interest all over the world, inclusive of India. When Government themselves are borrowing at and over 6 per cent., the co-operative credit banks cannot lend on less to the agriculturists. But, as suggested by Mr. Pahalajani, it is in the purview of the Imperial Bank. When they expand their business and open many branches, they can lend on the security of crops. But the committee cannot do anything in the matter, and therefore this resolution should not be accepted.

The Honourable the PRESIDENT : I want to know whether the House would like to dispose off this resolution to-night, or whether it may stand adjourned to the next session.

Honourable MEMBERS : Dispose of it to-night.

Mr. PURSHOTAMDAS THAKURDAS : Sir, to the principle underlying the motive that the honourable mover must have had in his mind when he sent in this resolution, I am fully agreeable, and with that principle I fully sympathise, but I am afraid the resolution as moved by him is not happily worded. By the first part of the resolution, the honourable mover wishes to investigate, through a committee, the causes that have led to the scarcity of capital in rural areas. As I read it, it appears as if the mover may have in his mind the idea that there was a time when capital was more plentiful in the districts and that it was only lately that capital got scarcer there. I really wonder if that was the idea the mover had in his mind when he sent in this resolution. If that had been in his mind, he never made out a case, giving us figures as to what the floating capital available to the agriculturists in the districts was, say, five years back, and how much it is scarcer to-day. I personally believe that all that the mover wishes to do is to direct the attention of Government and of this Council to the fact that more capital for agricultural purposes and for financing agriculturists is necessary and badly required in the districts and in rural areas, and he wishes a committee to be appointed to find out the ways and means for getting this further capital. If my presumption is correct, all that I would say to the honourable member is that he has not given any lead to the House, as the mover of the resolution, as to what he has been thinking about. The only suggestion that he made was that as the cotton

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arriving in Bombay had to pay about Re. 1 per bale as a cess towards the development scheme, the profits of the development scheme may be made available for agriculture in the rural areas. If that is about the only method that the honourable mover may have in his mind, I am afraid he will have to wait for many years before he sees the profits of the development scheme realised. We need not take it for granted that Government will be able to make any profit out of the development scheme, or will comply with the wishes of the honourable mover by giving that profit to agriculturists. If, on the other hand, the mover wishes that this matter may be investigated by a committee, it was said this morning by one of the honourable members on another resolution that during the last two years this House has appointed several committees, and it is an open question whether it would not be better to leave the various departments to make their own enquiries for some time now. It would be better to draw the attention of Government to grievances or suggestions that any honourable member may have to put before them, and allow the departments to find out exactly how far they can cope with such additional work with the resources at their command. I for one, Sir, have felt for many years now that the condition of the agriculturist in this Presidency is at a low ebb, he has not received much encouragement, and there is much that is required to be done in order to bring the agriculturist to the point where he can take the best out of the land that he tills. But these are problems so wide and of such far-reaching importance that I would hesitate before I recommend that Government should at this juncture appoint a committee. I hope that in course of time we would pass through the crisis of the financial situation which Government have to face at present, and that it may be possible for the Minister in charge to go thoroughly into the condition of the agriculturist as a whole by means of a comprehensive and far-reaching enquiry into the various factors which affect agriculture, and which if handled correctly, may help materially to improve the condition of the agriculturist. But in the meantime, at this stage, I would only rest content with drawing the attention of the Minister in charge to whatever concrete proposals the honourable mover may have in his mind and to allow him time to develop all such various points to the best of the resources that he may have at his command. With those words, Sir, I only hope that the honourable mover's motive was only to raise a debate over this question and not to press for the acceptance of this resolution.

Mr. P. J. MEAD : Sir, I welcome the recommendation to-day of two honourable members of this Council that perhaps for the present we have enough of committees, and I think the honourable member will probably agree in this case to withdraw his resolution for the appointment of a committee for the investigation of what after all is a matter of considerable concern to Government—a matter which is under continuous examination almost from year to year and has been very recently under examination in the present year. The honourable member for Sind, Mr. Pahalajani, offered some opinions which appealed to me. He referred to the restriction and contraction of credit due to special laws and the like and he might possibly have added the special laws for making loans and advances to agriculturists. The honourable mover's resolution has vaguely adumbrated the scheme for providing agriculturists of this Presidency with something like 30 crores a year for carrying out their agricultural operations. Is it 30 crores a year ?

Rao Saheb D. P. DESAI : 30 crores in all.



**Mr. P. J. MEAD :** For the rehabilitation of agricultural conditions, I understand. I am afraid I did not follow what he meant but in any case although the honourable mover has made no suggestion as regards the amount of money necessary for agricultural operations every year, he presumably recognises that it would be an extremely large sum and it may be taken that with his knowledge of tagavi operations he would not think it proper to recommend that Government should make any attempt to provide all the necessary funds through that agency. He had also referred to the best course of procedure, the use of co-operative societies, and his complaint about them is that they provide money at too excessive a rate. As regards tagavi loans themselves the honourable mover is probably aware that we have had recently to raise the rate of interest owing to the fact that Government borrows at a much higher rate than they did five or six years ago and in tagavi operations there is always some risk of bad debts. I have only to refer to the case of my old district, the district of Nagar which at the present moment owes something like 46 lakhs in the way of tagavi. Now, Sir, if it is granted that we require every year these very large sums of money to carry on agricultural operations, and if it is conceded that the grant of tagavi as in the case of a district like Nagar where it has been given on a very large scale, make it more difficult for the cultivators to get money from other sources, money from the local money-lenders, I think it will be necessarily a matter for consideration whether restrictions on tagavi would not possibly assist the cultivator more than any other means. But is that the idea at the back of the mind of the honourable mover?

**Rao Saheb D. P. DESAI :** It is up to Government how to do it. I can only suggest the way. Government have got the machinery. They have got economic advisers. I would point out there is money lying idle.

**The Honourable Mr. H. S. LAWRENCE :** Where?

**Rao Saheb D. P. DESAI :** In the Imperial Bank there is a large reserve.

**Mr. P. J. MEAD :** I am afraid the honourable mover does not indicate very clearly the way to be followed. But for the present I would assure him that the whole question is one which otherwise attracts the attention of Government, and I would suggest, as already pointed out by two other honourable members, that we should appoint no committee but continue to give the matter our increasing attention from time to time.

**Khan Bahadur S. N. BHUTTO (Larkana District) :** Sir, I think the motion of my honourable friend Rao Saheb Dadubhai Desai will not solve the difficulty. The key-note is that money market is very tight all over the world and it is very difficult to secure money at lower rate. However, I assure my honourable friend that, as far as Sind is concerned, it appears that Government has given all sorts of facilities and help to the agriculturists. I think I would suggest that if the tagavi the Government advances through their officials is transferred to the district central banks and be advanced through those banks it will save 10 per cent. That is in fact the difference taken by the taluka officials out of the amount advanced. The other suggestion I will make under the circumstances is when they have such scarcity of money surplus funds with the district local board should be allowed to be deposited in the central banks. If those facilities are given to the co-operative central banks they will be able to advance money at a low rate. With these suggestions I oppose the motion as I think it will serve no purpose whatever.

The Honourable Mr. C. V. MEHTA : Mr. President, I welcome this discussion because I consider that no greater service could be done to the cause of agriculture than ventilation of the causes and the remedies for the present condition of the cultivators and the measures adopted by Government to improve them. The chronic indebtedness of the agriculturists is constantly before us and if only we could see our way clearly to meet this vast problem in a short time we will be prepared to take whatever further steps that may be suggested. I will not deal in so short a time with the various points about land laws and the expenditure that the cultivator now makes as compared with what he was spending before on luxuries; I would only mention this, Sir, that the figures that I have seen so far go to show that the area under cultivation has increased so much that it is not now possible to get land to cultivate, that land values and rentals are enormously enhanced, that apparently a permanent rise has taken place in the value of all agricultural produce and especially in the case of export crops and that the area under export crops has been increased so as to take advantage of this fact.

I will quote the words of Mr. Keatinge. He arrives at the conclusion that "agricultural progress has taken place in Western India but that the pace has been slower than it has been elsewhere, slower than it need be there." I will not go into the various detailed suggestions which Mr. Keatinge makes in his latest book about the reorganization of agriculture, they number about twelve major heads and they deal with such important subject as sub-division of land and other social matters. I trust, Mr. President, that when proposals are brought forward, as I hope I shall be able to do, to deal with this fundamental drawback in agricultural economy, I shall get the support of the non-official members of this House. I will restrict myself just now only to the question of capital. I am afraid the honourable mover was not quite correct when he said that the co-operative societies have only brought Rs. 1,32,00,000 for use in the districts. Nor am I satisfied, Sir, that the rate of interest is 12 per cent. ....

Rao Saheb D. P. DESAI : I said 10 per cent. to 12 per cent.

The Honourable Mr. C. V. MEHTA : He desired that the rate should be reduced to such a low figure as 5 per cent. I think it has been sufficiently pointed out that when even Government have to borrow at 7 per cent. and that when no joint-stock company, even of the most flourishing character, in Bombay can expect to get loans at much under that figure, that it would not be fair, to expect that the rate of interest to agriculturists should be lowered to 5 per cent. It is perfectly true that in other countries the rate may have been 5 per cent. years ago, but then it must be remembered that the rate of interest to joint-stock companies as well as to Government in those countries was in the past between  $2\frac{1}{2}$  per cent. and 4 per cent. But, Sir, in this country even if cultivators get loans at the rate of 10 per cent. to 12 per cent., I would ask the honourable member as one who knows the details of rural economy himself whether that rate is not about half the rate which a cultivator used to pay to the sowcar in the past and sometimes does pay even now. The four elements that go to make up capital for cultivators are these :

One is, as the honourable member said, the tagavi loans, to which reference was made by the Chief Secretary and which range from Rs. 25,00,000 to Rs. 60,00,000 in an ordinary year to about Rs. 2,00,00,000 in a year of scarcity, and I may say here in that connection, Sir, that proposals are under consideration, proposals to which my honourable friend from Sind referred, by which tagavi loans are intended to be given through the agency of co-operative institutions.

[Mr. C. V. Mehta]

The next one is the joint-stock banks and principally the Imperial Bank. The third is the sowcar; and the fourth is co-operative societies. With regard to the Imperial Bank and the joint-stock banks, unfortunately, in the conditions of this country, they are not prepared to deal directly with the cultivator. The Imperial Bank, after the amalgamation, has opened, I believe, about 30 different branches, and I believe it has promised to open 150 in a short time. But they do not deal with the cultivator directly and they do not do so for this reason that they give loans on security, but what the cultivator really needs is loans, before he reaps his harvest, and for agricultural operations. That, I take it, is the point which the honourable mover has in mind. The next source of capital is the sowcar, and whatever may have been said about the grabbing tendencies of the sowcar, I am bound to admit that he has filled an important place in the rural economy in the past and I think, Sir, from such study as I have been able to give to the question of agricultural indebtedness, that even now it will not be possible for us to completely do without the sowcar. What we do really want is that the sowcar should interest himself in the district and central banks and help the co-operative movement and give his loans and bring his knowledge to bear through the co-operative movement. But it is this last movement, Sir, that has, I think, made a distinct impression upon the well-being of the cultivating classes. The policy of Government has been to make use of the co-operative movement to induce money to flow back from the cities and towns to the districts and to make money come out of private hoards in the districts themselves and prevent it from going to towns, the object being to fertilise local cultivation and local craftsmanship. I will have to quote certain figures, Mr. President, which I think will show how great have been the strides that this movement has made and how important an instrument it is for the supply of capital to cultivators. The best index of the success so far achieved in this direction lies in the figures of the working capital in the co-operative movement and in particular the provincial bank, the district banks and the local societies. The latest figures show gratifying success in achieving this object. On the 31st March 1922 the working capital in the co-operative movement amounted to no less than Rs. 4,35,00,000. It is true, Sir, that that sum includes a sum of a little more than Rs. 1,00,00,000, which is counted twice over, as it is the working capital of the provincial and the central banks which again goes to the primary societies. Of this, about Rs. 4,00,00,000 was the working capital of resource societies, in other words societies mainly devoted to giving resources required in their trade or industry to cultivators throughout the Presidency and also to small traders and craftsmen for the encouragement of industries in the districts outside of Bombay. The working capital of the provincial bank now amounts to about Rs. 65,00,000 and in the course of the year it received and repaid deposits of a considerably larger amount from individuals and from societies. One society alone has deposited more than Rs. 12,00,000 in that bank and that society draws its money entirely from Bombay city. Broadly speaking, it may be said that the greater part of this working capital of the provincial bank comes from Bombay city and the whole of it goes upcountry to encourage cultivation in upcountry districts. The loans made during the year to societies amounted to Rs. 60,00,000 and the outstandings still due from societies are Rs. 51,00,000.

There are now 19 district banks in all. Their working capital increased during this year alone by 50 per cent. and is now Rs. 62,00,000. Their deposits from individual members increased from Rs. 30,00,000 to Rs. 51,00,000.

[Mr. C. V. Mehta]

Including the provincial bank, the total deposits received in all these banks rose from Rs. 1,49,00,000 to Rs. 2,84,00,000—an increase of nearly 100 per cent. in one year. All the money thus deposited, had it not been for these banks, must either have gone to Bombay as shares in joint stock concerns situated in Bombay or else have been buried underground in the districts.

Side by side with this great development of district banks which confine their business almost entirely to lending to agricultural societies, there has in the last two years been a great growth of local urban banks in various up-country towns on the lines of the well-known People's Banks in Italy. Urban societies in all are now 370 in the Presidency, out of which 335 are on the basis of limited liability with a membership of 94,000 members. The capital of these limited liability societies rose to 109 lakhs by the 31st March last and out of this sum 84 lakhs are owned by the members, being either share capital reserve fund or members' deposits. Out of these, however, such societies as having a working capital of Rs. 50,000 or over are classed as urban banks. Government has allowed them when certified by the registrar to accept deposits of municipal funds and has done all it can to raise them to the level of real banking institutions. There are now 21 such societies classed as urban or people's banks. Their capital rose in one year from 67 to 88½ lakhs, but even more gratifying is it that members' deposits have risen from 24 lakhs to more than 52½ lakhs in one year, in other words the increase in members' deposits is very much more than 100 per cent. in one year. These banks lent and received 79 lakhs in the course of the year, while 74 lakhs of loans were outstanding with members at the end of the year. These banks are now not merely doing lending business, but are also exchanging bills of exchange or hundies and are in general doing a great deal to support local industries of every kind. The use of cheques and current accounts has been encouraged and has now become popular.

It will be noticed that this year Government in order further to strengthen the flow of money permanently from Bombay to the districts of the Presidency has sanctioned a grant of 4½ lakhs on a long-term basis to the provincial bank as loans for land improvement in village societies. The result will be a large increase of the long-term money at the disposal of the provincial bank to be permanently devoted to land improvement. I know I have taxed the patience of the House (Honourable Members: No, No) with these figures, but I am perfectly certain I have not taxed the patience of the honourable mover of the resolution. In all the conferences and agricultural boards that are held every year—I am glad to say the honourable mover adorns them—special regard is always given to the prompt and adequate supply of capital and to the financial relations of the various co-operative institutions. It will be seen from the figures I gave that the rate of progress has been very rapid and I will only remind the House of the sad situation in the Central Provinces. The indiscriminate flow of cheap capital through banks or co-operative institutions is not an unmixed blessing, until the moral aspect of co-operation has been strengthened, especially in regard to thrift and to the strict use of loans for the purposes for which they are taken. Every effort will, however, be made to supply as much capital as possible to the agriculturist, whose interests we have all at heart.

Rao Sahab D. P. DESAI : I beg leave to withdraw the resolution.

Resolution allowed to be withdrawn and withdrawn accordingly.

The Honourable the PRESIDENT : I have to make three announcements : The select committee on Bill No. XIII of 1921, a bill further to amend the Prevention of Cruelty to Animals Act, 1890) will meet to-morrow at 12-30 p.m. in the committee room. The library committee will meet at 1 p.m. The committee on Standing Orders will meet on the 12th of August at 9-30 a.m.

I declare this session adjourned to 21st September 1922, as directed by His Excellency the Governor.

# APPENDIX A.

## THE TATA POWER COMPANY, LIMITED.

### *Hydraulic Division.*

Copy of an extract of clause 12, page 12 of the Agreement executed between the Tata Power Company, Limited, and the Secretary of State for India in Council, dated 20th May 1921.

12. In the event of any of the said Works of the Company interfering with obstructing or stopping any public road track path or right of way or passage which Government shall consider should be protected kept open or maintained or in the event of it appearing to the Collector that the transfer to the Company after acquisition of any land in pursuance of this agreement is likely to interfere with obstruct or stop any public or private road track path or right of way or passage which the Collector shall consider should be protected kept open or maintained or to interfere with or obstruct the reasonable access of any person from or to any other land belonging to such person the Company shall at their own expense take such action to the satisfaction of the Collector as Government or the Collector shall determine to protect the same and to prevent or abate the interference obstruction or stoppage thereof as the case may be and if so required in writing by Government or the Collector shall provide at the expense of the Company for the use of the public or the person or persons concerned and to the satisfaction of the Collector other convenient suitable and sufficient means of intercommunication in lieu thereof and the Company shall also likewise at their expense make alter or improve any road bridge or culvert the making altering or improving of which is in the opinion of Government necessitated in the interests of the public in consequence of the said Works and the operations of the Company.

## APPENDIX B.

*Statement showing the collection and disbursement of the one-anna cess by the Kolaba District Local Board.*

		1916-17.	1917-18.	1918-19.	1919-20.	1920-21.
		Rs.	Rs.	Rs.	Rs.	Rs.
Alibag	Amount of one-anna cess collected ..	15,917	14,309	10,387	17,761	13,349
	Allotment of the same to Taluka Local Board ..	3,444	3,891	1,982	5,887	4,815
Pen	Amount of one-anna cess collected ..	12,187	11,789	8,157	14,964	13,313
	Allotment of the same to Taluka Local Board ..	3,660	1,712	3,425	4,918	4,549
Panvel	Amount of one-anna cess collected ..	17,444	17,369	12,872	18,490	25,752
	Allotment of the same to Taluka Local Board ..	5,310	3,068	5,506	3,191	11,182
Karjat	Amount of one-anna cess collected ..	9,887	9,570	7,093	12,733	11,005
	Allotment of the same to Taluka Local Board ..	4,357	5,609	3,260	4,295	6,005
Roha	Amount of one-anna cess collected ..	8,120	6,590	6,433	8,524	7,692
	Allotment of the same to Taluka Local Board ..	3,324	2,437	2,591	3,458	3,143
Mangason	Amount of one-anna cess collected ..	12,679	9,643	8,025	10,945	10,119
	Allotment of the same to Taluka Local Board ..	8,171	4,149	4,665	4,421	4,900
Mahad	Amount of one-anna cess collected ..	11,192	8,050	8,442	10,193	10,380
	Allotment of the same to Taluka Local Board ..	4,930	6,520	5,767	6,517	7,645

*Note.*—These figures do not represent the actual balance of the one-anna cess made over to the Taluka Local Boards after making provision for educational and other purposes as laid down in section 45 (5) of the Local Boards Act. These balances are very small, and the above allotments which are in excess of the balances have been made from the District Local Board's other income in order to replenish the funds of the Taluka Local Boards. Actual figures showing the balance of the one-anna cess due to Taluka Local Boards, under the section quoted above are not available.

APPENDIX C

Year.	Number of candidates who appeared for the Vernacular Final Examination in the Dharwar District.	Number of candidates admitted into the Dharwar Training College for Men.	
		Brahmins.	Non-Brahmins.
1917-1918 .. .. .	587	58	98
1918-1919 .. .. .	506	42	86
1919-1920 .. .. .	373	51	76
1920-1921 .. .. .	462	52	102

APPENDIX D.

*List showing the names of Local Boards who have presidents from backward communities.*

*Northern Division.*

District Local Board	..	Panch Mahals.
Taluka Local Board	..	Kalyan.
" "	..	Bhiwandi.
" "	..	Murbad.
" "	..	Wada.
" "	..	Dahanu.

*Central Division.*

Taluka Local Board	..	Chalisgaon.
" "	..	Chopda.
" "	..	Sindkheda.
" "	..	Sakri.
" "	..	Nawapur.
" "	..	Taloda.
" "	..	Nasik.
" "	..	Yeola.
" "	..	Malegaon.
" "	..	Walwa.
" "	..	Satara.
" "	..	Koregaon.
" "	..	Sholapur.
" "	..	Sangola.
" "	..	Malsiras.



## Southern Division.

Taluka Local Board	..	Chikodi.
" "	..	Sampgaon.
" "	..	Rajapur.
" "	..	Devgad.
" "	..	Khed.
" "	..	Malwan.
" "	..	Dapoli.
" "	..	Alibag.
" "	..	Panvel.
" "	..	Mahad.
" "	..	Sirsi.

## APPENDIX E.

	Special grant for books, furniture, etc.		Cadet grant from Provincial Funds.	Building.		Scholarships from Provincial Funds.
	From Imperial Funds.	From Provincial Funds.		From Imperial Funds.	From Provincial Funds.	
	Rs. a. p.	Rs.	Rs.	Rs. a. p.	Rs. a. p.	Rs.
1919-20 .. ..	4,698 4 6	257	3,500	1,413 0 0	9,148 8 0	5,060
1920-21 .. ..	8,418 13 9	Nil.	3,500	39,698 9 6	1,550 0 0	7,209

## APPENDIX F.

Aided Secondary Schools.	Total cost per student.		Cost to Government per student.	
	1919-1920.	1920-1921.	1919-1920.	1920-1921.
	Rs.	Rs.	Rs.	Rs.
European Schools ..	235	288	81	102
English Teaching Schools ..	75	76	21	23
Anglo-Vernacular Aided Schools ..	53	57	17	18

APPENDIX G.

*European Schools giving religious instructions.*

1. Cathedral High School, Bombay.
2. Bombay Edn. Society's Boys' High School, Byculla.
3. Scottish High School, Byculla.
4. St. Peter's High School, Mazgaon.
5. Scottish Orphanage, Mahim.
6. G.I.P. Railway School, Parel.
7. G.I.P. Railway School, Igatpuri.
8. Cathedral High School, Bombay Girls.
9. Convent High School, Wodehouse Road.
10. Bombay Edn. Society's Girls' High School, Byculla.
11. Convent High School, Clare Road.
12. Convent High School, Parel.
13. League of Mercy's Home School, Nasik.
14. St. Joseph's Convent School, Bandra.
15. Bishop's High School, Poona.
16. G.I.P. Railway School, Lonavla.
17. Boys' High School, Panchgani.
18. G.I.P. Railway School, Sholapur.
19. St. Mary's High School, Poona.
20. Anglo-Indian Home, Poona.
21. Convent High School, Poona.
22. Pensioners' School, Poona.
23. St. Peter's High School, Khandala.
24. Girls' High School, Panchgani.
25. G.I.P. Railway School, Bhusawal.
26. Abu Lawrence School, Mt. Abu.
27. Abu High School, Mt. Abu.
28. St. Mary's School, Belgaum.
29. M. and S. M. Railway School, Hubli.
30. Grammar School, Karachi.
31. Manora School, Manora.
32. European School, Kotri.
33. Convent High School, Karachi.

## APPENDIX H.

No.	Name.	Designation.	Pay at the time of selection.	Service at the time of selection.
			Rs.	Y. m. d.
1	Mr. V. H. Khare	Assistant, Satara High School	150	24 4 0
2	" D. N. Kelkar	Assistant, Elphinstone Middle School	150	23 8 0
3	" D. S. Narawala	Assistant, Elphinstone High School	150	21 7 0
4	" C. R. Munshi	Assistant, Ahmedabad High School	150	20 8 18
5	" H. M. Mehta	Assistant, Elphinstone High School	150	20 8 17
6	" R. I. Parikh	Assistant, Girls' High School, Ahmedabad	150	20 8 0
7	" M. S. Tirrodkar	Assistant, Sholapur High School	150	19 9 0
8	" G. B. Shah	Assistant, Training College for Men, Ahmedabad.	150	19 8 27
9	" M. V. Desai	Do.	150	19 8 18
10	" K. D. Desai	Assistant, Elphinstone High School	150	19 7 0
11	" B. G. Varde	Assistant, Nasik High School	150	19 3 18
12	" R. B. Bhagwat	Assistant, Elphinstone High School	150	19 3 16
13	" B. N. Vagal	Do.	150	19 2 0
14	" M. D. Dalal	Assistant, Broach High School	150	18 10 0
15	" S. K. Sathe	Assistant, Training College for Men, Poona	150	18 8 0
16	" B. G. Divekar	Do. Dharwar	150	18 2 0
17	" K. B. Gokhale	Assistant, Jalgaon High School	150	18 1 0
18	" R. G. Terrigundi	Assistant, Dharwar High School	150	17 5 0
19	" V. K. Deshpande	Do.	150	17 3 0
20	" V. T. Chaphekar	Assistant, Training College for Men, Poona	150	17 1 0
21	" S. L. Vaidya	Do.	150	16 11 22
22	" J. A. Sayad	Do. Ahmedabad.	150	16 11 13
23	" N. C. Paranjpye	Do. Dhulia	150	16 11 13
24	" M. H. Chokshi	Head Master, Training School, Nadiad	150	16 5 0
25	" B. B. Hegde	Assistant, Ratnagiri High School	150	16 1 0
26	" V. N. Khasnis	Assistant, Belgaum High School	150	15 11 3
27	" M. S. Muzumdar	Assistant, Karwar High School	150	15 9 13
28	" G. G. Sane	Assistant, Poona High School	150	15 9 9
29	" P. J. Yajnik	Assistant, Nadiad High School	150	15 8 24
30	" C. M. Shah	Assistant, Godhra High School	150	15 8 0
31	" M. H. Dumbal	Assistant, Training College for Men, Dharwar.	150	15 7 20
32	" B. G. Puranik	Assistant, Girls' High School, Ahmedabad	150	15 7 19
33	" M. K. Karkhanis	Assistant, Training College for Men, Poona	150	15 7 13
34	" M. I. Patel	Assistant, Nadiad High School	150	15 7 10
35	" N. K. Bhawe	Assistant, Nasik High School	150	15 3 0
36	" B. G. Gokhale	Assistant, Training College for Men, Poona	150	15 1 0
37	" N. V. Kolhatkar	Assistant, Dharwar High School	150	15 0 0
38	" M. V. Purohit	Assistant, Poona High School	150	14 8 0
39	" M. S. Dwivedi	Head Master, Training School, Nadiad	150	14 7 0
40	" G. G. Dhru	Assistant, Training College for Men, Ahmedabad.	150	14 6 0
41	" B. K. Kirtane	Assistant, Training College for Men, Poona	150	14 2 3

No.	Name.	Designation.	Pay at the time of selection.	Service at the time of selection.
			Rs.	Y. m. d.
42	Mr. B. B. Joshi..	Assistant, Bijapur High School ..	150	14 1 10
43	" V. N. Magdal ..	Head Master, Training School, Bijapur ..	150	14 1 9
44	" L. A. Sayad ..	Do. Godhra ..	150	13 3 0
45	" K. V. Sane ..	Assistant, Poona High School ..	100	13 1 0
46	" B. J. G. Shastri ..	Assistant, Surat High School ..	150	12 11 24
47	" N. G. Gadgil ..	Head Master, Training School, Satara ..	140	12 1 5
48	" M. Hidayatulla ..	Head Master, Camp School, Poona ..	150	8 2 0
49	" M. Ramabrahma ..	Assistant, Training College for Men, Dharwar.	100	4 6 0
50	" S. M. Advani ..	Assistant, Karachi High School ..	150	20 6 0
51	" L. P. Wadhvani ..	Assistant, Training College for Men, Hyderabad.	150	19 5 0
52	" D. V. Mirchandani ..	Assistant, Larkana High School ..	150	16 7 0
53	" J. I. Shivdasani ..	Assistant, Training College for Men, Hyderabad.	100	16 0 0
54	" N. P. Bhatt ..	Assistant, Karachi High School ..	100	16 0 0
55	" N. H. Advani ..	Assistant, Hyderabad High School ..	150	13 2 0
56	" B. B. Kamat ..	Assistant, Karachi High School ..	150	12 7 0
57	" U. U. Munshi ..	Do. ..	150	11 1 0
58	" T. D. Gajra ..	Assistant, Shikarpur High School ..	150	10 0 19
59	" D. T. Advani ..	Assistant, Hyderabad High School ..	140	10 1 8
60	" D. A. Mandke ..	Assistant, Karachi High School ..	120	8 3 23
61	Miss V. Baptista ..	Assistant, High School for Indian Girls, Poona.	150	7 11 0
62	Mr. G. M. Udgatti ..	Assistant Deputy Educational Inspector, Belgaum.	150	27 11 0
63	" C. D. Gandhi ..	Do. Kaira ..	150	23 8 0
64	" G. B. Jamkhandi ..	Do. Bijapur ..	150	20 8 0
65	" H. K. Gokhale ..	Do. East Khandesh ..	150	19 5 0
66	" V. D. Navalgund ..	Do. Dharwar ..	150	19 4 0
67	" D. R. Bapat ..	Do. Ratnagiri ..	150	18 11 0
68	" M. N. Sabnis ..	Do. Poona ..	150	18 10 23
69	" K. R. Jeurkar ..	Do. Ahmednagar ..	150	17 8 0
70	" G. V. Koppar ..	Do. Bijapur ..	150	16 2 0
71	" B. V. Shah ..	Do. Ahmedabad ..	150	15 11 7
72	" G. V. Joshi ..	Do. East Khandesh ..	150	15 9 0
73	" H. A. Desai ..	Do. Surat ..	150	15 7 0
74	" P. K. Desai ..	Do. Broach ..	150	15 5 0
75	" A. B. Sool ..	Do. Surat ..	150	15 4 0
76	" A. B. Sirdesai ..	Do. Nasik ..	150	13 0 19
77	" V. S. Toro ..	Do. Bombay ..	130	5 0 0
78	" H. L. Lalwani ..	Do. Sukkur ..	150	16 3 20
79	" U. T. Hiranandani ..	Do. Hyderabad ..	150	15 11 9
80	" K. L. Hingorani ..	Do. Nawabshah ..	150	13 10 13
81	" M. M. Bhagchandani ..	Do. Thar and Parkar ..	150	11 0 10

## APPENDIX I.

*Assistant Superintendents of Police who acted as Superintendents of Police during the year 1920-1921.*

Names.			From	To
1.	Mr. F. E. Sharp	.. ..	1st March 1920 ..	2nd April 1920
			28th January 1921 ..	28th February 1921
2.	" H. G. Lang	.. ..	1st March 1920 ..	25th May 1920
3.	" W. R. G. Smith	.. ..	1st March 1920 ..	18th November 1920
4.	" J. T. Tanner	.. ..	1st March 1920 ..	4th September 1920
5.	" C. E. Lynch-Blosse	.. ..	1st March 1920 ..	28th February 1921
6.	" P. M. Stewart	.. ..	1st March 1920 ..	24th July 1920
7.	" W. C. Edwards	.. ..	1st March 1920 ..	28th February 1921
8.	" N. P. A. Smith	.. ..	1st March 1920 ..	9th December 1920
9.	" H. B. Kidd	.. ..	1st March 1920 ..	16th March 1920
			3rd November 1920 ..	28th February 1921
10.	" H. E. Butler	.. ..	8th March 1920 ..	28th February 1921
11.	" W. Orr	.. ..	27th March 1920 ..	28th February 1921
12.	" M. A. O'Gorman	.. ..	23rd March 1920 ..	28th February 1921
13.	" J. C. Curry	.. ..	28th September 1920 ..	13th December 1920
14.	" F. Trotter	.. ..	14th January 1921 ..	28th February 1921
15.	" H. M. Haslehurst	.. ..	20th November 1920 ..	28th February 1921
16.	" J. W. Rowland	.. ..	9th May 1920 ..	28th February 1921
17.	" C. J. Butler	.. ..	10th August 1920 ..	28th February 1921
18.	" H. S. Needham	.. ..	29th October 1920 ..	28th February 1921
19.	" J. R. Jacob	.. ..	25th December 1920 ..	28th February 1921
20.	" W. L. K. Herapath	.. ..	7th June 1920 ..	28th February 1921
21.	" J. W. Bennett	.. ..	6th June 1920 ..	12th December 1920
			31st January 1920 ..	28th February 1921
22.	" C. Pegge	.. ..	22nd October 1920 ..	19th November 1920
23.	" R. Barker	.. ..	6th November 1920 ..	28th February 1921

*Deputy Superintendents of Police who acted as Superintendents of Police during the year 1920-1921.*

Names.			From	To
1.	Mr. Zia Uddin Ahmed	.. ..	1st March 1920 ..	28th February 1921
2.	" I. C. Fleming	.. ..	1st March 1920 ..	31st March 1920
3.	" R. H. Page	.. ..	1st March 1920 ..	28th February 1921
4.	" W. Y. Austin	.. ..	30th March 1920 ..	18th December 1920
5.	" M. T. Kamte	.. ..	17th March 1920 ..	3rd May 1920
6.	" B. A. Dubois	.. ..	17th March 1920 ..	1st April 1920
7.	" W. W. Clifford	.. ..	30th June 1920 ..	12th August 1920
8.	" K. V. Shinde	.. ..	26th May 1920 ..	9th September 1920
			28th December 1920 ..	28th February 1921
9.	" C. Pegge	.. ..	21st August 1920 ..	21st October 1920
10.	" H. R. Kothavala	.. ..	1st April 1920 ..	27th December 1920
11.	" H. Harischandra	.. ..	14th May 1920 ..	8th July 1920
12.	" B. B. Gudi	.. ..	26th May 1920 ..	13th January 1921

APPENDIX J.

*Statement showing the number of Patils and their mushahiras in the Satara district.*

Number of Patils.	Amount of Mushahira.	Number of Patils getting Mushahiras per annum.										Remarks.
		Less than Rs. 10.	Above Rs. 10 but less than Rs. 20.	Above Rs. 20 but less than Rs. 30.	Above Rs. 30 but less than Rs. 40.	Above Rs. 40 but less than Rs. 50.	Above Rs. 50 but less than Rs. 60.	Above Rs. 60 but less than Rs. 70.	Above Rs. 70 but less than Rs. 80.	Above Rs. 80 but less than Rs. 90.	Above Rs. 90.	
1,764	Rs. 60,710 a. p. 4 2	383	281	273	209	176	395	32	8	3	1	Three Patils do not get cash remuneration but receive in kind.

APPENDIX K.

Division.	Number of suits filed in 1920-21 under section 86 of the Land Revenue Code.	Number of suits disposed of during 1920-21.	Number of pending decrees relating to suits received in					
			1915-16.	1916-17.	1917-18.	1918-19.	1919-20.	1920-21.
Sind	..	50	33	Nd.	Nd.	Nd.	Nd.	Nd.
Northern Division	..	4,094	3,979	105	371	534	992	2,337
Central Division	..	8,075	3,355	16	14	154	489	1,515
Southern Division	..	8,112	3,545	Nd.	2	66	51	645
Bombay Suburban Division	..	43	8	..	12	14	8	25

APPENDIX L.

*Statement showing the number of new primary schools opened in non-municipal areas during 1920-21 and 1921-22, etc.*

Name of Division.	Opened in 1920-21.	Opened in 1921-22.	Proposed to be opened in 1922-23.	Remarks.
Bombay Division	15	9	..	*Net new schools opened in— 1920-21. 1921-22.
Central	10	35	..	1 ..
Northern	16	38	..	4 ..
Southern	2	10	2	1 ..
Sind	81	4	..	77 2

\* The remaining schools were opened by transfer from other villages in which they had to be closed owing to low attendance.

## APPENDIX M.

*Umreth Municipality.*

President : Nomination of —

## GOVERNMENT OF BOMBAY.

## GENERAL DEPARTMENT.

Resolution no. 2527.

Secretariat, Fort, Bombay.

Dated the 26th April 1922.

Letter from the Collector of Kaira, no. M.U.N.U.-17, dated the 13th April 1922 :—

“ In continuation of my endorsement of the same number, dated 4th April 1922, I have the honour to forward herewith a copy of the proceedings of the Umreth Municipality held on the 12th instant (which may please be returned when no longer required).

“ It will be seen that the Board was again unable to agree on the choice of a Chairman, the number of votes for each candidate being equal, and it was therefore again unable to proceed with the election of office-bearers. Furthermore the members were unable to agree on a date to which the meeting should be adjourned, and therefore separated without any adjournment, *re infecta*.

“ 3. The deadlock is now complete. There is neither a President nor a Vice-President, and no one has now any power to call a further meeting. On the previous occasion I asked the Secretary to call the meeting of the 12th, on the assumption that section 26 (1) of the Act makes it imperative that the Municipality should meet on the 10th April or some date near thereto, and that therefore the members could meet for that purpose without any convention of the meeting by the President. But now that that meeting is over, and has not been adjourned to any other date, and there are still no office-bearers, the situation seems to me similar to that which arose recently in Nadiad when the President and Vice-President resigned without calling a meeting to elect their successors. And I think that the deadlock can only be solved in the same way, *i. e.*, by the nomination of a President by Government. It is clear that I cannot call a meeting. The position will not be improved even after the decision of the bye-election for the remaining seat. This will give a majority to one side or the other, but will not enable the Board to meet. Moreover, I understand that it is possible that the bye-election may be contested. Should this happen, the result must under rule 25 be declared in a special general meeting held for the purpose. But without a President no special general meeting can be held and the bye-election therefore cannot be decided. The bye-election is fixed for the 21st.

"4. If Government agree to nominate a President, I suggest that the President of the late Board, Mr. Purshotamdas Anopram Dave, a nominated member, may be nominated as President, *i. e.*, if Government agree that the nominated President should hold office for the rest of the triennial term. I consider that on the whole this is the best course. But if they consider that the nominated President should retain office only long enough to start the Municipality under weigh, it would be possible to nominate the Mamlatdar. As the Mamlatdar's headquarters are at Anand and not at Umreth he would not be suitable for a long term of office. He could, however, preside over a meeting called to elect the Vice-President and other office-bearers, and then the power of electing the President could be restored. The decision of the bye-election could also be declared at the special general meeting called by the Mamlatdar, if there is a contest. But I am rather doubtful whether the election of a new President would have to take place 'after' the Mamlatdar resigned office or could take place under his presidency.

"5. I would suggest that this incident and the Nadiad affair seem to indicate the need of amending the Municipal Act. It seems necessary that some outside authority should be empowered to convene a meeting of the Board when there are no office-bearers who can do so. And it appears desirable to make some provision for the case in which the Board at its first meeting is unable to decide by a majority who should preside at the meeting. I would suggest that in such a case it should be enacted that the Chairman of the meeting be elected by lot, the senior official member presiding over the drawing of the lots, or else that the senior official member present should preside as Chairman.

"6. I request that orders may be communicated by telegram."

Memorandum from the Commissioner, N. D., no. M.U.N.K.-142, dated the 19th April 1922 :—

"Submitted to Government.

"2. Under the circumstances the Commissioner recommends that Government should now nominate the President under section 23 (2) (a) of the District Municipal Act, 1901, till the Umreth Municipality can elect one by a two-thirds majority. If the Municipality be allowed to elect by a bare majority, there is sure to be a deadlock in administration. The Collector recommends Mr. P. A. Dave. There is no objection to this except that this might cause party feeling to run high. The best course is to nominate a Government Officer, *e. g.*, the Mamlatdar, till the Municipality can elect by a substantial majority."

RESOLUTION.—In supersession of paragraph 4 of Government Resolution no. 9693, dated the 14th September 1920, so far as it relates to the election of a President by the Umreth Municipality and in supersession of all previous orders on the said subject so far as they relate to the said Municipality, the Government of Bombay (Transferred Departments) are pleased in exercise of the power conferred by clause (c) of sub-section (2) of section 23 of the Bombay District Municipal Act, 1901, to cancel the direction that the President shall be elected by the Municipality.



2. In exercise of the power conferred by clause (a) of sub-section (2) of section 23 of the said Act, the Government of Bombay (Transferred Departments) are pleased to appoint Mr. Purshotamdas Anopram Dave to be President of the Umreth Municipality.

3. The requisite notification should be published in the *Bombay Government Gazette*.

By order of the Government of Bombay  
(Transferred Departments),

S. N. ZIMAN,

Deputy Secretary to Government.

G. R. no. 2527, G. D., dated the 26th April 1922.

To

The Commissioner, N. D.,

The Collector of Kaira (with the copy of the proceedings of the Umreth Municipality held on the 12th April 1922).

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#### APPENDIX N.

[Paragraph 2 of Government letter to the Chairman, Bombay Port Trust, no. 380-M., dated the 10th July 1922.]

2. With regard to the merits of the case as a whole I am to remark that in the course of this correspondence three main points have arisen. The first is the proper use of section 56 of the Bombay Port Trust Act; with regard to this Government have made their position clear, and they understand that the Trustees accept the decision of Government as to the manner in which this section of the Act should be used. The second point is the restriction of the use of the car, which is maintained by the Trust, for official duties only; this has been settled satisfactorily. There remains now only the question of the cost of the car which was purchased by the Trustees. While Government adhere to their opinion that the purchase of the particular car supplied for the use of the Chairman was unnecessarily extravagant, they concede that this must be very largely a matter of opinion, and that the Trustees were the best judges of the value of the cars which were obtainable in the local market at the time. They therefore consider it unnecessary to pursue this matter further, and accord now their formal sanction to the expenditure which has been incurred.

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APPENDIX O.

*Statement showing the minimum distance between shops in the different districts of the Bombay Presidency.*

Name of the district.	Minimum distance between neighbouring shops.
Bombay Suburban area ..	$\frac{1}{2}$ mile.
Ahmedabad ..	2 furlongs.
Kaira ..	$1\frac{1}{2}$ miles.
Panch Mahals ..	$\frac{1}{2}$ mile.
Broach ..	300 yards.
Surat ..	$\frac{1}{8}$ mile.
Thana ..	$\frac{1}{2}$ mile.
Ahmednagar ..	3 furlongs.
East Khandesh ..	2 „
West Khandesh ..	2 „
Nasik ..	1 mile.
Poona ..	200 yards (in cantonment).
Satara ..	$\frac{1}{2}$ mile.
Sholapur ..	$\frac{1}{2}$ „
Belgaum ..	$\frac{1}{4}$ „
Bijapur ..	a few paces.
Dharwar ..	rather more than quarter of a mile.
Kanara ..	2 furlongs.
Kolaba ..	2 miles.
Ratnagiri ..	$\frac{1}{2}$ mile.
Bombay ..	18 feet (country liquor shops). 30 „ (foreign „ ). 31 „ (toddy shops).
Karachi ..	300 yards.
Hyderabad ..	15 „
Sukkur ..	166 „
Larkana ..	150 „
Thar Parkar ..	440 „
Upper Sind Frontier ..	150 „

*Note.*—In the Nawabshah District there is no town which has more than one shop.

## APPENDIX P.

No. S.-20 (4) M.

MARINE DEPARTMENT.

Poona, 11th July 1922.

To

THE PRESIDENT,  
Municipal Corporation,  
Bombay.

Sir,

I am directed by the Governor in Council to acknowledge receipt of your letter No. 2262, dated the 19th June 1922 forwarding a copy of Corporation resolution No. 2197, dated the 15th June 1922.

2. In reply, I am to state that the Governor in Council regrets that at the time the nomination to which they take exception was made the reasons which led Government not to select the Acting Municipal Commissioner on this occasion were not communicated to the Corporation.

3. Before this vacancy in the Port Trust Board occurred it had been strongly represented to Government by the Indian Merchants' Chamber and Bureau that, on account of the great and increasing importance of the Indian Mercantile community in Bombay, they were entitled to a larger representation on the Port Trust. Government have at present under consideration a Bill which is intended to meet the wishes of the Indian Merchants in this matter, and when the Municipal Commissioner temporarily vacated his office as a member of the Board Government considered that a suitable opportunity presented itself of indicating their attitude by nominating a non-official gentleman who enjoyed the confidence of the community to a seat held hitherto by an official.

4. As the Corporation are aware it has recently been Government's practice to invite the Corporation to recommend two Councillors for nomination to the Port Trust, and their recommendations have been accepted. On this account it has been frequently suggested to Government that it is no longer necessary to nominate the Municipal Commissioner to the Port Trust when the interests of the Corporation can be adequately protected by their own chosen representatives. Whilst Government have not in fact endorsed this view, the nomination for a brief period of a representative of other interests does not appear to Government to be open to any reasonable objection.

5. I am to request that this explanation of the reasons which led to the action which has been taken by Government may be laid before the Corporation, and I am to add that the Governor in Council is at all times glad to bear the wishes of the Corporation closely in mind.

I have, etc.,

(Signed) J. C. KER,  
Secretary to Government.

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APPENDIX Q.

No.	Name of officer.	Present age.	Pay.	Pension.	Necessity of employment.	Remarks.
		Y. M.	Ra.	Ra.		
1	Mr. V. F. Barker..	55 8	850	..	For the preparation of the new Public Works Department Code for the Bombay Presidency.	Pension held in abeyance.
2	Mr. J. Walker ..	73 11	800 80 while in Bombay.	140	For supplementing the permanent establishment which is insufficient to meet present requirements.	Army pension drawn in addition to pay.
3	Khan Bahadur Sheikh* Ebrahim	54 9	550	..	Do. ..	Gratuity of Rs. 4,500 for Temporary Service already paid.
4	Rao Bahadur Vishnu Keshav Chaphekar.	65 1	525	..	Do. ..	Pension held in abeyance.
5	Khan Bahadur Ardeshir K. Dotivala.	56 1	550	..	Do. ..	Pension held in abeyance.
6	Rao Bahadur R. T. Thadani.	55 4	510	..	Do. ..	Pension held in abeyance.

\* Was a temporary Engineer before he was again appointed as Temporary Engineer and was granted 9 months' pay as gratuity for his previous temporary service.

## APPENDIX R.

*Statement showing the names of Excise Inspectors in the Town and Island of Bombay and the date from which they are serving in the area :—*

Serial No.	Name.	Date from which serving in Bom bay.
1	Khan Saheb Kuverji Darasha ..	12th November 1903.
2	Mr. M. B. Desai ...	1st March 1919.
3	„ V. E. Xavier ..	13th December 1918.
4	„ H. E. Cooper ..	15th May 1922.
5	„ N. C. Cama ..	1st October 1907.
6	Rao Saheb K. I. Pandit ..	15th June 1917.
7	Mr. J. C. Rodrigues ..	4th April 1920.
8	„ Sawaksha Sorabji ..	22nd January 1918.
9	„ A. Vaz ..	7th July 1916.
10	„ N. S. Master ..	8th February 1920.
11	„ R. B. Chinoy ..	2nd September 1919.
12	„ P. J. Hudson ..	1st July 1913.
13	„ M. M. Dalal ..	18th November 1920.
14	„ H. L. Dracup ..	4th December 1916.
15	„ M. S. Navalkar ..	29th January 1920.
16	„ P. B. Fernandez-Velloz ..	19th June 1922.
17	„ K. E. Kothawalla ..	4th May 1915.
18	„ A. Y. Sule ..	24th December 1920.
19	„ B. K. Desai ..	1st December 1920.
20	„ S. B. Wagle ..	9th March 1920.
21	„ S. N. Kalyanpurkar ..	24th November 1921.
22	„ B. C. Thakore ..	17th November 1920.
23	„ J. H. Khambatta ..	1st April 1916.

APPENDIX S.

*Statement of Temporary Engineers under annual sanctions.*

No.	Name.	University and other qualifications.	Date of joining.	Date of termination of sanctioned period.
1	Mr. J. Walker	Before re-employment as temporary Engineer, Mr. Walker was a Commissioned Officer with a rank of Assistant Commissary and Lieutenant (now termed Deputy Commissary and Captain) and was employed on the permanent Public Works Department Upper Subordinate establishment as Sub-Engineer, 1st grade.	9th August 1903	31st December 1922.
2	Mr. G. M. Davies	Received an English school training having been educated at Bedford Modern School. First entered Government service as Deputy Conservator, River Indus, in July 1897 and was transferred to the Indus River District on its formation on 1st May 1898 as Deputy Conservator and Sub-Engineer on the temporary establishment.	1st May 1898	Do.
3	Mr. H. J. Goodwin	B.A., L.C.E.	1st April 1913	Do.
4	Khan Bahadur Shaikh Ebrahim.	Practical experience gained as subordinate on the temporary establishment for a number of years.	30th July 1920	Do.
5	Mr. F. Green	Passed out from the Thomason Civil Engineering College, Burki, in 1908 as an Upper Subordinate and then served as Military Upper Subordinate in the Bombay Public Works Department from 16th July 1909 to 31st May 1919 when he resigned the permanent service and was appointed as a temporary Engineer from 1st June 1919. Is also an A.M.I. San E., M.E. San. I. (Lond).	1st June 1919	Do.
6	Rao Bahadur Vishnu Keshav Chaphekar.	Passed out in 1878 from the Poona Civil Engineering College and was appointed as Overseer on the recommendations of the Director of Public Instruction. Rose to the post of Sub-Engineer, 1st grade, and then retired and was appointed temporary Engineer.	1st April 1913	Do.
7	Khan Bahadur Ardeshir K. Dotivala.	Was appointed as sub-overseer from which he rose step by step to the appointment of an Assistant Engineer in the new Provincial Service and then retired and was appointed temporary Engineer.	12th June 1921	Do.
8	Rao Bahadur R. T. Thadani.	Do.	18th February 1922.	Do.
9	Mr. C. E. Ricketts	Practical experience as temporary Upper Subordinate for a number of years.	(June 1905) as temporary Upper Subordinate. 1st December 1920 as Temporary Engineer.	Do.
10	Khan Sahab Aziz Ahmed	Practical experience; besides the Civil Engineering course through the International Correspondence School, London.	February 1909 as Temporary Upper Subordinate. 1st January 1921 as Temporary Engineer.	Do.
11	Mr. P. S. Thadani	B.Sc., L.C.E.; had an experience as Engineer for 10 years before appointment to the present post.	4th March 1920	Do.

## APPENDIX S—continued.

No.	Name.	University and other qualifications.	Date of joining.	Date of termination of sanctioned period.
12	Mr. Balabell Anant-acharya.	B.E. .. ..	July 1913 as temporary Upper Sub-ordinate. 1st January 1921 as Temporary Engineer.	31st December 1922.
13	Mr. E. S. Whittle ..	Received general education in Philander Smith Institute, Musoorie, and LaMartinier College, Lucknow. Also studied for two years in the Assistant Engineers' class of the Thomason Civil Engineering College, Rurki.	6th April 1919 ..	Do.

E. M. PROES,

Public Works Department,  
Poona, 18th July 1922.Secretary to the Government of  
Bombay, Public Works Department.

# APPENDIX T.

## Statement.

Year.	Name.	Caste.	For what study.	Amount of scholarships and for what period.
1911-12	1. I. J. Sorabji ..	Parsi ..	Sanskrit ..	£150 a year for two years.
	2. H. B. Shrivdasani ..	Hindu (Amil) ..	Mathematical Tripos & I. C. S. ..	£200 a year for two years.
	*3. P. V. Mehd ..	Hindu (Nagar Brahmin) ..	Manufacture of tanning extracts and their use in tanning.	£150 a year for two years.
1912-13	*4. D. N. Nagarkatti ..	Hindu (Saraswat Brahmin).	Paper making ..	£150 a year for two years.
	*5. E. C. Henriques ..	East Indian ..	Architecture ..	£300 in all tenable for three years, two of which to be spent in India.
1913-14	6. P. S. Katti ..	Hindu ..	Mathematical Tripos ..	£200 a year for three years.
	7. C. P. Shah ..	Hindu ..	Pottery ..	£300 in all tenable for three years, one of which to be spent in India.
1914-15	8. P. A. Gasper ..	Anglo-Indian ..	Study of English Literature and History at Cambridge.	£200 a year for three years.
	9. Miss J. J. Jhirad ..	Bene-Israel ..	Medicine ..	£200 a year for three years.
	*10. P. R. Udawadia ..	Parsi ..	Architecture and building construction.	£300 in all tenable for three years, two of which to be spent in India.
1915-16	11. V. S. Ghate ..	Hindu ..	Sanskrit ..	£150 a year for two years.
1916-17	12. R. S. Cooper ..	Parsi ..	Diploma of F.R.C.S. ..	£200 a year for three years.
	*13. M. B. Hudlikar ..	Hindu ..	Tanning and leather manufacture.	£150 a year tenable for two years, one of which to be spent in India.
1917-18	14. Miss A. J. Dodhi ..	Parsi ..	Medicine ..	£200 a year for three years.
	*15. G. D. Kelkar ..	Hindu ..	Glass manufacture ..	£150 a year for two years, one of which to be spent in India.
	*16. N. V. Modak ..	Hindu ..	Sanitary Engineering and Sewage disposal.	£150 a year for two years, one of which to be spent in India.
1918-19	17. M. D. Bhat ..	Hindu ..	Study at Cambridge (Mathematical Tripos).	£250 a year for three years.
	*18. G. P. Ogale ..	Hindu ..	Glass making with special reference to the construction and working of glass furnaces.	£150 a year for two years.
1919-20	19. J. M. Unvala ..	Parsi ..	Research work in Sanskrit.	£200 a year for two years.
	20. Miss G. P. Patel ..	Parsi ..	Medicine ..	£200 a year for three years.
	*21. R. G. Padhye ..	Hindu ..	Sugar technology including Sugar Chemistry.	£150 a year for two years.
1920-21	22. Miss L. V. Benjamin	Jew ..	Diploma in teaching and music.	£200 a year for three years.

N.B.—Nos. 1, 8, 11, 14 and 22 were selected by the Government of India.

Nos. 2, 6, 12 and 17 were nominated by the Bombay University.

Nos. 3, 4, 5, 7, 9, 10, 13, 15, 16, 18, 20 and 21 were nominated by this Government.

No. 19 was selected by the Secretary of State.

In certain cases, additional concessions were made to the scholars or the period of study was extended.

\*For the preliminary training of some of these scholars in India a stipend at the rate of Rs. 75 per mensem was given.



## APPENDIX U.

*Salaries.*

Interpretation of the term —  
under section 72-D (3) of  
the Government of India  
Act.

## GOVERNMENT OF BOMBAY.

## FINANCE DEPARTMENT.

Resolution No. 586.

Secretariat, Fort, Bombay.

Dated the 8th May 1922.

Letter from the Accountant General, No. G.—65—286 dated 10th April 1922 :—

"I have the honour to enclose herewith a copy of Auditor General's letter\* No. 532-Admn.—29—22 dated the 24th March 1922, and to request that Government will be pleased to issue orders defining the items to be included in the term 'salaries' as used in section 72-D (3) of the Government of India Act."

Letter to the Accountant General, No. 586-C. dated 4th May 1922 :—

"With reference to your letter No. G.—65—286 dated the 10th April 1922 with an enclosure, I have the honour to state that the question has been submitted to His Excellency the Governor for decision under section 72-D (4) of the Government of India Act, 1919, and that he has been pleased to rule that the term 'salaries' as used in section 72-D (3) (iv) and (v) of the above Act shall include—

- (a) any emoluments classed as pay under Fundamental Rule 9 (21);
- (b) any emoluments classed as leave salary under Fundamental Rule 9 (12);
- (c) any emoluments classed as compensatory allowance under Fundamental Rule 9 (5) including a travelling allowance.

"2. Compensatory allowance as defined in the Fundamental Rules includes the following allowances at present drawn by various officers :—

- (a) Local allowance (including Presidency allowance);
- (b) House rent allowance;
- (c) Sumptuary allowance;
- (d) Permanent travelling allowance;
- (e) Conveyance allowance;
- (f) Horse allowance;
- (g) Any other kind of travelling allowance;
- (h) Tentage allowance."

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\* Printed as an accompaniment to this Resolution.

RESOLUTION.—Recorded.

By order of the Governor in Council,

H. DOW,

Deputy Secretary to Government.

To

The Private Secretary to His Excellency the Governor, The Secretary to the Legislative Council,	The Accountant General, All other Heads of Departments, All Departments of the Secretariat.
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Accompaniment to Government Resolution, Finance Department,  
No. 583 dated 8th May 1922.

*Copy of No. 532-Admn.—29—22 dated the 24th March 1922 from the  
Auditor General, Delhi.*

The following is forwarded to all Accountants General and the Comptroller Assam (excluding Accountant General, Bengal), and the Auditor, Government of India Sanctions :—

Government of India, Home Department, No. 4395-Ests., dated the 10th March 1922 :—

*Subject.*—Interpretation of the word “salaries” in sub-section (3) of section 72-D of the Government of India Act.

In reply to your letter No. C.A.—2185 dated the 4th October 1921 (addressed to the Finance Department) on the subject mentioned above, I am directed to say that the corresponding question of the meaning to be attached to the word salary in section 67-A of the Government of India Act has been under the consideration of the Governor General in Council. This question was ultimately referred to the Governor General for his decision under sub-section (4) of section 67-A and His Excellency has decided that the term “salaries” in sub-section (3) of that section shall be interpreted as including the following emoluments :—

- (a) any emoluments classed as pay under Fundamental Rule 9 (21);
- (b) any emoluments classed as leave salary under Fundamental Rule 9 (12); and
- (c) any emoluments drawn monthly by a Government servant which are classed as compensatory allowances under Fundamental Rule 9 (5) except travelling allowances as defined in Fundamental Rule 9 (32).

2. So far as section 72-D of the Act is concerned the similar question is one for the decision of His Excellency the Governor under sub-section (3) of that section.

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## APPENDIX V.

No. 1299 A.

HOME DEPARTMENT :

Secretariat, Fort,

Bombay, 20th July 1922.

From

G. WILES, Esquire,

Deputy Secretary to the Government of Bombay,  
Home Department;

To

DR. SORAB P. KAPADIA, L.M. &amp; S.,

No. 9, Nizam Street,

Null Bazar, Bombay.

Sir,

With reference to your memorial, dated the 26th February 1922, praying that compensation may be granted for the great loss sustained by you and that a searching enquiry may be made in respect of the conduct of Superintendent Carter of the Bombay City Police, I am directed by the Governor in Council to inform you that a careful enquiry has been made into your case and the circumstances considered both as they appeared in the Police investigation and as presented to the Magistrate. The conclusion reached in view of the facts established in respect of the receipt and the value of the stolen property has been that it would have been a dereliction in duty on the part of Superintendent Carter if he had neglected to take the necessary steps for placing you before the Magistrate. It was moreover not open to him on the facts established to release you on bail. The offence, if any, was non-bailable and the question of bail equally with that of your guilt was solely within the jurisdiction of the Magistrate. It has lastly been established beyond doubt that Superintendent Carter was seriously ill and was granted leave solely on the grounds of his health and not as suggested by you in order to evade further cross-examination before the Magistrate. There would appear therefore to be no justification either for the grant of compensation to you or for steps being taken against Superintendent Carter by Government.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) G. WILES,

Deputy Secretary to the Government of Bombay,

Home Department.

APPENDIX W.

*Statement of offences against property during 1913 to 1921, within the limits of the Police Stations of Sholapur City, Sadar Bazar and Sholapur Taluka.*

Year.	Number of offences committed by members of criminal tribes.	Number of offences committed by others.	Total.
1913 .. ..	Details not available.	Details not available.	340
1914 .. ..	Do.	Do.	379
1915 .. ..	Do.	Do.	286
1916 .. ..	Do.	Do.	249
1917 .. ..	32	211	243
1918 .. ..	64	264	328
1919 .. ..	40	291	331
1920 .. ..	58	210	268
1921 .. ..	22	280	302

## APPENDIX X.

*Fisheries.*

Purchase of a steam trawler in connection with the scheme for the development of fisheries.

## GOVERNMENT OF BOMBAY.

## REVENUE DEPARTMENT.

Order No. 15068.

Bombay Castle, 23rd December 1919.

Letter from the Director of the Royal Indian Marine No. 675—1 dated 23rd January 1919:—

"I have the honour to forward herewith for your information a plan and a statement of particulars of 125 feet steam trawlers, nine of which are under completion in India under the orders of the Government of India. Six of these are of composite build and three of steel. These trawlers have been designed on Admiralty design for Home trawlers and were originally intended for use as minesweepers at Indian Ports during the war. As they will not now be required for this purpose, I suggested to Government that they might be utilized for the development of the Fisheries on the Indian Coasts. I am directed by the Government of India to request you will be so good as to inform me whether your Government desire to acquire any of the vessels for this or any other purpose."

Bombay, 14th January 1919.

*Particulars of 125 feet trawlers re Government of India letter No. 17264 dated 24th December 1918 herewith.*

Length	..	..	125' 0".
Breadth	..	..	22' 7".
Depth	..	..	12' 6".
Draft extreme	..	..	13' 6".
Engines	..	..	$12\frac{1}{2}' \times 21' \times 35'$ 26".
Estimated I. H. P.	..	..	480 I. H. P.
Estimated speed	..	..	10 knots.
Coal consumption at full speed	..	..	(Estimated) 8 cwt. per hour.
Bunkers capacity	..	..	{ Side bunkers 20 tons. Cross bunkers 145 tons. This is used as a fish hold when in use as a trawler.
Boiler	..	..	{ 13' 6" diameter. 10' 6" long. W. P. 180 lbs. 3 furnaces.

Sketches are attached, but the Wireless and 12-pounder Gun will not be fitted. Vessels are steel frame work with teak planking covered with metal sheathing.

(Signed) E. P. NEWNHAM,

Chief Constructor.

Memorandum from the Marine Department No. 170 dated 28th January 1919—Transferring the papers for disposal.

Government memorandum No. 1073 dated 1st February 1919 :—

“ Forwarded to the Director of Industries for favour of remarks.”

Letter from the Director of Industries No. F.S.H.—22 dated 27th March 1919 :—

“ I have the honour, with reference to Government memorandum No. 1073 dated 1st February 1919, to submit the following report. I attach the following papers :—

- (1) This office letter of 4th February, addressed to the Director of the Royal Indian Marine ;
- (2) Captain Wilson's demi-official letter\* of 27th idem ;
- (3) The Madras papers and plans ;
- (4) Plans of the composite trawler now offered ;
- (5) The Bengal papers dealing with operations of the ‘ Golden Crown ’ ; which may kindly be returned after perusal.

“ Mr. Frank Harrison and I, with Captain Wilson and the Royal Indian Marine Naval Constructor, went over the half-completed trawler now offered. Mr. Harrison was of opinion that the trawler was a fine piece of work throughout and suitable in every way for the purpose in view. It will be seen from the plan that the ship is a recognised type of up-to-date trawler, fitted with a trawling winch forward and having a fish hold and ample space forward for handling trawls and fish, and the only alterations made for minesweeping are the increase of foc'sle accommodation forward to accommodate the large crew of 30 taken on these boats when minesweeping, and the addition of wireless and a quick-firing gun, etc., for special war purposes. Captain Wilson's suggestion is that we should cable home at once and obtain the services of two expert fishermen to serve as skipper and firsthand, and that Captain Wilson should be given an assurance that Government will take over the vessel at cost price and instruction to reduce the foc'sle accommodation to that shown in the original plan, which can be done in about a month, and the final fitting out of the vessel should await the advice of our expert fishermen. The necessary trawls, handlines and drift-nets should be procured from home at the same time, and these can be copied later in the Royal Indian Marine Dockyard. Captain Wilson was not in a position to state a final price for the vessel, but mentioned that the original estimate for the construction of these boats as intimated to the Admiralty was £25,000, and this figure might be taken as an outside one for the cost price of the completed trawler, which would be charged to this Government, if the ship were taken over. In view of the

\* Not printed.

unanimous opinion of my Committee, assisted by Mr. Frank Harrison, and the special circumstances of the case which supply us with an assurance that we are obtaining an absolutely first class and suitable article at bare cost price in existing circumstances and with the minimum of delay I have no hesitation in recommending that, if Government can provide the funds, the opportunity should be taken of securing this trawler at once.

"2. I regret that it is impossible to show by detailed figures the financial returns which may be expected on this investment, and it is unfortunate that at this juncture Government have only a layman to advise them. But the main considerations appear to be these. Mr. Hornell, the Madras Fisheries Expert, informed me when I met him recently that the Madras plans were far too elaborate and designed more to provide the Department with a *multum in parvo*, combining pleasure trips, inspections by high officers, and scientific work as well as practical trawling, and that his Government would probably elect to procure a first class trawler from home designed for trawling only. As regards the price, I have noted above that the price is reasonable in view of the first class material used, and a composite trawler has, I am informed, more than double the life of any steel trawler and is proportionately more valuable. The question which occurred to me was whether it was necessary to obtain so expensive a vessel. The 'Golden Crown' was admittedly a thoroughly unsatisfactory old-fashioned trawler, and cost £4,000. Messrs. Moodys and Kelly in 1907 estimated the cost of an up-to-date steel trawler of about the same dimensions, landed in Bombay, at about £12,000. The more elaborate and larger trawler-drifter, designed for the Madras Government, was estimated to cost, in normal times, £28,500, but Captain Lumsden said that it was not improbable that even when normal terms were again in force, the estimated cost of £28,500 given by the Consulting Naval Architect might be found to be low. If a steel trawler were ordered from home considerable delay would be inevitable, and the saving on first cost might prove negligible and on a full consideration of all the circumstances of the case, I am compelled to endorse fully the recommendations of my Advisory Committee, who have fully considered the comparative advantages of taking a composite trawler which is ready at hand, as against ordering a possibly cheaper vessel to be constructed for us.

"3. As regards the necessity for trawling experiments, I do not suppose that it is necessary in any way to labour the point. In the opinion of all well-informed authorities with whom I have discussed the question, there is a paramount necessity for investigation by an up-to-date well-equipped steam trawler of the possibilities of our waters, both near Bombay where our admirable market close at hand gives us an enormous advantage over both Calcutta and Madras, and in the waters off Karachi where Captain Wilson and I are confident that the largest catches will be made. I am asking Government to provide a large sum of money, but the possibilities are enormous, and in spite of my limited knowledge of the subject I have no hesitation in expressing the view that the expenditure is fully justified. I may note that from figures collected in my office, the recent sales of fish in the month of March in municipal and private markets may be taken at about 90 tons a week. The catch of an up-to-date trawler will not affect this very appreciably so far as we can see. The 'Golden Crown' with her inefficient tackle averaged 26·6 cwt. for the year on a day's fishing, her best quarter averaging 33·4 cwt. for each day's fishing, and 19·6 cwt. for each day's absence from port. In the latter respect she was of course extremely handicapped by her distance from the market and the

length of river to be traversed before she could bring her fish in for sale. The Home figures given in the 'Golden Crown' report are calculated for each day's absence from port, and vary from 10.50 cwt. within the Channel to 44.6 cwt. off Iceland. Even if we assume that we average 30 cwt. per day's absence from Bombay, the addition of 10 tons per week will not be a very considerable matter. This should present no difficulties as regards disposal or as regards undue competition with existing interests. A little competition will certainly do no harm, and the trawler will of course fish steadily throughout the monsoon when the local boats will not go out at all.

"4. It is difficult at present to give an approximate estimate of the recurring expenditure for which provision will be necessary. The cost of running the 'Golden Crown' with her expensive crew of a master skipper from Hull and trawling firsthand (mate), a drift-net expert and a long line expert, who apparently did little but help in the trawling, an English engineer and, to commence with, a Navigating officer to assist them, was apparently Rs. 125 a day. My Committee consider that an English skipper and mate, both of whom should be practical fishermen, will be amply sufficient, but wages have risen considerably and I suggest provisionally that they might be offered a year's agreement on salaries of Rs. 500 and Rs. 350 per month, with a small poundage on catches and free passages, but it is impossible to tell what wages will be ruling at home, and I should be inclined to leave the matter to the India Office to decide. It has been suggested to me that application might be made to the Secretary, Imperial Merchants' Service Guild (address: The Arcade, Lord's Street, Liverpool), or to Messrs. Moodys and Kelly, the Fish Docks, Grimsby, who, Mr. Frank Harrison assures me, will be ready to give us all possible assistance, and perhaps these names might be suggested to the India Office when wiring to enquire whether men are procurable. Rs. 75 a day may be taken for coal and ice, and Rs. 50 or so for the crew as an outside estimate. This comes to Rs. 45,625 recurring as against Rs. 72,800 receipts if 5 tons a week are sold at an average of 2 annas a pound. This is really pure guess work but Bombay prices for *prime* fish have ruled much higher of course; while on the other hand the 'Golden Crown' only averaged half a pound. On the Calcutta side, however, river fish, especially the hilsa, compete very seriously, and the Bombay market is probably a far better one. The Port Officer may be asked to advise what certificates should be demanded for the work in question.

"5. I have seen Colonel Macgregor, the late Controller of Shipbuilding, and he tells me that a steel trawler now might cost as much as our composite trawler by the time she was landed in Bombay. He strongly recommends the composite trawler."

Letter dated 4th February 1919, from the Director of Industries to the Director of the Royal Indian Marine.

With reference to your letter No. 675—1 of 23rd January addressed to the Secretary to the Government of Bombay, which has been forwarded to me for remarks, I have the honour to enquire whether you could give me an opinion as regards the adaptability of these Government trawlers to trawling in the Eastern waters. The question of experimental trawling work between Bombay and Karachi has for some time been under consideration of this department, and I have been considering the possibility of utilising these Admiralty trawlers which I noticed from the Munitions Board's reports were under construction



at Bombay and Calcutta. The dimensions of a suitable steam trawler planned by Moodys and Kelly of Grimsby in response to enquiries in connection with a private venture which was projected some 12 years ago, were as follows :—

115/120 feet between perpendiculars.

22/23 feet beam.

12 feet depth of hold.

450 I. H. P. with extra large boiler 180 lbs. pressure with insulated fish holds fitted with refrigerating machinery on the CO-2 principle or Ammonia principle.

2. So far the dimensions and horse-power seem to correspond fairly well with those of the vessel offered. But I venture to invite your attention to the Madras papers and plans attached in which certain other requirements are set forth. I have had the advantage of discussing the case with Mr. Hornell who is now the Director of Fisheries in Madras, and he tells me that the ship herein described was designed for a double purpose and was therefore more expensive, spacious, and luxuriously equipped than would really be necessary. The following considerations, however, occurred to me. In the first place Mr. Hornell originally demanded 45 feet of clear space after the engine room casing, though he subsequently accepted 33 feet. This space is apparently desirable for the handling of trawls and fish. Mr. Hornell also asked for sufficient coal space or bunkers for liquid fuel as was finally decided upon and which would certainly be desirable in the case of a Bombay vessel for ten days' steaming. This would mean 100 ton capacity at the coal consumption given, whereas if the cross bunkers are used as a fishhold, the side bunkers can only accommodate 20 tons. As our boat would be solely required for trawling by night and running into port daily, I imagine the bunker capacity might be sufficient, especially if oil fuel tanks were fitted, and I shall be glad of your opinion on this point. I presume there will be no difficulty in fitting the necessary trawl winch, davits, etc., and that sufficient power will be available for all necessary auxiliary engines including a refrigerating plant, if fitted. I notice that a speed of 12 knots was specified in the Madras application, and I am a little doubtful whether the 10 knots offered will be adequate. Mr. Hornell suggests that the speed should not be less than 12 knots as trawling requires considerable power if full-sized nets are to be used as well as to provide a margin for the loss of speed caused by the rapid fouling of ship's bottoms in tropic seas.

3. I venture to trouble you with these details and with the papers enclosed, because I understand that you yourself take an interest in the subject and are in a position to offer me valuable advice. If in your opinion these Admiralty trawlers could be adapted as suggested, would you advise that the work should be done here or by Burn and Company, Calcutta, who stated in 1915 that they have draftsmen in their office with a long experience of designing steam trawlers. My main object is to provide the department with a vessel for exploratory work, but I should much prefer, if possible, to commence with a suitable type of boat for commercial trawling, so that if success were achieved a business firm might take over the boat as it stood.

Telegram to the Government of India, Department of Commerce and Industry, No. 4312, dated 28th April 1919 :—

"This Government propose to purchase one of the steam trawlers under completion in Royal Indian Marine Dockyard for development of fisheries

and after consultation with Director propose to cable to Secretary of State for selection of skipper and firsthand to come out immediately and superintend fitting out of vessel. Cost estimated roughly at 3½ lakhs and recurring charges ½ lakh. Accountant General reports expenditure within the competency of Government of India. Please telegraph sanction to expenditure in these special circumstances and sanction to provide 4 lakhs from Provincial balances to cover this additional expenditure in current year."

Government letter No. 4425, dated 1st May 1919, to the Director of the Royal Indian Marine :—

"With reference to your letter No. 675—1, dated 23rd January 1919, to the Secretary to Government, Marine Department, I am directed to state that this Government desire to acquire one composite trawler, and that the sanction of the Government of India has been applied for to its purchase. In the meantime I am to request that the addition to the foc'sle accommodation of one of the six trawlers may be removed so as to allow space forward for the handling of trawls as in the original design. On receipt of the Government of India's sanction referred to above, this Government propose to cable to the Secretary of State for India asking him to secure the services of an expert skipper and mate for the trawler. I am, therefore, to suggest that fitting out of the vessel may await the arrival of those men."

Government memorandum No. 4672, dated 7th May 1919, to the Director of Industries—Forwarding to the Director of Industries a copy of the telegram to the Government of India, Department of Commerce and Industry, No. 4312, dated 28th April 1919, for information with reference to his letter No. F. S. H.—22, dated 27th March 1919, and returning the accompaniments to that letter.

Letter from the Government of India, Department of Commerce and Industry, No. 3695, dated 29th May 1919 :—

"I am directed to refer to your telegram dated the 28th April 1919, in which you say that the Government of Bombay propose to purchase one of the steam trawlers now under completion in the Royal Indian Marine Dockyard for the development of fisheries, and ask that Rs. 4 lakhs may be provided from Provincial balances to cover the expenditure in the current year."

"2. In reply, I am to say that there is no objection to the transfer of the trawler to the Government of Bombay, provided that it continues to be available for mine-sweeping should another emergency arise. But the Government of India are unable to sanction the proposed expenditure from Provincial balances without any knowledge of the details of the scheme and of the objects which the Bombay Government have in view. In particular, the Government of India would be glad to know whether the new methods of fishing which will be introduced are expected to displace the smaller fishermen to work a different area. If, on the other hand, the object of the enterprise is pure research, it would appear to be desirable to consult a fishery expert before embarking on the expenditure now proposed. I am, therefore, to ask that, with the permission of His Excellency the Governor in Council, the Government of India may be furnished with a more detailed account of the scheme which the Government of Bombay are contemplating."

Letter to the Government of India, Department of Commerce and Industry, No. 5931, dated 11th June 1919 :—

"With reference to your letter No. 3695, dated 29th May, and in continuation of my telegram of the 28th April to which your letter refers, I am to express

surprise that details of the scheme are considered necessary and to explain that telegraphic intimation only was sent, as it was considered that the Government of India's formal sanction only was required to the purchase of a vessel under rule 10 (17) of the rules embodied in the annexure to the Government of India, Finance Department's Resolution No. 361-E.A.\* dated 24th July 1916 and their approval under Rule 9 (*ibid.*) of an experimental scheme had already been tried in Bengal and the details of which had obviously to be worked out locally by practical experts. It was further understood that the Government of India had themselves requested the Director, Royal Indian Marine, to enquire whether local Governments desired to acquire any vessels of this class for the development of Fisheries on the Indian coasts.

"2. It now appears from your letter under reply that the Government of India desire themselves to re-examine the proposals in some detail, and I am to append a copy of letter No. F.S.H.—22 dated the 27th March from the Director of Industries which will sufficiently explain the objects which this Government has in view, and to say that no objection will be raised to the proviso suggested in the first sentence of your paragraph 2.

"3. As regards the particular questions on which you require information, I am to point out that the obvious objections to displacing on a large scale smaller fishermen have already been noted for future consideration, and that this Government is fully satisfied that the proposed expenditure is necessary in order to make an effective test of the commercial possibilities of trawling in our waters.

"4. I am to express a hope that in view of the considerable delay which has occurred very prompt sanction will be accorded to the proposals of this Government. Lastly, I am to point out that all trawling work in these waters must of necessity be of an experimental character, and that till some experience has been gained it is inadvisable to formulate in more detail the precise lines on which we shall find it advisable to work, and which presumably can be best decided by the local Government with the help of the practical experts whom they now desire to engage."

Letter from the Government of India, Department of Commerce and Industry, No. 4576 dated 24th June 1919 :—

"With reference to the correspondence resting with your letter No. 5931 dated the 11th June 1919, I am directed to convey the sanction of the Government of India to the purchase by the Government of Bombay of one of the steam-trawlers now under completion in the Royal Indian Marine Dockyard and to the provision from Provincial balances of Rs. 4 lakhs during the current year, 3½ lakhs for the purchase of the trawler and ½ lakh for recurring charges in connection with the scheme for the development of fisheries, on the understanding that the trawler will be available for mine-sweeping, in case of emergency."

ORDER.—Recorded.

H. F. KNIGHT,

Under Secretary to Government.

\* Republished at pages 1710—1724 of Part I of the *Bombay Government Gazette*, dated 10th August 1916.

*Industries.*

Purchase of a steam trawler in connection with the scheme for the development of fisheries.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Order No. 3206.

Secretariat, Fort, Bombay.

Dated the 20th November 1920.

Letter to the Government of India, Department of Commerce and Industry, No. G.—16 dated 3rd February 1920 :—

“ I am directed to refer to the correspondence ending with the letter from the Government of India, Department of Commerce and Industry, No. 4576 dated 24th June 1919, in which was conveyed the sanction of the Government of India to the purchase by the Government of Bombay of one of the steam trawlers now under completion in the Royal Indian Marine Dockyard and to the provision from provincial balances during the current year of Rs. 3½ lakhs for the purchase of the trawler. In the course of subsequent correspondence with the Director of the Royal Indian Marine, it was ascertained that the estimated cost of Rs. 3½ lakhs related merely to the unconverted minesweeper without its boiler and engines. The boiler and engines have been supplied by the Admiralty and their exact cost is not known, but it is estimated by the Director of the Royal Indian Marine that after adding the expenditure on this account, of carrying out necessary alterations in the vessel, and of installing a refrigerator and other appliances necessary for trawling in Eastern waters, the total cost will be Rs. 6½ lakhs. As this is an excessive sum to pay for a vessel of this description, enquiries were made through the India Office whether steam trawlers or minesweepers convertible into trawlers are at present available in England and what the probable cost of any likely to be useful in Indian waters would be. The Secretary of State replied in a telegram, dated 7th January, of which a copy is attached to this letter, together with a copy of a telegram received from the Anderson Company, New York, which is referred to in the telegram from the Secretary of State. The number of trawlers available at Halifax is 58 (see telegram dated 7th January 1920 from the Secretary of State to the Government of India, Commerce and Industry Department). The Castle class trawler described in the telegram of 7th January from the Secretary of State is in all details the same vessel as that now lying in the Royal Indian Marine Dockyard, Bombay, and, at present rates of Exchange, after alterations necessary for trawling, should cost the Government of Bombay little more than one-third of the estimated cost of the vessel built in the Royal Indian Marine Dockyard. In these circumstances, the Director of the Royal Indian Marine was asked whether there was any objection to the Bombay Government withdrawing from the purchase of the minesweeper of which the purchase had already been sanctioned, and he has reported that there is no objection to this course. I am directed, therefore, to ask for a fresh sanction for the purchase of a trawler in England or at Halifax through the India Office. As it is

important that no time should be lost, if a suitable vessel is to be secured, the Secretary of State has been informed of this proposal by telegram of which a copy is attached, and I am to request that the sanction of the Government of India may be communicated direct to the Secretary of State to enable him to proceed with the purchase without delay."

Telegram to the Secretary of State for India, dated 2nd February 1920 :—

" Your telegram dated 7th January and our telegram dated 14th January.

" We have asked the Government of India to sanction purchase of trawler in England or Halifax and to telegraph their sanction direct to you. Castle class trawler described in your telegram dated 7th January was vessel selected in India, but price here after alterations will be six and half lakhs rupees. You will arrange to reserve vessel of this or similar type. Price to be fixed at your discretion. Vessel should be approved by skipper under appointment and necessary modification may be made in England under supervision of skipper. Vessel with skipper and mate should reach Bombay before September. Our Director of Industries will be allowed to avail himself of leave in England in March next and can arrange settlement of details after that date."

Endorsement to the Director of Industries No. G.—16, dated 21st February 1920.

Letter from the Secretary, Revenue and Statistics Department, India Office, No. R. and S.—7361-20, dated 8th September 1920—Forwarding, for information, a Bill of Sale and Certificate of the purchase of trawler " William Carrick " to the effect that the Director General of Stores, India Office, on behalf of the Secretary of State for India, purchased of the Commissioners for executing the Office of Lord High Admiral the trawler on 30th April 1920, and that the Director General of Stores has paid to the Accountant General of the Navy the amount of the purchase money of the said vessel, viz., £17,000.

ORDER.—Recorded.

SHAMRAO D. MANKAR,

Under Secretary to Government.

To

The Director of Industries (with the Bill of Sale and Certificate of purchase),  
The Accountant General,  
The Financial Department.

APPENDIX Y.

*Public Buildings.*

Question as regards the incidence of the expenditure on account of re-roofing of the Frere Hall at Mahableshwar.

September 11th, 1897.

No. 6814.

Letter from the Honorary Secretary of the Mahableshwar Club, dated 11th August 1897 :—

"I am requested by the Committee of the Mahableshwar Club to address you with reference to Government Resolution, Revenue Department, No. 10425 of 19th December 1896, on the subject of the proposed re-roofing of the Frere Hall, and to beg that you will lay the following facts before Government through the Collector of Satara and the Commissioner, C. D.

\* \* \* \* \*

"8. These then are the facts : The Club is the licensee of the Frere Hall building for an indefinite period, subject to the right of the public to use the Library and Reading-Room—a condition which, it may be remarked, the club is anxious to uphold. The licensor, *i.e.*, Government as representing the public (whatever the original intention may have been), may apparently at any moment withdraw the license to the club to use the Frere Hall. Presumably the licensee, *i.e.*, the club, may equally at any moment retire from the position of licensee. The land on which the hall stands is included in the area leased to the club, the said lease being renewable on 31st December 1902.

"9. The members of the club recently assembled in general meeting to consider the question of the extraordinary repairs now necessary to put the Frere Hall into a satisfactory state. But it appeared to them that having regard to their position as mere licensees, as set forth in the foregoing paragraphs, they would not be justified in raising money to defray these extraordinary expenses, although perhaps they may have been hitherto justified in defraying the cost of current repairs (white-washing, etc.). It appeared to them that as matters stand, the club can hardly be held responsible for extraordinary repairs (such as replacing a worn-out roof, or re-building a collapsed wall) when they have only a concurrent right of usage with the public and they think that the position of the club with regard to the Frere Hall should be more clearly defined before this money is spent.

"10. If Government (who are the owners of the Frere Hall) do not find themselves in a position to carry out the whole of such extraordinary repairs, the Committee would respectfully ask whether Government, after considering the above points, would share with the club the cost of such extraordinary repairs only, giving the club at the same time an assurance that the use and management of the Frere Hall will be continued to the club so long as the club wishes it, subject to the use by the public of the Library and Reading-Room under rules framed by the Club Committee."

Memorandum from the Superintendent, Mahableshwar, No. 1201, dated 11th August 1897.

Memorandum from the Collector of Satara, No. 5298, dated 14th August 1897 :—

“ Forwarded to the Commissioner, C. D. Evidently I should have made matters clearer had I added to paragraph 3 of this office No. 7059 of 26th November 1896 the words ‘ subject of course to the lessee’s right of renewal ’. When I spoke of the land I meant the land on which the Frere Hall stands. I was not referring to the club buildings at all.

“ The club now contends that although it is the lessee of the land on which the Frere Hall stands it is not the lessee of the building of the Frere Hall. I should say this contention was quite untenable as I believe ‘ land ’ is held to include whatever is permanently attached to the land.”

Memorandum from the Commissioner, C. D., No. R.—5628 dated 20th August 1897 :—

“ Submitted to Government for orders.

“ 2. The case for the club seems to have been very fairly put and I trust that Government will be able to treat the club as liberally as is consistent with due regard to the interests of the general tax-payers.”

RESOLUTION.—The Governor in Council sees no valid reason for modifying the order contained in Government Resolution No. 10425, dated 19th December 1896, and does not consider that expenditure of the public money for the purpose in question would be justifiable. The interests of the club in the building are sufficiently safeguarded by Government Resolution, Public Works Department, No. 178-C. W.—551 dated 4th May 1881, but Government have no objection to give to the club the assurance asked for at the close of the Honorary Secretary’s letter, as it is desired.

APPENDIX Z.

*Statement showing the Reduction of Rs. 60 Lakhs in the Current Year's Expenditure promised by Government to the Legislative Council.*

Description of Item.	Provision made in the Preliminary Civil Budget Estimates for 1922-23.	Reduction approved by Government.
5. LAND REVENUE.	Rs.	Rs.
5-A. Charges of Administration—General Establishments—Manager and Assistant Manager, Sind Encumbered Estates.	30,450	16,000
5-A. Charges of Administration—General Establishments—Temporary Establishment.	64,730	} 40,824
5-A. Charges of Administration—Sub-Divisional Establishments—Temporary Establishment.	75,731	
5-C. Land Records—Kanungo Establishments—Temporary Establishment.	25,328	1,060
5-A. Charges of District Administration—Plague Allowance ..	1,000	1,000
5-A. Charges of Administration—Contingencies—Construction and Repairs of Chavdis.	65,000	50,000
5-A. Charges of Administration—Contingencies—Purchase and improvement of Land.	3,000	1,500
5-A. Charges of Administration—Contingencies—Construction of Ghat Paths.	1,800	1,000
5-C. Land Records—Superintendence—Superintendents ..	48,400	15,000
5-C. Land Records—Superintendence—Field Establishment ..	95,614	95,614
5-C. Land Records—Superintendence—Office Expenses and Miscellaneous.	22,217	2,000
5-C. Land Records—Superintendent, Bombay City Survey ..	13,950	2,300
5-C. Land Records—Kanungo Establishments—Temporary Establishment for Record of Rights.	20,000	20,000
5-C. Land Records—Training of District Inspectors, Circle Inspectors, etc.	3,425	3,425
5-C. Land Records—Scholarships ..	14,400	5,000
5-C. Land Records—Office Expenses and Miscellaneous ..	25,845	5,000
5-C. Land Records—Pay and Allowances to District and Village Officers—Talaris.	18,20,370	12,000
5-C. Land Records—District and Village Officers—Temporary and Provisional Allowance.	75,000	30,000
5-D. Allowances to District and Village Officers—Rewards ..	7,000	5,000
5-A. Charges of District Administration—Leave and Deputation Allowance to Officers and Establishment.	1,50,000	1,00,000
5-D. Survey and Settlement—Leave and Deputation Allowance to Officers and Establishment.	9,000	6,000
5-C. Land Records—Leave and Deputation Allowance to Officers and Establishment.	54,000	43,000
5-A. Charges of District Administration—General Establishment—Travelling Allowance	1,34,000	17,060
5-A. Charges of District Administration—Sub-Divisional Establishment—Travelling Allowance.	1,52,000	19,350
5-B. Survey and Settlement—Consulting Surveyor to Government—Travelling Allowance.	10,000	1,270
5-C. Land Records—Superintendence—Travelling Allowance ..	15,000	1,910
5-C. Land Records—City Land Records, Bombay—Travelling Allowance.	4,560	580
5-C. Land Records—Kanungo Establishments—Travelling Allowance.	4,52,000	57,540
5-C. Land Records—District Charges—Travelling Allowance ..	12,000	1,530
5-A. Charges of Administration—General Establishments—Establishment—Treasury Accountants and Clerks.	13,50,330	29,610



Description of Item.	Provision made in the Preliminary Civil Budget Estimates for 1922-23.	Reduction approved by Government.
<b>5. LAND REVENUE—contd.</b>	Rs.	Rs.
5-A. Charges of Administration—Sub-Divisional Establishments—Establishment—Clerks.	15,02,850	32,953
5-C. Land Records—Kanungo Establishments—Establishment—District and Assistant Inspectors, and Masters and Clerks, etc.	11,67,890	25,574
<b>27. PORTS AND PILOTAGE.</b>		
Lump Provision on account of increased pay to existing Ship Surveyors and entertainment of Ship Surveyors.	30,550	6,900
Total "5. Land Revenue" and "27. Ports and Pilotage".		6,50,000
<b>6. EXCISE.</b>		
<b>3. SALT—COMBINED SALT AND EXCISE.</b>		
Deputy Collector of Excise .. .. .	15,850	10,567
Distillery Supervisors, etc. .. .. .	29,760	3,733
Assistant and Sub-Inspectors .. .. .	2,34,300	28,005
Clerks .. .. .	5,16,903	35,802
House Rent Allowance .. .. .	63,870	1,620
Travelling Allowance .. .. .	3,67,000	80,000
Office Expenses and Miscellaneous .. .. .	13,080	1,125
Purchase of Dead Stock Articles .. .. .	8,000	4,000
Allowance to Village Officers for marking toddy trees .. .. .	4,130	4,130
Contract Contingencies .. .. .	1,42,975	6,825
		1,75,807
<i>Net Reduction (4/9 Excise share)</i> .. .. .		78,136
Provincial Share of the Customs and Excise Laboratory .. .. .	40,000	39,000
Measures for abating nuisance due to effluent from Surat Distillery.	6,000	2,000
		1,18,136
<b>8. FOREST.</b>		
8-B Provision for Temporary Forest Officers .. .. .	83,850	61,200
Provision for Leave Allowances .. .. .	70,000	40,000
Office Establishment .. .. .	3,49,100	24,000
Temporary Establishment .. .. .	57,360	20,000
Lump Provision for certain Subordinate Forest Establishment.	79,075	10,000
Deputation and Special Allowances .. .. .	2,71,380	1,65,000
Travelling Allowances .. .. .	3,31,208	10,000
		3,30,200

Description of Item.	Provision made in the Preliminary Civil Budget Estimates for 1922-23.	Reduction approved by Government.
	Rs.	Rs.
<b>9. REGISTRATION.</b>		
Special Sub-Registrar, etc. .. ..	3,23,492	3,600
Temporary and Provisional Allowance .. ..	5,922	3,522
<i>Establishments—</i>		
Clerks .. ..	1,35,852	4,200
Leave Reserve .. ..	14,860	5,617
Temporary and Provisional Allowances .. ..	12,168	2,400
<i>Allowances—</i>		
Travelling Allowance .. ..	15,000	8,500
<i>Contingencies—</i>		
Purchase of Carpets .. ..	2,000	2,000
		29,839
<b>34. AGRICULTURE.</b>		
<b>34-A. Agriculture—</b>		
<i>Expert Staff—</i>		
Deputy Director of Agriculture, Northern Division ..	8,550	8,550
Divisional Superintendents of Agriculture .. ..	17,190	2,190
Arrears of Pay due to Revision of the Provincial Agricultural Service. .. ..	18,000	18,000
Assistant Economic Botanists .. ..	6,804	6,804
Service Postage and Telegrams .. ..	7,950	800
<i>Agricultural Education—</i>		
Inspector of Agricultural Schools .. ..	3,000	2,130
Creation of Post of Inspector of Agricultural Schools with Clerical and Menial Establishment. .. ..	800	550
<i>Experimental Farms—</i>		
Arrears of Pay due to Revision of Graduate and Non-Graduate Fieldmen. .. ..	48,500	48,500
Arrears of Pay due to Revision of Clerical Establishment, Agricultural Department. .. ..	8,400	8,400
Arrears of Pay due to Revision of the Agricultural Engineer's Establishment. .. ..	9,800	9,800
<b>34-B. Agricultural—Veterinary Charges—</b>		
<i>Superintendence—</i>		
<b>PRESIDENCY PROPER.</b>		
Deputy Superintendents .. ..	13,800	4,692
Travelling Allowance .. ..	7,500	1,000
Purchase of Ante-Rinderpest Serum .. ..	30,000	3,000
<b>VETERINARY INSTRUCTION.</b>		
Servants .. ..	3,408	1,000
<b>HOSPITALS AND DISPENSARIES.</b>		
Travelling Allowance .. ..	5,000	1,000
Burning of Carcasses of Horses .. ..	1,800	1,000
Office Expenses and Miscellaneous .. ..	2,185	1,000
Grants to Veterinary Hospitals and Dispensaries (Sind) ..	19,000	5,000
<i>Breeding Operations—</i>		
Maintenance of Stallions .. ..	15,259	5,200

Description of Item.	Provision made in the Preliminary Civil Budget Estimates for 1922-23.	Reduction approved by Government.
	Rs.	Rs.
34. AGRICULTURE— <i>contd.</i>		
SUBORDINATE ESTABLISHMENT—PRESIDENCY PROPER.		
Travelling Allowance .. .. .	30,000	5,000
SUBORDINATE ESTABLISHMENT (SIND).		
Temporary Establishment .. .. .	2,343	1,000
Temporary and Provisional Allowance .. .. .	1,656	1,000
Prizes at Cattle Shows .. .. .	1,300	1,300
24-C. Agriculture—Co-operative Credit—		
Registrar .. .. .	31,800	1,500
Assistant Registrar .. .. .	19,800	9,000
Special Mamlatdar .. .. .	4,740	675
Auditors .. .. .	54,120	—9,420
Circle Inspectors .. .. .	30,120	—3,060
Lump Provision for Re-organisation of Co-operative Department.	40,200	6,225
Leave Allowances to Officers and Establishments ..	15,000	3,000
Deduct—Amount to be recovered from the Co-operative Societies and Central Banks.	—8,537	Amount now to be recovered is
		11,537
		hence saving
		3,000
		1,47,836
Combined Demand under—		Reduced by
“ 6. Excise ” .. .. .		1,19,136
“ 8. Forest ” .. .. .		3,30,200
“ 9. Registration ” .. .. .		29,839
“ 34. Agriculture ” .. .. .		1,47,836
		6,27,011
22. GENERAL ADMINISTRATION.		
22-B. General Administration—Provincial Legislative Council ..	1,80,000	30,000
22. General Administration—Expenditure in England ..	5,40,000	1,50,000
22-A. (a) General Administration—Staff and Household of the Governor—Military Secretary.	4,93,000	34,000
22-C. (a) General Administration—Home Department, and Home Department (Political)—Hill Journey Allowances.	13,000	1,000
Purchase and Repairs of Furniture .. .. .	2,500	1,000
Contract Contingencies .. .. .	18,000	1,000
22-C. (a) General Administration—Legal Department—		
Temporary Establishment .. .. .	1,481	221
Local Allowance .. .. .	1,500	1,500
Hill Journey Allowances .. .. .	10,229	5,598
Grain Compensation Allowance .. .. .	36	36
Service Postage and Telegram .. .. .	9,000	4,500
22-C. (a) General Administration—Secretariat Record Office—	16,788	16,788
Temporary Establishment.		

Description of Item.	Provision made in the Preliminary Civil Budget Estimates for 1922-23.	Reduction approved by Government.
22. GENERAL ADMINISTRATION— <i>contd.</i>	Rs.	Rs.
22-C. (a) General Administration—Local Fund Audit Establishment—Allowances.	36,122 (Net Provision debitable to Provincial Revenues.)	6,000
22. General Administration— Provision of Leave Allowances in India made in the Estimates of the several Departments of the Secretariat, Oriental Translator's Office, Secretariat Record Office and Local Fund Audit Establishment.	85,915	21,479 (Each provision is reduced by 25%.)
22-D. (a) General Administration—Commissioner in Sind— Temporary and Provisional Allowance .. .. Travelling Allowance .. ..	38,592 32,000	35,376 6,000
22-D. (b) General Administration—Commissioners— Leave Allowances of Gazetted Officers .. .. Travelling Allowance .. ..	8,000 30,000	4,000 6,000
22-E. (a) General Administration— Leave Allowance .. .. Provision for Deputy Collectors and Magistrates .. .. Sub-Divisional Establishment— Leave Allowances .. .. Reserve .. ..	80,000 5,08,100 1,15,000	27,000 18,000 38,333 —7,000
		4,00,831
31. EDUCATION.		
Grant to Bombay University .. .. Temporary Establishment in Government Arts College .. .. Building Grant to New Poona College .. .. Non-Recurring Grant to D. J. Sind College .. .. Provision of increasing the Government Grant to Aided Colleges.	92,000 28,452 50,000 24,000 80,000	25,000 10,000 50,000 24,000 80,000
Stipends College of Engineering .. .. Rents, Rates and Taxes, Sydenham College of Commerce and Economics.	14,280 23,520	6,000 20,000
Grants-in-aid to Secondary Schools .. .. Grants-in-aid for European and Eurasian children .. .. Grants for Mahomedan Education (Secondary) .. .. Building Grants (Secondary) .. .. Grants to Non-Government Arts Colleges .. .. Grants to Local Boards for additional assistants in under-manned schools.	13,37,397 2,09,383 45,965 20,000 88,900 50,000	4,25,000 50,000 10,000 20,000 20,000 50,000
Charges in connection with the establishment of a hostel for 60 depressed classes boys at Poona.	12,085	12,085
Provision on account of grant of scholarships to depressed classes boys studying in Primary School (in Upper Standards).	36,000	18,000
Building Grant to Bombay Municipality .. ..	1,00,000	50,000
		8,70,085

Description of Item.	Provision made in the Preliminary Civil Budget Estimates for 1922-23.	Reduction approved by Government.
<b>32. MEDICAL.</b>	Rs.	Rs.
Appointment of an I. M. S. Officer to make investigations as regards indigenous drugs.		28,000
Reduction in the Cadre of Sub-Assistant Surgeons by 15 ..		11,000
Reserve .. .. .		—38,000
		1,000
<b>33. PUBLIC HEALTH.</b>		
Improvement to Ahmedabad Water-supply (New Engine).	3,44,000	3,44,000
Poona Drainage Scheme .. .. .	1,85,000	85,000
		4,29,000
<b>35. INDUSTRIES.</b>		
<b>35-A. Industries—Director of Industries—</b>		
Salaries—		
Circle Officers .. .. .	12,000	2,400
Marine Biologist .. .. .	15,600	600
Assistant Biologist .. .. .	2,400	2,000
Superintendent of Fisheries .. .. .	7,450	6,550
Leave Allowances .. .. .	15,023	6,023
Establishment—		
Clerks and Weaving Assistants .. .. .	47,275	5,618
School Masters and Apprentices .. .. .	4,100	880
Servants .. .. .	3,362	829
Establishment of a small Industrial Museum .. .. .	3,650	3,650
Leave Allowance .. .. .	7,000	2,000
Allowances—		
Travelling Allowance .. .. .	23,200	5,200
Contingencies—		
Purchase of Articles for the Standing Exhibition in the High Commissioner's Office.	1,000	1,000
Demonstration Pottery Factory Scheme .. .. .	50,000	50,000
<b>35-B Industries—Central Stores and Workshops—</b>		
Salaries—		
Leave Allowance .. .. .	3,000	1,000
Allowances—		
Travelling Allowance .. .. .	4,500	1,500
Contingencies—		
Contingencies .. .. .	3,900	900
Suspense Account for Stores .. .. .	50,000	10,000
		1,00,150

Description of Item.	Provision made in the Preliminary Civil Budget Estimates for 1922-23.	Reduction approved by Government.
<b>35. INDUSTRIES—<i>contd.</i></b>	Rs.	Rs.
Combined Demand under—		
"31. Education "		8,70,085
"32. Medical "		1,000
"33. Public Health "		4,29,000
"35. Industries "		1,00,150
		<b>14,00,235</b>
24. Administration of Justice ..		1,24,000 (Details not yet settled.)
25. Jails and Convict Settlements ..		2,50,000 (Details not yet settled.)
26. Police ..		12,50,000 (Details not yet settled.)
37. Miscellaneous Departments— Revision of Salaries of Inspectors of Amalgamated Factory, Boiler and Smoke Nuisances Departments.	26,000	26,000
<b>Total ..</b>		<b>16,50,000</b>
<b>41. CIVIL WORKS.</b>		
Temporary Establishment (including Allowances) ..		1,00,000
Original Works (Communications) ..	16,16,000	2,10,000
Original Works (Buildings) ..	12,87,000	7,000
Repairs ..	48,75,000	3,08,000
Reserve with Government in the Finance Department ..	2,00,000	1,00,000
Grants to Local Boards for Local Public Works ..	12,00,000	1,00,000
		<b>8,25,000</b>
<b>DEMAND under "41. Civil Works."</b>		
<b>IRRIGATION.</b>		
<b>XIII. Works for which Capital Accounts are kept—</b>		
<i>Sind—</i>		
<i>Productive—</i>		
<i>Ghar Canal—</i>		
<i>Extension and Improvement—</i>		
<i>Planting trees ..</i>	3,000	1,500
<i>Nara Supply Canal—</i>		
<i>Maintenance and Repairs ..</i>	1,99,000	1,69,000
<i>Unproductive—</i>		
<i>Mahiwah—</i>		
<i>Maintenance and Repairs ..</i>	75,087	5,000
<i>Saltah Canal—</i>		
<i>Maintenance and Repairs ..</i>	25,070	7,500

Description of Item.	Provision made in the Preliminary Civil Budget Estimates for 1922-23.	Reduction approved by Government.
<b>41. CIVIL WORKS—contd.</b>		
<b>IRRIGATION—contd.</b>		
	Rs.	Rs.
<i>Deccan and Gujarat— Godavari Canals— Extension and Improvements— Plantations</i> ..	5,000	2,000
<i>Pravara Right and Left Bank Canals— Extensions and Improvements— Plantations</i> ..	2,000	1,000
<b>15. Other Revenue Expenditure financed from ordinary revenue—</b>		
<b>SIND.</b>		
<i>Works for which only Revenue Accounts are kept—</i>		
<i>Extension and Improvements— Western Nara District— Planting trees</i> ..	5,000	3,000
<i>Karachi Canal District— Constructing the head regulator over the Baghar Canal. Nari Chach Project</i> ..	2,00,000 30,000	2,00,000 10,000
<i>Works for which neither Capital nor Revenue Accounts are kept—</i>		
<i>Western Nara District— Extension and Improvements— Planting trees along Bunds</i> ..	3,000	1,000
<b>Total</b> ..		4,00,000
<b>46. STATIONERY AND PRINTING.</b>		
<b>Printing of Educational Department Vernacular Readers at Government Presses.</b>	2,80,250	80,000
<b>Total</b> ..		80,000

# APPENDIX AA.

Statement showing Provincial Revenues in Sind for the ten years ending 1919-20.

(Figures are in Lakhs).

Major Heads.	1910-11.	1911-12.	1912-13.	1913-14.	1914-15.	1915-16.	1916-17.	1917-18.	1918-19.	1919-20.	Total.
I.—Land Revenue ..	76.4	79.0	73.3	85.6	76.1	82.3	92.9	74.6	62.0	81.3	783.5
IV.—Stamps ..	4.3	4.8	5.1	5.1	4.8	5.1	5.5	6.2	9.1	9.5	59.5
V.—Excise ..	17.5	20.5	21.3	21.4	21.1	22.4	23.1	27.2	30.6	35.0	240.1
VIII.—Income-tax ..	2.1	2.2	2.5	2.9	2.7	3.2	4.9	7.8	13.1	15.8	57.2
IX.—Forest ..	3.6	4.1	4.5	4.2	3.8	3.7	4.4	6.5	8.6	7.4	50.8
X.—Registration ..	1.5	1.1	1.2	1.1	1.0	1.1	1.2	1.3	2.0	1.9	12.4
XII.—Interest ..	1.6	1.6	1.6	1.5	1.4	1.5	1.4	1.2	.7	1.1	13.6
XVI-A.—Law and Justice— Courts of Law.	1.0	1.1	1.2	1.3	1.4	1.5	1.5	1.4	2.1	1.9	14.4
XVI-B.—Law and Justice— Jails.	.3	.3	.6	.6	.7	.7	.4	1.0	.7	.7	6.0
XVII.—Police ..	.3	.3	.3	.5	.4	.6	.7	.2	.2	.2	3.7
XVIII.—Ports and Pilotage ..	..	..	..	..	..	.2	.4	.6	.4	.4	2.0
XIX.—Education ..	.5	.6	.6	.6	.8	.5	.6	.5	.5	.6	5.8
XX-A.—Medical ..	.2	.2	.2	.2	.2	.2	.3	.3	.3	.3	2.4
XX-B.—Sanitation ..	..	..	..	..	..	..	..	..	..	..	..
XXI-A.—Agriculture ..	..	..	..	..	..	.1	.2	.4	.3	.7	1.7
XXI-B.—Scientific and Miscel- aneous Departments	.1	.1	.1	.2	.1	..	..	.1	.1	.1	.9
XXII.—Receipts in aid of Superannuation, etc.	.5	.5	.5	.6	.5	.7	.8	.7	.9	.8	6.5
XXIII.—Stationery and Print- ing.	.1	.1	.1	.2	.2	.3	.3	.2	.5	.3	2.3
XXV.—Miscellaneous ..	.1	..	.1	..	..	..	..	.4	.1	.5	1.2
XXIX.—Irrigation—Major Works.	.9	.8	.8	1.0	.8	.9	1.1	1.1	.8	1.1	9.3
XXX.—Irrigation—Minor Works and Naviga- tion.	.8	.8	.7	.8	.8	.7	.8	.9	.7	.7	7.7
XXXI.—Civil Works ..	.3	.3	.4	.4	.4	.4	.3	.4	.7	.7	4.3
Total ..	111.1	118.4	115.1	128.2	117.2	126.1	140.8	133.0	134.4	161.0	12,85.3



## Statement showing Provincial Expenditure in Sind for the ten years ending 1919-20.

(Figures are in Lakhs).

Major Heads.	1910-11.	1911-12.	1912-13.	1913-14.	1914-15.	1915-16.	1916-17.	1917-18.	1918-19.	1919-20.	Total.
1.—Refunds and Drawbacks ..	1.1	..	..3	..8	1.5	1.5	1.9	2.1	5.4	6.6	21.2
2.—Assignments and Compensation. ..	12.9	12.7	12.9	13.0	13.1	17.0	18.9	24.9	25.5	24.9	175.8
3.—Land Revenue ..	15.2	16.1	16.2	20.2	20.7	19.7	20.1	19.7	22.7	25.6	196.2
6.—Stamps ..	..2	..2	..3	..2	..3	..3	..3	..4	..4	..3	2.9
7.—Excise ..	1.5	1.7	1.8	1.8	1.7	1.6	1.6	1.5	2.3	2.1	17.6
10.—Income-tax ..	..	..	..	..1	..1	..1	..1	..1	..3	..5	1.3
11.—Forest ..	1.8	2.0	2.1	2.2	2.2	2.1	2.2	2.5	2.6	2.8	22.5
12.—Registration ..	..4	..5	..5	..5	..4	..4	..4	..4	..6	..7	4.8
18.—General Administration ..	1.3	1.3	1.5	1.3	1.5	1.3	1.2	1.5	2.0	2.3	15.2
19A.—Law and Justice—Courts of Law.	8.6	8.8	9.3	6.6	6.5	6.8	6.8	6.8	7.3	8.0	75.5
19B.—Law and Justice—Jails..	2.8	2.8	3.1	3.2	3.4	2.3	3.2	3.3	4.7	6.4	35.2
20.—Police ..	17.6	19.1	20.1	19.4	20.8	21.8	22.2	22.2	24.7	28.3	216.2
21.—Ports and Pilotage ..	..3	..1	..1	..2	..4	..2	..3	..3	..3	..3	2.5
22.—Education ..	7.2	7.3	8.9	9.6	11.9	11.2	10.3	11.6	18.2	18.3	114.5
22A.—Medical ..	2.4	2.5	3.3	3.1	3.2	2.9	3.6	2.3	2.5	4.6	30.4
24B.—Sanitation ..	..	..	..	..	..	..	..	1.5	..9	4.5	6.9
25.—Political ..	..	..1	..6	..1	..	..	..	..	..2	..1	1.1
26A.—Agriculture ..	..	..	..	..	..	1.3	1.4	1.5	3.3	2.4	9.9
26B.—Scientific and Miscellaneous Departments.	..7	..6	1.3	1.8	1.5	..1	..1	..1	..4	..8	7.4
29.—Superannuation Allowances and Pensions.	3.5	3.7	3.9	4.5	4.8	4.6	5.0	5.0	2.6	5.4	43.0
30.—Stationery and Printing ..	..8	..8	1.1	..9	1.0	1.0	..8	..8	1.0	1.0	9.2
32.—Miscellaneous ..	..1	..3	..2	..2	..3	..3	..2	..4	..6	1.0	3.6
33.—Famine Relief—Public Works.	..	..	..	..	..	..	..	..	..	..	..
42.—Major Works—Irrigation ..	5.4	5.5	6.4	6.3	5.1	5.2	5.2	6.1	6.3	7.1	58.6
43.—Irrigation—Minor Works and Navigation.	13.2	12.2	12.6	14.1	12.5	12.3	9.9	12.1	13.6	17.9	130.4
45.—Civil Works ..	9.0	10.6	16.7	14.9	17.7	12.0	10.5	12.3	10.0	19.3	133.0
Total ..	106.0	108.9	123.2	125.0	130.6	126.0	126.2	139.4	158.4	191.2	1334.9

# **BOMBAY LEGISLATIVE COUNCIL DEBATES**

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